

# Old Aberdeen Community Council Constitution April 2000

**1. NAME**

(1) The Council shall be known as the Old Aberdeen Community Council (hereinafter referred to as "the Council").

(2) The address of the Council shall be the address of the Secretary for the time being, which address shall be intimated to and lodged with The City of Aberdeen Council (hereinafter referred to as "the City Council").

**2. AREA**

(1) The Council shall represent the community resident within the area of Old Aberdeen described in the Schedule to the City Council's Scheme for the Establishment of Community Councils (hereinafter referred to as "the Scheme") approved by the Secretary of State for Scotland on 13<sup>th</sup> January, 1997.

**3. OBJECTS**

(1) To ascertain, co-ordinate and express to the local authorities for the area, and to public authorities, the views of the community which the Council 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.

(2) The Council shall not be affiliated to any political party.

**4. MEMBERSHIP**

(1) The Council shall consist of 12 members (or such number as the City Council, after appropriate consultation, may from time to time decide) elected or appointed in accordance with the provisions of the Scheme.

(2) Casual vacancies occurring in the membership of the Council in the course of any three-year period of office in the Council shall be filled by co-option by the Council of a person who would qualify for election to the membership of the Council in accordance with the provisions of the Scheme, and each member so co-opted shall, subject to the provisions of the Scheme, have full membership, hold office and have full voting powers at meetings of the Council until the date of the next ordinary election of the Council. Provided that in the event of the number of casual vacancies having occurred in the Council in the course of a three-year period between elections exceeding the number representing one-third of the total membership of the Council, no further co-option of members will be permitted to the Council and such occurrence shall forthwith be reported by the Council to the City Council for such action as the latter Council may, in their sole discretion, determine to be appropriate.

(3) In the event of the continued non-attendance without satisfactory explanation by an elected or co-opted member, the Council shall remit the matter for consideration by the City Council.

(4) Members of the City Council representing any part of the area of the Council shall, *ex-officio*, be invited to and accordingly entitled to attend all meetings of the Council and shall receive the agenda, minutes and reports of all meetings of the Council and of any sub-committees appointed

by the Council and shall be entitled to participate in the deliberations of the Council, without, however, having any voting right in relation to any matter or question coming before the Council for reconsideration.

**5. ASSESSORS**

(1) Save as provided for in paragraph 4(2) hereof, the Council shall not be entitled to co-opt members either generally or for specific purposes or in relation to particular topics or issues. Although there shall be no direct representation of organisations or bodies on the Council, the Council shall be entitled to call on assessors who may be individuals or representatives of organisations, and who may or may not be resident in the area of the Council, but whom the Council consider might usefully contribute their expertise, opinions or advice on a topic under consideration by the Council. Assessors may be invited to a particular meeting or to a sequence of meetings but shall not be entitled to vote at such meeting or meetings.

**6. OFFICE BEARERS**

(1) The Council at its first meeting after each triennial election shall proceed to elect, by ballot, from among its members, a Chair and Vice-Chair. The members so elected should hold office until the next triennial election. In the event of a vacancy arising in either of these offices, through death, resignation or other disability, the Council shall elect, by ballot, a member to fill the office so vacant. No member may hold the office of Chair for longer than two successive terms of office.

(2) The Council at its first meeting after each triennial election shall also proceed to elect, by ballot, a Secretary and Treasurer, who may or may not be appointed from among their own membership. The offices of Secretary and Treasurer may be combined and held by one incumbent. In the event of a vacancy arising in either of these offices, through death, resignation or other disability, the Council shall elect, by ballot, a member to fill the office so vacant.

(3) The Council may remove an office bearer from his/her office provided a motion of no confidence in the said office bearer has been moved and passed. The said motion of no confidence cannot be passed unless two thirds of the membership of the Council vote in favour of the motion.

(4) The Council shall appoint an auditor or auditors, from year to year, who shall not be a member or members of the Council.

**7. ADMINISTRATION**

(1) The Secretary shall be responsible for preparing the minutes of all meetings of the Council and, in co-operation with the Chair, (whom failing, the Vice-Chair) will prepare the agenda for Council meetings. He/she shall be responsible for the issue of notices convening Council meetings and for intimating such meetings to the residents of the area of the Council by Public Notices and other means approved by the Council. Notices calling meetings of the Council shall normally be posted prominently within the area of the Council for a minimum of seven days before the date of any such meetings.

(2) The Treasurer shall be responsible for the Council's finances and shall maintain accounts which shall be audited by the auditors appointed by the Council. After approval by the Council, the audited accounts shall be submitted annually to the City Council. The Council's financial year shall run from 1<sup>st</sup> January until 31<sup>st</sup> December.

**8. MEETINGS**

(1) The Council shall arrange regular meetings which shall be open to members of the public who, at the discretion of the Chair, shall be entitled to participate in discussion of any topic, but who shall have no right to vote thereon. Such meetings shall also be open to the Press. The Council reserves the right to discuss certain items from the agenda in private if the majority of members present so agree and if the subject matter of the items concerned is of a confidential nature.

(2) An attendance of more than half the actual membership of the Council shall be required to constitute a quorum. Voting shall be by simple majority, the Chair retaining a casting vote.

(3) The City Council shall be sent a copy of the agenda and approved minutes of all meetings and the Annual Report and Financial Statement. Copies of these documents shall also be deposited in public libraries in the area of the Council for inspection by members of the public.

(4) The Council shall call when they think appropriate, public meetings or carry out opinion surveys in issues on which they judge that the views of the public in the area of the Council should be ascertained, co-ordinated and expressed.

(5) Such members of the public attending those meetings in 8(4) shall be entitled to question and debate on any such issues and those members of the public so attending and whose names appear on the electoral register for the area of the Council shall be entitled to vote on any such issues.

(6) The total number of such members of the public attending and the votes cast for and against any proposition shall be recorded and the relevant information and the result of the Council's deliberations on a particular issue transmitted to the appropriate authority.

(7) The Council shall call and organise an ordinary public meeting thereof on receipt of a request in writing subscribed by not less than fifty electors resident in the area of the Council to consider any competent and relevant issue and to coordinate and express the views of the Council thereon, such public meeting normally to be held within fourteen days following receipt of such request.

(8) A special public meeting of the Council shall be called on receipt of a request in writing subscribed by not less than one hundred electors resident in the area of the Council to reconsider an issue previously discussed and determined at an ordinary public meeting of the Council, provided that such a request is submitted within fourteen days of the ordinary public meeting at which such discussion and determination took place.

(9) It shall not thereafter be competent to envoke the procedure provided for at 8(8) above in relation to the same issue until the expiry of a period of not less than twelve months from the date of such special public meeting.

(9) The Council may set up working parties, committees or other appropriate constituent bodies, all of which may include persons who are not elected members of the Council, or the purpose of considering and pursuing particular topics.

## **9. ANNUAL GENERAL MEETING**

(1) The annual General meeting of the Council shall be held within two months after the end of the financial year, when the office bearers will present the Annual Report and the Financial Statement. At this meeting, members of the public in the area of the Council shall be given the opportunity to raise questions and discuss these reports prior to their submission to the City Council.

(2) Within one-month following the Annual general meeting, the Council shall present the Annual Report together with an audited Financial Statement of Account to the City Council.

**10. STANDING ORDERS**

(1) The Council shall have the power to draw up Standing Orders for the proper conduct of its meetings and of all public meetings which it calls, which Standing Orders shall be submitted to the City Council as soon as practicable after formulation. Such Standing Orders shall not conflict with any provisions of this Constitution or of the Scheme.

**11. ALTERATION AND AMENDMENT OF CONSTITUTION**

(1) A motion to amend this Constitution may be approved only at the Annual General Meeting of the Council, save that within an initial period of one year from the date of the approval of the Constitution by the City Council, a motion to amend it may be approved at any meeting of the Council.

(2) Any proposal to amend the Constitution must be delivered in writing to the Secretary of the Council at least twenty-eight days before the date of the meeting at which the proposal is to be considered. Any amendment to the constitution will require the approval of two-thirds of the members of the Council. No such amendment shall be effected or acted upon until such time as it has been submitted to the City Council for approval and has been so approved.

**12. RAISING OF SUPPLEMENTARY FUNDS**

(1) The Council may augment the funds received by the City Council by raising funds to promote the declared objects for the Council by way of public appeals and the promotion of functions and by application for a receipt of grants and loans from appropriate authorities.

**13. HERITABLE PROPERTY**

(1) The Council may acquire and hold heritable property, the title to which shall be taken in the name of the Chair, Vice-Chair and Secretary for the time being as Trustees for the Council and their respective successors in office.

**14. EMPLOYMENT OF OFFICIALS**

(1) The Council shall have the power to employ persons in their service to assist in the fulfilment of any of their functions as they may from time to time determine.

**15. DISSOLUTION OF THE COUNCIL**

(1) If the Council decides at any time to dissolve the Council, it shall call a public meeting of the residents in the area of the Council to discuss the matter. The Council shall not be dissolved unless two-thirds of the members of the Council and a majority of the public voting at such public meeting vote for it to be dissolved.

(2) In the event of the dissolution of the Council, such properties and funds as are vested in the Council at the date of its dissolution shall accrue to the City Council who shall apply such properties and funds for the benefit of the inhabitants of the area of the Council, provided that preference shall in any event be given to the transfer of such properties and funds to a successors Community Council established in accordance within the terms of the Scheme. The records of the dissolved Council shall be lodged with the City Council for safekeeping.