

# **STEWARTFIELD COMMUNITY COUNCIL**

## **CONSTITUTION**

### **1. NAME**

The Community Council will be known as "Stewartfield Community Council" and will be referred to in this document as "the Community Council".

### **2. AREA AND DIVISIONS**

The area in which the Council will operate will be that shown and marked "area [ ]" on the plan attached to the Scheme for the Establishment of Community Councils prepared by South Lanarkshire Council.

For the purposes of elections, some areas have been divided into **divisions**. These **divisions** must be represented by the numbers of elected and nominated and co-opted members detailed in the Scheme for the Establishment of Community Councils prepared by South Lanarkshire Council.

### **3. AIMS AND OBJECTIVES**

- 1)
  - a) To ascertain, co-ordinate and express to South Lanarkshire Council and other public bodies the views of the community which Community the Council represents, particularly in relation to matters for which those public bodies are responsible.
  - b) To take such action in the interests of the community as appears to the Community Council to be necessary.
- 2) To be non-political and non-sectarian in religion.
- 3) To promote equality of opportunity and ensure that the Community Council does not commit any lawful discrimination on the grounds of
  - race
  - sex
  - disability

### **4. MEMBERSHIP**

**Composition 1)** The Community Council shall consist of

- 6 elected members and
- 3 nominated

**Nominations 2)** Nominations must be sought from local organisations, which have an interest in the area of the Community Council and must be non-political and non-sectarian organisations.

**Members 3)** Members of Parliament, Members of the Scottish Parliament and Members of South Lanarkshire Council are, as a result of their office, members of the Community Council whose area is either wholly or in part in the constituency or ward they represent. They do not have any voting rights.

## **5. ELECTIONS**

**Qualification to Vote** Electors must be residents within the area of the relevant division register of the Community Council and must be on either the current electors or the Supplementary List of electors prepared by the Community Council.

**Frequency** Elections will be held on the last Tuesday of October every three years commencing on the last Tuesday of October 2002.

**Method of Election** Voting will be by secret ballot using a ballot paper containing a list of the persons validly nominated and once completed placed in a ballot box. Elections will be arranged by the [retiring chairperson of the Community Council] who will act as the returning officer.

## **6. NOMINATIONS**

### **1. After an Election**

**First Meeting** The returning officer appointed for the election must call the first election. meeting of the Community Council within one week of the

**Nomination nominations** At the first meeting, The Community Council will seek from local organisations who may nominate a maximum of one person. The Community Council must fill the vacancies in the nominated membership as soon as possible after the election.

**Term of Office Council** Each nominated member will be a member of the Community Council for a maximum of one year. All nominated members of the Community Council will stop being a member on the last Tuesday of October each year.

**2. Annual** The Community Council prior to the nominated members  
stopping  
before not being members, must seek nominations and fill the vacancies  
not the existing nominated members stop being members. This does  
apply in an election year.

## **7. CASUAL VACANCIES**

**Substitute Members** If a casual vacancy occurs in the membership of the Community Council then the Community Council must co-opt someone to fill this vacancy unless the Scheme of Community Councils prepared by South Lanarkshire Council requires the holding of a bi-election.

**Elected Members** If the casual vacancy occurs in the elected membership then a person will be appointed in place of that member who has left the Community Council, subject to the provisions of the Scheme of Community Councils prepared by South Lanarkshire Council.

**Nominated Members** If the casual vacancy occurs in the nominated members then the organisation who submitted the original nomination must be asked to do so again.

**Terms of Office** Any substitute member appointed to fill a casual vacancy will serve for the remainder of the former member's term of office.

## **8. QUALIFICATION FOR MEMBERSHIP**

**Qualification for Election or Nomination or Co-option** Only people who are entitled to vote in the Community Council area or division can be a candidate for election a co-opted member.

able A person who is nominated for membership does not need to be to vote in the area for Community Council.

### **Prohibition of Membership**

Members of Parliament, Members of Scottish Parliament and Members of South Lanarkshire Council cannot stand for election or be nominated to the Community Council within South Lanarkshire.

## 9. MEETINGS

**AGM Meeting held to** The Community Council must arrange for an Annual General Meeting in November of each calendar year. This meeting must not be held until all nominated members have been appointed. All people able to vote in a Community Council election are entitled to be present.

At the meeting the Community Council must appoint its office bearers and auditors discuss the annual report of the Community Council and discuss any major matters of interest to the Community

**Regular Meetings** The Community Council will hold at least three further regular meetings throughout the year at which the public are also entitled to attend.

**Special Meetings** Any Special General Meeting of the Community Council must be called if requested by twenty-five electors.

**Notice** All meetings of the Community Council will be advertised in the local newspaper or displayed in prominent places in the area of the Community Council at least 1 week in advance.

**Quorum** A Quorum at a meeting of the Community Council will be 4 members.

**Casting Vote** The Chairperson or in their absence the person being the Chairperson of the meeting will have a casting vote.

## 10. ELECTION OF OFFICE BEARERS

**Chairperson** The Community Council at its Annual General Meeting will elect one of its members to be Chair.

**Secretary and Treasurer** The Community Council will also appoint one of its Members as Secretary and another of its members as Treasurer. The Community Council may award honoraria to these two offices.

**Restrictions held** The offices of Chairperson and Secretary or Treasurer will not be held by the same member, except for a period not exceeding one month.

## **11. COMMITTEES**

**Urgent Decisions** If urgent decisions are required on Community Council business, the officers of the Community Council (Chair, Secretary and Treasurer) have delegated powers to act on behalf of the Community

If they do so, their decision(s) must be advised to the next regular meeting of the Community Council for its instructions or guidance.

**Committees** The Community Council may appoint such Committees as it sees necessary and decide on the remit, powers and for how long the Committee is to exist.

## **12. FINANCE**

**Use** All finance received or raised by the Community Council must be applied to further the aims and objectives of the Community Council and for no other purpose.

**Accounts** The accounts of the Community Council will be audited by a person appointed as auditor. All accounts after auditing must be sent to South Lanarkshire Council.

## **13. STANDING ORDERS**

**Preparation** The Community Council may prepare Standing Orders for the proper conduct of its meetings. A copy of these Standing Orders must be sent to South Lanarkshire Council.

## **14. TITLE TO PROPERTY**

**Trustees** Title to all property acquired by the Community Council will be held in the names of the Chair, Secretary and Treasurer of the Community Council and their successors in office as trustees of the Community Council.

## 15. ALTERATIONS TO CONSTITUTIONS

**Procedure** Any proposal to alter this constitution must be sent in writing to the Secretary of the Community Council, who must receive the proposal not less than 28 days before the date of the meeting at which it is to be considered.

Alterations will require the approval of a Special General Meeting specifically called to discuss the alteration. More than half of the qualified electors at the meeting must approve the alteration.

**South Lanarkshire Council Approval** No alteration to the constitution will take effect until it has been approved by South Lanarkshire Council in writing.

## 16. DISSOLUTION

**Reasons** The Community Council may be dissolved as follows

vacancy

- 1) its failure to hold a bye-election to fill a casual (where required to do so) and/or
- 2) its failure to hold regular meetings and/or
- 3) if its Members decide that it should be dissolved

**Failure to Hold a Bye-Election** In terms of the Scheme for the Establishment of Community the Community Council is required to hold a bi-election to fill a casual vacancy under certain circumstances.

the If it fails to do so within 3 months of the vacancy occurring, then Community Council is to be treated as dissolved.

**Failure to Hold Regular Meetings** If fewer than 4 members attend four consecutive regular of the Community Council then the Community Council is to be treated as being dissolved.

**Members Decision** If Members of the Community Council consider that it is necessary or advisable to dissolve the Community Council then they may decide that the Community Council should be dissolved. Such a decision will require a majority of the Members present voting for the proposal.

**Property, etc.** In the event of the dissolution of the Community Council all property, monies and assets belonging to the Community Council will transfer immediately to South Lanarkshire Council