

BIRSE AND BALLOGIE COMMUNITY COUNCIL CONSTITUTION

1. NAME

The name of the Community Council shall be **BIRSE AND BALLOGIE COMMUNITY COUNCIL** (hereinafter referred to as “The Council”)

2. OBJECTS AND FUNCTIONS

The objects and function of the Council shall be:

- (a) (i) To ascertain, co-ordinate and express to statutory and public authorities and bodies including the Aberdeenshire, the views of the community which it represents in relation to matters for which those authorities and/or bodies are responsible, and to take such action in the interests of the community as appears to its members to be desirable and practicable.
 - (ii) To promote the well-being of the community resident within the Community Council boundaries (hereinafter referred to as “the Community Area”) without distinction of sex or of political, religious or other opinions, by associating with Aberdeenshire Council and other appropriate organisations.
 - (iii) To be a means whereby the people of the Community Area shall be able to voice their opinions on any matter affecting their lives, their welfare, their environment, its development and amenity.
- (b) The Community Council shall be non-party in politics and non- sectarian in religion.

3. MEMBERSHIP OF COMMUNITY COUNCIL

The Community Council shall consist of the following four categories of members:

- (a) Elected members of which there shall be not less than five and not more than twelve who shall be elected by all persons resident within the Community Area (as defined in section 1 of the schedule) and who shall be drawn from one of the categories set out in section 1.1 of the schedule attached. All elected members shall have full voting rights.
- (b) Co-option to fill a casual vacancy. The Council may co-opt members to fill casual vacancies as set out in section 12(e) who shall also have full voting rights.
- (c) Ordinary co-options. The Council may also co-opt anyone to the Council, or its committees, (resident either within or without the Community Area) whose advice might help the Council. Such persons shall not be entitled to vote and can be co-opted for a period agreed by the Council, which shall not exceed one year.
- (d) The Council may also provide by co-option two places, in addition to its general membership, for persons aged 14 or more but less than 18, with such persons having full voting rights.
- (e) Local Aberdeenshire Councillor(s). The Council shall also invite to attend all its meetings the local Aberdeenshire Councillor or Councillors representing any part of the area covered by the Council. No Councillors so appointed shall have voting rights on the Council.

4. MEETINGS and VOTING RIGHTS

There shall be two types of meetings of the Council, Ordinary and General. At ordinary meetings, only elected members of the Council shall have the right to vote. At General meetings, any resident of the Community Area or any person entitled to stand as a candidate, shall have such a right to vote. General meetings shall be either Extraordinary or Annual. Unless otherwise specified in this Constitution or the standing orders, voting decisions at all meetings will be on the basis of a majority vote, with the Chair having if necessary an additional casting vote.

5. ANNUAL GENERAL MEETING

Not later than 60 days after the end of its financial year, the Council shall convene an Annual General Meeting, the Agenda for which shall include items for receiving the Council's Annual Report and the Annual Statement of Accounts, reports on any Elections, provision when necessary for considering and voting on proposals for amendment of the Council's Constitution, and proposed dates of Ordinary Meetings for the following year.

6. EXTRAORDINARY MEETINGS

Extraordinary General meetings shall be called by the Council or if the Council receives a resolution specifying a matter to be discussed and signed by 20 electors calling for such a meeting. Such extraordinary general meetings will be held within 21 days of the receipt of requisition.

7. NOTICES CALLING GENERAL MEETINGS

At least 14 days notice shall be given of any General meeting, whether Annual or Extraordinary, by a notice displayed in a prominent place. The notice shall specify the matters to be discussed at the meeting.

8. ORDINARY MEETINGS

- (a) The Council shall hold at least four ordinary meetings in a year, with not more than four months between any meeting. A schedule setting out possible dates of intended ordinary meetings for the following year shall be agreed at the Annual General Meeting. The actual date of a meeting shall where practical be agreed and minuted at the previous meeting.
- (b) The Council may also convene additional Ordinary Meetings Special meetings) when needed. Any two office bearers or three other elected members may requisition an additional Ordinary Meeting.
- (c) The quorum for any Ordinary or Special Meeting shall be fifty percent of the members with voting rights, subject to a minimum of three.
- (d) The Council may invite to its meetings, and if considered appropriate, to all meetings of the Committees and Sub-Committees, the Member(s) for the Community Area elected to the Aberdeenshire Council, such Member(s) so invited shall not be entitled to vote.

- (e) The Council may invite to any or all of its meetings and to meetings of its Committees or Sub-Committees any other person. Such persons may be invited to address the meeting but shall not be entitled to vote.
- (f) All meetings of the Council shall be open to members of the public, except that the Council may by resolution agree to go into private session for the consideration of any items of business of a particularly private or confidential nature, where in the interests of the community it appears to the Council that it would be advisable to do so. Any such private session shall be minuted but kept separate from full published meeting minutes. Private session minutes shall be made available to all members of the Council with voting rights. A brief summary of the discussion shall appear in the full published minutes.

9. COMMITTEES AND SUB-COMMITTEES

The Council shall have powers to appoint such committees and/or sub-committees or sub-groups (hereinafter referred to as committees) as it may from time to time decide, and shall determine their terms of reference, powers, duration and composition. Every group should have a convener and a minute taker.

10. NOTICES OF ORDINARY MEETINGS AND COMMITTEES

- (a) Notices calling an ordinary meeting of the Council or one of its Committees shall be sent to each member of the Council and to the appropriate Councillors of the Aberdeenshire Council at least five days before the date thereof.
- (b) Any such notice shall specify the items of business to be discussed together with the Minutes of the previous meetings to be approved.
- (c) Such notices shall be posted prominently within the Community Area for a minimum of five days before the date of any such meeting.

11. MINUTES OF ORDINARY MEETINGS

Written minutes shall be kept of all meetings of the Council. Until approval at a subsequent meeting of the Council, such minutes shall be regarded as draft. Copies of draft minutes of meetings shall be circulated to members and displayed for inspection by the public no later than 21 days after the meeting to which they refer or at least 5 days before the following meeting - whichever is sooner. Draft minutes shall be submitted for approval at the next Council meeting. After approval, minutes shall be sent to the relevant Area Manager for Aberdeenshire Council and shall also be available for inspection by the public at a suitable place within fourteen days.

12. ELECTIONS

- (a) Ordinary elections for members of the Council shall be held in the month of March/April. Except as otherwise provided by this paragraph, members shall hold office for three years.
- (b) At the start of the election period, the Community Council shall appoint a Returning Officer, who shall not be seeking election or re-election during the particular election being held.
- (c) Anyone seeking election to the Council shall be nominated as prescribed in Schedule 1 to this constitution.
- (d) Should more people remain validly nominated than the number of vacancies, elections shall be by a secret ballot. The elections shall be arranged by the Council with such help as may be requested from Aberdeenshire Council.
- (e) If a casual vacancy arises within twelve months of the normal elections, the Council shall have the power to co-opt someone (who would be eligible for election to the Council as a member) to fill the vacancy, in such a manner as the Council shall determine. *A proposal to co-opt a person or persons to the Community Council shall require a Notice of Motion to that effect to be included on the Agenda for the appropriate meeting of the Community Council, and such Notice of Motion shall include the name and address of the person proposed to be co-opted, together with (where appropriate) that person's number on the current Electoral Register, and the names of the proposer and seconder who shall be Members of the Community Council.* Members co-opted in this way shall have full voting rights and may serve until the next ordinary election of the Council.

13. OFFICERS OF COMMUNITY COUNCIL

- (a) At its first ordinary meeting after an election, the Council shall elect from its members a Chair, and may elect a Vice-Chair. The Chair and Vice-Chair shall continue in office until their respective successors are elected.
- (b) The Council shall appoint and shall have power to remove from office a Secretary and a Treasurer who may or may not be elected members.
- (c) The office of Chair shall not be combined with any other, but other officers may hold up to two positions each.
- (d) No member of the Council is entitled to remuneration but the Council may, at its discretion, award honoraria to a Secretary or Treasurer, together with expenses actually incurred and supported by receipts or vouchers.

14. STAFF

In addition to the offices of Secretary and Treasurer or Secretary/Treasurer the Community Council shall have power to appoint and dismiss such other staff as it

may from time to time determine.

15. STANDING ORDERS

- (a) The Council may draw up Standing Orders for the conduct of its business. In the absence of its own Standing Orders, the Standing Orders of Aberdeenshire Council shall, where relevant, apply.
- (b) Copies of Aberdeenshire Council's Community Council Scheme, together with the Council's Constitution, Rules and Standing Orders, shall be given to each member of the Council at the commencement of their membership.

16. FINANCE

- (a) All monies raised by or on behalf of the Community Council shall be applied to further the objects of the Council and to maintain its administrative structure.
- (b) The Council shall be entitled to seek and hold loans as provided for in appropriate circumstances.
- (c) The Treasurer shall arrange for one or more bank accounts to be held in the name of the Council and shall have responsibility for the proper management of the Council's financial affairs; and for keeping proper books of account.
- (d) A Statement of Accounts of the Council for the last financial year shall be submitted by the Treasurer at the Annual General Meeting. The Community Council's financial year shall run from 1 April to 31 March.
- (e) Any elected member shall be entitled to be reimbursed expenses incurred in the business of the Council.
- (f) The Title to heritable property which may be acquired by or for the purpose of the Council shall be held in the name of the Chair, and another elected member of the Council and their successors in their respective offices as Trustees for the Council.
- (g) The Community Council shall take out such Insurance Cover as is necessary, at least to the extent and value prescribed by Aberdeenshire Council.

17. RETURN OF OFFICE- BEARERS AND OTHERS

Following the first meeting after each election the Council shall lodge with the Area Manager for the Marr Area of Aberdeenshire Council, a Return specifying the full names, addresses and designations of:

- (a) Office-bearers and;
- (b) Elected, nominated and ex-officio and co-opted members.

18. AMENDMENT OF CONSTITUTION

- (a) Any proposal to amend the Constitution must be put in writing to the Secretary of the Council at least twenty-eight days before the date of the meeting at which the proposal is first to be considered.
- (b) Any alterations to the Constitution will require approval of both a majority of two-thirds of those present and voting at an Annual General Meeting (or Special Meeting convened *inter alia* for that purpose) and the Aberdeenshire Council. No changes will come into force until Aberdeenshire Council has formally intimated its approval of the changes.
- (c) Notice of any General Meeting at which a proposal to change the Constitution of the Community Council is to be considered shall be given twenty-one days prior to the date of the meeting and such notice shall detail the wording of the proposed alteration.

19. DISSOLUTION

- (a) If at any time it seems to the Council that the Council be dissolved or amalgamated with an adjoining Community Council, it shall have power to call a Special Meeting to consider the matter. If two-thirds of the members present vote in favour of dissolving or amalgamating, the Council shall have power to transfer any assets, heritable or moveable, or the proceeds from the sale thereof, remaining after the satisfaction of proper debts and liabilities, to either the amalgamated Community Council or, which failing, to Aberdeenshire Council to hold assets in trust pending formation of a new Community Council for the area.

20. SCHEME OF ESTABLISHMENT

The Council shall not do anything which is inconsistent with Aberdeenshire Council's Scheme for the Establishment of Community Councils and in the event of any inconsistency therewith, the Scheme for Establishment shall take precedence.

SCHEDULE 1 - ELECTIONS TO BIRSE AND BALLOGIE COMMUNITY COUNCIL

1 Nomination of Candidates

- 1.1 A person seeking election to the Council must be aged 18 years or over and either:
- (a) appear on the Electoral Roll for the Council area at the date of being proposed for membership of the Council; or
 - (b) have during a period of at least three months preceding the date of nomination, had their ordinary or principle place of residence within the Council area; or
 - (c) be the owner of a business located in the Council area, although not personally resident there.

Each candidate shall be nominated by a Proposer and a Secunder (neither of whom shall be the candidate), both being persons whose names appear at that time in the said Electoral roll for the respective Council's area, or sub-division of that area, where applicable.

- 1.2 No person shall be entitled to nominate or second more than one candidate.
- 1.3 When instructed to do so by the Council, the Returning officer shall give public notice of an invitation to submit nominations for membership of the Council, in such form as the Council may prescribe, within such period as specified in the notice, being not less than 14 and not more than 28 days from the date of the public notice, allowing 7 days thereafter for withdrawals.
- 1.4 Where the number of valid nominations, after any withdrawals, exceeds the number of Council members, a contested election shall be held in accordance with the procedure hereinafter prescribed.
- 1.5 Where the number of valid nominations, after any withdrawals, does not exceed the number of Community Council members specified in schedule 1, the Returning Officer shall give public notice that the candidates validly nominated have been elected to the Council.
- 1.6 The Returning Officer shall publish no fewer than seven days prior to the election, whether through a newspaper or free sheet circulating within the Community Council area or in some other manner, details of the election procedure to be employed, including the names and addresses of candidates and the place, date and times fixed for the conduct of the poll and count.

2 Voting Arrangements

2.1 Persons included in the section(s) of the Electoral Roll for the area applicable to a Community Council and who would be entitled to vote in a Local Government election at the date of a community Council election shall be entitled to vote in Community Council elections for that area.

2.2 Voting in a Community Council election shall take place by way of a secret procedure. The method of election shall be determined by the Returning Officer as:

- (a) by ballot box, at a designated polling place or places using a simplified version of the prescribed procedure for Local authority elections; or
- (b) by post.

Postal voting shall not be permitted as an adjunct to method (a) above. There shall be no provision for the issue of poll cards or voting by proxy for either method of election.

2.3 The ballot papers to be used in Community Council elections shall be laid out in a style approved by the Aberdeenshire Council.

2.4 The hours of polling for ballot box elections shall be determined by the Returning officer, during such period or periods between 8.00 a.m. and 9.00 p.m. and on such days as the Community Council may determine thereafter, subject however to polling being available *from 6.00 p.m. to 8.00 p.m.* on any day which it is to take place unless voting is by post, in which case the period shall be determined by the Returning Officer. The number of vacant seats available shall be filled by the corresponding number of candidates receiving the highest number of votes. In the event of more than one candidate receiving the same number of votes for the last available seat or seats on the Community Council, the successful candidate(s) shall be decided by lot.

2.5 A returned ballot paper shall contain only such information as is requested to identify the candidates chosen by an elector. Any ballot paper which at the counting of the votes is found to;

- (a) contain any mark or other writing implying that the number of votes being cast is more than the designated number available to the elector; or
- (b) does not clearly indicate the intentions of the voter,

shall be deemed to be a spoilt paper and shall be disregarded in the count. For the avoidance of doubt a paper which through inadvertence identifies the elector may be counted, if it otherwise clearly shows the intentions of the voter. The decision of the Returning Officer in such matters shall be final.

2.6 The Returning Officer shall appoint and instruct persons to supervise the ballot or open postal votes as appropriate and to conduct the count.

- 2.7 The returning Officer, immediately after the counting of votes, shall complete a return to the Aberdeenshire Council and to the Council concerned, containing the names and addresses of members elected, details of the numbers of votes cast for each candidate, the number of ballot papers issued and returned, the number of spoilt papers and any other information as to the conduct of the election which may be required by the Aberdeenshire Council.
- 2.8 The Returning Officer shall, as soon as possible after the election, give public notice of the names and addresses of member elected.