CONSTITUTION FOR THE SOUTH KNAPDALE COMMUNITY COUNCIL IN ARGYLL AND BUTE

1. Name

The name of the COMMUNITY COUNCIL shall be South Knapdale (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 local authority's Scheme for the Establishment of Community Councils (hereinafter referred to as "the Scheme").

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 the local authority 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

4.1 In the discharge of their functions and the conduct of their business, the COMMUNITY COUNCIL and its members shall have regard to their role and responsibilities as set out in paragraph 3 of the Scheme approved by Argyll and Bute Council, and the Best Practice Agreement.

4.2 Members of the community council shall comply with and abide by their obligations under the Scheme, this Constitution and the Code of Conduct for Community Council Members, and their compliance shall be enforced via the procedure set out at Section 13 of the Scheme.

5. Membership

The number of members of the community council and the arrangements for the operation of the community council will be as governed by the Scheme and as determined from time to time by Argyll and Bute Council.

In event of the non-election, removal, retiral or resignation of the Secretary and/or Treasurer, all documentation, financial records etc held on behalf of the community council shall be passed to the nominated person appointed by the community council, or designated by the Convener, within 7 days of the effective date of non-election, removal, retiral or resignation.

6. Resignations

a) Resignations of members must be submitted in writing, by hard copy or electronic means, to either the Convener or Secretary of the community council. The resignation cannot be retrospective.

b) If the Convener resigns then they should notify the Vice-Convener and Secretary in the same manner.

c) Any notification of resignations received should be acknowledged by the recipient within 7 days or intimated at the next scheduled community council meeting, whichever is the soonest.

d) A written resignation may be withdrawn at any time prior to the matter being formally intimated and accepted at a community council meeting.

e) Where a resignation is intimated during the course of a community council meeting it should be accepted and recorded in the draft minutes. Should the member wish to subsequently reconsider the resignation they must contact the Convener or Secretary (or Vice-Convener or Secretary in the case of the resignation of the Convener) in writing, at least 48 hours prior to the next scheduled meeting taking place

f) A resignation cannot be withdrawn after the minutes of the meeting where the resignation was accepted have been formally approved.

7. Method of Election

The arrangements for electing persons to be community councillors will be as laid down in the Scheme and as determined by the Returning Officer.

8. Casual Vacancies on the Community Council

Where a vacancy arises which does not result in the number of community councillors falling below 50% of the membership figures specified in Appendix 3 of the Scheme, the community council may agree to fill the vacancy through co-option with full voting rights to a maximum of one third of the total membership of the community council (as specified in Appendix 3 of the Scheme).

Co-opted members may serve only until either an interim by-election or full election, whichever occurs first, at which point they will require to stand for election or step down from the role.

The terms of co-option are as set out in the Scheme at Section 6.8

9. Voting Rights of Members of the Community Council

A community councillor (whether elected or co-opted) has a right to vote at any meeting of the community council or any committee thereof.

In these circumstances all decisions of the community council will be decided by a simple majority of those community councillors attending and voting, with the exception of circumstances which may arise under:

Constitution: paragraph 16 – Alterations to the Constitution; or
Constitution: paragraph 17 – Dissolution

In the event of an equality of votes the person presiding at the meeting shall have a second or casting vote (Except that relating to appointment of an officer-bearer which, in event of an equality of votes, will be determined by lot).

10. 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 the year when elections are not held, the community council will appoint a person to be known as Convener who will act as the chair of the community council, a Secretary, a Treasurer, and other such office-bearers as it shall from time to time decide.

(b) Office-bearers will be elected for the period up to the next AGM but will be eligible for re-election. However, no office-bearer shall serve in that particular office for more than two consecutive terms of the life of the community council (i.e. eight years), but will be eligible to serve in that office after a break of four years. If there is good cause to depart from this requirement and two thirds of the members are supportive, the council may, upon written application, agree to waive this requirement.

(c) Without the express approval of Argyll and Bute Council, no one member shall hold more than one of the following offices at any one time: Convener, Secretary or Treasurer.

(d) Office-bearers may be removed and a replacement approved at any meeting of the community council by a 2/3rds majority vote of the members attending and voting

11. Committees of the Community Council

The community council may appoint a number of their members to committees of the community council for the purpose of advising the community council on any matter and shall determine the composition, terms of reference and duration of the committee.

12. Meetings of the Community Council

(a) The quorum at a meeting of a community council will be one quarter

of the current number of members, but will never be less than three.

(b) Each year the community council will hold an annual general meeting by the end of June, for the purpose of receiving and considering the Convener's annual report, the submission and approval of the independently examined annual statement of accounts, the appointment of office-bearers and to set the annual meeting programme.

(c) One annual general meeting and a minimum of 6 ordinary meetings of the community council will be held each year where the electorate is above 600 or a minimum of 4 ordinary meetings of the community council where the electorate is 600 or less.

(d) Dates, times and venues of ordinary meetings of the community council will be fixed at the first meeting of the community council following ordinary elections and thereafter at its annual general meeting. Special meetings will require at least 7 days public notice, either called by the Convener, or on the request of not less than one-half of the total number of community council members. The Executive Director of Customer Services of Argyll and Bute Council or his nominee may, in exceptional circumstances, call a meeting of the community council.

(e) Copies of all minutes of meetings of the community council and of committees thereof will be approved as a correct record or corrected as need be at the next prescribed meeting of the community council, but the draft minute shall be circulated within 14 days from the date of that meeting, to community council members, elected members, other appropriate parties and Argyll and Bute Council's Community Council Liaison Officer.

(f) The community council will abide by its Standing Orders for the proper conduct of its meetings.

(g) 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 considered, the Secretary will call such a meeting within 14 days of receipt of such a request and advertise it in the manner prescribed locally for special meetings of the community council.

(h) The community council may discuss items of business in private where it considers it appropriate to do so. The decision to discuss an item of business in private will be agreed in advance and decided by a majority of those community councillors attending and voting. Notice of a meeting will be given to the public in the usual way. However, the notice will record that the meeting, or a part thereof, may 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. Reasonable 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 Convener.

(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 seven days before the date of any such meeting, and, where possible, be advertised by other suitable means.

14. Information to the Local Authority

An annual calendar of the community council's prescribed meeting dates, times and venues, agreed at the community council's annual general meeting, will be sent to the local authority's Community Council Liaison Officer, along with minutes of all meetings, the annual report, the annual financial statement, and any other such appropriate information, or as may from time to time be required by Argyll and Bute Council. When special meetings of the community council are to be held, the local authority's Community Council Liaison Officer and Elected Members should be advised of the date, time venue and item(s) of business of such meetings, at least 7 days in advance of the meeting date.

15. Control of Finance

Community councils must follow the principles of financial control set out in the Best Practice Agreement; in particular:

(a) All monies provided by the local authority and other sources to, or raised by or on behalf of the community council, shall be applied to further the objectives of the community council and for no other purpose. The monies provided by the local authority in the annual Administrative Grant for administrative and other approved purposes will 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 will keep proper accounts of the finances of the community council.

(c) Any two authorised signatories, who will 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 person of good standing appointed by the community council, who must not be a member of the community council, will be submitted to the annual general meeting of the community council and will be made available for inspection by members of the public at a convenient location.

(e) The financial year of the community council shall be from 1 April to 31 March. Examined accounts as received and approved by the community council at the annual general meeting will be submitted to the Community Council Liaison Officer together with the draft AGM minutes.

(f) In the event of a community council resolving to dissolve itself or being disestablished then, on a certificate signed by the Executive Director of Customer Services or his nominee, the whole assets and funds of the community council shall revert to Argyll and Bute Council to be held in trust and to be directed by them in support of any future community council identified to represent that community. In setting up bank accounts, it will be incumbent on the community council to put in place banking arrangements that will permit the foregoing to be given effect to.

16. Title to Property

Subject to 15(f) above property and other assets belonging to the community council will be vested in the Convener, Secretary and Treasurer of the community council and their successors in these respective offices.

17. Alterations to the Constitution

Any proposal by the community council to alter this Constitution must be first considered at 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 seven days prior to the meeting. Any proposed alteration may not prejudice the terms and objectives contained within the Scheme for the Establishment of Community Councils.

If the proposal is supported by two-thirds of the community council members attending and thereafter approved in writing by Argyll and Bute Council, the alteration shall be deemed to have been duly authorised and can then come into effect.

18. Dissolution

If the community council decides at any time that it is necessary or advisable to dissolve, it shall first agree a date to hold a public meeting of the community council to be held for the specific purpose of discussing the proposed resolution to dissolve. It is a requirement that not less than seven days prior to the date of such meeting public notice of the meeting and the proposal to dissolve is given in a local newspaper. If the resolution is supported by two-

thirds of the current membership and thereafter approved by Argyll and Bute Council, the community council shall be deemed to be dissolved and all assets remaining, after the satisfaction of any proper debts or liabilities shall transfer to the Argyll and Bute Council as specified in paragraph 15 (f) above.

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 requisition to Argyll and Bute 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 for the Establishment of Community Councils.

Where for any reason, the number of community council members falls below the minimum specified in the Scheme for the Establishment of Community Councils Argyll and Bute Council may, by suspending the Constitution of the community council, resolve to dissolve the community council.

19. Approval and adoption of the Constitution

This Constitution was adopted by SOUTH KNAPDALE COMMUNITY COUNCIL, on .....

Signed: Convener

.....

..... Member

..... Member

..... Date

and was approved on behalf of Argyll and Bute Council

on ..... Date

..... Signed (Executive Director with responsibility for community council governance, or nominee)