

2021 Model Constitution and Standing Orders for
community councils in west lothian

CONSTITUTION AND STANDING ORDERS FOR COMMUNITY COUNCILS

1. Name

The name of the community council shall be WEST CATER & HARBURN
(referred to as "the community council" in this document). COMMUNITY COUNCIL

2. Area of the Community Council

The area of the community council shall be as shown on the map attached to the local authority's Scheme for the Establishment of Community Councils.

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 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.
- (f) seek to engage with the Joint Forum of Community Councils in West Lothian and the West Lothian Community Planning Partnership.

4. Role and Responsibilities

In the discharge of their aims, objectives, functions and the conduct of their business, the community council and its membership shall have regard to their role and responsibilities as set out in paragraph 3 of the Scheme for the Establishment of Community Councils, approved by the local authority and the Community Councillors' Code of Conduct.

5. Membership

The community council's membership is as governed by paragraph 5 of the Scheme for the Establishment of Community Councils and as determined from time to time by the local authority.

6. Method of Election

Election procedures shall be governed by the method of election laid down in paragraph 7 of the Scheme for the Establishment of Community Councils.

7. Casual Vacancies on the Community Council

Where a vacancy arises, which does not result in the number of community councillors falling below the minimum number as specified in paragraph 5 of the Scheme for the Establishment of Community Councils, and at least 6 months has passed since the last election, the community council may, if it considers it to be desirable, agree to:-

- (a) an extraordinary general meeting 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 up to the maximum current prescribed size as governed by paragraph 7 of the Scheme for the Establishment of Community Councils.
- (c) the vacancy to be left unfilled until local public interest is expressed or until the next set of regular elections.

8. Voting Rights of Members of the Community Council

The right to vote at any meeting of the community council or any committee thereof, shall be held by all community councillors whether elected or co-opted, but not by Associate Members appointed for specific issues on a temporary basis, or *ex-officio* members. With the exception of circumstances which may arise under Standing Orders: Clause 19 – Alterations to the Constitution and Clause 20 – Dissolution, all decisions of the community council will be decided by a simple majority of those eligible to vote and present and voting.

Voting shall be taken by a show of hand of those present and eligible to vote, with the exception that, at an inaugural meeting or annual general meeting, when the election of office bearers may be held by secret ballot.

In the event of a vote of the community councillors that results in a majority not being achieved, the chair shall have a casting vote. However, this will not apply in the event of a tied vote for the position of chair at the inaugural meeting. Instead the decision will be made by drawing of lots. The chair of the former community council does not have the casting vote.

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 **(to be determined locally)** in the year when elections are not held, the

community council shall appoint a Chair, Secretary, Treasurer and other such 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 at the AGM. Upon effect of this scheme, no office-bearer shall be eligible to hold the same position for more than 2 electoral terms, or a maximum of 8 years. In exceptional circumstances, and where it can be demonstrated to the local authority that every effort has been made to attract a new member to that position, permission may be granted by the local authority to allow the former office-bearer to continue.
- (d) Without the express approval of the local authority, no one member shall hold more than one of the following offices at any one time: Chair, Secretary or Treasurer.

10. Committees of the Community Council

The community council may appoint representatives to committees of the community council and shall determine their composition, terms of reference, duration, duties and powers. To assist, a model governance document is provided in the Community Council Guidance Notes.

11. Meetings of the Community Council

- (a) Including the AGM, the community council shall meet not less than 7 times throughout the year.
- (b) The quorum for community council meetings shall be at least one third of the current eligible voting membership, or 3 eligible voting members, whichever is the greater. Any community council member who participates virtually in a meeting of their community council will count towards the quorum.
- (c) The dates, times and venues of regular meetings of the community council shall be fixed at the first meeting of the community council following ordinary elections and thereafter at its annual general meeting.
- (d) Ordinary meetings of the community council shall be held in the months of ~~JANUARY THROUGH TO DECEMBER~~ (to be entered).
- (e) The notice of ordinary and general meetings of the community council, featuring the date, time and venue, shall be provided to each community council member and made available to the local authority's named official by the community council secretary.
- (f) Once in each year in the month of (to be determined by the community council) the community council shall convene an annual general meeting for the purpose of receiving and considering the Chair's annual report on the community council, the submission and

approval of the independently examined annual statement of accounts and the appointment of office bearers.

- (g) The community council has a duty to be responsive to the community it represents. Should the community council receive a written request (petition), signed by at least 20 persons resident within the community council area to convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting within 14 days of receipt of such a request and advertise it in the manner prescribed locally for special meetings called by the community council.
- (h) Special meetings may be called at any time on the instructions of the Chair of the community council or on the request of not less than one-half of the total number community council members. The local authority's liaison officer for community councils has the discretion to call a meeting of the community council.
- (i) A special meeting shall be held within 14 days of the receipt of the request made to the Secretary of the community council. Special meetings shall require 10 days public notice.
- (j) Copies of all minutes of meetings of the community council and of committees thereof shall be approved at the next prescribed meeting of the community council, but the draft minute shall be circulated no less than 4 days before the next scheduled meeting, to community council members, other appropriate parties and the local authority's liaison officer for community councils.
- (k) The community council shall abide by its Constitution and Standing Orders for the proper conduct of its meetings.
- (l) The community council can meet to discuss items of business in private where it considers it appropriate to do so. The decision to meet in private will be agreed in advance and decided by a majority vote. Notice of such a meeting will be given to the public in the usual way. However, the Notice will record that the meeting, or a part thereof, shall be held in private and the reason for doing so. All members, including ex officio members, are entitled to be informed of and to be in attendance at any such private meeting. Brief minutes should be produced and presented to the next public meeting.
- (m) The community council may also hold private meetings, with no public notification, but only: in circumstances where it is not otherwise possible to arrange and advertise a public meeting according to the standard rules of the scheme; or where the objective of the meeting is purely to ratify a community council position that has previously been discussed at the preceding public session. Such meetings shall invite the opinion of all the community councillors present and will be minuted. The minutes will then be presented to the next public meeting.

- (n) All community council members, including ex-officio members, shall be treated equally, and fairly and without distinction or discrimination, in relation to meetings of the community council.
- (o) Meetings of a community council can be conducted by any other method in which each member is able to participate despite not being present in the meeting venue. Any community council wishing to hold virtual meetings would have to put in place appropriate arrangements to allow virtual participation by the public or allow them to submit questions and observe the meeting where virtual participation is not possible. This is subject to agreement by the community council and the availability of equipment to facilitate virtual meetings.

12. Order of Business

(i) Ordinary Meetings

The order of business at every ordinary meeting of the community council shall be as follows:-

- (a) Recording of membership present and apologies received.
- (b) Declarations of Interest.
- (c) The minutes of the last meeting of the community council shall be submitted for approval.
- (d) Any other items of business, which the Chair has directed, should be considered.
- (e) Any other competent business.
- (f) Questions from the floor.
- (g) Chair to declare the date of next meeting and close meeting.

(ii) Annual General Meeting

It will not be uncommon that the community council has arranged for an ordinary meeting of the community council to begin at the close of the annual general meeting, to enable any outstanding reporting on business matters to be heard; and for community council members and members of the public to have an opportunity to bring matters to the attention of the community council, possibly for inclusion on a future agenda.

The order of business at every annual general meeting of the community council shall be as follows:-

- (a) Recording the membership present and apologies received.
- (b) Declarations of Interest.

- (c) The minutes of the last annual general meeting of the community council shall be submitted for adoption.
- (d) Chair's Annual Report (and questions from the floor).
- (e) Treasurer's submission of Balance Sheet and Annual Accounts duly independently examined and certified correct (and questions from the floor).
- (f) Demit of current office bearers/election of office bearers.
- (g) Chair to declare date of regular community council meeting dates along with the next annual general meeting and close meeting.

(iii) Extraordinary General Meeting

The order or business at every extraordinary general meeting of the community council shall be as follows:-

- (a) Recording of membership present and apologies received.
- (b) Declarations of Interest.
- (c) Business for debate, as described in the calling notice for the special meeting.
- (d) Chair to close the meeting.

13. Order of Debate

- (a) The Chair shall decide all questions of order, relevancy and competency arising at meetings of the community council and her/his ruling shall be final and shall not be open to discussion. In particular, the Chair shall determine the order, relevance and competency of all questions from the public in attendance at meetings of the community council raised at 12 above. The Chair, in determining the order, relevance and competency of business and questions shall have particular regard to the relevance of the issue to the community council and ensure that the discussion and proceedings are conducted in such a manner that decisions are reached in a democratic manner. The Chair shall have the power, in the event of disorder arising at any meeting, to adjourn the community council meeting to a time he/she may then, or afterwards, fix. The Chair shall have the power to order the removal of members of the public who continually disrupt meetings and prevent the community council conducting business.
- (b) Every motion or amendment shall be moved or 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) 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.

14. Minutes of the Community Council

Minutes of the proceedings of a meeting of the community council shall be drawn up within 21 days from the date of that meeting, distributed in accordance with paragraph 3 of the Scheme for Establishment of Community Councils and shall, following their approval, be signed at the next meeting of the community council by the person presiding thereat and retained for future reference.

15. Public Participation in the Work of the Community Council

- (a) All meetings of the community council and its committees (subject to 11 (l) and (m) above) 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 Chair.
- (b) Notices calling meetings of the community council and its committees shall be posted prominently within the community council area for a minimum period of 7 days before the date of any such meeting, and, where possible, be advertised by other suitable means.

16. Information to the Local Authority

The local authority's liaison officer shall be sent an annual calendar of the community council's prescribed meeting dates, times and venues, which should be agreed at the community council's annual general meeting, minutes of all meetings, the annual report, the annual financial statement and any other such suitable information, as may from time to time be agreed between the community council and the local authority.

When special meetings of the community council are to be held, the local authority's liaison officer should be advised of the date, time venue and subject(s) of debate of such meetings, at least 10 days in advance of the meeting date.

17. Control of Finance

- a) All monies raised by or on behalf of the community council or provided by the local authority and other sources shall be applied to further the objectives of the community council and for no other purpose. The monies provided by the local authority in the Annual Grant for administrative and other approved purposes shall be used only as

prescribed. Monies raised from other sources may be used in accordance with the terms of this provision (so long as they are consistent with the objectives of the community council), or in the absence of such terms, for the furtherance of the objectives of the community council.

- b) In any financial year, community councils should not donate more than 1/3rd of their annual grant from West Lothian Council. Any donations should only be to local constituted groups which bring community benefit to the area.
- c) The treasurer shall undertake to keep proper accounts of the finances of the community council.
- d) Any two of three authorised signatories, who would normally be office-bearers of the community council, may sign cheques on behalf of the community council. Authorised signatories may not be co-habitees.
- e) A statement of accounts for the last financial year, independently examined by a qualified accountant or by two examiners appointed by the community council, who are not members of this community council and who have no connection with it, shall be submitted to an annual general meeting of the community council and shall be available for inspection at a convenient location.
- f) The financial year of the community council will be from 1st April until 31st March the succeeding year. Examined accounts as received and approved by the community council at the annual general meeting shall be submitted to the local authority following approval at the community council's annual general meeting.

18. 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.

Property or assets purchased or leased by community councils under the Community Right to Buy process or such similar schemes, may be owned by a community trust set up by the community council to specifically manage the asset.

19. Alterations to the Constitution and Standing Orders

Any proposal by the community council to alter this Constitution and Standing Orders must be first considered by a meeting of the community council and the terms of the proposal to alter the Constitution shall be stated on the notice calling the meeting, which shall be issued not less than 7 days prior to the meeting. Any proposed alterations may not prejudice the terms and objectives contained within the Scheme for the Establishment of Community Councils.

If the proposal is supported by two-thirds of the total voting membership of the community council and is approved in writing by the local authority, the alteration shall be deemed to have been duly authorised and can then come into effect.

20. Dissolution

If the community council by a two-thirds majority of the total voting membership decides at any time that 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 7 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 the local authority, the community council shall be deemed to be dissolved and all assets remaining, subject to the approval of the local authority, after the satisfaction of any proper debts or liabilities shall transfer to the local authority who shall hold same in Trust for a future community council representing that 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 the local authority 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 for the Establishment of Community Councils.


Where for any reason, the number of community council members falls below the minimum specified in the Scheme for the Establishment of Community Councils the local authority 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.

21. Approval and adoption of the Constitution

This Constitution was adopted by

URST CALDER & HARROLD COMMUNITY COUNCIL, on

TUESDAY 9TH DECEMBER 2021


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Signed: Chair


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Member


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Member

09 - NOV - 2021
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Date

and was approved on behalf of West Lothian Council on

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Signed

18 November 2021
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Date