

Lochwinnoch Community Council

Constitution

1. Name

The name of the community council shall be **LOCHWINNOCH COMMUNITY COUNCIL** (referred to as “the community council” in this document).

2. Area

The boundaries of the community council shall be as shown on the map attached to the Renfrewshire Council's Scheme for the Establishment of Community Councils (referred to as “the Scheme” in this document).

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 a 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.

The council shall be non-political and non-sectarian.

4. Role and Responsibilities

In the discharge of their functions and the conduct of their business, the community council shall have regard to their role and responsibilities as set out in Appendix IV to the Scheme for Community Councils approved by Renfrewshire Council and reproduced as an appendix hereto.

5. Membership

The community council shall consist of no more than elected or co-opted members as governed by paragraph 7 of the Scheme and as detailed in the Appendix III to the Scheme.

6. Elections

- (a) Method of Election – Elections shall be by the method of election laid down from time to time by Renfrewshire Council.

- (b) Qualification of Candidates and Electors – Candidates and voters at elections to the community council must be persons aged 16 years or over resident within the area of the community council. (In the case of persons aged between 16 and 18 years of age, such nominations would require to be proposed and seconded by persons on the electoral register for the area of the community council).
- (c) Frequency of Elections – Elections shall be held every four years in September. All community councillors shall retire at each election. Retiring community councillors shall be eligible for re-election.

7. Casual Vacancies on the community 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 community councillors on the community council falling below the minimum number as specified in Renfrewshire Council's Scheme of Community Councils, the community council may, if it considers it to be desirable, agree to:-

- (a) an extraordinary general meeting to be held in order that the vacancy (and any other outstanding vacancies) can be filled, on the basis that such vacancies would be publicised, nominations invited and an election held where the number of candidates exceeded the number of places available.
- (b) the filling of a vacancy by co-option with voting rights to a maximum of one third of the total membership of the community council as governed by paragraph 7 of Renfrewshire Council's Scheme for Community Councils.
- (c) the vacancy to be left unfilled until a further vacancy arises or until the next set of regular elections.

8. Voting Rights of Members of the Council

The right to vote at any meeting of the community council or any sub-committee thereof shall be held by all community councillors whether elected or co-opted, except those members co-opted for specific issues on a temporary basis, appointed to serve until the date of the next ordinary election.

9. 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 October in the year when elections are not held, the community council shall appoint a Chair, Secretary, Treasurer and such other office-bearers as it shall from time to time decide.
- (b) All office-bearers shall be elected for one year, but shall be eligible for re-election, without limitation of time.
- (c) One member shall not hold more than one of the following offices at any one time: Chairperson, Secretary or Treasurer.

10. Sub-Committees

The community 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.

11. Meetings of the community council

- (a) The quorum for community council meetings shall be at least one third of the total membership or a minimum of three whichever is the greater.
- (b) Once in each year in the month of October the community 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 community council, the appointment of office bearers, and the submission of the annual audited statement of accounts.
- (c) The community council shall meet not less than four times throughout the year.
- (d) Dates of regular meetings of the community council shall be fixed at the first meeting of the community council following ordinary elections.
- (e) Copies of all Minutes of Meetings of the community council and of sub-committees thereof shall be approved at the next following meeting of the community council and shall be sent to local councillors MP's, MPS's, MEP's, and the Director of Corporate Services, Renfrewshire Council.
- (f) The community council shall have power to draw up standing orders for the proper conduct of its meetings.

12. Public Participation in the Work of the Council

- (a) All meetings of the community council and its Sub-committees shall be open to members of the public. Proper 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 Chairman.
- (b) Notices calling meetings of the community councils and its Sub-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 by other suitable means.

13. Information to Renfrewshire Council

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

14. Control of Finance

- (a) All monies raised by or on behalf of the community council or provided by Renfrewshire Council and other sources shall be applied to further the objectives of the community council and for no other purpose. The money provided by Renfrewshire 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 community council.
- (b) The treasurer shall keep proper accounts of the finances of the community council.
- (c) The financial year of the community council shall be from 1 September until 31 August the succeeding year. Audited accounts as received and approved by the community council at the Annual General Meeting shall be submitted to Renfrewshire 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 community council and shall be available for inspection at a convenient location.
- (e) No member of the community council may commit the community council to any obligation or any financial or other commitment whatsoever, unless the matter has been properly approved at a meeting of a sub-committee of the community council which is subsequently reported to the full community council and (if necessary) endorsed.

15. Title to Property

Property and other assets belonging to the community council shall be vested in the Chair, Secretary and Treasurer of the community council and their successors in these respective offices.

16. Alterations to the Constitution

Any proposal to alter this Constitution must be delivered in writing to the Secretary of the Community 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 14 days prior to the meeting. If the resolution is supported by two-thirds of the total voting membership of the community council and is approved, in writing by Renfrewshire Council or its appointed officer, the alteration shall be deemed to have been duly authorised.

17. Dissolution

If the community council by a two-thirds majority of the total voting 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. If the resolution is supported by a majority of those persons present and qualified to vote and is approved by Renfrewshire 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 Renfrewshire Council who shall hold same in Trust for a future community council for the area or for any such local organisation, having objects similar to those of the community council, which Renfrewshire Council may recognise as an appropriate replacement for the community council for the area.

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 Renfrewshire 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 community councillors on the community council falls below the minimum specified in the Scheme, Renfrewshire Council may, by suspending the Constitution of the community council, cause the community council to be dissolved and in this event, the procedures for the establishment of a new community council, being those identified in the immediately preceding paragraph hereof, shall be initiated.

18. Adoption and approval of the Constitution

[signatures and dates from 5th March 2002 to 13th March 2002 in here]

Role and Responsibility of Community Councils

Community councils have a duty under statute to represent the views of their community to Renfrewshire Council and other public bodies. It is important that they reflect the broad spectrum of opinion and interests of all sections of their community. In order to fulfil their potential as effective, representative local organisations, community councils are expected to:-

- be representative of the community, rather than individual interests;
- encourage local interest and participation in community council elections through the effective use of publicity, and local community networks etc.;
- recognise that the community council itself cannot always reflect the views of all sections of the community, and therefore should form links with other local organisations to inform them of the work of the community council and to gather their views and opinions;
- look at ways of finding out what the community thinks by carrying out questionnaires, holding public meetings, exhibitions etc.;
- inform the community of the work and decisions of the community council by issuing newsletters and posting agendas and minutes of meetings in public places and notice boards;
- consider establishing sub-committees to deal with specific pieces of work e.g. producing a newsletter;
- seek to broaden representation/expertise by co-opting individuals/local organisations onto the community council;
- hold more than the minimum of four meetings a year and publicise these meetings well in advance to promote local awareness and encourage attendance at the meetings;
- ensure meetings are open to the public and encourage open debate and discussion;
- ensure meetings are held in premises that are accessible to all members of the community;
- adopt standing orders to ensure that their proceedings are properly structured and regulated so that items of business are relevant to the community, discussed properly and decisions are reached in a democratic manner;
- make particular efforts to encourage young people to attend/participate in meetings;
- develop protocols governing their links with the Council and community interest to regular their dealings with these bodies;
- send minutes of the meetings to local councillors and the Director of Corporate Services;
- maintain proper financial records and give regular financial reports at meetings;
- submit annual audited accounts at the annual general meeting and thereafter to the Director of Corporate Services; display these accounts locally to ensure public awareness of them;
- liaise with other community councils and local organisations to establish and share good practice and exchange information and, in particular, shall establish a Renfrewshire Community Council Forum comprised of and run by the community councils themselves to

provide community councils in Renfrewshire with the opportunity to discuss collective issues, exchange experiences, ideas, information and good practice. Renfrewshire Councillors and departmental representatives may be invited to attend as necessary to discuss genuine local and authority wide matters of interest;

- appoint a community council contact person to deal with the Council and confirm his/her name, address and, where possible, a daytime telephone number to the Council;
- when corresponding with the Council ensure a reasonable response time is given to allow a proper reply from the Council or its departments;
- advise the director of Corporate Services of the names and addresses and, where possible, the telephone numbers of the members and office bearers of the community council and any change when this occurs for administrative purposes and for publication in the Renfrewshire Council diary and such other documents, public or otherwise, as may be deemed appropriate;
- when inviting officers or elected members to a meeting, give as much advance notice as possible.

In addition to the statutory consultative role of community councils on planning matters, Renfrewshire Council, through its Community Council Liaison Officer will extend the consultative process to additional areas of activity from among its responsibilities including liquor licensing and civic government licensing in consultation with community councils and the departments of the Council.

LOCHWINNOCH COMMUNITY COUNCIL STANDING ORDERS

1. Meetings

Ordinary Meetings of the community council shall be held every month. Special Meetings may be called at any time on the instructions of the Chairperson of the community council or on the request of not less than one-half of the total number of community councillors. Special Meetings shall be held within fourteen days of the receipt of the request made to the Secretary of the community council.

The Notice of Ordinary and Special Meetings of the community council shall be given to each community councillor 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 community council shall be drawn up within fourteen days, distributed to community councillors, local Renfrewshire councillor(s), Renfrewshire Council's Community Council Liaison Officer and other relevant bodies, shall be signed at the next Meeting of the community council by the person presiding thereat and retained for future reference.

3. Quorum

A quorum shall consist of one-third of the total voting membership of the community council or a minimum of three whichever is the greater.

4. Order of business

The order of Business at every meeting of the community council shall generally be as follows:

- (a) Welcome any members of the public in attendance and determine if there is any business to be raised at the meeting. Schedule this as appropriate.
- (b) Recording of membership present and apologies received.
- (c) The Minutes of the last meeting of the community council shall be submitted for adoption.
- (d) Any other business, which the Chairperson has directed, should be considered.
- (e) Any other competent business.
- (f) Questions from the floor.

5. Order of Debate

- (a) The chairperson will conduct the business of the meetings in an open, participative and efficient manner. As a body representing the community, the meetings of the CC will invite contributions to debates, as well as any additional matters, from the public. The chairperson will be responsible for ensuring that these are relevant and competent matters. The chairperson will also be responsible for ensuring decisions are reached in a democratic manner by calling for votes, or responding to calls for votes as seems required. The chairperson shall have the power, in the event of disorder arising at any meeting, to adjourn the meeting to a time he or 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 Chairperson 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) A motion or amendment which is contrary to a previous decision of the community council shall not be competent within six months of that decision.

6. Voting

- (a) Voting shall be taken by a show of hands of those present and eligible to vote except for the election of officers, which may be by secret ballot.
- (b) The Chairperson of a meeting of the community council shall have a casting vote as well as a deliberative vote.

7. Application of Standing Orders

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

8. Sub-Committees

- (a) The community 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. Quorum of such meetings shall be 3.
- (b) The community council from time to time may set up Working Parties in accordance with its then current rules.

9. Suspension of Standing Orders

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

10. Absence from meetings.

Where a member is not present and has not tendered apologies for absence for 3 successive meetings, or where a member (whether or not having tendered apologies for absence) is absent for 6 meetings during a rolling 12-month period, that member shall be deemed to have resigned.

For the purpose of this section should a member be re-elected to the council he/she will be treated as a new member.

11. Smoking during meetings.

No smoking shall be permitted during meetings.

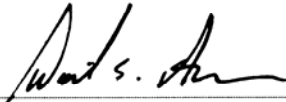
12. Disrepute

Should a member of the community council be deemed to have brought the community council into disrepute, that person may be required to resign.

A member may only be asked to resign after a meeting at which three-quarters of the total number of voting members are present and then only if the mover states the rationale and if two-thirds of the voting members present consent to such a motion.

13. Adoption and approval of the Standing Orders

Lochwinnoch Community Council adopted these Standing Orders at their regular monthly meeting on Tuesday 3rd May 2005.

David S. Arthur JP  Signed Chairperson

Chris Gould  Signed Vice-Chairperson

Alec Harley  Signed Member

 Date