

Biggar Community Council Constitution

1. Name

The name of the Community Council shall be Biggar (referred to as "the Community Council" in this document).

2. Area of the Community Council

The area of the Community Council shall be as shown on the map attached to the Council's Scheme for the Establishment of Community Councils (referred to as "the Scheme" in this document).

3. Objectives

The objectives of the Community Council shall be:-

- (a) to ascertain, co-ordinate and reflect the views of the community which it represents, to liaise with other community groups within the area, and to fairly express the diversity of opinions and outlooks of local people, in relation to matters that directly affect the interests of the community
- (b) to express the views of the community to South Lanarkshire Council (referred to as "the Council" in this document) and other organisations
- (c) to take such action in the interests of the community as appears to it to be expedient, practicable and appropriate
- (d) to promote the well-being of the community and to foster community spirit
- (e) to be a means whereby the people of the area shall be able to voice their opinions on any matter affecting their lives, their welfare and on matters that directly affect the environment, development and amenity of the Community Council area
- (f) to be non-party political *in all activities* and
- (g) to promote equality of opportunity and ensure that the Community Council does not commit any discrimination on the grounds of
 - ◆ age
 - ◆ disability
 - ◆ gender reassignment
 - ◆ pregnancy and maternity
 - ◆ race
 - ◆ religion or belief
 - ◆ sex
 - ◆ sexual orientation

4. Roles and Responsibilities

In the discharge of their functions and the conduct of their business, the Community Council and its membership shall have regard to their role and

responsibilities as set out in paragraph 3 of the Scheme and the Code of Conduct, approved by the Council

5. Membership

The Community Council's membership is as governed by paragraph 5 of the Scheme and as determined from time to time by the Council.

Elected Members **10**

Quorum **4**

6. Method of Election

Election procedures shall be governed by the Council.

7. Casual Vacancies on the Community Council

Where a vacancy arises, which does not result in the number of Community Councillors falling below the minimum number, (as specified in paragraph 5 of the Scheme) and at least 3 months have passed since the last nomination process, the Community Council may agree to:-

- (a) hold an extraordinary general meeting in order that the vacancy (and any other outstanding vacancies) can be filled, on the basis that such vacancies would be publicised in prominent public places and the local press if possible, nominations invited and an interim election held if required; or
- (b) filling the vacancy by co-option, with voting rights to a maximum of 1/4 of the total voting membership of the Community Council, as governed by paragraph 6 of the Scheme

Where there is a proposal to co-opt members, the Community Council must seek expression of intent from people (who must be eligible for election to the Community Council)

Nominations for vacancies must be advertised in prominent public places 28 days prior to the meeting, where the vacancies will be placed on the agenda, and if possible, in the local press. Persons expressing an interest in being co-opted must make their intent known within 14 days of the publication.

The requirement to fill a vacancy does not apply where the vacancy falls in the last year of a 4 year term, in which case, the vacancy can remain unfilled, subject to the requirement to hold a by-election where the number of Community Councillors falls below 1/2 of the maximum Community Council membership

Should circumstances arise that lead to the number of elected Community Councillors falling below 1/2 of the maximum permitted membership, the Council shall be informed and shall undertake arrangements for a by-election to be held within 3 months from the elected membership deficit, as described within the Guidance Notes. If no further nominations are received the Council

may, in consultation with the remaining Community Council members, arrange another by-election process within 3 months of the close of the last by-election. If no nominations are received, then the Community Council will be dissolved and all assets returned to the Council.

Should there be a vacancy within the membership of the Community Council which cannot be filled by co-option, the Council shall undertake arrangements for a by-election to be held within 3 months from the vacancy being notified to it by the Community Council. If no further nominations are received then the Community Council will be dissolved and all assets returned to the Council.

8. Voting Rights of Members of the Community Council

The right to vote at any meeting of the Community Council shall be held by all Community Councillors, whether elected or co-opted, but not by Associate Members appointed for specific issues on a temporary basis, or ex-officio members. All decisions of the Community Council will be decided by a simple majority of those eligible to vote and present at the meeting.

In the event of a vote of the Community Councillors that results in a majority not being achieved, the Chairperson shall have a casting vote.

If a Community Council votes by a 2/3 majority that it has no confidence in an office bearer, the person elected to that post will be deemed to have been removed from that position.

Prior to taking any vote on the matter, the Community Council must give the office bearer the opportunity to respond to any matters that have caused the motion of no-confidence.

This does not affect the membership of the Community Council of the person removed from the office bearer position. Another member of the Community Council must be prepared to take on the vacant office bearer position.

9. Election of Office-Bearers

- (a) At the first meeting of the Community Council after an election year, and at the Annual General Meeting in the years when elections are not held, the Community Council shall appoint a Secretary, Treasurer and other such office-bearers as it shall from time to time decide.
- (b) The Chairperson shall hold office for the whole 4 yearly election period. The Chairperson, if re-elected, may hold office for a further 4 yearly election period, but may not stand for a third term of office until after the following 4 yearly election period has expired.
- (c) If the Chairperson is removed from office through either vote of no confidence – (See core Standing Orders 6 (c)), resignation or demit of office at the end of a 4 yearly electoral cycle, they will be ineligible to be re-appointed as Chairperson until the expiry of the ensuing full 4 yearly election period.

- (d) Without the express approval of the Council, no one member shall hold more than one of the following offices at any one time:-Chairperson, Secretary or Treasurer for longer than 3 months

10. Committees of the Community Council

The Community Council may appoint representatives to Sub Committees of the Community Council and shall determine their composition, terms of reference, duration and duties, in liaison with the Council. Any recommendations arising from the work of a Sub Committee of the Community Council will require to be approved by the full Community Council before they can be implemented as any Sub Committees do not have delegated powers. Where there is shown to be an urgency to make a decision, and there is insufficient time to call a full Community Council meeting, the Chairperson, or in whose absence the Vice-Chair, and 1 other office bearer shall be empowered to make a decision on behalf of the Community Council and report back in full to the Community Council at the next arranged meeting.

11. Meetings of the Community Council

- (a) The quorum for Community Council meetings shall be at least 1/4 of the current eligible voting membership, or 4 eligible voting members, whichever is the greater. Associated or ex officio members cannot be included in the quorum
- (b) Once each year, the Community Council shall convene an Annual General Meeting for the purpose of receiving and considering the Chairperson's Annual Report on the Community Council, the submission and approval of the annual statement of accounts and the appointment of office bearers. The Annual General Meeting shall be held in a month of each year to be determined by the Council.
- (c) Including the Annual General Meeting, the Community Council shall meet not less than 5 times throughout the year
- (d) Dates, times and venues of regular meetings of the Community Council shall be fixed at the first meeting of the Community Council following ordinary elections and thereafter at its Annual General Meeting. Notice of these dates must be sent to the designated Liaison Officer of the Council.
- (e) Special meetings (including EGM's – Standing Orders 4 (iii)) shall require at least 21 days public notice, either called by the Chairperson, or on the request of not less than 1/2 of the total number of Community Council members. An officer of the Council has the discretion to call a meeting of the Community Council
- (f) Copies of all minutes of meetings of the Community Council and of Sub Committees thereof, shall be approved at the next prescribed meeting of the Community Council, but the draft minute shall be circulated within 14 days from the date of that meeting, to Community Council members, other appropriate parties and the Council's Liaison Officer for Community Councils. Where possible, approved minutes should

be placed in prominent public display, e.g. notice board, web site, library

- (g) The Community Council shall abide by its Core Standing Orders for the proper conduct of its meetings
- (h) The Community Council has a duty to be responsive to the community it represents. Should the Community Council receive a written request (petition), signed by at least 20 persons resident within the Community Council area to convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting within 21 days of receipt of such a request and advertise it in the manner prescribed locally for special meetings called by the Community Council
- (i) Members of the public are entitled to speak at a meeting under the guidance of the Chairperson. If a member of the public wishes to raise an issue for discussion at a meeting, they should if possible contact the secretary in order that it can be added to the Agenda.

12. Public Participation in the Work of the Community Council

- (a) All meetings of the Community Council and its sub-committees shall be open to members of the public and press without exception.

Proper provision is to be made for the accommodation of members of the public and the opportunity should be afforded at each meeting to permit members of the public to address the Community Council, under the guidance of the Chairperson

- (b) No Community Council, or any of its members, may take steps to or shall do anything that would deter, discourage or obstruct a Community Councillor or a member of the public (including the press) from attending a meeting or, if entitled to participate in the meeting, from doing so as set out in paragraph 11 (f) of the Scheme
- (c) Notices calling meetings of the Community Council and its sub-committees shall be posted prominently within the Community Council area for a minimum period of 10 days before the date of any such meeting, and, where possible, be advertised by other suitable means

13. Information to the Council

The Council's Liaison Officer shall be sent an annual calendar of the Community Council's prescribed meeting dates, times and venues, (which should be agreed at the Community Council's Annual General Meeting), minutes of all meetings, the Annual Report, the annual financial statement and any other such suitable information, as may from time to time be agreed between the Community Council and the Council.

When special meetings of the Community Council are to be held, the Council's Liaison Officer should be advised of the date, time venue and subject(s) of debate of such meetings, at least 10 days in advance of the meeting date.

Failure to provide the requested documentation to the Council's Liaison Officer within designated timescales will be a breach of the Scheme.

14. Control of Finance

- (a) All monies raised by, or on behalf of, the Community Council or provided by the Council and other sources shall be applied to further the objectives of the Community Council and for no other purpose. The monies provided by the Council in the annual Administrative Grant for administrative and other approved purposes shall be used only as prescribed.

Monies raised from other sources may be used in accordance with the terms of this provision (so long as they are consistent with the objectives of the Community Council), or in the absence of such terms, for the furtherance of the objectives of the Community Council

- (b) The treasurer shall undertake to keep proper accounts of the finances of the Community Council
- (c) Community Councils must have 3 authorised signatories on the bank account. Any 2 of the 3 authorised signatories, who would normally be office-bearers of the Community Council, may sign cheques on behalf of the Community Council. Authorised signatories may not share the same address or be closely related.
- (d) A statement of accounts for the last financial year shall be submitted to an annual general meeting of the Community Council and shall be available for inspection at a convenient location
- (e) The financial year of the Community Council shall be from **1 April until 31 March** the succeeding year. The unaudited accounts, which will include all funds held by the Community Council, must be received and approved by the Community Council at the next meeting after the end of the financial year and then submitted to the Council for auditing to enable the release of Administration Grant funds before 1 August
- (f) Honoraria may be awarded to the Secretary (or minute Secretary) and Treasurer up to a maximum of 10% of the Administration Grant each in a financial year. The amount may be altered from time to time with the approval of the Council

15. Title to Property

Property and other assets belonging to the Community Council shall be vested in the Chair, Secretary and Treasurer of the Community Council and their successors in these respective offices.

16. Alterations to the Constitution

Any proposal by the Community Council to alter this Constitution must be first considered and approved by a meeting of the Community Council and the terms of the proposal to alter the Constitution shall be stated on the notice calling the meeting, which shall be issued not less than ten days prior to the meeting.

Any proposed alterations may not prejudice the terms and objectives contained within the Scheme.

If the proposal is supported by a 2/3 majority of the total voting membership of the Community Council and is then approved in writing by the Council, the alteration shall be deemed to have been duly authorised and can then come into effect from the date of the written approval of the Council.

17. Dissolution

If the Community Council by a 2/3 majority of the total voting membership decides at any time that it is necessary or advisable to dissolve, it shall agree a date for a public meeting to be held to discuss the proposed resolution to dissolve. It is a requirement that not less than 10 days prior to the date of such meeting a public notice be given by means of notification in the local newspaper or local prominent position. If the resolution is supported by a majority of those persons present and qualified to vote and is approved by the Council, the Community Council shall be deemed to be dissolved. If a Community Council is dissolved the property and funds owned on the date of its dissolution will transfer to the Council. Should a successor Community Council be formed within 6 months of the dissolution of the previous Community Council, the Council will transfer all remaining assets and funds to it. After that time it will be at the discretion of the Council how the funds should be applied for the benefit of the inhabitants of that area.

In the event that the Community Council is dissolved under the above procedure, and 20 or more electors subsequently wish the re-establishment of a Community Council for the area, these electors shall submit a requisition to the Council in accordance with Section 52(7) of the Local Government (Scotland) Act 1973, on receipt of which the Council shall arrange for elections to be held in accordance with the Scheme.

Where for any reason, the number of Community Council members falls below the minimum specified in the Scheme, the Council may cause the Community Council to be dissolved and in this event, the procedures for the establishment of a new Community Council being those identified in the immediately preceding paragraph, shall be initiated.

18. Approval and adoption of the Constitution

This Constitution was adopted by

Biggar Community Council

Signed:

Gillian Dunn GILLIAN DUNN
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Chairperson

Thelma Ingram THELMA INGRAM.
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Member

Jan Currie JAN CURRIE
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Member

21st JANUARY 2019
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Date

and was approved on behalf of South Lanarkshire Council on

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Date

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Signed