

CONSTITUTION FOR NORTH GLENROTHES COMMUNITY COUNCIL

(January 2007)

1.0 NAME

The name of the Community Council shall be "North Glenrothes Community Council".

2.0 PURPOSE

2.1 The general purpose of the Community Council is to ascertain, co-ordinate and express to the local authorities for the area, and to 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 that community as appears to it to be expedient and practicable. It will encourage and promote community participation and a sense of community spirit within the community.

2.2 In particular the Community Council will seek to maintain and enhance the environment of the community of north Glenrothes - its natural, physical and social environment. The Council will seek to improve the environment of North Glenrothes by the provision and maintenance of parks and other public amenities.

3.0 THE AREA OF THE COMMUNITY COUNCIL

3.1 The area of the Community Council shall be the area detailed in Schedule 1 of the Scheme for Community Councils in Fife ("the scheme") and shown marked on the plan annexed to the Scheme.

4.0 MEMBERSHIP

4.1 The Community Council shall consist of up to 20 persons elected under the Scheme.

4.2 The Elected Members of Fife Council ex officio whose area of representation includes any part of the area of the Community Council. Such ex officio members shall not be entitled to hold office in terms of paragraph 6.0 of the Scheme and shall not be entitled to vote on any item of business considered by the Community Council.

4.3 Up to 4 persons appointed by the Community Council who are not members of the Community Council for any specific purpose by reason of their interest in the community of the area of the Community Council and whose views would be of assistance to the Community Council or could be employed for the promotion or advancement of any scheme or project falling within the purposes of the Community Council. Any person so appointed shall be appointed for such period as the Community Council may determine. Such appointment shall not be entitled to vote on any item of business considered by the Community Council.

4.4 Up to 4 persons from organisations nominated by the Community Council operating within the area of the Community Council. Such nominated members shall not be entitled to vote on any item of business considered by the Community Council.

5.0 CASUAL VACANCY

5.1 In the event of a casual vacancy or vacancies occurring in the elected membership, a Community Council shall be entitled to fill any vacancy with any person qualified as a candidate for election as a member of the Community Council who will be deemed to hold office as an elected member. In filling a vacancy with any person under this paragraph regard shall be had to the list of unsuccessful candidates at the most recent elections for Community Councils. A casual vacancy shall be deemed to have arisen on the occurrence of any of the following events:-

- (a) death of an elected member;
- (b) resignation of an elected member intimated to the Secretary of the Council in writing;
- (c) unreasonable non-attendance by an elected member at meetings for a period of six months;

- (d) an elected member ceasing to be qualified as a candidate for election as a member of a Community Council;
- (e) the number of nominations received is sufficient to establish the Community Council but less than the number of members to be appointed in terms of Schedule 1 and paragraph 6.2 of the Scheme.

6.0 APPOINTMENT OF OFFICE BEARERS

6.1 The Community Council, at its first meeting, which shall be convened for a date within 21 days after the appointment of members:-

- (a) shall elect one of its members to be Chair of the Council;
- (b) shall elect two of its members to be Vice-Chairs;
- (c) shall elect one of its members to be Secretary to the Council;
- (d) shall elect one of its members to be Treasurer to the Council.

6.2 A member of the Community Council may hold at the same time any two of the posts of Chair, Vice Chair, Secretary or Treasurer with the exception that a member cannot be both Chair and Vice Chair at the same time.

6.3 The Chair, Vice-Chairs, Secretary and Treasurer shall continue in office until but not including the inaugural meeting of the Community Council. The inaugural meeting shall at its outset be chaired by a Local Authority Councillor for the area or any other person appointed to do so by Fife Council.

7.0 MEETINGS

- 7.1
- (a) The Community Council in an election year shall hold a meeting within 21 days from the date of the election.
 - (b) Meetings shall be held at such hour and such place as the Community Council may decide.
 - (c) Public notification shall be given of the place, time, date and agenda of all community council meetings. (e.g. local Fife office, local library)

Notwithstanding the foregoing, the Community Council will meet not less than 4 times per year, one of which will be an Annual General Meeting which shall consider and approve the audited financial statement for submission to Fife Council.

Special Meetings

7.2 A special meeting may be called:-

- (a) on the requisition of the Chair of the Council;
- (b) on requisition of at least one fourth of the elected members of the Council; or
- (c) a requisition of twenty electors for the area of the Community Council which meeting shall be held within 21 days of receipt of a requisition stating the reason for the requisition by the Secretary of the Community Council. It will only be necessary to call such a meeting if the subject matter of the requisition cannot be dealt with at the next ordinary meeting of the Community Council.

Quorum

7.3 No business shall be transacted at a meeting of the Community Council unless the greater of at least one third of the actual number of elected members or three of such members of the Community Council are present.

Access to Meetings

- 7.4 All meetings of the Community Council shall be open to the public. The Community Council shall encourage public participation in their meetings. However, the public may, by resolution, be excluded from a meeting of the Community Council during consideration of an item of business whenever it is likely that if members of the public were present, there would be disclosure to them of:-
- (a) information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the Community Council;
 - (b) information relating to the financial or business affairs of any particular person (other than the Community Council);
 - (c) any terms proposed or to be proposed by or to the Community Council in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services relating to that Community Council;
 - (d) any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:-
 - (i) any legal proceedings by or against the Community Council; or
 - (ii) the determination of any matter affecting the Community Council, (whether, in either case, proceedings have been commenced or are in contemplation).
- 7.5 Subject to the provisions of this Constitution and the Scheme the Community Council may make standing orders for the regulation of their proceedings and business and may vary or revoke any such orders.

Sub-Committees

- 7.6 The Community Council may form a sub-committee to consider specified matters and may arrange for the discharge of any of its functions by such a sub-committee. If a sub-committee is appointed to discharge any of the functions of the Community Council a majority of the members of the sub-committee shall be elected members of the Community Council. Minutes of the proceedings of any sub-committee shall be presented to the next meeting of the Community Council.

Minutes

- 7.7 Minutes of the proceedings of a meeting of the Community Council including proceedings to which the public are excluded under 7.4 shall be drawn up and shall be signed at the next suitable meeting of the Council by the person presiding at that meeting. Thereafter minutes shall be available for inspection by any person who wishes to see a copy of the minutes.

Declaration of Interest

- 7.8 Whether before or during any meeting of a Community Council a member of that Council becomes aware that he/she or any person connected with him/her has (whether directly or indirectly) a material interest in or relating to any matter to be or being considered he/she shall declare such interest and withdraw from the meeting during such consideration and shall not vote on any question relating to the matter.

Voting

- 7.9 Voting will be carried out on a simple majority basis by the elected members of the Community Council, with the Chairperson having a casting vote where necessary.

8.0 FINANCE AND ACCOUNTS

- 8.1 All monies raised by or on behalf of the Community Council shall be applied to further the purposes of the Community Council and for no other purpose.

- 8.2 The Treasurer shall keep proper accounts of the finances of the Community Council.
- 8.3 The accounts shall be audited at least once a year by the Auditor or Auditors appointed by the Community Council.
- 8.4 An audited statement of the accounts for the last financial year shall be submitted by the Community Council to the Annual General Meeting.
- 8.5 A bank account exists in the name of North Glenrothes Community Council. The Community Council shall authorise in writing three members of the Community Council, one of whom shall be the Treasurer, to sign cheques on behalf of the Community Council. All cheques must be signed by not less than two of the three authorised signatories.
- 8.6 The Council shall be a non-profit making body and all excess income generated by the Council will only be used for the furtherance of the aims and objectives of the Council as set out above.
- 8.7 Any work of North Glenrothes Community Council shall not be for the benefit of landfill site operators who may contribute to the Council and claim credit under the Landfill Tax Credit Scheme.
- 9.0 HERITABLE PROPERTY
- 9.1 The Community Council may with the consent of Fife Council which consent shall not be unreasonably withheld acquire and hold heritable property, the title to which shall be taken in the name of the Chair, Vice-Chair, Treasurer and Secretary for the time being as trustees for such Community Council and their respective successors in office.
- 10.0 EQUALITIES
- 10.1 In fulfilling its purpose or carrying out any function the Community Council shall do so without discrimination for reason of birth, race, sex, religion, opinion (political or otherwise) or any other condition or circumstance personal or social.
- 11.0 ALTERATIONS TO THE CONSTITUTION
- 11.1 Any alteration of this constitution shall receive the assent of not less than two thirds of the members of the Community Council present and voting at the meeting of the Community Council provided that notice of any such alteration shall have been received by the Secretary in writing not less than 21 clear days before the meeting at which the alteration is to be proposed. Notice in writing of such a meeting setting forth the terms of each of the alterations shall be sent by the Secretary to each member of the Community Council and to the Fife Council. No alteration shall be made which would conflict the Scheme made by Fife Council.
- 12.0 DISSOLUTION
- 12.1 If the Community Council decide that it is advisable to dissolve the Community Council it shall call a public meeting of which not less than 21 days notice stating the terms of the resolution to be proposed thereat shall be given. If such a decision is confirmed by two thirds majority of those present the Community Council shall, after payment of all debts and liabilities, transfer the remaining assets towards charitable purposes for the benefit of the inhabitants in the area served by the Council.

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