

**Stirling Council**  
**Scheme of Community Councils**  
**CONSTITUTION AND STANDING ORDERS OF COMMUNITY COUNCILS**

1. Name

The name of the Council shall be \_\_\_\_\_ (referred to as "the Council" in this document).

2. Area

The boundaries of the Council shall be as shown on the map attached to the Stirling Council's Scheme for the Establishment of Community Councils (referred to as "the Scheme" in this document).

3. Objectives

The objectives of the 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 a community spirit;
- (d) 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.

**The Council shall be non-party in politics and non-sectarian in religion.**

4. Membership

The Council shall consist of no more than \_\_\_\_\_ elected or co-opted members governed by Clause 7 of the Scheme and as detailed in the Appendix to the Scheme. All Members whether elected or co-opted Members shall be referred to as Elected Members in this document.

5. Elections

- (a) Method of Election - Elections shall be by the method of election laid down for the time being by Stirling Council.
- (b) Qualifications of Candidates and Electors - Candidates and voters at Elections to the Council must be persons resident within the area or ward of the Council and must be listed on the appropriate Register of Electors.
- (c) Nomination of Persons for Election - A form for nomination of candidates shall be available requiring a proposer and seconder, both of whom shall reside within the Council area or ward and whose names appear on the appropriate Register of Electors.
- (d) Frequency of Elections - Elections shall be held every three years or as laid down by Stirling Council. All Members shall retire at each Election. Retiring Members shall be eligible for re-election.

- (e) Voting Arrangements - Voting arrangements for Council Elections shall be those laid down by Stirling Council.
- (f) Youth Members. By a vote of at least two thirds of the Elected Members present, the Council may agree to expand its membership by allocating up to two additional places for Youth Members. If so agreed, the Council should devise a Youth Election Procedure suitable to their community, and seek the consent of Stirling Council. Youth Members must be resident in the Community Council's area and under eighteen years of age. The Council may stipulate the period of Youth Membership at one, two or three years, so long as a Youth Member remains under eighteen years of age. Youth Members shall be considered full Members of the Council with rights to speak and vote.

#### 6. Casual Vacancies on the Council

Where, following any election, an individual, for whatever reason, ceases to be a member and a vacancy arises which does not result in the number of Elected Members on the Community Council falling below 75% of the remaining membership, the Community Council may, if it considers it to be desirable, seek approval from Stirling Council for either:-

- (a) a by-election to be held in order that the vacancy (and any other outstanding vacancies) can be filled
- (b) the filling of a vacancy by co-option subject to the approval of two thirds of the Members of the Community Council who are present and voting.
- (c) the vacancy to be left unfilled until a further vacancy arises or until the next set of regular Elections

#### 7. Voting Rights of Members of the Council

The right to vote at any meeting of the Council or any sub-Committee thereof shall be held by all Members whether Elected Members or Co-opted Members appointed to serve until the date of the next ordinary Election.

#### 8. Election of Office-Bearers

- (a) At the first meeting of the 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 Council shall appoint a Chair, Vice-chair, Secretary, Treasurer and such other office-bearers as it shall from time to time decide (eg Planning Correspondent)
- (b) All office-bearers shall be elected for one year, but shall be eligible for re-election, without limitation of time.
- (c) Members of the Council appointed as Secretary or Treasurer shall not be entitled to remuneration, but the Council may, at its discretion, award honoraria to such Members.
- (d) One member shall not hold more than one of the following offices at any one time: Chairperson, Secretary or Treasurer.

#### 9. Sub-Committees

The Council may appoint such Sub-committees or representatives to other groups when invited to do so as it may from time to time decide and shall determine their composition, terms of reference, duration, duties and powers.

#### 10. Meetings of the Council

- (a) Once in each year in the month of April, May or June the Council shall convene an Annual General Meeting which may be attended by residents of the area for the purpose of receiving and considering the annual report of the Council and the annual audited statement of accounts.
- (b) The Council shall meet throughout the year a minimum of six times and a maximum of twelve times at intervals not exceeding three months for Ordinary Meetings.
- (c) Dates of regular meetings of the Council shall be fixed at the first meeting of the Council following ordinary elections.
- (d) The Council may from time to time convene special general meetings for the purpose of considering matters of interest or importance to the community. For example, Public Meetings.
- (e) Copies of all Minutes of Meetings of the Council and of sub-committees thereof shall be approved at the next following meeting of the Council and shall be sent to Stirling Council and shall be available for inspection by members of the public at a suitable place or places within fourteen days of the meeting of the Council at which such Minutes are approved.
- (f) The Council shall have power to draw up standing orders for the proper conduct of its meeting and of all public meetings which it calls. The initial standing orders of the Council shall be as detailed in the Appendix to this Constitution.

#### 11. Public Participation in the Work of the Council

- (a) The Council may invite a member of the public or the representative of an organisation to address any meeting of the Council or any of its Sub-Committees.
- (b) All meetings of the Council and its Sub-Committees, shall be open to members of the public except that the Council or Sub-Committee as appropriate may by resolution agree to consider in private any items of business of a confidential nature. Proper provision is to be made for the accommodation of members of the public.
- (c) Notices calling meetings of the Council and its Sub-Committees shall be posted prominently within the Council area for a minimum period of seven days before the date of any such meeting, and by other suitable means.

#### 12. Information to Stirling Council

Stirling Council shall be sent a copy of the notice of all meetings, Minutes of all meetings, the annual report, the annual financial statement and other suitable information, as the Council may decide.

#### 13. Control of Finance

- (a) All monies raised by or on behalf of the Council or provided by Stirling Council and other sources shall be applied to further the objectives of the Council and for no other purpose. The monies provided by Stirling Council in the Administrative Grant shall be used for administrative and other approved purposes only. Monies raised from other sources may be used in accordance with the terms of the provision, or, in the absence of such terms, for the furtherance of the objectives of the Council.
- (b) The treasurer shall keep proper accounts of the finances of the Council.

- (c) The financial year of the Council shall be from 1 April until 31 March of the succeeding year. Audited accounts shall be submitted to Stirling Council at the end of each financial year.
- (d) An audited statement of accounts for the last financial year shall be submitted to an Annual General Meeting of the Council and shall be available for inspection at a convenient location.

14. Title to Property

Property and other assets belonging to the Council shall be vested in the Chair, Vice-chair, Secretary and Treasurer of the Council and their successors in these respective offices.

15. Alterations to the Constitution

Any proposal to alter this Constitution must be delivered in writing to the Secretary of the Council not less than 28 days prior to the date of the meeting at which it is first to be considered and the terms of the proposed resolution to alter the Constitution shall be stated on the notice calling the meeting which shall be issued not less than fourteen days prior to the meeting. If the resolution is supported by two-thirds of the elected membership of the Council and is approved, in writing, by Stirling Council or its appointed officer, the alteration shall be deemed to have been duly authorised.

16. Dissolution

If the Council by a two-thirds majority of the total elected membership decides at any time that on the grounds of expense or otherwise 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 dissolve. It is a requirement that not less than fourteen days prior to the date of such meeting a public notice be given by means of notification in the local newspaper and attachment to public noticeboards, etc. indicating the terms of the proposed resolution and that persons qualified in accordance with Clause 5 (b) will be permitted to vote at the proposed meeting. If the resolution is supported by a majority of those persons present and qualified to vote and is approved by Stirling Council, the Council shall be deemed to be dissolved and all assets remaining after the satisfaction of any proper debts or liabilities shall transfer to Stirling Council who shall hold same in Trust for a future Community Council for the area or for such other local organisation, having objects similar to those of the Community Council, which Stirling Council may recognise as an appropriate replacement for the Community Council for the area.

In the event that the Council is dissolved under the above procedure, and twenty or more electors subsequently wish the re-establishment of a Council for the area, these electors shall submit a requisition to Stirling 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.

Where for any reason the number of Elected Members on the Council falls below seven, Stirling Council may by suspending the Constitution of the Council cause the Council to be dissolved and in this event, the procedures for the establishment of a new Community Council, being those adopted for the purposes of the initial elections of Community Councils, shall be initiated by the Returning Officer.

17. Adoption and Ratification of the Constitution

This Constitution was adopted by ..... on

.....

Signed: Chairman .....

Member

.....

Member

.....

Date

.....

and was ratified on behalf of Stirling Council on

.....

Signed

.....

Date

.....

## APPENDIX

## STANDING ORDERS

## 1. Meetings

- (a) Ordinary Meetings of the Council shall be held in the months of ..... [to be entered]. Special Meetings may be called at any time on the instructions of the Chair of the Council or on the request of not less than one-half of the total number of Elected Members of the Council, which Special Meeting shall be held within fourteen days of the receipt of the request made to the Secretary of the Council.
- (b) The Notice of Ordinary and Special Meetings of the Council shall be given to each Member of the Council by the Secretary at least seven days before the date fixed for the meeting.

## 2. Minutes

Minutes of the proceedings of a meeting of the Council shall be drawn up within fourteen days, distributed to Elected Members and other relevant bodies, shall be signed at the next Meeting of the Council by the person presiding thereat and retained for future reference.

## 3. Quorum

A quorum shall consist of one-third of the total number of Elected Members of the Council.

## 4. Order of Business

The order of Business at every meeting of the Council shall be as follows:

- (a) Recording of Membership present and apologies received.
- (b) The Minutes of the last meeting of the Council shall be submitted for adoption..
- (c) Any other business which the Chair has directed should be considered.
- (d) Any other competent business.

## 5. Alteration or Rescinding of Resolutions

No resolution of any meeting of the Council shall be altered or rescinded within six months of its date unless notice of the motion to so alter or rescind shall have been given to all Elected Members at least seven days before the meeting at which such motion is to be submitted and at least two-thirds of the Elected Members present at the meeting vote for such alterations or rescission.

## 6. Order of Debate

- (a) The Chair shall decide all questions of order, relevancy and competency arising at meetings of the Council and his/her ruling shall be final and shall not be open to discussion. The Chair shall have the power, in the event of disorder arising at any meeting, to adjourn the meeting to a time he/she may then or afterwards fix.
- (b) Every motion or amendment shall be moved and seconded.

- (c) After a mover of a motion has been called on by the Chair to reply no other members shall speak to the question.
- (d) A motion or amendment once made and seconded shall not be withdrawn without the consent of the mover and seconder thereof.
- (e) Whenever an amendment upon an original motion has been moved and seconded no second or subsequent amendment shall be moved until the first amendment shall have been disposed of but notice of any number of amendments may be given. If an amendment be rejected, other amendments of which notice has been previously given may then be moved on the original motion. If an amendment be carried the motion as amended shall take the place of the original motion and become the question upon which any further amendment, of which notice has been previously given, may be moved.
- (f) A motion that the debate be now adjourned or that the question be now put or that the meeting now pass to the next business or that the Council do now adjourn may be made at any stage of the debate and such a motion shall take the place of any question before the meeting.

## 7. Voting

- (a) Voting shall be taken by a show of hands of those present and eligible to vote..
- (b) The Chair of a meeting of the Council shall have a casting vote as well as a deliberative vote.

## 8. Application of Standing Orders

These Standing Orders may be altered or added to at any time by the Council provided that notice of motion to that effect is given at the meeting of the Council previous to that at which the motion is discussed.

## 9. Sub-Committees

The Council may appoint such Sub-committees as it may from time to time decide and shall determine their composition, terms of reference, duration, duties and powers.

## 10. Suspension of Standing Orders

These Standing Orders shall not be suspended except at a meeting at which three-quarters of the total number of Elected Members of the Council are present and then only if the mover states the object of his motion and if two-thirds of the Elected Members present consent to such suspension.