

**KEMNAY COMMUNITY  
COUNCIL**

**CONSTITUTION**

**NOVEMBER 2005  
Amended 2010**

## **KEMNAY COMMUNITY COUNCIL**

### **NAME**

1. The name of the Community Council shall be **KEMNAY COMMUNITY COUNCIL** (hereinafter referred to as “the Council”), and the address of the Council shall be that of the current secretary.

### **OBJECTS AND FUNCTIONS**

2. The objects and function of the Council shall be:

(a) (i) To ascertain, co-ordinate and express to statutory and public authorities and bodies including the Aberdeenshire Council, the views of the community which it represents in relation to matters for which those authorities and/or bodies are responsible, and to take such action in the interests of the community as appears to its members to be desirable and practicable.

(ii) To promote the well-being of the community resident within the Council boundaries (hereinafter referred to as "the Community Area") without distinction of sex or of political, religious or other opinions, by associating with Aberdeenshire Council.

(iii) To be a means whereby the people of the Community Area shall be able to voice their opinions on any matter affecting their lives, their welfare, their environment, its development and amenity.

(b) The Council shall be non-party in politics and non-sectarian in religion.

### **MEMBERSHIP OF COMMUNITY COUNCIL**

3.(a) The Community Council shall consist of not more than 15 persons elected by all persons resident within the Community Area whose names appear on the Electoral Register.

(b) Any member who wishes to resign from the Council may do so by notifying the Secretary of his/her intent, in writing.

(c) A member who is absent from three consecutive meetings without having tendered apologies in advance for any of these meetings shall be deemed to have resigned. Under the circumstances, the Secretary is required, after the second such meeting, to write to the member, drawing his/her attention to this paragraph of the Constitution.

(d) A member who is absent without good reason for six consecutive meetings shall be deemed to have resigned. Under the circumstances, the Secretary is required, after the fifth such meeting, to write to the member, drawing his/her attention to this paragraph of the Constitution. “Good reason” shall be decided by a simple majority of the full Council at the fifth such meeting.

**ANNUAL  
GENERAL  
MEETING**

4. During the month of March in each year the Council shall convene an Annual General Meeting, the Agenda for which shall include items for receiving the Council's Annual Report and the Audited Annual Statement of Accounts, Reports on any Elections, provision when necessary for considering and voting on proposals for amendment of the Council's Constitution, and the appointment of a qualified Auditor.

**ORDINARY  
MEETINGS**

5.(a) The Council shall meet throughout the year at monthly intervals, normally on the last Thursday of the month, with the exception of the months of July, August and December.

(b) The Council may from time to time convene Special Meetings for the purpose of considering matters of interest or importance. Any three members may requisition a Special Meeting of the Council.

(c) The quorum for any General or Special Meeting shall be 1/3 of the statutory members, i.e. 5.

(d) The Council may invite to its meetings, and if considered appropriate, to all meetings of the Committees and Sub-Committees, the Members for the Community Area elected to the Aberdeenshire Council, which Members so invited shall not be entitled to vote.

(e) The Council may invite to any or all of its meetings and to meetings of its Committees or Sub-Committees any other party, including officers of Aberdeenshire Council, depending upon subject matters to be discussed. Individuals so invited shall not be entitled to vote at any meeting.

(f) The Council may co-opt to the Council an official representative and duly elected member of Kemnay Academy School Council (a council composed of pupil representatives), to be known as "The School Council Member", provided that the Council shall be in receipt of a current written authority from Kemnay Academy School Council confirming the name of any such duly elected member so chosen to act as The School Council Member; and the period of co-option shall be for the duration of the Council OR the period of time the said School Council Member is so authorised to act in such a capacity by Kemnay Academy School Council, whichever shall elapse first. Such person shall not be entitled to vote.

(g) The Council may invite a member of the public to address any meeting of the Council, Committees, Sub Committees or Sub-groups thereof.

(h) All meetings of the Council shall be open to members of the public, except that the Council may by resolution agree to go into private session for the consideration of any items of business of a particularly private or confidential nature, where in the interests of the community it appears to the Council that it would be advisable to do so.

**NOTICES  
CALLING  
MEETINGS**

6.(a) Notices calling meetings of the Council and all Committees thereof specifying the items of business to be discussed together with the Minutes of the previous meetings to be approved shall be sent to each member of the Council, either to their normal residence or their place of work, and to the appropriate Community Councillors of Aberdeenshire Council five days before the date of any such meeting.

(b) Notices calling meetings of the Council and Committees thereof shall be posted prominently at the normal meeting place of the Council and/or within the Community Area for a minimum of three days before the date of any such meeting.

(c) Copies of all Minutes of meetings of the Council and Committees thereof shall be circulated to members no later than with agenda papers for the meeting next following and approved at the meeting next following of the Council, and shall be sent to the Area Manager for the Area of Aberdeenshire in which the Council is located and shall also be available for inspection by the public at a suitable place or places within fourteen days of the meeting of the Community Council at which such Minutes were approved.

**ELECTIONS**

7.(a) Ordinary elections shall be held usually in the month of March, unless a common election date is subsequently prescribed by Aberdeenshire Council. Except as otherwise provided by this paragraph, members shall hold office for three years.

(b) The Council shall at the commencement of the election period, appoint a Returning Officer, who may be independent of the Council or may be a member co-opted member or office-bearer of the Council, but shall not be seeking election or re-election during the particular election being held.

(c) Persons seeking election to the Council shall be nominated as prescribed in the Aberdeenshire Council Scheme for the Establishment of Community Councils and nominations shall be lodged with the Returning Officer by a prescribed time and date.

(d) In the event of the number of persons remaining validly nominated for election to the Council (after any withdrawals) exceeding the number of vacancies, elections shall be by a secret ballot paper containing a list of the persons validly nominated. The said elections shall be arranged by the Council with such assistance as may be requested from Aberdeenshire Council in terms of the Scheme.

(e) In the event of any casual vacancy or vacancies the Council shall arrange to hold an election in the prescribed way. The Council shall have power to co-opt, in such manner and by such majority as the Council shall determine, a person or persons to fill a vacancy or vacancies. Members so co-opted may serve until the next ordinary election to that Council, with full voting rights.

(f) The Council may also co-opt to the Council any person or persons (resident either within or without the Community Area) who in the opinion of the Council has or have interests in the Community Area and whose views, advice and professional or technical skills might be of assistance in the promotion or advancement of any matter or project falling within the objects of the Council, provided:

(i) Such persons shall be co-opted only for such period or respective periods as shall be agreed by the Council not exceeding an initial period of one year, and

(ii) Such person or persons shall not be entitled to vote.

#### **OFFICERS OF COMMUNITY COUNCIL**

8.(a) The Council, at its first meeting after the initial and subsequent elections, shall elect one of its members to be Chairman and may elect one of its members to be Vice-Chairman.

(b) The Chairman and Vice-Chairman shall continue in office until their respective successors are elected.

(c) The Council shall appoint and shall have power to dismiss a Secretary and a Treasurer whether or not from among its elected members. The offices of Secretary and Treasurer may be combined.

(d) The office of Chairman shall not be combined with any other nor shall one person hold more than two positions.

(e) The member or members of the Council appointed as Secretary or Treasurer or Secretary/Treasurer shall not be entitled to remuneration but the Council may, at its discretion, award honoraria to such members together with expenses actually incurred and supported by receipts or vouchers. The Council may pay appropriate remuneration to a Secretary and Treasurer or Secretary/Treasurer appointed outwith its own membership.

#### **STAFF**

9. In addition to the offices of Secretary and Treasurer or Secretary/Treasurer the Council shall have power to appoint and dismiss such other staff as it may from time to time determine, subject in appropriate cases to observance of Employment Law.

#### **COMMITTEES AND SUB- COMMITTEES**

10. The Council shall have powers to appoint such Committees and/or Sub-Committees or Sub-groups as it may from time to time decide and shall determine their terms of reference, powers, duration and composition.

#### **STANDING ORDERS**

11.(a) The Council shall have powers to draw up Standing Orders for the proper conduct of the business at all meetings of the Council and meetings of Committees, Sub Committees or Sub-groups thereof.

(b) In the absence of its own Standing Orders, the Standing Orders of Aberdeenshire Council shall, where relevant, apply to all meetings of the Council and to meetings of all Committees, Sub Committees and Sub-groups thereof.

(c) Copies of Aberdeenshire Council's Community Council Scheme, together with the Community Council's Constitution, Rules and Standing Orders, shall be given to each member of the Council at the commencement of their membership.

## **FINANCE**

12.(a) All monies raised by or on behalf of the Council shall be applied to further the objects of the Council and to maintain its administrative structure.

(b) The Council shall be entitled to seek and hold loans as provided for in appropriate circumstances.

(c) The Treasurer or Secretary/Treasurer shall arrange for a bank account(s) to be held in the name of the Council and shall have responsibility for:

(i) The proper management of the Council's financial affairs; and

(ii) Keeping proper books of account showing the finances of the Council.

(d) The Council shall appoint an independent Auditor or Auditors acceptable to Aberdeenshire Council to audit the Accounts of the Community Council annually.

(e) An Audited Statement of Accounts of the Council for the last financial year shall be submitted by the Council to the Annual General Meeting. The Council's financial year shall run from 1<sup>st</sup> March to the last day in February.

(f) The Title to all and any heritable property which may be acquired by or for the purpose of the Council shall be taken and shall thereafter stand in the name of the Chairman, and Secretary of the Council and their successors in their respective offices as Trustees for the Council.

(g) The Council shall take out such Insurance Cover as is necessary, at least to the extent and value prescribed by Aberdeenshire Council.

## **RETURN OF OFFICE- BEARERS AND OTHERS**

13. Following the first meeting after each election the Council shall lodge with the Garioch Area Manager for Aberdeenshire Council a Return specifying the full names, addresses and designations of:

- (a) Office-bearers;
- (b) Elected, nominated and ex-officio and co-opted members; and
- (c) Auditor/Auditors.

And shall thereafter give notice to the said officials in writing of all changes in such office-bearers, members and Auditor/Auditors.

**AMENDMENT  
OF  
CONSTITUTION**

14.(a) Any proposal to amend the Constitution must be delivered in writing to the Secretary of the Council at least twenty eight days before the date of the meeting at which the proposal is first to be considered.

(b) Subject to the provisions of paragraph 4 any alterations to the Constitution will require approval of:

(i) A majority of two-thirds of those present and voting in favour thereof at an Annual General Meeting or Special Meeting convened inter alia for that purpose, and

(ii) Aberdeenshire Council.

(c) Notice of any General Meeting at which a proposal to change the Constitution of the Council is to be considered shall be given fourteen days prior to the date of the meeting and such notice shall detail the wording of the proposed alteration.

**DISSOLUTION**

15.(a) If at any time it seems to the Council necessary or desirable that the Council be dissolved or amalgamated with an adjoining Community Council in the event of insufficiency of members, financial difficulties, or lack of interest within the local community it shall have power to call a Special General Meeting to consider the matter.

(b) A resolution being carried by two-thirds of the members present voting in favour thereof, shall have power to transfer any assets, heritable or moveable, or the proceeds from the sale thereof, remaining after the satisfaction of proper debts and liabilities, to either amalgamated Community Council or which failing to any organisation or organisations which, in the opinion of the Council, will most suitably apply such assets or proceeds for the benefit of the residents of the Community Area.

**SCHEME  
OF  
ESTABLISHMENT**

16. The Council shall not do anything which is inconsistent with Aberdeenshire Council's Scheme for the Establishment of Community Councils and in the event of any inconsistency therewith, the Scheme for Establishment shall take precedence.