

**STIRLING COUNCIL**  
**CONSTITUTION FOR COMMUNITY COUNCILS**

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**1. Name**

The name of the COMMUNITY COUNCIL shall be

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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 at Section 6 of Stirling Council's ("the Council") 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, concerns and views of the people;
- b) to express the views of the community to the Council, to public authorities and to 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 objectives 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, and Community Councillors' Code of Conduct adopted by the Council.

**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 the 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.

Where a vacancy arises which does not result in the number of COMMUNITY COUNCILLORS 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 full election the COMMUNITY COUNCIL may, if it considers it to be desirable, agree to:-

- a) an Extraordinary General Meeting being held in order that the Community Council can agree to submit a request to the Council to hold an election to fill the vacancy (and any other outstanding vacancies), 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. Such interim elections will be administered by the local authority; or
- b) fill the vacancy by co-option with voting rights to a maximum of not exceeding one third of the total current full membership of the COMMUNITY COUNCIL as governed by paragraph 7 of the Scheme for the Establishment of Community Councils; or
- c) the vacancy being left 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 COMMUNITY COUNCILLORS whether elected or co-opted; but not by associate members appointed for specific issues on a temporary basis, or *ex-officio* members. Co-opted members are prohibited from voting on the co-option of other members to the Community Council until or unless they have been approved as full members. With the exception of circumstances which may arise under the **Scheme for the Establishment of Community Councils: Clause 7 – Community Council Elections [Co-option]; and Constitution: Clause 16 – Alterations to the Constitution and Clause 17 – Dissolution**, all decisions of the COMMUNITY COUNCIL will be decided by a simple majority of those present and eligible to vote.

With the exception of a meeting called in terms of paragraph 14 of the Scheme, in the event of an equality of votes, the Chair will have a casting vote.

#### **9. Election of Office-Bearers**

- a) At the first meeting of the COMMUNITY COUNCIL after elections in the year when regular elections are held and at the Annual General Meeting in the following years, the COMMUNITY COUNCIL shall appoint a Chair, Vice Chair, Secretary, Treasurer and such other 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.
- c) Without the express approval of the local authority, no one member shall hold more than one of the following offices at any one time: Chair, Secretary or Treasurer;
- d) In the event of a Chair standing for re-election as Chair at the Annual General Meeting, then where they have already served as Chair for four or more consecutive years, the Community Council must approve their nomination by a simple majority of those present and eligible to vote, by secret ballot.



#### **10. Committees of the Community Council**

The COMMUNITY COUNCIL may appoint representatives to committees of the COMMUNITY COUNCIL and shall determine their composition, terms of reference, duration, duties and powers at the point at which they are established.

Meetings of committees and sub-committees should be minuted and reported back to the full Community Council for approval. Members of committees and sub-committees shall be subject to the Community Councillors' Code of Conduct.

#### **11. Meetings of the Community Council**

- a) The quorum for COMMUNITY COUNCIL meetings shall be at least one third of the current eligible voting membership, or 3 eligible voting members, whichever is the greater.
- b) Once in each year in the months of April, May or June the COMMUNITY COUNCIL shall convene an Annual General Meeting for the purpose of receiving and considering the Chair'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) Including the Annual General Meeting, the COMMUNITY COUNCIL shall meet not less than 7 times throughout the year.
- 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 shall require at least 7 days public notice, either called by the Chair, or on the request of not less than one-half of the total number of COMMUNITY COUNCIL members. An officer of the Council has the discretion to call a meeting of the COMMUNITY COUNCIL.
- e) Copies of all minutes of meetings of the COMMUNITY COUNCIL and of committees thereof shall be approved at the next prescribed meeting of the COMMUNITY COUNCIL, with copies circulated within 14 days from the date of the meeting at which they are approved, to COMMUNITY COUNCIL members and the Council's identified Council Contact for the COMMUNITY COUNCIL.
- f) The COMMUNITY COUNCIL shall abide by its Standing Orders for the proper conduct of its meetings.
- g) 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 25 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.

- h) The COMMUNITY COUNCIL can meet to discuss items of business in private where it considers it appropriate to do so, but this should only be in exceptional circumstances. The decision to meet in private will be agreed in advance at a meeting of the Community Council and decided by a majority vote of those present and eligible to vote. Notice of such a meeting will be given to the public in the usual way. However, the Notice will record that the meeting, or a part thereof, shall be held in private.

## **12. Public Participation in the Work of the Community Council**

- a) All meetings of the COMMUNITY COUNCIL and its committees (subject to 11(h), 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 Chair.
- b) Notices calling Ordinary and Annual General meetings of the COMMUNITY COUNCIL and its committees shall be posted prominently within the COMMUNITY COUNCIL area for a minimum period of 10 days before the date of any such meeting, and, where possible, be advertised by other suitable means.

## **13. Information to the Council**

The Council's identified officer shall be sent an annual calendar of the COMMUNITY COUNCIL'S prescribed 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 the Council. When special meetings of the COMMUNITY COUNCIL are to be held, the Council's identified 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 the Council and other sources shall be applied to further the objectives of the COMMUNITY COUNCIL and for no other purpose. The monies provided by the Council in the annual Administrative Grant for administrative and other approved purposes shall be used only as prescribed. 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 Treasurer shall undertake to keep proper accounts of the finances of the Community Council.
- c) 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 may not be cohabitants.
- d) A statement of accounts for the last financial year, independently examined by an examiner appointed by the COMMUNITY COUNCIL, who is not a member of this COMMUNITY COUNCIL, shall be submitted to an Annual General Meeting of the COMMUNITY COUNCIL and shall be available for inspection at a convenient location.
- e) The financial year of the COMMUNITY COUNCIL shall be from 1 April until 31 March the succeeding year. Examined accounts as received and approved by the



COMMUNITY COUNCIL at the annual general meeting shall be submitted to the 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, Vice 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 10 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 Council, 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 on the grounds of expense or otherwise 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 10 days prior to the date of such meeting a public notice be given by means of notification in the local newspaper and Stirling Council website. If the resolution is supported at this special meeting by a majority of those persons present and eligible to vote and is approved by the Council, the COMMUNITY COUNCIL shall be deemed to be dissolved and all assets remaining, subject to the approval of the Council, after the satisfaction of any proper debts or liabilities shall transfer to the Council, who shall hold same in other appropriate methods for a future COMMUNITY COUNCIL representing that area.

In the event that the COMMUNITY COUNCIL is dissolved under the above procedure, and 20 or more electors in the COMMUNITY COUNCIL area, subsequently wish the reestablishment of a COMMUNITY COUNCIL for the area, these electors shall submit a requisition to the Council in accordance with Section 52(7) of the Local Government (Scotland) Act 1973, on receipt of which the Returning Officer shall arrange for elections, on a date specified by the Council, to be held in accordance with the Scheme for the Establishment of Community Councils.

Where for any reason, the number of COMMUNITY COUNCIL members falls below the minimum specified in the Scheme for the Establishment of Community Councils the Council shall, if appropriate, by suspending the Constitution of the COMMUNITY COUNCIL, cause the COMMUNITY COUNCIL to be dissolved and in this event, the procedures for the establishment of a new COMMUNITY COUNCIL being those identified in the immediately preceding paragraph hereof, shall be initiated.