# GORDON AND WESTRUTHER COMMUNITY COUNCIL

## CONSTITUTION

**1.0 NAME**

1.1 The name of the Community Council shall be Gordon and Westruther Community Council (hereinafter referred to as "the Council").

**2.00 AREA**

2.1 The area of the Council shall be that part of the Scottish Borders, the boundaries of which are shown delineated on Map Number 14 annexed to the principal copy of the Scheme for the Establishment of Community Councils adopted by the Scottish Borders Council (hereinafter referred to as "the Scheme").

**3.0 PURPOSES/FUNCTIONS**

3.1 In addition to any other purpose which it may pursue, a Community Council shall :-

a. ascertain, co-ordinate and express to the Scottish Borders Council as the Local Authority for its area, and to other public authorities, the views of the community which it represents in relation to matters for which those authorities are responsible;

b. make known within the community such information as may be received from the Scottish Borders Council and other public authorities; and

c. take such action in the interests of that community as appears to it to be expedient and practicable.

3.2 The Council shall be non-party in politics and non-discriminatory and shall represent all persons in its area.

**4.0 COMPOSITION OF THE COUNCIL**

4.1 The Council shall be composed of :

a. 9 Members who have been elected in the manner prescribed in the Scheme (5 Members for Gordon and 4 Members for Westruther) and

b. the Scottish Borders Council for the area covered by the Council or any part of it, who shall have ex-officio membership of the Community Council during their period of office for the Local Authority but shall have no entitlement to vote, move motions or amendments, or hold office in the Community Council. No Member of the Scottish Borders Council may simultaneously be a member of the Community Council other than in an ex-officio capacity.

4.2 The council may include co-opted members in the following circumstances :-

a. The Council may co-opt further members with skills or knowledge which the Council considers would be of assistance to the Council in carrying out its

functions. Such co-opted members shall not have voting rights, shall not be entitled to move motions or amendments, and shall not hold office, and may be of any age. Members co-ted for this purpose will serve for such time as may be determined by the Council at the time of their co-option or until the Council decide that their services are no longer required; and

b. The Council may, where the elected membership does not comprise the maximum number of elected members specified in paragraph 4.1 above but is equal to, or exceeds, one-half of that number, or where casual vacancies arise during a term of office, co-opt persons who would be eligible for election to the Community Council as members in order to make up that number, subject to the number of members so co-opted not at any one time exceeding one quarter of the maximum number of elected members specified in paragraph 4.1(a) above. For the purposes of this sub-paragraph, any fraction arising shall be rounded down to the nearest whole number. Members so co-opted may serve until the next ordinary election to the Council, qualifying for full voting rights after attending 3 meetings or six months after co-option (whichever is the shorter).

4.3 In the event of the number of elected Members of the Council, in the interval between elections, reducing to less than one-half of the maximum number specified in paragraph 4.1(a) above, a by-election shall be held not later than two months after this reduction occurs (unless the next ordinary election is due to occur within six months of the reduction occurring). The number of vacancies to be filled at the by-election shall be the number by which the elected membership falls short of the maximum.

## 5.00 METHOD OF CO-OPTION OF MEMBERS

5.1 A proposal to co-opt a person or persons to the Council under paragraph 4.2(b) hereof shall require a Notice of Motion to that effect to be included on the Agenda for the appropriate meeting of the Council, and such Notice of Motion shall include the name and address of the person proposed to be co-opted, together with that person's number on the current Electoral Register, and the names of the proposer and seconder who shall be elected members of the Council.

## 6.0 CASUAL VACANCIES

6.1 A casual vacancy shall be deemed to arise in any of the following circumstances :

a. on the day when a member ceases to be entered in the Electoral Roll for the area covered by the Council;

b. on the expiry of a period of six calendar months during which a member has failed to attend a meeting of the Council, or of any Committee or other body constituted by the Council, unless leave of absence has been granted or other reason accepted by the Council; or

c. upon the receipt by the Secretary to the Council of a written notice of resignation from a member.

## 7.0 TERM OF OFFICE

7.1 Elected members of a Community Council shall serve for a term of 2 years, and shall be eligible for re-election.

7.2 This term of office shall be held to be adjusted without the need to amend this Constitution in the event of the Scottish Borders Council exercising their right under the Scheme to set a common date in each year for Community Council elections.

## 8.0 GENERAL PROVISIONS

8.1 At the first public meeting of the Council following the initial election, which shall be chaired by the Returning Officer or his nominee (who shall normally be an ex-officio member, if available), until a Chairperson has been elected, the Council shall elect from its eligible members a Chairperson, to be known by such title as the Council decide, subject to approval of that title by the Scottish Borders Council, and such other office-bearers as the Council shall deem necessary. Thereafter such office-bearers, who shall be eligible for re-election, shall be elected or re-elected at the first Public Meeting following a council election.

8.2 The Council may elect a Secretary and Treasurer (which offices may be combined) who shall hold office and may be eligible for re-election in accordance with the provisions of paragraph 8.1 above. In the event of the Council being unable to elect a Secretary and/or Treasurer, the Secretary and Treasurer (but no other office-bearers) may be appointed from outwith the membership of the Council and may receive such remuneration as the Council may determine from the resources available to them, there being no extra funding available from the Scottish Borders Council for this purpose. Such appointees from outwith the membership shall be entitled to speak only on matters relating to their function as office-bearers and shall have no voting rights.

8.3 The Chairperson will :-

a. be responsible for ensuring that meetings of the Council are properly conducted in accordance with the Constitution and Standing Orders; and

b. be responsible for the submission of a written Annual Report on the Council's activities for the previous year to the Annual General Meeting and thereafter to the Scottish Borders Council.

8.4 The Secretary, or in the absence of the Secretary, the Chairperson pro tem shall :-

a. convene meetings of the Council and its committees;

b. undertake correspondence arising from the work of the Council;

c. be responsible for preparing and keeping the minutes of meetings, including a record of those members in attendance and those members who are absent, and making a true record of proceedings for distribution to members and others; and

d. undertake other duties required by the Council from time to time.

8.5 The Treasurer shall :-

a. correctly maintain the Council's financial records, which shall disclose, with reasonable accuracy at any time, the financial position of the Council.

b. Take all reasonable steps to ensure that monies due are received and creditors paid;

c. present financial information to the Council when required; and

d. if nominated to do so, prepare annually an Abstract of Accounts for submission to the Annual General Meeting.

8.6 Any vacancy in office arising during the office-bearer's term of office may be filled at any meeting of the Council, provided that notice of the vacancy has been included in the agenda for the meeting.

8.7 As soon as practicable following such appointments, the Council shall lodge with the Head of Corporate Administration of the Scottish Borders Council, a return specifying the full names, designations and addresses of the Council office-bearers and Auditor(s)/Examiner(s) of their accounts and subsequently advise him, in writing, of all changes thereof within one month of such changes occurring.

**9.0 SUB-COMMITTEES**

9.1 The Council shall have the power to establish sub-committees and ad hoc committees and to stipulate their composition, powers, duties and duration.

9.2 Decisions of sub-committees and ad hoc committees shall be taken by a majority vote of those present, with the Chairman having both a deliberative and a casting vote.

9.3 At a meeting of a sub-committee or ad hoc committee, a quorum shall be at least one-half of the elected membership thereof.

9.4 Sub-committees or ad hoc committees shall keep a record of their proceedings and decisions taken, which will be submitted to the Secretary for entry in the Council minutes.

**10.0 MEETINGS**

10.1 Meetings of the Council shall be convened at intervals of not more than 1 month and at least 10 meetings shall be held annually, one of which shall be

the Annual General Meeting. All meetings of the Council, shall be open to members of the public. The Council shall comply with the principles of the Local Government (Access to Information) Act 1095, a summary of its main provisions having been provided to the Council, and any amending legislation, particularly in regard to the conduct of business in public unless permitted to be taken in private in terms of the Act, and also in regard to allowing advance sight of agenda papers and Minutes.

10.2 All relevant Council members shall be advised of the place, date and time of any meetings of the Community Council, Committees or sub-committees by means of written agendas, specifying the business to be conducted and sent either to their normal residence or place of work if requested by them at least seven days before or, in cases of urgency, at least three clear days before, the due date of such meeting. At the same time as the agenda is issued to members, a copy shall be sent to the Head of Corporate Administration of the Scottish Borders Council or his nominee as advised. At the same time, public notice shall be given by a copy of the agenda being affixed in a prominent and clearly visible position at the normal place where meetings of the Council are held and on local notice boards and/or appropriate public venues.

10.3 The Council members shall comply with the Scottish Borders Code of Conduct for Community Councillors, a copy of which shall be issued to each Community Council. Members shall be required, in advance, to declare pecuniary and non-pecuniary interests relating to matters which might be under discussions relating to matters which might be under discussion and after doing so shall take no part in their consideration. Failure to observe this may lead to suspension from a meeting and repeated failure to observe may lead to suspension from participating in the work of the Council for a period of time.

10.4 Only Council members with full voting rights may vote at Council Meetings, including Annual General Meetings, the only exception being votes on the proposed contents of the Constitution and proposed amendments thereto, in which case all persons eligible to vote in local government elections and on the Electoral Roll for the Council area and in attendance at the meeting are entitled to vote.

10.5 The quorum for each Council meeting shall be one-third of the Community Council membership eligible to vote, subject to a minimum of three.

10.6 With the permission of the Chairman, any member of the public in attendance may speak or ask a question regarding any item on the agenda.

**11.0 SPECIAL MEETINGS & EXTRAORDINARY PUBLIC MEETINGS**

11.1 The Council shall be empowered to convene special meetings and extraordinary public meetings as aftermentioned within the area of the

Council for the purpose of considering matters of interest and importance, and for the purpose of agreeing or amending the Constitution.

11.2 The Council shall, upon receipt of a requisition signed by twenty electors, convene a special meeting, to be held within 21 days of receipt by the Secretary or Chairman of that requisition, to consider the business specified in the requisition and in the notice calling the meeting.

11.3 The Council shall, upon receipt of a requisition signed by not less than 4 members, convene an extraordinary public meeting, to be held within 7 days of receipt by the Secretary of that requisition, to consider the business specified in the requisition and in the notice calling the meeting.

**12.0 ANNUAL GENERAL MEETING**

12.1 An Annual General Meeting shall be held not later than 60 days after the end of the Council's financial year.

12.2 The Agenda for the Annual General Meeting shall include the following items, namely :-

a. a report by the Chairperson on the Council's activities for the previous year.

b. the scrutinised/approved Annual Abstract of Accounts.

c. proposals for the amendment of the Council's Constitution, where appropriate;

d. election of office bearers

e. appointment of auditors.

f. agreement to abide by the Scottish Borders Council Code of Conduct for Community Councils.

**13.0 MINUTES**

13.1 The Council shall submit to the Head of Corporate Administration of the Scottish Borders Council or his nominee, copies of the draft Minutes of its meetings not later than 21 days after each meeting. Minutes shall be circulated to members not later than with the issue of the Agenda for the next meeting. Minutes of any meeting shall be made available not later than seven clear days prior to the next meeting of the Council for inspection by members of the public within the Council's area at the Notice boards in both villages.

**14.0 HOLDING OF HERITABLE PROPERTY**

14.1 Any heritable property acquired by the Council shall be vested in the Chairperson, Secretary and Treasurer of the Council, and their respective successors, as trustees for and on behalf of the Council.

14.2 The Community Council shall keep an accurate record of any assets held and where they are kept indicating its wishes for the dispersement of these assets in the event of the Community Council being disestablished or dissolved. A copy of the register, and any subsequent changes, shall be submitted to the Head of the Business Improvement Unit of Scottish Borders Council within twenty one days of it being agreed by the Community Council.

**15.0 STANDING ORDERS**

15.1 All council business shall be conducted in accordance with such Standing Orders as may be prepared by the Council and approved in writing by Scottish Borders Council prior to adoption, and which shall not be amended without the prior written approval of the Scottish Borders Council.

**16.0 FINANCIAL PROVISIONS**

16.1 The Council may raise funds for schemes, projects and other purposes falling within its stated objects.

16.2 All monies received by the Council, whether by way of grant, gift or loan shall be applied to further its objects.

16.3 The Council shall keep an accurate record of its receipts and payments and the Treasurer or other nominated office-bearer shall prepare annually an Abstract of Accounts. The books and Abstract of each Community Council shall be scrutinised by an auditor/independent examiner (who shall not be a member of the Council), duly appointed from year to year for that purpose by the Council following approval by the Scottish Borders Council. A copy of the approved Abstract for each Community Council shall be submitted to the Head of Business Improvement Unit of the Scottish Borders Council within seven days of the Annual General Meeting.

**17. DISSOLUTION/DISESTABLISHMENT**

17.1 A proposal to dissolve the Council shall require a Notice of Motion to that effect to be included on the agenda for a special meeting or an extraordinary public meeting, and shall require to be passed by a two-thirds majority of those present and voting.

17.2 In the event of the disestablishment or dissolution of the Council for any reason, such property and funds as are vested or under the control of the Council at the date of disestablishment or dissolution shall be transferred to and vested in the Scottish Borders Council unencumbered and shall be administered and applied by them in such manner as the Scottish Borders Council, in line with the wishes of the Community Council in the aforementioned asset register, may determine to be for the benefit of all or part of the Community Council area, said discretion including the power of sale. The members and office-bearers of the former Council shall remain liable following such transfer for their intromissions with the former Community Council's assets during their term of office.

## 18.0 AMENDMENT OF CONSTITUTION

18.1 Any proposal to amend this 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 first to be considered.

18.2 Subject to the provisions of paragraph 11 hereof any alteration to this Constitution will require approval of both :

a. a majority of Members of the Council voting at a Council meeting; and

b. two-thirds majority of residents of the Community Area entitled to vote, being present and voting at an Annual General Meeting of the Council or a Special Meeting or an Extraordinary General Meeting convened for considering the approval of such alteration.

18.3 Notice of any Special Meeting or Extraordinary Public Meeting at which a proposal to change this Constitution of the Council is to be considered shall be given at least fourteen days prior to the date of the Meeting and such notice shall detail the wording of the proposed alteration(s).

## 19.0 ADOPTION OF CONSTITUTION

19.1 This constitution, after being agreed by the Gordon and Westruther Council, was adopted at a Council Meeting held on 16th June 2010.

.....Chairman

.....Secretary

.....Treasurer