

# MODEL CONSTITUTION

## FOR THE OPERATION OF COMMUNITY COUNCILS WITHIN ARGYLL & BUTE

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**1. Name**

1.1. This constitution is the constitution of the .....  
Community Council (hereinafter referred to as the Community Council)  
established under the provisions of the Local Government (Scotland) Act  
1973, as amended by the Local Government (Miscellaneous Provisions)  
(Scotland) Act 1981, and the Local Government (Scotland) Act 1994, and in  
accordance with the Scheme for the Establishment of Community Councils  
made by Argyll & Bute Council.

**2. Area**

2.1. The Community represented by the Community Council covers the following  
Polling Districts within the Argyll & Bute Council Local Government Register of  
Electors currently in force:

.....

**3. Objectives**

3.1. The objectives of the Community Council are to ascertain, co-ordinate and  
express to Argyll & Bute Council and to other public authorities, the views of the  
community which it represents; and to take such action, in the interests of the  
community, as appears to be expedient and practicable.

**4. Membership**

4.1. The Community Council will have a maximum of ..... elected members,  
as governed by the Paragraph 4 of the Scheme and as detailed in Appendix 1 to  
the Scheme.

4.2. To be eligible for election to the Community Council, persons must:

- (i) be listed on the Register of Local Government electors, currently in force,  
for an address within the Community Council area (and within any sub-  
area stipulated for electoral purposes); and
- (ii) have reached the age of 18 on the day of the election.

4.3. Persons may not stand for election to the Community Council if they are either  
an Argyll & Bute Council officer at Chief Officer level, or an elected member of  
Argyll & Bute Council.

Co-option:

4.4. The Community Council may co-opt members for a purpose or project where  
particular skills are not available from within the Community Council's own  
elected membership.

4.5. To be eligible for co-option, persons must meet the criteria set out in paragraph  
4.2 above.

- 4.6. Argyll & Bute Council officers at Chief Officer level and elected members of that Council are not eligible for co-option.
- 4.7. The number of Co-opted Members must not exceed one third of the number of elected members of the Community Council.
- 4.8. Co-opted Members should only serve on the Community Council for the duration of the project/purpose for which they were co- opted.
- 4.9. The maximum period of co-option in any event being up to the next full election of the Community Council.
- 4.10. Co-opted Members will have voting rights only in respect of matters directly related to the project/purpose for which they were co-opted.

Nomination:

- 4.11. The Community Council may also invite local organisations to nominate members to serve on the Community Council, providing that the number of nominated Members does not exceed one third of the number of elected members of the Community Council.
- 4.12. The maximum period of office for Nominated Members is one year.
- 4.13. Nominated Members do not have voting rights.
- 4.14. Political parties will not be eligible for nomination.

**5. Election to Council**

- 5.1. Qualification for voting at Community Council elections will be restricted to persons who are aged 18 years or over on the day of the election and whose name appears in the Register of Local Government Electors, currently in force, for an address within the area represented by the Community Council.
- 5.2. Where the area has been divided for electoral purposes, qualification will be restricted to persons who are aged 18 and over and whose name appears in the Register of Local Government electors for an address within the sub-area.
- 5.3. Elections will be held every four years, on the first Thursday of April.
- 5.4. All members of the Community Council will retire at the end of the four year period, but will be eligible for re-election.
- 5.5. In the event that the number of persons validly nominated for the Community Council (after any withdrawals) exceeds the number of vacancies, the method of election to the Community Council will be by ....., using a ballot paper containing a list of the persons validly nominated.
- 5.6. In the event that a vacancy/vacancies for (an) Elected Community Councillor/s result/s from an ordinary election, the Community Council will attempt to fill any such vacancy/vacancies as soon as is agreed and is practicable to the Community Council. In the event that no valid nominations are received, the Community Council may delay seeking to fill the vacancy/vacancies for a

further period of not exceeding one year. This procedure may be repeated throughout the remaining period of the Community Council's ordinary four year term.

- 5.7. In the event that following an election / by-election a vacancy remains in a sub-area, it is open to the Community Council to run a further by-election, subject to the timescales in 5.6 above, for the sub-area, but to allow any candidates who failed to be elected in another sub-area to stand, although not otherwise qualified to do so.
- 5.8. The election will be arranged and supervised by a Returning Officer, appointed by the Community Council, who will neither be a member of, nor a candidate for membership of, the Community Council.

## **6. Meetings**

- 6.1. The Community Council will meet on a minimum of four occasions, including the Annual General Meeting, each year.
- 6.2. The Annual General Meeting (AGM) will be held no later than 30<sup>th</sup> June each year.
- 6.3. The business of the AGM will include receiving the Annual Report of the Community Council and an audited statement of accounts, as well as any other matters of interest to the community.
- 6.4. A Special Meeting will be convened on receipt of a request, stating the business to be discussed, from ..... persons, aged 18 or over and whose names appear on the Register of Local Government electors, currently in force, for an address within the Community Council area.
- 6.5. Alternatively, a Special Meeting will be convened on receipt of a request, stating the business to be discussed, from 50% or ....., whichever is the greater, member of the Community Council.
- 6.6. Notices calling meetings of the Community Council, specifying the items of business to be discussed, must be displayed prominently and publicly throughout the Community Council area at least 12 clear days beforehand, except as otherwise specified under clauses 23, 1.3 and 1.32 of the Model Standing Orders.
- 6.7. Agendae and Minutes of meetings will be sent to each member of the Community Council, the Argyll & Bute Councillor representing all or part of the Community Council area, and to the Area Corporate Services Office, as the appropriate Argyll & Bute Council service.
- 6.8. A member of the public may be invited to address any meeting of the Community Council.
- 6.9. The Community Council may draw up Standing Orders for the proper conduct of the business covering its meetings, subject to them being presented to and approved by Argyll & Bute Council prior to adoption.

- 6.10. In the absence of Standing Orders of the Community Council, the Model Standing Orders, which will be circulated to all Community Councils by Argyll and Bute Council, will be deemed to be applicable.

## **7. Election and/or Appointment of Office Bearers**

- 7.1. At the first meeting of the newly elected Community Council, the elected members must appoint from their own number, a Chairman, a Secretary and a Treasurer.
- 7.2. The elected members of the Community Council may also appoint a Vice Chairman from their own number.
- 7.3. Where there is more than one nomination for each Office, elections will be by a simple majority vote.
- 7.4. No person may hold more than one of the offices referred to in 7.1 above at any one time.

## **8. Election and/or Appointment of Sub-Committees**

- 8.1. The Community Council has the power to appoint any Sub-Committees as it may from time to time require.
- 8.2. Their terms of reference, duration, size, composition and quorum will be determined by the elected members of the Community Council.
- 8.3. All meetings of a Sub-Committee will be open to the public.
- 8.4. A written record must be kept of the business arising from each Sub-Committee.

## **9. Finance**

- 9.1. All monies received / raised by the Community Council must be applied to further the objects of the Community Council and for no other purpose.
- 9.2. The Community Council must open a bank or building society account, through which all receipts and payments, in the name of the Community Council, must pass.
- 9.3. Withdrawals from the account must only be effective on the signatures of the Treasurer and one of three other designated elected members of the Community Council.
- 9.4. The Community Council may not invest funds originating from Argyll & Bute Council for a period exceeding one year in other than Trustee investments without the prior written consent of the Chief Financial Officer of Argyll & Bute Council.

9.5. The title to all property and assets belonging to the Community Council must be held in the names of the Office Bearers and their successors, e.g. Chairman, Secretary, Treasurer etc., as Trustees.

**10. Alterations to the adopted Constitution**

10.1. Any amendments to the adopted Constitution proposed by the Community Council must be submitted to Argyll & Bute Council for approval.

10.2. Amendments will not become effective until approval has been obtained in writing.

10.3. Argyll & Bute Council has the right to alter or substitute any part of the amended Constitution.

**11. Dissolution**

11.1. If the Community Council, by a majority of its elected members, decides at any time that it wishes to dissolve itself, then it must call a public meeting, specially convened to consider this proposal. At this meeting, if the proposal to dissolve is carried by a majority of those present and able to vote this will become the final decision of the Community Council.

11.2. Representatives from Argyll & Bute Council, including the Argyll & Bute Councillor or Councillors for the area, must also be invited.

11.3. In the event of the dissolution of the Community Council, all property, heritable or removable, and funds vested in the Community Council at the date of dissolution may be applied to any purpose that benefits the inhabitants of the Community Council area with the approval of Argyll & Bute Council and subject to the terms and conditions of any trust or title deed. Preference will, however, be given to any successor Community Council elected under the terms of this Scheme.

**12 Adoption of the Constitution**

1.1. This Constitution was adopted by ..... Community Council at a ..... meeting held on ..... at .....

Signed	.....	Chairman
	.....	Secretary
	.....	Treasurer