

DRAFT CONSTITUTION FOR COMMUNITY COUNCILS

1. Name

The name of the Community Council shall be (referred to as “the Community Council” in this document).

2. Area of the Community Council

The area of the Community Council shall be as shown on the map attached to Renfrewshire Council’s Scheme for the Establishment of Community Councils.

3. Objectives

The objectives of the Community Council shall be:

- (a) to ascertain, co-ordinate and reflect the views of the community which it represents, to liaise with other community groups within the area, and to fairly express the diversity of opinions and outlooks of the people;
- (b) to express the views of the community to the local authority for the area to public authorities and other organisations;
- (c) to take such action in the interests of the community as appears to it to be desirable and practicable;
- (d) to promote the well-being of the community and to foster community spirit;
- (e) to be a means whereby the people of the area shall be able to voice their opinions on any matter affecting their lives, their welfare, their environment, its development and amenity.

4. Role and Responsibilities

In the discharge of their functions and the conduct of their business, the Community Council and its membership shall have regard to their role and responsibilities as set out in paragraph 3 of the Scheme for the Establishment of Community Councils, approved by Renfrewshire Council, and the Code of Conduct for Members of Community Councils.

5. Membership

The Community Council's membership is as governed by paragraph 5 of the Scheme for the Establishment of Community Councils and as determined from time to time by Renfrewshire Council.

6. Method of Election

Election procedures shall be governed by the method of election laid down in paragraph 7 of the Scheme for the Establishment of Community Councils.

7. Casual Vacancies on the Community Council

Where a vacancy arises which does not result in the number of members falling below the minimum number as specified in paragraph 5 of the Scheme for the Establishment of Community Councils, and at least 6 months has passed since the last election, the Community Council may, if it considers it to be desirable, agree to:-

- (a) fill the vacancy (and any other outstanding vacancies) by holding an Interim Election, administered by the Council, on the basis that such vacancies would be publicised, nominations invited and an election held where the number of candidates exceeded the number of places available.
- (b) fill the vacancy by co-opting a resident in terms of paragraphs 7.7 and 7.8 of the Scheme for the Establishment of Community Councils
- (c) leave the vacancy unfilled until local public interest is expressed or until the next set of regular elections.

8. Voting Rights of Members of the Community Council

The right to vote at any meeting of the Community Council or any committee thereof, shall be held by all members whether elected or co-opted, but not by Associate Members appointed for specific issues on a temporary basis, or *ex-officio* members. Decisions of the Community Council will be decided by a simple majority of those present and eligible to vote, with the exception of circumstances which may arise under Clause 16 – Alterations to the Constitution and its Clause 17 – Dissolution.

In the event of an equality of votes the chairperson shall have a casting vote.

9. Election of Office-Bearers

- (a) At the first meeting of the Community Council after elections in the year when elections are held and at the Annual General Meeting in OCTOBER in the year when elections are not held, the Community Council shall appoint a Chair, Secretary, Treasurer and other such office-bearers as it shall from time to time decide.

- (b) All office-bearers shall be elected for one year, but shall be eligible for re-election, without limitation of time.
- (c) Without the express approval of Renfrewshire Council, no one member shall hold more than one of the following offices at any one time: Chairperson, Secretary or Treasurer.

10. Committees of the Community Council

The Community Council may set up committees and appoint representatives of the Community Council to committees and shall determine their composition, terms of reference, duration, duties and powers.

11. Meetings of the Community Council

- (a) The quorum for Community Council meetings shall be one-third of the current membership that is eligible to vote, or 3 whichever is the greatest.
- (b) Once in each year in the month of OCTOBER the Community Council shall convene an annual general meeting for the purpose of receiving and considering the Chairperson's annual report on the Community Council, the submission and approval of the independently examined annual statement of accounts and the appointment of office bearers.
- (c) the Community Council shall meet not less than 7 times throughout the year - not less than one AGM and 6 ordinary meetings.
- (d) Dates, times and venues of regular meetings of the Community Council shall be fixed at the first meeting of the Community Council following ordinary elections and thereafter at its annual general meeting. Special meetings, either called by the Chairperson, or on the request of not less than one-half of the total number of community council members, shall require at least 7 days public notice. Renfrewshire Council's Director of Finance & Resources has discretion to call a meeting of the Community Council for a specific purpose.
- (e) Copies of all minutes of meetings of the Community Council and of committees thereof shall be approved at the next ordinary meeting of the Community Council.
- (f) In accordance with Standing Orders, an agenda (listing business to be discussed) together with a minute of the previous meeting shall be produced and distributed to all members at least 7 days before the date of each meeting. A copy of the agenda and minute must also be submitted to Renfrewshire Council.

- (g) The Community Council and its members shall abide by its Standing Orders for the proper conduct of its meetings.
- (h) The Community Council has a duty to be responsive to the community it represents. Should the Community Council receive a written request (petition), signed by at least 20 persons resident within the Community Council area to convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting within 14 days of receipt of such a request and advertise it in the manner prescribed locally for special meetings called by the Community Council.
- (i) The Community Council will meet in public and all items of business shall be taken in public. However, in exceptional cases items of business can be taken in private where the community council considers it appropriate to do so. An example of an exceptional case would be where genuinely personal or confidential matters were being discussed such as where the facts of a complaint against a member of the Community Council require to be substantiated. The agenda will state whether the meeting or a part thereof is to be held in private.
- (j) Outwith regular meetings when urgent responses are required, office bearers can take decisions in the best interests of the Community Council and report on these decisions at the next ordinary meeting.
- (k) The Community Council will be non sectarian and non political.
- (l) The Community Council will comply with Equal Opportunities legislation and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skill and experience taken into account.

12. Public Participation in the Work of the Community Council

- (a) All meetings of the Community Council and its committees (subject to 11(i), above) shall be open to members of the public. Proper provision is to be made for the accommodation of members of the public and the opportunity should be afforded at each meeting to permit members of the public to address the Community Council, under the guidance of the Chairperson.
- (b) Notices/Agenda calling meetings of the Community Council and its committees shall be posted prominently within the Community Council area for a minimum period of 7 days before the date of any such meeting, and, where possible, be advertised by other suitable means such as websites and social media.

13. Information to the Local Authority

Renfrewshire Council's Senior Committee Services Officer (Community Council Liaison) shall be sent:

- an annual calendar of the Community Council's ordinary meeting dates, times and venues, which should be agreed at the Community Council's annual general meeting;
- minutes of all meetings;
- the annual report,
- the annual financial statement; and,
- any other such suitable information, as may from time to time be agreed between the Community Council and Renfrewshire Council.

When special meetings of the Community Council are to be held, the above officer should be advised of the date, time venue and subject(s) of debate of such meetings, at least 7 days in advance of the meeting date.

14. Control of Finance

- (a) All monies raised by or on behalf of the Community Council or provided by Renfrewshire Council and other sources shall be applied to further the objectives of the Community Council and for no other purpose. Monies raised from other sources may be used in accordance with the terms of this provision (so long as they are consistent with the objectives of the Community Council), or in the absence of such terms, for the furtherance of the objectives of the Community Council.
- (b) The annual Administration Grant will be used to meet the cost of the undernoted expenditures and for no other purpose without the approval of the Director of Finance & Resources:-
- advertising/general publicity and promotional activities
 - accommodation/lots
 - auditors' fees
 - bank charges
 - consultation with the community
 - registration as a Data Controller with the Information Commissioner's Office under the provisions of the Data Protection Act;
 - insurance
 - IT software/hardware/website construction and maintenance
 - photocopying/printing
 - postage
 - production and circulation of minutes, agenda and annual reports
 - subscriptions
 - telephone costs/Internet Service Provider costs
 - travel costs

- (c) The Administration Grant (or any portion thereof) shall not be used to provide grant funding to any other body.
- (d) The treasurer shall undertake to keep proper accounts of the finances of the Community Council, and specifically record all items of spend from the Administrative Grant.
- (e) Any two of three authorised signatories, who would normally be office-bearers of the Community Council, may sign cheques on behalf of the Community Council. Authorised signatories shall not be co-habitees.
- (f) A statement of accounts for the last financial year, independently examined by two persons appointed by the Community Council who are not members, relatives of members, or co-habiting with members of the Community Council, shall be submitted to an annual general meeting of the Community Council and shall be available for inspection by members of the public at a convenient location.
- (g) The financial year of the Community Council shall be from 1 September to 31 August the following year. Examined accounts as received and approved by the Community Council at the annual general meeting shall be submitted to Renfrewshire Council following approval at the Community Council's annual general meeting.

15. Title to Property

Property and other assets belonging to the Community Council shall be vested in the Chair, Secretary and Treasurer of the Community Council and their successors in these respective offices.

16. Alterations to the Constitution

Any proposal by the Community Council to alter this Constitution must be first considered by a meeting of the Community Council and the terms of the proposal to alter the Constitution shall be stated on the notice calling the meeting, which shall be issued not less than 7 days prior to the meeting. Any proposed alterations may not prejudice the terms and objectives contained within the Scheme for the Establishment of Community Councils.

If the proposal is supported by two-thirds of the total voting membership of the Community Council and is approved in writing by the local authority, the alteration shall be deemed to have been duly authorised and can then come into effect.

17. Dissolution

If the Community Council by a two-thirds majority of the total voting membership decides at any time that it is necessary or advisable to dissolve, it shall agree a date for a public meeting to be held to discuss the proposed resolution to dissolve. It is a requirement that not less than ten days prior to the date of such meeting a public notice be given by means of notification in the local newspaper. If the resolution is supported by a majority of those persons present and qualified to vote and is approved by the local authority, the Community Council shall be deemed to be dissolved and all assets remaining, subject to the approval of the local authority, after the satisfaction of any proper debts or liabilities shall transfer to the local authority who shall hold same in Trust for a future Community Council representing that area.

Where for any reason, the number of Community Council members falls below the minimum specified in the Scheme for the Establishment of Community Councils, Renfrewshire Council may, by suspending the Constitution of the Community Council, cause the Community Council to be dissolved.

The Council may take action to suspend and then dissolve a community council where it is satisfied and can demonstrate a major single failure or a series of failures by a community council to comply with (i) the Scheme; (ii) the community council Constitution; and (iii) the Code of Conduct for Community Councils where said failure(s) have not been remedied after being brought to the community council's attention.

In the event that a Community Council is dissolved and twenty or more electors subsequently wish the re-establishment of a Community Council for the area, these electors shall submit a requisition to the local authority in accordance with Section 52(7) of the Local Government (Scotland) Act 1973, on receipt of which the Returning Officer shall arrange for elections to be held in accordance with the Scheme for the Establishment of Community Councils.

18. Approval and adoption of the Constitution

This Constitution was adopted by

COMMUNITY COUNCIL, on (Date)

Signed:(Chairperson)

Signed: (Member)

Signed: (Member)

and was approved on behalf of Renfrewshire Council on(Date)

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Signed

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Name

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Designation

