

# Whitehills and District Community Council

## Constitution

- NAME** 1. The name of the Community Council shall be Whitehills and District.
- OBJECTS AND FUNCTIONS** 2. The objects and function of the Community Council shall be:
- a) i) To ascertain, co-ordinate and express to statutory and public authorities and bodies including the Aberdeenshire Community 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 Community 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 Community Council shall be non-party in politics and non-sectarian in religion.
- MEMBERSHIP OF COMMUNITY COUNCIL** 3. The Community Council shall consist of:
- i) Not fewer than 5 and not more than 9 persons elected by and from all persons resident within the Community Area whose names appear on the relevant Electoral Register or Registers.
- ANNUAL GENERAL MEETING** 4. During the month of May in each year the Community Council shall convene an Annual General Meeting, the Agenda for which shall include items for receiving the Community 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 Community Council’s Constitution, and the appointment of a qualified Auditor.

**ORDINARY  
MEETINGS**

5. a) The Community Council shall meet throughout the year usually at monthly intervals, however, a minimum of 4 such meetings and one AGM must be held. Dates of meetings during the remainder of the year shall be agreed at the first meeting of the Community Council following ordinary elections.
- b) The Community 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 Community Council.
- c) The quorum for any General or Special Meeting shall be 3.
- d) The Community Council may invite to its meetings, and if considered appropriate, to all meetings of the Committees and Sub-Committees, the Member(s) for the Community Area elected to the Aberdeenshire Council, which Member(s) so invited shall not be entitled to vote.
- e) The Community 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 the subject matters to be discussed. Individuals so invited shall not be entitled to vote at any meeting.
- f) The Community Council may invite a member of the public to address any meeting of the Community Council, Committees, Sub-Committees or Sub-groups thereof.
- g) All meetings of the Community Council shall be open to members of the public, except that the Community 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 Community Council that it would be advisable to do so.

**NOTICES  
CALLING  
MEETINGS**

6. a) Notices calling meetings of the Community 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 Community 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 Community Council and Committees thereof shall be posted prominently at the normal meeting place of the Community 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 Community 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 Community Council, and shall be sent to the Area Manager(s) for the Area of Aberdeenshire in which the Community 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 May 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 Community Council shall at the commencement of the election period, appoint a Returning Officer, who may be independent of the Community Council or may be a member co-opted member or office-bearer of the Community Council, but shall not be seeking election or re-election during the particular election being held.

8. a) Persons seeking election to the Community 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.
- b) In the event of the number of persons remaining validly nominated for election to the Community 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 Community Council with such assistance as may be requested from Aberdeenshire Council in terms of the Scheme.
- c) Elections may be by way of the Single Transferrable Vote System.
- d) In the event of any casual vacancy or vacancies the Community Council shall arrange to hold an election in the prescribed way. The Community Council shall have power to co-opt, in such manner and by such majority as the Community 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 Community Council, with full voting rights.
- e) The Community Council may also co-opt to the Community Council any person or persons (resident either within or without the Community Area) who in the opinion of the Community 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 Community Council, provided:
  - i) Such persons shall be co-opted only for such period or respective periods as shall be agreed by the Community 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**

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

**STAFF**

10. In addition to the offices of Secretary and Treasurer or Secretary/Treasurer the Community Council shall have the 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  
STANDING  
ORDERS**

11. The Community 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.
12. a) The Community Council shall have the powers to draw up Standing Orders for the proper conduct of the business at all meetings of the Community 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 Community 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 Community Council at the commencement of their membership.

**FINANCE**

13. a) All monies raised by or on behalf of the Community Council shall be applied to further the objects of the Community Council and to maintain its administrative structure.
- b) The Community 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 Community Council and shall have responsibility for:
- i) The proper management of the Community Council's financial affairs; and
  - ii) Keeping proper books of account showing the finances of the Community Council.
- d) The Community 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 Community Council for the last financial year shall be submitted by the Community Council to the Annual General Meeting. The Community Council's financial year shall run from 1<sup>st</sup> May to 30<sup>th</sup> April.
- (f) The Title to all and any heritable property which may be acquired by or for the purpose of the Community Council shall be taken and shall thereafter stand in the name of the Chairman, and Secretary of the Community Council and their successors in their respective offices as Trustees for the Community Council.
- (g) The Community 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**

14. Following the first meeting after each election the Community Council shall lodge with the Area Manager for the Area of Aberdeenshire Council in which located 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**

15. a) Any proposal to amend the Constitution must be delivered in writing to the Secretary of the Community 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 Community 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**

16. a) If at any time it seems to the Community Council necessary or desirable that the Community 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 a 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 Community Council, will most suitably apply such assets or proceeds for the benefit of the residents of the Community Area.

**SCHEME OF  
ESTABLISHMENT**

17. The Community 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.