

**This is Appendix 3 referred to in the foregoing Angus Council Scheme of
Establishment for Community Councils**

MODEL 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 the Angus Council Scheme of Establishment for Community Councils (referred to as "the scheme" in this document).

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 Angus Council, 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 a 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 conduct of their business, the community council and its membership shall have regard to their role and responsibilities as

set out in Section 4 of the scheme for community councils approved by Angus Council and the code of conduct for community councillors.

5. Membership

The community council's membership is as governed by Section 6 of the scheme.

6. Method of election

Election procedures shall be governed by the method of election laid down in Section 7 of the scheme.

7. Casual vacancies on the community council

- a. Where a vacancy arises which does not result in the number of community council members falling below the minimum number as specified in **Appendix 2** of the scheme, the community council may, if it considers it to be desirable, agree to:
 - i. The filling of a vacancy by co-option with voting rights to the maximum total membership of the community council as governed by Appendix 2 of the scheme.
 - ii. The vacancy to be left unfilled until a further vacancy arises or until the next set of regular elections.
- b. Where a vacancy arises, which does result in the number of Community Council members falling below the minimum number as specified in the Scheme (Appendix 2), Angus Council shall be informed.

8. Voting rights of members of the community council

- a. The right to vote at any meeting of the community council or any committee thereof, shall be held by all community council members whether elected or co-opted, except associate members co-opted for specific issues on a temporary basis, appointed to serve up to the date of the next ordinary election.
- b. With the exception of circumstances which may arise under section 7.8 of the scheme (co-option to a community council); and clauses 16 and 17 of this constitution (alterations to the constitution and dissolution), all decisions of the community council will be decided by a simple majority of those eligible to vote and present and voting.

- c. In the event of a vote of the community council members that results in a majority not being met, in the first instance, there shall be a recount. If the recount also results in an equality of votes, the chair 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 any year when elections are not held, the community council shall appoint a 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, without limitation of time.
- 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.

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.

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 three eligible voting members, whichever is the greater.
- b. Once in each year the community council shall convene an annual general meeting for the purpose of receiving and considering the annual report of the community council, the appointment of office-bearers, and the submission of the independently examined annual statement of accounts.
- c. Including the annual general meeting, the community council shall meet not less than 6 times throughout the year.
- d. Dates, times and venues of regular meetings of the community council shall be fixed at the very first meeting of the community council following ordinary elections and thereafter at its annual general meeting.

- e. Special meetings shall require at least 10 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. Provision is also made for an officer of Angus Council to call a meeting of the community council.
- f. 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, but the draft minute shall be circulated within 21 days from the date of that meeting, to community council members and the Angus Council community council liaison officer.
- g. The community council 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 common 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 can meet to discuss matters in private where it considers it appropriate to do so. The decision to meet in private will be agreed in advance and decided by a majority 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 part thereof, shall be held in private. The following matters should be dealt with in private:
 - i. Information relating to a particular employee, former employee or applicant to be become an employee of, or a particular office holder, former office holder or applicant to become an office holder under the community council
 - ii. Information relating to the financial or business affairs of any particular person (other than the community council).
 - iii. Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:
 - Any legal proceedings by or against the community council **or**
 - the determination of any legal matter affecting the community council

(whether in either case, proceedings have been commenced or are in contemplation).

- Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

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.
- b. 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.
- c. Notices calling meetings of the community council and its committees shall be posted prominently within the community council area for a minimum of 10 days before the date of any such meeting, and where possible, be advertised by other suitable means.

13. Information to the local authority

- a. The Angus Council community council liaison 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 suitable information, as may from time to time be agreed between the community council and Angus Council.
- b. When special meetings of the community council are to be held, the Angus Council community council liaison officer should be advised of the date, time, venue and subject(s) of debate of such meetings, at least 10 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 local authority and other sources shall be applied to further the objectives of the community councils and for no other purpose. The monies provided by Angus Council in the annual operational 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 utilise the community council cashbook to keep proper accounts of the finances of the community council and shall report on a regular basis as to the income and expenditure of the community council.
- c. Any two of the three authorised signatories, who must be office-bearers of the community council, may sign cheques on behalf of the community council. Authorised signatories may not be co-habitees.
- d. The financial year of the community council shall be from 1 April to 31 March the succeeding year. The community council treasurer shall prepare a statement of income and expenditure for the period of the financial year immediately preceding. The accounts shall be independently audited by an auditor appointed by the community council who is not a member of the community council and shall be submitted to the annual general meeting of the community council not later than 31 December immediately following.
- e. The audited accounts shall be available for inspection by the public and public notice shall be given of the availability of the accounts for inspection at a convenient location.
- f. A copy of the audited accounts shall be sent as soon as practicable to the Angus Council community council liaison office but no later than 31 July in that year.

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 roles.

16. Alterations to the constitution

- a. 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 proposed resolution 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 with the Angus Council Scheme of Establishment for Community Councils.

- b. If the resolution is supported by two-thirds of the total voting membership of the community council and is approved in writing by Angus Council or its appointed officer, the alteration shall be deemed to have been duly authorised.

17. Dissolution

- a. 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.
- b. 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.
- c. If the resolution is supported by a majority of those persons present and qualified to vote and is approved by Angus Council, the community council shall be deemed to be dissolved and all assets remaining, subject to the approval of Angus Council, after satisfaction of any proper debts or liabilities shall transfer to Angus Council who shall hold same in trust for a future community council representing the area.
- d. In the event that the community council is dissolved under the above procedure, and 20 or more electors subsequently wish the re-establishment of a community council for the area, these electors shall submit a requisition to Angus 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 to be held in accordance with the scheme.
- e. Where for any reason, the number of community council members falls below the minimum specified in the scheme, Angus Council may, 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 immediate paragraph thereof, shall be initiated.

18. Approval and adoption of the constitution

This constitution was adopted by
Community Council, on(insert date)

Signed:

..... Chair
..... Date
..... Member
..... Date
..... Member
..... Date

And was approved on behalf of Angus Council on

Signed:
PRINT:
Position:
Dated: