

BELHELVIE COMMUNITY COUNCIL CONSTITUTION

1. The name of the Council shall be the Belhelvie Community Council (Here after called "the Council").

Objections and Functions

2. **The objects and function of the Council which shall be non-party in politics and non-sectarian in religion shall be:**
 - (a) To ascertain, co-ordinate and express to statutory and public authorities and bodies including the Aberdeenshire Council, 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 Community Council boundaries (hereinafter referred to as "the Community Area") without distinction of sex or of political, religious or other opinions, by associating* with the Local Authorities, Voluntary Organisations and residents in the common effort to further health, to advance education and social, moral and intellectual development and to foster a community spirit for the achievement of these and other such objects, as may be by law deemed to be charitable.
Substitute * 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, its development and amenity.

Membership and Composition

3. **The Community shall consist of:**
 - a) Not fewer than 8 and not more than 15 persons elected by and from all persons resident within the Community Area whose names appear on the relevant Electoral Register or Registers
 - b) Initially one third of the members shall be elected for the period of one year, another one third for two years and one third for three years. One third of member should retire annually but are eligible for re-election. This applies to all members except those elected at a bye-election who shall serve only until the expiry of the vacancy they fill.
 - c) If the Chairman is absent from any meeting the Vice Chairman shall preside, otherwise the members present shall before any other business is transacted, choose one of their members to preside at the meeting.
 - d) The member of members of the Community Council appointed as Secretary or 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 and vouchers. The Council may pay appropriate remuneration to a Secretary and Treasurer appointed outwith its own membership.

- e) The Council shall have power to co-opt additional members up to a maximum of 25% of the membership of the Council.
- f) The Council shall have power to appoint such sub-committees as it may from time to time decide and may determine their powers, terms of reference, duration and composition.

Annual General Meetings

4. During the month of February in each year the Community Council shall convene an Annual General Meeting, which anyone resident in the community area shall be entitled to attend for the purpose of receiving the Annual report and Accounts of the Council, of electing members to the Council and voting on proposals for amendment of the Community Council's Constitution.

Ordinary Meetings

5.
 - (a) The Community Council shall meet throughout the year on the third Monday of each month.
 - (b) The dates of regular meetings will be agreed at the first meeting following the AGM and these meetings will be held in suitable accommodation in each of the settlements in the Community.
 - c) Intimation of the meeting and locations will be posted in the settlement notice boards.
 - d) The Community Council may from time to time convene Special Meetings for the purpose of considering matters of interest or importance to the Community. Any three members may requisition a Special Meeting.
 - (e) The quorum for any General or Special Meeting shall be one third of the current membership.
 - (f) All meetings of the Community Council shall be open to members of the public, except that the Community 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 Community Council that it would be advisable to do so.
 - (g) The Community Council may invite to any or all of its meetings and to meetings of its Committees or Sub-Committees any other party, including officers of Aberdeenshire Council, depending upon subject matters to be discussed. Individuals so invited shall not be entitled to vote at any meeting.

Notices Calling Meetings

6.
 - (a) Notices calling meetings of the Community 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, and the local Aberdeenshire Councillor(s) five days prior the date of any meeting.

- (b) Notices calling meetings of the Council and Committees thereof shall be posted prominently in the Community Notice boards for a minimum of three days before the date of any such meeting.
- (c) Copies of all Minutes of the meetings of the Community Council and Committees thereof shall be circulated to members no later than with agenda papers for the meeting next following and approved at the next following meeting of the Council. Approved minutes shall be sent to the Formartine Area Manager and shall be available for inspection in the Balmedie Library within fourteen days of the meeting of the Council at which such Minutes were approved.

Elections

- 7. (a) Ordinary elections shall be held usually in the month of February unless Aberdeenshire Council subsequently prescribes a common election date. Except as otherwise provided by this paragraph, members shall hold office for 3 years.
- (b) The Community Council shall at the commencement of the election period, appoint a Returning Officer, who may be independent of the Community Council, but shall not be seeking election or re-election during the particular election being held.

Nomination of Candidates

- 8. (a) Persons seeking election to the Community 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 Community 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 Community Council with such assistance as may be requested from Aberdeenshire Council in terms of the Scheme.
- (c) Elections may be by way of the Single Transferable Vote System.
- (d) In the event of any casual vacancy or vacancies the Community Council shall arrange to hold an election in the prescribed way. The Community Council shall have power to co-opt, in such manner and by such majority as the Community Council shall determine a person or persons to fill a vacancy or vacancies. Members so co-opted may serve until the next ordinary election to that Community Council, with full voting rights.
- (e) The Community Council may also co-opt to the Community Council any person or persons (resident either within or without the Community Area) who in the opinion of the Community 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 Community Council, provided:

- (i) Such persons shall be co-opted only for such period or respective periods as shall be agreed by the Community Council not exceeding an initial period of one year, and
- ii) such person or persons shall not be entitled to vote.

Officers of Community Council

- 9. (a) The Community 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 Community Council shall appoint and shall have power to dismiss a Secretary and a Treasurer whether or not from among its elected members. The offices of Secretary and Treasurer may be combined.
- (d) The office of Chairman shall not be combined with any other nor shall one person hold more than two positions.
- (e) The member or members of the Community Council appointed as Secretary or Treasurer or Secretary/Treasurer shall not be entitled to remuneration but the Community Council may, at its discretion, award honoraria to such members together with expenses actually incurred and supported by receipts or vouchers. The Community Council may pay appropriate remuneration to a Secretary and Treasurer or Secretary/Treasurer appointed out with its own membership.

Staff

- 10. 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, subject in appropriate cases to observance of Employment Law.

Committees and Sub-Committees

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

Standing Orders

- 12. (a) The Community Council shall have powers to draw up Standing Orders for the proper conduct of the business at all meetings of the Community Council and meetings of Committees, Sub-Committees or Sub-groups 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 Community Council and to meetings of all Committees, Sub-Committees and Sub-groups thereof.
- (c) Copies of Aberdeenshire Council's Community Council Scheme, together with the Community Council's Constitution, Rules and Standing Orders, shall be given to each member of the Community Council at the commencement of their membership

Finance

- 13. (a) All monies raised by or on behalf of the Community Council shall be applied to further the objects of the Community Council and to maintain its administrative structure.
- (b) The Community 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(s) to be held in the name of the Community Council and shall have responsibility for:
 - (i) The proper management of the Community Council's financial affairs; and
 - ii) Keeping proper books of account showing the finances of the Community Council.
- d) The Community Council shall appoint an independent Auditor or Auditors acceptable to Aberdeenshire Council to audit the Accounts of the Community Council annually.
- (e) An Audited Statement of Accounts of the Community Council for the last financial year shall be submitted by the Community Council to the Annual General Meeting. Prior to the submission of the Statement of Accounts the Treasurer should sign the accounts with the following certificate: "I certify that the above accounts have been prepared by me and accurately reflect the true transactions relating to the period February 20.... to February 20....."
- (f) The Community Council's year shall run from February to February.
 - (f) The Treasurer should submit their signed accounts to the Director of Finance along with the AGM minutes showing that the Community Council has approved the accounts.
 - (g) The Title to all and any heritable property which may be acquired by or for the purpose of the Community Council shall be taken and shall thereafter stand in the name of the Chairman and Secretary of the Community Council and their successors in their respective offices as Trustees for the Community Council.
 - (h) The Community Council shall take out such Insurance Cover as is necessary, at least to the extent and value prescribed by Aberdeenshire Council.

Return of Office-Bearers and Others

14. Following the first meeting after each election the Community Council shall lodge with the Area Manager for the Formartine Area a return specifying the full names, addresses and designations of:
- Office-bearers;
 - Elected, nominated and ex-officio and co-opted members; and
 - Reviewer/reviewers or auditor/auditors.

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

Amendment of Constitution

15. (a) Any proposal to amend the Constitution must be delivered in writing to the Secretary of the Community 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:
- A majority of two-thirds of those present and voting in favour thereof at an Annual General Meeting or Special Meeting convened inter alia for that purpose, and
 - Aberdeenshire Council.
- (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 fourteen days prior to the date of the meeting and such notice shall detail the wording of the proposed alteration.

Dissolution

- 16 (a) If at any time it seems to the Community Council necessary or desirable that the Community 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 Aberdeenshire Council to hold assets in trust pending formation of a new Community Council for the area.

Scheme of Establishment

17. The Community 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.

18 Disciplinary Procedures

1. In the event of a complaint by a member of the Community Council or a third party that a member of the CC is in serious breach of the Community Councillors' Code of Conduct or has otherwise brought the CC into disrepute it shall at first instance be for the Chair of the CC, or as may be appropriate the Vice-chair or other Office Bearer to set a date for a hearing by the CC to consider the matter. In the event that the matter is considered sufficiently serious the member may be suspended from the CC pending the hearing taking a decision. The CC may also arrange for legal advice to be available to the hearing.
2. (a)The hearing shall normally take place within 4 weeks of the complaint being made. (b)The hearing shall comprise the full membership of the Community Council, excepting the complainer who will however be entitled to state a case at the hearing. (c)The member subject to the complaint if a Community Councillor shall also be entitled to be heard and both complainer and member shall also be entitled to ask questions to the other party with regard to the matter complained of and the submissions made to the hearing. (d)The chair of the hearing may also permit members taking part in the hearing to question either party. (e)The member against whom a complaint has been made shall also be entitled to have present witnesses as to the facts who may also be required to answer questions, and also a character witness who would not normally be subject to questions except to clarify any points made (f) the member against whom the complaint has been made will be permitted legal or professional representation.
3. The hearing shall decide in private with neither complainer or member complained about being present. Thereafter the parties involved shall be called back to the hearing and advised of the decision which shall be confirmed in writing within seven days.
4. The decision shall normally be either (a) that no breach of the Code of Conduct has occurred and/or that the CC has not been brought into disrepute or (b) that the hearing finds that the complaint has been substantiated either in whole or in part.
5. If the complaint is substantiated the Hearing may either (a) censure or warn the member as to his/her future conduct or (b) suspend the member from the Community Council for any period up to a maximum of six months.
6. Following any decision in this regard the member may lodge an appeal within 14 days of the date of confirmation of the initial decision with the local Area Manager of Aberdeenshire Council who shall arrange for the appeal to be heard and a final decision reached.
7. In the event of any member being sentenced for whatever reason and thereafter commencing a period of imprisonment of 12 months or more his membership of the CC will be automatically terminated and the CC shall immediately proceed to fill the vacancy. The member involved shall not be permitted to stand for the CC for a period of 12 months beyond the end of his/her sentence.