

MELDRUM, BOURTIE & DAVIOT COMMUNITY COUNCIL CONSTITUTION

1. NAME

The name of the Council shall be MELDRUM, BOURTIE & DAVIOT COMMUNITY COUNCIL (hereinafter referred to as "the Council").

2. OBJECTS AND FUNCTIONS

The objects and function of the Council shall be:

- (a) To ascertain, co-ordinate and express to the Aberdeenshire Council and other statutory and public authorities and bodies, 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.
- (b) To promote the well-being of the community resident within the Council boundaries (hereinafter referred to as "the Community Area") without distinction of sex or race or of political, religious or other opinions, by associating with Aberdeenshire Council.
- (c) 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 and the development and amenity of the Community Area.
- (d) The Council shall be non-party in politics and non-sectarian in religion.

3. MEMBERSHIP OF COUNCIL

The Council shall consist of:

- (a) Not less than 10 and not more than 18 persons elected by and from all persons resident within the Community Area whose names appear on the relevant Electoral Register or Registers. Also eligible for election are persons qualifying under 8.1(b) and 8.1(c) of Aberdeenshire Council's Scheme for the establishment of Community Councils.
- (b) The 18 members will comprise 9 from the village of Oldmeldrum, 3 from the landward part of the parish of Meldrum in the Community Area, 3 from the parish of Bourtie and 3 from the area covered by the Daviot section of the electoral roll. If after formal procedures the membership falls short of 18 then co-options need not conform to the above pattern

4. ANNUAL GENERAL MEETING

During the month of November in each 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 Audited 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 any other business which can be competently dealt with at an Annual General Meeting.

5. ORDINARY MEETINGS

- (a) The Council shall normally meet throughout the year at monthly intervals.
- (b) The Council may from time to time convene Special Meetings for the purpose of considering matters of interest or importance. A Special Meeting of the Council will also be held at the request of four members of the Council.
- (c) The quorum for any General or Special Meeting shall be 6.
- (d) The Council may invite to its meetings, and if considered appropriate, to all meetings of the Committees and Sub-Committees, the Members for the Community Area elected to the Aberdeenshire Council, which Members 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 officers of Aberdeenshire Council, or any other party, depending upon subject matters to be discussed. Individuals so invited shall not be entitled to vote at any meeting.
- (f) The Council may invite a member of the public to address any meeting of the Council or Committees or Sub-Committees thereof.
- (g) 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.

6. NOTICES CALLING MEETINGS

- (a) Notices calling meetings of the Council and all Committees thereof specifying the items of business to be discussed together with the Minutes of the previous meetings to be approved shall be sent to each member of the Council, either to their normal residence or their place of work, and to the appropriate Councillors of Aberdeenshire Council five days before the date of any such meeting.
- (b) Notices calling meetings of the Council and Committees thereof shall be posted within the Community Area for a minimum of three days before the date of any such meeting.
- (c) Copies of all Minutes of meetings of the Council and Committees thereof shall be circulated to members no later than with agenda papers for the meeting next following and approved at the meeting next following of the Council, and shall be sent to the Area Manager for the Area of Aberdeenshire in which the Community Council is located and shall also be available for inspection by the public at a suitable place or places within the Community Area.

7. ELECTIONS

- (a) Ordinary elections shall be held usually in the month of October, unless a common election date is subsequently prescribed by Aberdeenshire Council. Except as otherwise provided by this paragraph, members shall hold office for 3 years. By the end of the first year after the formation of the Council 2,1,1,1 (in the sequence of the sub electoral areas of 3 (b)), members, selected by ballot in such manner as the Council shall determine, shall retire and an election shall take place to fill the vacancies caused thereby. At the end of the second year after the formation of the Council 3,1,1,1 of the remaining members, selected by ballot in such manner as the Council shall determine, shall retire and an election shall take place to fill the vacancies caused thereby. At the end of the third year after the formation of the Council the remainder, if any, of the original members shall retire and an election shall take place to fill the vacancies caused thereby. At these and subsequent ordinary elections all retiring members shall be eligible for re-election.
- (b) The Council shall at the commencement of the election period, appoint a Returning Officer, who may be independent of the Council or may be a member, co-opted member or office-bearer of the Council, but shall not be seeking election or re-election during the particular election being held.

8. ELECTION REGULATIONS

- (a) Persons seeking election to the Council shall be nominated as prescribed in the Aberdeenshire Council Scheme for the Establishment of Community Councils and nominations shall be lodged with the Returning Officer by a prescribed time and date.
- (b) In the event of the number of persons remaining validly nominated for election to the Council (after any withdrawals) exceeding the number of vacancies, elections shall be by a secret ballot paper containing a list of the persons validly nominated. The said elections shall be arranged by the Council with such assistance as may be requested from Aberdeenshire Council in terms of the Scheme.
- (c) Elections shall be by way of each voter being allowed to vote for candidates up to the number of places available in the part of the Community Area for which the election is being held.
- (d) In the event of any casual vacancy or the formal annual process not bringing the number of members up to the numbers given in 3 (ii) above, the Council may co-opt members to fill these vacancies without necessarily conforming to the distribution of members over the sub divisions of the Community Area as in 3 (ii). Such co-optees shall be on the Electoral register of the Community Area and will have equal standing with other members but their co-option shall only last until the next annual elections.
- (e) The Council may also co-opt to the Council any person or persons (resident either within or without the Community Area) who in the opinion of the Council has or have interests in the Community Area and whose views, advice and professional or technical skills might be of assistance in the promotion or advancement of any matter or project falling within the objects of the Council, provided such persons shall be co-opted only for such period or respective periods, as shall be agreed by the Council, not exceeding an initial period of one year, and such person or persons shall not be entitled to vote.

9. OFFICERS OF THE COUNCIL

- (a) The Council, at its first meeting after the initial and subsequent elections, shall elect one of its members to be Chairman and may elect one of its members to be Vice-Chairman.
- (b) The Chairman and Vice-Chairman shall continue in office until their respective successors are elected.
- (c) The Council shall appoint and shall have power to dismiss a Secretary and a Treasurer whether or not from among its elected members. The offices Secretary and Treasurer may be combined.
- (d) One person shall not hold more than two offices.
- (e) The member or members of the Council appointed as Secretary or Treasurer or Secretary/Treasurer shall not be entitled to remuneration but the Council may, at its discretion, award honoraria to such members together with expenses actually incurred and supported by receipts or vouchers. The Council may pay appropriate remuneration to a Secretary and Treasurer or Secretary/Treasurer appointed outwith its own membership.

10. STAFF

In addition to the offices of Secretary and Treasurer or Secretary/Treasurer the Council shall have power to appoint and dismiss such other staff as it may from time to time determine, subject in appropriate cases to observance of Employment Law.

11. COMMITTEES AND SUB-COMMITTEES

The Council shall have powers to appoint such Committees and/or Sub-Committees as it may from time to time decide and shall determine their terms of reference, powers, duration and composition.

12. STANDING ORDERS

- (a) The Council shall have powers to draw up Standing Orders for the proper conduct of the business at all meetings of the Council and meetings of Committees or Sub-Committees thereof.
- (b) In the absence of its own Standing Orders, the Standing Orders of Aberdeenshire Council shall, where relevant, apply to all meetings of the Council and to meetings of all Committees and Sub-Committees thereof.
- (c) 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

13. FINANCE

- (a) All monies raised by or on behalf of the 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 or Secretary/Treasurer shall arrange for a bank account to be held in the name of the Council and shall have responsibility for:
 - (i) The proper management of the Council's financial affairs; and
 - (ii) Keeping proper books of account showing the finances of the Council.
- (d) The Council shall appoint an independent Auditor or Auditors acceptable to Aberdeenshire Council to audit the Accounts of the Council annually.
- (e) An Audited Statement of Accounts of the Council for the last financial year shall be submitted by the Council to the Annual General Meeting. The Council's financial year shall run from 1 October to 30 September.
- (f) The Title to all and any heritable property which may be acquired by or for the purpose of the Council shall be taken and shall thereafter stand in the name of the Chairman and Secretary of the Council and their successors in their respective offices as Trustees for the Council.
- (g) The Council shall take out such Insurance Cover as is necessary, at least to the extent and value prescribed by Aberdeenshire Council.

14. RETURN OF OFFICE-BEARERS AND OTHERS

Following the first meeting after each election the Council shall lodge with the Chief Executive Officer of Aberdeenshire Council and the Area Manager for the Area of Aberdeenshire in which located a Return specifying the full names, addresses and designations of:

- (a) Elected and co-opted members;
- (b) Office bearers.

And shall thereafter give notice to the said officials in writing of all changes in such members and office bearers.

15. AMENDMENT OF CONSTITUTION

(a) Any proposal to amend the Constitution must be delivered 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) Subject to the provisions of paragraph 4 any alterations to the Constitution will require approval of:

- (i) A majority of two-thirds of the members present and voting in favour thereof at an Annual General Meeting or Special Meeting convened inter alia for that purpose, and
- (ii) Aberdeenshire Council.

(c) Notice of any General Meeting at which a proposal to consider the Constitution of the Council is to be considered shall be given fourteen days prior to the date of the meeting and such notice shall detail the wording of the proposed alteration.

16. DISSOLUTION

(a) If at any time it seems to the Council necessary or desirable that the Council be dissolved or amalgamated with an adjoining Community Council in the event of insufficiency of members, financial difficulties, or lack of interest within the local community it shall have power to call a Special General Meeting to consider the matter.

(b) A resolution being carried by two-thirds of the members present voting in favour thereof, 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 any organisation or organisations which, in the opinion of the Council, will most suitably apply such assets or proceeds for the benefit of the residents of the Community Area.

17. 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.