

COMMUNITY COUNCIL CONSTITUTION

1. Name

The name of the Community Council shall be

.....Findochty and District.....Community Council
(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 associated with, and described in, Moray Council’s **Scheme for the Establishment of Community Councils** (Scheme).

3. Objectives

The objectives of the Community Council shall be:

- a. to ascertain, co-ordinate and inclusively 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 Moray Council 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 Section 4 of the Scheme for the Establishment of Community Councils, approved by Moray Council and in the Community Council members’ Code of Conduct (**Appendix 4** of the Scheme).

5. Membership

The Community Council's membership is as governed by Section 6 of the Scheme and as determined from time to time by Moray Council.

6. Method of Election

Election procedures shall be governed by the method of election laid down in Section 8 of the Scheme.

7. Resignations

- a. Resignations of members must be submitted in writing by hard copy or by electronic means to the Chairperson, stating the effective date of resignation. This is not permitted to be retrospective.
- b. If the Chairperson resigns then he/ she should notify the Vice-Chairperson and Secretary in the same manner.
- c. Any notification of resignation received should be acknowledged by the recipient within 7 days or at the next scheduled Community Council meeting whichever is soonest.
- d. If a resignation is made during the course of a Community Council meeting and no written resignation is then submitted, if the resignation has been witnessed by the remainder of the Community Council members present at the meeting, then once formally minuted the resignation will stand.
- e. A notice of resignation may be withdrawn before the next scheduled meeting of the Community Council before it is formally minuted.
- f. A resignation is final once noted and minuted during the course of business at a meeting of the Community Council.
- g. If the member resigning is appointed as Treasurer, all accounts, financial documents and records, whether electronic or in hard copy, held by them on behalf of the Community Council, shall be passed by the resigning member to the nominated person appointed by the Community Council within 7 working days of the effective date of resignation of the Treasurer.
- h. If the member resigning is appointed as Secretary or Minute Secretary, all documents, data and records, whether electronic or in hard copy, held by them on behalf of the Community Council, shall be passed by the resigning member to the nominated person appointed by the Community Council within 7 working days of the effective date of resignation of the Treasurer.

8. 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 the Scheme (Appendix 1), and at least 6 months has passed since the last election, 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 a maximum of one third of the total membership of the community council as governed by Section of the Scheme.
 - ii. the vacancy to be left unfilled until local public interest is expressed 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 1), Moray Council shall be informed.

9. 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, but not by Associate Members appointed for specific issues on a temporary basis, or ex-officio members.
- b. With the exception of circumstances which may arise under the Scheme: Section 9– Community Council Elections [Co-option]; and Standing Orders: Clause 8 – Alterations to the Constitution and its Clause 19 – 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 achieved, the chairperson shall have a casting vote.

10. Election of Office-Bearers

- a. At the first meeting of the Community Council after elections in the year 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 four years unless otherwise determined and recorded by the Community Council
- c. Community councils are required to notify the Council within 10 working days of all Office Bearer appointments and/or resignations. The following information must be provided:

- i. Position of office bearer
 - ii. Forename and surname of office bearer
 - iii. Home address, including postcode, of office bearer
 - iv. Email address for office bearer (this will be publicly displayed on the Council's website). It is recommended that a generic email address is provide rather than a personal email address.
- d. Without the express approval of Moray Council, no one member shall hold more than one of the following offices at any one time: Chairperson, Secretary or Treasurer.

11. 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.

12. Meetings of the Community Council

- a. The quorum for Community Council meetings shall be at least one third of the actual eligible voting membership, or 3 eligible voting members, whichever is the greater.
- b. Once in each year the Community Council may convene an Annual General Meeting (AGM) 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. Excluding the AGM, if held, 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 first meeting of the Community Council following ordinary elections and thereafter at its AGM or once a year. Special meetings shall require at least 7 days public notice, either called by the Chairperson, or on the request of not less than one-half of the total number of Community Council members. An authorised or nominated officer of the Moray Council has the discretion to call a meeting of the Community Council.
- e. If national or local restrictions determine otherwise that meetings should be held remotely by a method determined by the Community Council, then the Community Council shall follow operational guidance on procedures on remote meetings as issued and reviewed from time to time by the Moray 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 30 days from the date of that meeting and ratified minutes within 14 days of approval, to Community Council members, other appropriate parties and the nominated officer of Moray Council.
- 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 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 items of business in private but only 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 a part thereof, shall be held in private.

13. Public Participation in the Work of the Community Council

- a. All meetings of the Community Council and its committees (subject to 12(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 Chairperson.
- b. Notices 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.

14. Information to Moray Council

- a. Moray Council's Liaison Officer shall be sent an annual calendar of the Community Council's prescribed meeting dates, times and venues, which should be agreed at a Community Council's AGM/ordinary meeting, minutes of all meetings, the annual report, the annual financial statement, information about changes to membership and co-options and any other such suitable information, as may from time to time be agreed between the Community Council and Moray Council.

- b. When special meetings of the Community Council are to be held, the Moray Council's Liaison 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.

15. Control of Finance

- a. All monies raised by or on behalf of the Community Council or provided by Moray Council and other sources shall be applied to further the objectives of the Community Council and for no other purpose. The monies provided by Moray Council in the administrative grant for administrative and other approved purposes shall be used only as prescribed in section 15.5.3 of the Scheme. 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 co-habitees.
- d. A statement of accounts for the last financial year, independently examined by a least one examiner appointed by the Community Council, whom are not members of this Community Council, shall be submitted to an AGM (if held)/Ordinary 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 October to September the succeeding year. Examined accounts as received and approved by the Community Council at an ordinary meeting or at the AGM (if held) shall be submitted to Moray Council following approval at a meeting of the Community Council.

16. Complaints

In the event of a complaint being received about the Community Council or one or more of its members, the Community Council will refer to the Community Council complaints procedure.

17. Title to Property

- a. The Community Council, may purchase lease, hire or otherwise lawfully acquire such property or other rights and privileges as may be necessary for the benefit of the community, and construct, maintain and alter the same. The title of all

and any real property is to be vested in the Community Council Office bearers acting as trustees for the Community Council. The number of trustees shall not be less than two or more than four. 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.

- b. Before any of these actions are undertaken the Community Council must contact the nominated officer at Moray Council.
- c. In the event of the Community Council dissolving, all efforts should be made to transfer any properties to similarly minded local bodies with a charitable purpose.

18. 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 proposal to alter the Constitution shall be stated on the notice calling the meeting, which shall be issued not less than ten days prior to the meeting. Any proposed alterations may not prejudice the terms and objectives contained within the Scheme.
- b. If the proposal is supported by two-thirds of the total voting membership of the Community Council and is approved in writing by Moray Council, the alteration shall be deemed to have been duly authorised and can then come into effect on the date of approval by Moray Council.

19. Dissolution

- a. 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 voluntarily dissolve.
 - i. 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.
 - ii. If the resolution is supported by a majority of those persons present and qualified to vote and is approved by Moray Council, the Community Council shall be deemed to be dissolved and all assets remaining, subject to the approval of Moray Council, after the satisfaction of any proper debts or liabilities shall transfer to Moray Council who shall hold the same in trust for a future Community Council representing that area or part of that area.

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

- c. Where for any reason, the number of Community Council members falls below the minimum specified in the Appendix 1 of the Scheme Moray Council after providing support as detailed in section 6.6 onwards of the Scheme to the Community 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 immediately preceding paragraph hereof, may be initiated in consultation with the Returning Officer.