# 

# STONEHAVEN AND DISTRICT COMMUNITY COUNCIL CONSTITUTION

1. NAME

The name of the Community Council shall be STONEHAVEN AND DISTRICT COMMUNITY COUNCIL (the“**Community Council**”)

1. OBJECTS AND FUNCTIONS

The objects and function of the Community Council shall be:

* 1. To proactively identify and assess issues of concern to its local community. Taking into account views expressed by the public and any other relevant evidence, it shall either take such action as it considers to be suitable or convey its finding and conclusions to the relevant authority for consideration.
  2. To promote the well-being of the community resident within the Community Council boundaries (the “**Community Council Area**”), as defined in Aberdeenshire Council’s Scheme for the Establishment of Community Councils (the **“Scheme”**), and comply with equal opportunities legislation that makes it unlawful to discriminate against persons or groups on the grounds of race, gender, gender recognition, disability, age, sexual orientation and religion or belief.
  3. To be a means whereby the people of the Community Council Area shall be able to voice their opinions on any matter affecting their lives, their welfare, their environment, its development and amenity.
  4. Provided that the Community Council shall be non-party political and non-sectarian in their discussions and decision making and shall comply with data protection and other relevant legislation.

1. SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS
   1. The Community Council shall not do anything which is inconsistent with the Scheme and in the event of any inconsistency, the Scheme shall take precedence.
2. MEMBERSHIP OF COMMUNITY COUNCIL
   1. The Membership of the Community Council shall consist of Elected Community Councillors and, if appointed, Co-Opted Community Councillors. Elected Community Councillors and Co-Opted Community Councillors shall collectively be referred to as “**Community Councillors**”.
   2. In addition to the Community Councillors referred to in Section 4.1 above, the Membership of the Community Council shall also consist of Associate Members, Ex-Officio Members and Junior Members.
   3. The Membership of the Community Council shall consist of not fewer than 7 and not more than 20 Community Councillors.
   4. **Elected Community Councillors**

Elected Community Councillors shall be elected in accordance with the procedure outlined in Section 5, subject to eligibility criteria in this Section 4.4.

* + 1. Elected Community Councillors shall:
       1. be aged sixteen (16) years or over;
       2. have their names on the current Electoral Register covering the Community Council Area and have had their ordinary or principal residence in the Community Council Area for at least three (3) months prior to nomination;
       3. not be elected or co-opted to serve on another community council within the Aberdeenshire Council area;
       4. not be elected to serve on Aberdeenshire Council, or the Scottish, UK or European Parliaments;
  1. **Co-opted Community Councillors**
     1. The Community Council may, when the number of Elected Community Councillors is above the minimum number of Community Councillors specified in Section 4.3, co-opt on to the Community Council persons who satisfy the eligibility criteria in Section 4.4.1.
     2. Subject to 4.5.3 and 4.5.4 below, co-option will take place by a two-thirds majority vote of the Community Councillors present and voting at a Business Meeting of the Community Council. (a person approved under this Section to be a “**Co-Opted Community Councillor**”).
     3. The number of Co-Opted Community Councillors may not at any time exceed one quarter of the maximum number of Community Councillors specified in Section 4.3.
     4. Notice of any proposed co-option must be intimated to the Membership of the Community Council and the Aberdeenshire Council Area Manager at least ten (10) working days prior to the Business Meeting when the matter of co-option will be decided.
     5. A Co-Opted Community Councillor will have full voting rights, may hold office within the Community Council and will count towards the maximum number of Community Councillors specified in Section 4.3.
  2. **Associate Members**

The Community Council may engage Associate Members with skills, knowledge and interests which the Community Council consider would be of assistance to the Community Council in carrying out its functions. Associate Members shall be aged sixteen (16) years or over and shall not have voting rights and shall not hold office within the Community Council. Associate Members will serve for such time as may be determined by the Community Council at the time of their engagement or until the Community Council decide that their services are no longer required. Associate Members will not be counted as part of any quorum or the minimum or maximum Membership of the Community Council.

* 1. **Ex-Officio Members**

The Aberdeenshire Councillors for the area covered by the Community Council Area shall have ex-officio membership of the Community Council during their period of office for Aberdeenshire Council. Ex-Officio Members shall not have voting rights and shall not hold office within the Community Council. Ex-Officio Members will not be counted as part of any quorum or the minimum or maximum Membership of the Community Council.

* 1. **Junior Members**

The Community Council will provide two places for persons aged fourteen (14) and fifteen (15) years of age who live and/or are educated within the Community Council Area. Junior Members shall have full voting rights but shall not hold office in the Community Council. Junior Members will not be counted as part of any quorum or the minimum or maximum Membership of the Community Council.

* 1. Membership of the Community Council will terminate in the following circumstances:
     1. If a Community Councillor ceases to meet the eligibility criteria for membership of the Community Council as set out in Section 4.4.1.
     2. In the case of an Elected Community Councillor, at the conclusion of their term of office as set out in Section 5.1.6, unless re-elected to serve a further term.
     3. In the case of a Co-Opted Community Councillor, at the date of the next Community Council Election held under Section 5.1.1 following the date of their co-option.
     4. In the event a Community Councillor fails to attend three (3) successive Community Council meetings, with or without submitting apologies, provided that:
        1. the motion proposing termination of such membership must be an item on a Business Meeting agenda; and
        2. the motion proposing termination of such membership must be carried by a two-thirds majority vote of those present and voting;
        3. provided that, at the discretion of the Community Council, a period of leave of absence of up to six months for any Community Council Member may be granted and minuted at any Business Meeting of the Community Council.
     5. If a Junior Member attains the age of sixteen (16) years of age.
     6. If an Ex-Officio Member ceases to hold office as an Aberdeenshire Councillor for an area covered by the Community Council Area.
     7. In the case of an Associate Member, at the expiry of their term of appointment as determined by the Community Council at the time of their engagement, or at such time as the Community Council decide that their services are no longer required.
     8. If any Member is disqualified by operation of the disciplinary procedures in Section 14.

1. ELECTIONS
   1. **Community Council Election**
      1. A “**Community Council Election**” will be held for the Community Council on a three (3) yearly basis (the year in which such election falls being the “**Election Year**”). The Community Council Election process will take place in the month of May of each Election Year.
      2. Aberdeenshire Council will administer all Community Council Elections in accordance with Section 6 of the Scheme and will appoint a Returning Officer at the commencement of the election period who will give public notice of the Community Council Elections.
      3. Persons seeking election as Elected Community Councillors, including those presently serving Elected Community Councillors seeking re-election under Section 5.1.6, shall be nominated as stated in the Scheme and nominations shall be lodged with the Returning Officer by a prescribed date and time.
      4. In the event that the number of persons validly nominated exceeds the maximum Membership as set out in Section 4.3, an election will be held by a secret ballot paper containing a list of the persons validly nominated. Those elected by means of such ballot will be declared to be Elected Community Councillors.
      5. In the event that the number of persons validly nominated does not exceed the maximum Membership as set out in Section 4.3, the persons so nominated will be declared to be Elected Community Councillors.
      6. Upon certification of the result by the Returning Officer, those who have been declared Elected Community Councillors under Sections 5.1.4 or 5.1.5 shall hold office for a term of three (3) years and shall be eligible for re-election.
   2. **Interim Community Council Election**
      1. Where, following a Community Council Election under Section 5.1.1, any casual or unfilled vacancies occur and where such vacancies have not been filled by co-option under Section 4.5, the Community Council in consultation with Aberdeenshire Council shall arrange to hold an “**Interim Community Council Election**”.
      2. The Interim Community Council Election process will take place in the month of May, except where the number of Community Councillors has fallen below the minimum number specified in Section 4.3. In such circumstances an Interim Community Council Election will be arranged at earliest opportunity following such a reduction, the date to be determined by the Community Council and Aberdeenshire Council in consultation.
      3. Aberdeenshire Council will administer all Interim Community Council Elections in accordance with Section 6 of the Scheme and will appoint a Returning Officer at the commencement of the election period who will give public notice of the Interim Community Council Election. The Community Council will not appoint any Co-Opted Member from the start of the election period until the certification of the result under Section 5.2.7.
      4. Persons seeking election as Elected Community Councillors shall be nominated as stated in the Scheme and nominations shall be lodged with the Returning Officer by a prescribed date and time.
      5. In the event that the number of persons validly nominated exceeds the number of vacancies an election will be held by a secret ballot paper containing a list of the persons validly nominated. Those elected by means of such ballot will be declared to be Elected Community Councillors.
      6. In the event that the number of persons validly nominated does not exceed the number of vacancies the persons so nominated will be declared to be Elected Community Councillors.
      7. Upon certification of the result by the Returning Officer, those who have been declared Elected Community Councillors under Sections 5.2.5 or 5.2.6 shall hold office until the Community Council Election taking place in the next Election Year and shall be eligible for re-election.
2. MEETINGS
   1. **Annual General Meeting**

During the month of June in each year the Community Council shall convene an Annual General Meeting (**“AGM”**), the agenda for which shall include agenda items as set out in Section 1.3 of the Community Council Standing Orders.

* 1. **Business Meeting**

The Community Council shall conduct the ordinary business of the Community Council in a “**Business Meeting**”. Business Meetings will be held throughout the year at intervals not exceeding two (2) months.

* 1. **Special Meeting** 
     1. A “**Special Meeting**” will be called by the Community Council:
        1. on receipt by the Secretary of a requisition signed by twenty (20) persons who are present on the Electoral Roll within the Community Area; or
        2. on receipt by the Secretary of a requisition signed by at least one quarter of the current eligible voting Membership; or
        3. on receipt by the Secretary of a requisition signed by the Chairperson.
     2. The requisition must specify the business to be considered at such Special Meeting.
     3. The Secretary will provide notice to the Membership of the receipt of a valid requisition and the Special Meeting will be held within 15 working days of the receipt of such requisition.

1. OFFICERS OF THE COMMUNITY COUNCIL
   1. The Community Council, at its first meeting after the initial election and subsequently at each AGM, shall elect, subject to Section 7.6 below, a Chairperson, a Vice-Chairperson, a Secretary and a Treasurer (the “**Officers**”) from among its Community Councillors.
   2. No Officer may hold more than one of the offices set out in Section 7.1, nor shall any of these roles be combined.
   3. The Officers elected in accordance with Section 7.1 shall continue in office until their respective successors are elected.
   4. The Community Councillors appointed as Secretary or Treasurer shall not be entitled to remuneration but the Community Council may, at its discretion, award honoraria to such Community Councillors. The Community Council may also reimburse any Officer for expenses incurred during the course of their duties and supported by receipts or vouchers.
   5. The Community Council shall appoint one of its Members to be its representative to the Kincardine and Mearns Community Council Forum, or equivalent successor body. Such representative shall be entitled to vote on behalf of the Community Council in respect of any matters raised at a meeting of the Forum. If the representative is unable to attend a particular meeting of the Forum the Chairperson may appoint a stand-in representative with entitlement to vote at that meeting of the Forum. Other Members may attend meetings of the Forum but shall not be entitled to vote on behalf of the Community Council.
   6. No Officer may serve in any one of the offices set out in Section 7.1 for more than six (6) consecutive years (the “**Term Limit**”). Any Community Councillor who has reached the Term Limit for a given office will be ineligible to stand for further election until a three (3) year period has passed. A Community Councillor subject to a Term Limit under this Section in respect of a given office will be eligible for election to any of the remaining offices set out in Section 7.1.
2. STAFF

The Community Council shall have power to appoint and dismiss such other staff as it may from time to time determine, subject to the observance of employment law.

1. COMMITTEES AND SUB-COMMITTEES

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.

1. FINANCE
   1. All monies raised by or on behalf of the Community Council shall be applied to further the objects of the Community Council defined in Section 2 and to maintain its administrative structure.
   2. The Community Council shall have the power to secure resources for schemes, projects and all other purposes consistent with its objects and shall be eligible to apply for grants for suitable projects.
   3. Aberdeenshire Council will provide an administrative grant to the Community Council to assist with the operating costs of the Community Council.
   4. The Treasurer shall arrange for a bank account(s) to be held in the name of the Community Council and shall have responsibility for:
      1. the proper management of the Community Council’s financial affairs; and
      2. keeping proper books of account showing the finances of the Community Council.
   5. The Community Council shall appoint an independent verifier, acceptable to Aberdeenshire Council, to independently verify the accounts of the Community Council annually.
   6. Independently verified Statement of Accounts of the Community Council for the last financial year shall be submitted by the Community Council to the Annual General Meeting. The Community Council’s financial year shall run from 1 April to 31 March.
   7. The Title to all and any heritable property which may be acquired by or for the purpose of the Community Council shall be taken in jointly the names of the Chairperson and Secretary of the Community Council and their successors in their respective offices as trustees for the Community Council.
   8. The Community Council must comply with Section 13 of the Scheme and must have sufficient and adequate insurance to cover the Community Council in the event of claims being made against the Community Council and must be able to demonstrate to Aberdeenshire Council that this insurance cover is in place.
2. RETURN OF OFFICERS AND OTHERS
   1. Following the first meeting after each election the Community Council shall lodge with the Area Manager for the Area of Aberdeenshire Council in which located a return specifying the full names, addresses and designations of:
      * 1. Officers;
        2. Elected Community Councillors, Co-Opted Community Councillors, and Associate Members; and
        3. The independent verifier.

and shall notify the Area Manager in writing of any changes to the above.

1. AMENDMENT OF CONSTITUTION
   1. Any alterations to the Constitution will require approval of:
      1. a majority of two-thirds of those present and voting in favour thereof at an Annual General Meeting or a Special Meeting convened for that purpose; and
      2. the Area Manager on behalf of Aberdeenshire Council.
   2. Any motion to amend this Constitution must be delivered in writing to the Secretary of the Community Council at least twenty (20) working days before the date of the meeting at which the proposal is first to be considered.
   3. Following approval of a motion to amend the Constitution at an Annual General Meeting or Special Meeting in accordance with Section 12.1.1 above, the Secretary shall immediately deliver a copy of such motion to the Aberdeenshire Council Area Manager for consideration.
   4. Following approval from the Aberdeenshire Council Area Manager, in accordance with Section 12.1.2, of a motion delivered under Section 12.4 the alteration to the Constitution will be passed and will take effect from the date of the Area Manager’s approval.
2. SUPPORTED STATUS AND DISSOLUTION
   1. Supported Status, Dissolution and Voluntary Dissolution of the Community Council shall only take place in accordance with the Scheme.
3. DISCIPLINARY PROCEDURES
   1. In the event of a complaint by a Member of the Community Council or a third party that the Community Council or another Member of the Community Council is in serious breach of the Community Councillors' Code of Conduct or has otherwise brought the Community Council into disrepute, such complaint shall be dealt with in accordance with the Complaints and Appeals Procedure in Schedule 7 of the Scheme.