

**STONEHOUSE COMMUNITY COUNCIL**  
**CONSTITUTION**  
(December 2011)

1. **NAME**

The Community Council will be known as Stonehouse Community Council and will be referred to in this document as the Community Council.

2. **AREA & DIVISIONS**

The area in which the Council will operate will be shown and marked 54 on the plan attached to the scheme for the establishment of Community Councils prepared by South Lanarkshire Council.

3. **AIMS AND OBJECTIVES**

- 3.1 (a) To ascertain, co-ordinate and express to South Lanarkshire Council and other public and private bodies the views of the community which the Council represents, particularly in relation to matters for which those public bodies are responsible.
- (b) To take such actions in the interests of the Community as appears to the Community Council as necessary.
- 3.2 Be non political and non sectarian in religion.
- 3.3 To promote equality of opportunity and ensure that the Community Council does not commit unlawful discrimination on the grounds of: **Race; Sex; and Disability.**

4. **MEMBERSHIP**

4.1 **Composition**

The Community Council shall consist of;

Seven (7) Elected members and;  
Three (3) Nominated members.

4.2 **Nominations**

Nominations must be sought from local organisations which have an interest in the area of the Community Council, and must be non-political and non-sectarian organisations.

4.3 **Members**

Members of Parliament, Scottish Parliament and the elected members of South Lanarkshire Council are as a result of their office, members of the Community Council, whose area is either wholly or in part in the constituency or ward they represent. They do not have a voting right.

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5. **ELECTIONS**

5.1 Qualifications to Vote

Electors must be residents within the area of where the relevant division of the Community Council is and must be on either the current register of electors or the supplementary list of electors prepared by the Community Council in liaison with South Lanarkshire Council

5.2 Frequency

The elections will be held on the last Tuesday of October every three years commencing on the last Tuesday of October 2002.

5.3 Method of Election

Voting will be by secret ballot using a ballot paper containing a list of the persons validity nominated and once completed, placed in a ballot box. Elections will be arranged by the retiring Chairperson, Secretary, Treasurer of the Community Council who will act as a Returning Officer. Should the retiring Chair person, Secretary or Treasurer not wish to take on this task the community council will organise for a returning officer to be appointed.

6. **NOMINATIONS**

6.1 **After an Election**

6.1.1 First meeting:

The Returning Officer appointed for the election must call the first meeting of the Community Council within 10 days of the election.

6.1.2 Nomination

Following the first meeting, the Community Council will seek nominations from local organisations who may nominate a maximum of one person to serve on the community council. The Community Council, will seek in writing, nominations by advertising the vacancies in the local press or by any other method deemed to be a useful medium for attracting nominations.

6.1.3 Term of office

Each nominated member will be a member of the Community Council for a maximum of one year. All nominated members of the Community Council will stop being a member on the last Tuesday of October each year.

6.1.4 Annual

The Community Council prior to the nominated members stopping being members, must seek nominations and fill the vacancies before the existing nominated members stop being members. This does not apply in an election year.

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7. **CASUAL VACANCIES**

7.1 Elected Members

If a casual vacancy occurs in the membership of the Community Council then the Community Council must co-opt someone to fill this vacancy, unless the scheme of Community Councils prepared by South Lanarkshire Council requires the holding of a bi-election. If the casual vacancy occurs in the elected membership then a person will be appointed in the place of that member who has left the Community Council subject to the provisions of the scheme of Community Councils prepared by South Lanarkshire Council.

7.2 Nominated Members

If the casual vacancy occurs in the nominated members then the organisation who submitted the original nomination will in the first instance be asked to do so again.

7.3 Terms of Office

Any substitute member appointed to fill a casual vacancy will serve the remainder of the former member's term of office.

8. **QUALIFICATION FOR MEMBERSHIP**

8.1 Qualification for Election or nomination of co-option

Only people who are entitled to vote in the Community Council area or division can be :

- (a) A Candidate for election;
- (b) A co-opted member;
- (c) A person who is nominated for membership does not need to be able to vote in the area for the Community Council, however the nominating group must be resident or have an interest in the area of the community council.

8.2 Prohibition of Membership

Members of Parliament, Scottish Parliament and members of South Lanarkshire Council cannot stand for election or be nominated to the Community Council within South Lanarkshire.

9. **MEETINGS**

9.1 Annual General Meeting

The Community Council must arrange for an AGM in November of each calendar year. At this meeting, nominated members will be appointed. If no nominations are received the community council will continue to seek nominations. All people able to vote in a Community Council election are entitled to be present.

At the Annual General Meeting the Community Council must

- (a) Appoint its office bearers and auditors;
- (b) Discuss the annual report of the Community Council; and
- (c) Discuss any major matters of interest to the community.

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9.2 Regular Public Meetings

The Community Council will hold at least 9 regular public meetings throughout the year of which the public are also entitled to attend.

9.3 Executive Meetings

Should an exceptional issue arise which is deemed of major interest to the community and requires to be dealt with as a matter of urgency and there is insufficient time to call a regular Community Council meeting, the Office Bearers may hold an Executive meeting to discuss and take action as appropriate. The discussion and actions taken, including the reason for the urgency, must be reported in full at the next regular Community Council meeting.

9.4 Special General Meetings

Any special general meetings of the Community Council must be called if requested by 25 electors. Electors must provide a written request to the community council Chairman providing their name and address.

9.5 Notice of Meetings

All meetings of the Community Council will be advertised in a local newspaper or displayed in prominent places in the area of the Community Council at least one week in advance.

9.6 Quorum

A Quorum at the Community Council will be three members.

9.7 Casting vote;

The Chairman, or in his absence the person chairing the meeting will have a casting vote.

9.8 Attendance

Any member failing to attend four consecutive meetings and not providing an apology will receive a letter from the secretary seeking to establish if they wish to continue with their membership.

10. **ELECTION OF OFFICE BEARERS**

10.1 Chair Person (and Vice Chair person).

The Community Council at its Annual General Meeting will elect one of its members to be Chair and another to be the Vice Chair.

10.2 Secretary or Treasurer

The Community Council will also appoint one of its members as Secretary and another one of its members as Treasurer. The Community Council may award honoraria to these two offices.

10.3 Restrictions

The offices of Chair Person and Secretary or Treasurer will not be held by the same member except for a period not exceeding one month.

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11. **COMMITTEES**

11.1 Urgent Decisions

If urgent decisions are required regarding Community Council business, the Officers of the Community Council (Chair, Vice Chair, Secretary and Treasurer, have delegated powers to act on behalf of the Community Council.

Should these members not be available, any other member of the Committee of the Community Council should be contacted. If they do so, their decision or decisions must be advised to the next regular meeting of the Community Council for its instruction or guidance.

11.2 Committees

The Community Council may appoint such Committees as it sees necessary and decide on the remit powers and for how long the Committee is to exist.

12. **FINANCE**

12.1 Use

All finance received or raised by the Community Council must be applied to further the aims and objectives of the Community Council and for no other purpose.

12.2 Accounts

The Accounts for the Community Council will be examined and signed off by a qualified accountant or auditor appointed as community councils auditor. All accounts after auditing must be sent to South Lanarkshire Council. The Community Council may pay an appropriate amount for this service, the Auditor cannot be a member of the Community Council.

13. **STANDING ORDERS**

13.1 Declaration

The Community Council may prepare Standing Orders for the proper conduct of its meetings. A copy of these Standing Orders must be sent to South Lanarkshire Council.

14. **TITLE TO PROPERTY**

14.1 Trustees

Title to all property acquired by the Community Council will be held in the names of the Chair, Vice Chair, Secretary and Treasurer of the Community Council and their successors in office as trustees of the Community Council.

15. **ALTERATIONS TO THE CONSTITUTION**

15.1 Procedure

Any proposal to alter this constitution must be sent in writing to the Secretary of the Community Council who must receive the proposal not less than 28 days before the date of the meeting at which it is to be considered. Alterations will require the approval of a special general meeting, specifically called to discuss the alterations. More than half of the qualified electors at the meeting must approve the alteration.

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15.2 South Lanarkshire Council Approval

No alterations to the constitution will take effect until it has been approved by south Lanarkshire Council in writing.

16. **DISSOLUTION**

16.1 Reasons

The Community Council shall be dissolved as follows:

- (a) Its failure to hold a Bi- election to fill a casual vacancy where required to do so;
- (b) Its failure to hold regular meetings; and
- (c) If its members decide that it should be dissolved.

16.2 Failure to hold a by Election

In terms of the scheme for the establishment of Community Councils the Community Council is required to hold a by election to fill a vacancy under certain conditions. If it fails to do so within three months of the vacancy occurring then the Community Council is to be treated as dissolved.

16.3 Failure to Hold Regular Meetings

If fewer than three members attend four consecutive regular meetings of the Community Council, then the Community Council is to be treated as being dissolved.

16.4 Members Decision

If members of the Community Council consider that it is necessary or advisable to dissolve the Community Council then they may decide that the Community Council should be dissolved. Such a decision will require a majority of the members present voting for the proposal.

16.5 Property Etc.

In the event of the dissolution of the Community Council all property, monies, and assets belonging to the Community Council will transfer immediately to South Lanarkshire Council.

17. **CONFLICT OF INTEREST**

All members of the community council will be expected to declare any conflicts of interest which may affect their voting or decisions of the community council.