

**NEWTONHILL, MUCHALLS AND CAMMACHMORE COMMUNITY COUNCIL**

**CONSTITUTION**

Revised May 21 2003

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| <b>NAME</b>                            | 1. The name of the community council shall be Newtonhill, Muchalls and Cammachmore Community Council.  |
| <b>OBJECTS AND FUNCTIONS</b>           | <p>2. The objects and function of the community council shall be:</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(b) Non-party in politics and non-sectarian in religion.</p> |
| <b>MEMBERSHIP OF COMMUNITY COUNCIL</b> | <p>3. The community council shall consist of:</p> <p>(i) Twelve persons elected by and from all persons resident within the Community Area whose names appear on the relevant Electoral Register or Registers</p> <p>(ii) Seven shall represent Newtonhill, three Muchalls, and two Cammachmore, and be resident within the appropriate sub-divisions.</p>   |
| <b>ANNUAL GENERAL MEETING</b>          | <p>4. a) On the third Wednesday of March in each year the community council shall convene an annual general meeting, the agenda for which shall include items for</p> <ul style="list-style-type: none"> <li>- receiving the community council’s annual report,</li> <li>- the annual statement of accounts,</li> <li>- reports on any elections,</li> <li>- provision when necessary for considering and voting on proposals for amendment of the community council’s constitution.</li> </ul> <p>b) Copies of a notice convening the AGM shall be posted on the noticeboards in Newtonhill, Muchalls and Cammachmore and by press announcement at least 14 days before the meeting. The notice shall list the business to be discussed.</p>  |
| <b>ORDINARY MEETINGS</b>               | <p>5. a) The community council shall meet throughout the year at monthly intervals (with the exception of July and December); the dates of regular meetings during the remainder of the year shall be agreed at the first meeting of the community council following ordinary elections.</p> <p>b) The community council may from time to time convene special meetings for the purpose of considering matters of interest or importance. Any three mem-</p>   |

bers may requisition a special meeting of the community council.

- c) The quorum for any general or special meeting shall be five community councillors. This will not include those co-opted under Section 9 (c).
- 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 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 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 Council in which the community council is located and shall also be available for inspection by the public at a suitable place or places within 14 days of the meeting of the community council at which such minutes were approved.

#### **ELECTIONS**

- 7. a) Ordinary elections shall be held usually in March, unless a common election date is subsequently prescribed by Aberdeenshire Council.
- b) Members shall hold office for three years.
- c) 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.

- d) The returning officer shall give public notice (by community council notice-boards at Newtonhill, Muchalls and Cammachmore, and by press announcement) of pending elections, invite nominations, and describe the procedure for election of members to the community council. This shall be done not less than 14 days prior to the community council meeting on the third Wednesday in February.
- e) Persons seeking election to the community council shall be nominated as prescribed in the Aberdeenshire Council scheme for the establishment of community councils (as amended and detailed in paragraphs *f, g, h, i* and *j* below) and nominations shall be lodged with the returning officer by 7.30pm on the third Wednesday in February, i.e. one calendar month before the annual general meeting.
- f) Persons nominated must reside in the sub-division (i.e. Newtonhill, Muchalls or Cammachmore) they wish to represent and be on the Electoral Register,  
**or**  
at the time of the annual general meeting during a period of at least three months preceding the date of nomination had their ordinary or principal place of residence within the community council sub-division,  
**or**  
be the owner of a business located in the community council sub-division although not personally resident there.
- g) Each candidate shall be nominated by a proposer and a seconder (neither of whom shall be the candidate), both being persons whose names appear at that time in the Electoral Roll for the respective community council's sub-division (i.e. Newtonhill, Muchalls or Cammachmore).
- h) No person shall be entitled to nominate or second more than one candidate.
- i) Where the number of valid nominations, after any withdrawals, exceeds the number of community council vacancies in the appropriate sub-division, a contested election shall be held in accordance with the procedure hereinafter prescribed in section 8.
- j) Where the number of valid nominations, after any withdrawals, does not exceed the number of community council vacancies, the returning officer shall give public notice that the candidates validly nominated have been elected to the community council.

## **VOTING ARRANGE- MENTS**

- 8. a) The elections shall be arranged by the community council with such assistance as may be requested from Aberdeenshire Council in terms of its scheme.
- b) The Returning Officer shall publish not fewer than seven days prior to the election, whether through a newspaper or free sheet circulating within the community council area or in some other manner, details of the election procedure to be employed, including the names and addresses of candidates and the place, dates and times fixed for the conduct of the poll and the count.
- c) Voting in the community council election shall take place by way of a secret

procedure. The method of election shall be determined by the Returning Officer as:

- (a)** by ballot box, at a designated polling place or places using a simplified version of the prescribed procedure for local authority elections; or
- (b)** by post.

Postal voting shall not be permitted as an adjunct to method **(a)** above. There shall be no provision for the issue of poll cards or voting by proxy for either method of election.

- d) The ballot papers to be used in community council elections shall be laid out in a style approved by Aberdeenshire Council.
- e) Voting may be conducted on the Single Transferable Vote system, the procedures for which shall be prescribed by the council.
- f) The hours of polling for ballot box elections shall be determined for by the Returning Officer, taking account of local circumstances and during such period or periods between 8am and 9pm and on such days as the community council may determine thereafter, subject however to polling being available from 6pm to 8pm on any day which it is to take place unless voting is by post, in which case the period shall be determined by the Returning Officer. The number of vacant seats available shall be filled by the corresponding number of candidates receiving the highest number of votes. In the event of more than one candidate receiving the same number of votes for the last available seat or seats on the community council, the successful candidate(s) shall be decided by lot.
- g) A returned ballot paper shall contain only such information as is requested to identify the candidates chosen by the elector. Any ballot paper which at the counting of the votes is found to:
  - (a)** contain any mark or other writing implying that the number of votes being cast is more than the designated number available to the elector; or
  - (b)** does not clearly indicate the intentions of the voter, shall be deemed to be a spoilt paper and shall be disregarded in the count. For the avoidance of doubt a paper which through inadvertence identifies the elector, may be counted, if it otherwise clearly shows the intentions of the voter. The decision of the Returning Officer in such matters shall be final.
- h) The Returning Officer shall appoint and instruct persons to supervise the ballot or open the postal votes as appropriate and to conduct the count.
- i) The Returning Officer, immediately after the counting of votes, shall complete a return to Aberdeenshire Council and to the community council, containing the names and addresses of members elected, details of the number of votes cast for each candidate, the number of ballot papers issued and returned, the number of spoilt papers and any other information as to the conduct of the election which may be required by Aberdeenshire Council.
- j) The Returning Officer shall, as soon as possible after the election, give public notice of the names and addresses of members elected.

**CASUAL  
VACANCIES  
AND  
CO-OPTION**

9. a) A casual vacancy shall be deemed to arise in any of the following circumstances:
  - (i) when a member of the community council has failed to attend three successive meetings of the community council, unless leave of absence has been granted or other good reason accepted by the community council; or
  - (ii) death of a member of the community council; or
  - (iii) upon the receipt by a community council of a written notice of resignation from a member.
- b) In the event of any casual vacancy or vacancies the community council shall have power to co-opt, by a simple majority of the community council, 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**.
- c) The community council may also co-opt to the community council any person or persons (resident either within or outwith 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**

10. 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 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**

11. In addition to the offices of secretary and treasurer or secretary/treasurer the community 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**

12. 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.

**STANDING  
ORDERS**

13. The community council shall have 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.

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.

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**

14. 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) A 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 March to 28 (or 29) February.
- e) Following approval of the annual accounts at the AGM, the treasurer shall sign a certificate confirming the accuracy of the annual accounts and send it, accompanied by a copy of the said accounts, to Aberdeenshire Council.
- 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**

15. 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; and
  - b) Elected, nominated and ex-officio and co-opted members.

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

**AMENDMENT  
OF  
CONSTITUTION**

16. a) Any proposal to amend the constitution must be delivered in writing to the secretary of the community council at least 28 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 for that purpose, amongst other things, 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 14 days prior to the date of the meeting and such notice shall detail the wording of the proposed alteration.

**DISSOLUTION**

17. 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 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  
ESTABLISH-  
MENT**

18. 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.

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*NOTES*

- This constitution was adopted at the annual general meeting of Newtonhill, Muchalls and Cammachmore Community Council on 20 March 2002, in accordance with advice from Aberdeenshire Council.
- The constitution was amended at a special general meeting on 21 May 2003 following guidance from Aberdeenshire Council that the provision of audited accounts were no longer required.

● *From the Local Government (Scotland) Act 1973:*

In addition to any purpose which a community council may pursue, the general purpose of a community council shall be to ascertain, co-ordinate and express to the local authorities for its area, and to the public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible, and to take such action in the interests of the community as appears to it to be expedient and practicable.