

TORPHINS COMMUNITY COUNCIL CONSTITUTION

NAME

1. The name of the Community Council shall be TORPHINS COMMUNITY COUNCIL (“the Community Council”)

OBJECTS AND FUNCTIONS

2. The objects and function of the Community Council shall be:
 - 2.1 To proactively identify and assess issues of concern to its local community. Taking into account views expressed by the public and any other relevant evidence, it should either take such action as it considers to be suitable or convey its finding and conclusions to the relevant authority for consideration.
 - 2.2 To promote the well-being of the community resident within the Community Council boundaries (“the Community Area”) and comply with equal opportunities legislation that makes it unlawful to discriminate against persons or groups on the grounds of race, gender, gender recognition, disability, age, sexual orientation and religion or belief.
 - 2.3 To be a means whereby the people of the Community Area shall be able to voice their opinions on any matter affecting their lives, their welfare, their environment, its development and amenity.
 - 2.4. Provided that the Community Council shall be non-party political and non-sectarian in its discussions and decision making and shall comply with data protection and other relevant legislation.

MEMBERSHIP OF COMMUNITY COUNCIL

3. The Community Council shall consist of not fewer than 5 and not more than 12 persons elected by persons resident within the Community Area (“the Elected Members”) and such persons shall be eligible in accordance with Section 3.1 below. In addition to the Elected Members the Community Council may consist of Junior Members and Ex-Officio Members and the Community Council may appoint Associate Members.
 - 3.1 Community Councillors should:
 - a. be aged 16 years or over, and
 - b. reside in the Community Council Area and be on the Electoral Register,or
 - c. have had their ordinary or principal residence in the Community Council Area for at least three months prior to nomination, and
 - d. not be elected to serve on Aberdeenshire Council, or the Scottish, UK or European Parliaments.
 - 3.1.1 Provided that the Community Council has a maximum of two places available for Elected Members who do not reside in the Area and

- a. are permanently employed, or carry out regular self-employed work or voluntary work in the Area of the Community Council; or
 - b. own a business in the Area of the Community Council.
- 3.1.2 Any Community Councillor who no longer meets the eligibility set out in this section, in Section 3.7 below and/or has been disqualified in accordance with Section 9 of the Scheme for the Establishment of Community Councils (“the Scheme”) is not eligible to be a Community Councillor of the Community Council.
- 3.1.3 Any serving Elected Member who is elected to serve on Aberdeenshire Council, or the Scottish, UK or European Parliaments shall be ineligible to remain as a community councillor.
- 3.1.4 In terms of 3.1.1 above, a Community Councillor who does not reside in the Community Area cannot be a serving community councillor of another community council.

3.2 Junior Members

The Community Council will provide two or more places in addition to its maximum general membership, for persons aged 14 and 15 who live and/or are educated within the Community Area. Such persons will have full voting rights but shall not hold office in the Community Council, nor can they be counted as part of any quorum or the minimum or maximum number of the Community Council.

3.3 Ex-Officio Members

The Aberdeenshire Councillors for the area covered by the Community Area shall have ex officio membership of the Community Council during their period of office for the Council but shall not be eligible to vote or hold office in the Community Council. No Aberdeenshire Councillor may be a member of a Community Council other than in an ex officio capacity.

3.4 Associate Members:

The Community Council may engage Associate Members with skills, knowledge and interests which the Community Council considers would be of assistance to the Community Council in carrying out its functions. Associate Members shall not have voting rights and shall not hold office within the Community Council. Associate Members will serve for such time as may be determined by the Community Council at the time of their engagement or until the Community Council decides that their services are no longer required and do not form part of the quorum or minimum or maximum number of elected members.

3.5 Co-option of Members

- a. The Community Council may, when their elected membership is above the minimum number and does not comprise the maximum number of Elected

Members specified above, co-opt persons who would be eligible for election to the Community Council as members in accordance with Section 3.1. The number of members so co-opted may not at any time exceed one quarter of the maximum number of members.

- b. The proposed members must be elected onto the Community Council by a two thirds majority of the Elected Members present and voting. Such co-opted members shall have full voting rights and will serve until the next round of elections. Notice of any proposed co-option procedure is required to be intimated to all of the Community Council's members and the Area Manager at least 10 working days prior to the meeting when the matter of co-option will be decided.
- 3.6 One seat each shall be reserved for Campfield and Tornaveen. However, when there are no candidates for these areas the places may be filled by Torphins residents.
- 3.7 Membership of the Community Council is disqualified in the following circumstances-
- a. When the Elected Member's eligibility qualification within that Community Council area ceases to exist.
 - b. If any Elected Member of the Community Council fails to attend three successive Community Council meetings, with or without submitting apologies, the Community Council **may** terminate their membership provided that the termination of the membership must be an item on a meeting agenda and must be carried by a two thirds majority vote of those present and voting provided that, at the discretion of the Community Council, a period of leave of absence of to six months for the Community Council member may be granted and minuted at any meeting of the Community Council. This period may be reviewed by the Community Council.

ELECTIONS

- 4.1 Vacancies will be advertised in accordance with the Scheme before the Annual General Meeting and an Election will be held if there are more nominations than candidates
- 4.2 The Council will administer all elections and will appoint a Returning Officer at the commencement of the election period.
- 4.3 Except as otherwise provided by this paragraph, Elected Members shall hold office for 3 years and shall be eligible for re-election.
- 4.4 a. Persons seeking election to the Community Council shall be nominated as prescribed in the Scheme and nominations shall be lodged with the Returning Officer by a prescribed time and date.

- b. In the event of the number of persons remaining validly nominated for election to the Community Council exceeding the number of vacancies, the election shall be by a secret ballot paper containing a list of the persons validly nominated. The said election shall be arranged by the Council in consultation with the Community Council in terms of the Scheme.
- c. In the event of any casual vacancy or vacancies the Community Council, in consultation with Aberdeenshire Council, shall arrange to hold an election in the prescribed way.
- d. The Community Council may, where their elected membership is at or above the prescribed minimum number and does not comprise the maximum number of Elected Members, co-opt persons who would be eligible for election to the Community Council as members.

MEETINGS

- 5.1 During the month of June in each year the Community Council shall convene an Annual General Meeting (AGM), the agenda for which shall include:-
 - a. The Community Council's Annual Report.
 - b. Independently verified Statement of Accounts.
 - c. Reports on any elections.
 - d. Annual review of the Community Council's Constitution.
- 5.2 The Community Council shall meet throughout the year at monthly intervals (excepting the month of August).
- 5.3 The Community Council shall, upon receipt of a requisition signed by twenty electors within the Community Area, convene a special meeting, to be held within 15 working days of receipt of that requisition, or such shorter period as may be specified by the Community Council, to consider the business which must be specified in the requisition and in the notice calling the meeting.

OFFICERS OF THE COMMUNITY COUNCIL

- 6.1
 - a. The Community Council, at its first meeting after the initial and subsequent elections, shall elect one of its members to be Chairperson and may elect one of its members to be Vice-Chairperson.
 - b. The Chairperson and Vice-Chairperson shall continue in office until their respective successors are elected.
 - c. The Community Council shall appoint and shall have power to dismiss a Secretary and a Treasurer whether or not from among its elected members. The offices of Secretary and Treasurer, but no other office-bearers may be combined.
 - d. The office of Chairperson shall not be combined with any other nor shall one person hold more than two positions.

- e. The Elected Member or Elected Members of the Community Council appointed as Secretary or Treasurer or Secretary/Treasurer shall not be entitled to remuneration but the Community Council may, at its discretion, award honoraria to such Elected Members together with expenses actually incurred and supported by receipts or vouchers. The Community Council may pay appropriate remuneration to a Secretary and Treasurer or Secretary/Treasurer appointed outwith its own membership.
- f. The Community Council shall appoint a representative(s) to the local forum or equivalent who shall be entitled to vote in respect of any matters raised at a meeting of the forum or equivalent. Area based forums will facilitate engagement on local community planning issues.

STAFF

- 7. In addition to the offices of Secretary and Treasurer or Secretary/Treasurer the Community Council shall have power to appoint and dismiss such other staff as it may from time to time determine, subject to the observance of employment law.

COMMITTEES AND SUB-COMMITTEES

- 8. The Community Council shall have powers to appoint such Committees and/or Sub-Committees or Sub-Groups as it may from time to time decide and shall determine their terms of reference, powers, duration and composition.
- 9.
 - a. The Community Council shall have powers to draw up Standing Orders for the proper conduct of business at all meetings of the Community Council and meetings of Committees, Sub-Committees or Sub-Groups thereof.
 - b. The Community Council may draw up Standing Orders and in the absence of its own Standing Orders, the Standing Orders in Appendix 1 of the Model Constitution of the Scheme for the Establishment of Community Councils of Aberdeenshire Council shall, where relevant, apply to all meetings of the Community Council and to meetings of all Committees, Sub-Committees and Sub-Groups thereof.
 - c. Copies of Aberdeenshire Council's "Scheme for the Establishment of Community Councils", together with the Community Council's Constitution, Rules and Standing Orders shall be given to each member of the Community Council the commencement of their membership.

FINANCE

- 10.
 - a. All monies raised by or on behalf of the Community Council shall be applied to further the objects of the Community Council and to maintain

its administrative structure.

- b. The Community Council shall have the power to secure resources for schemes, projects and all other purposes consistent with its functions and shall be eligible to apply for grants for suitable projects.
- c. The Council will provide an administrative grant to the Community Council to assist with the operating costs of the Community Council.
- d. The Treasurer or Secretary/Treasurer shall arrange for a bank account(s) to be held in the name of the Community Council and shall have responsibility for:
 - i. the proper management of the Community Council's financial affairs, and
 - ii. keeping proper books of account showing the finances of the Community Council.
- e. The Community Council shall appoint an independent verifier, acceptable to Aberdeenshire Council, to independently verify the accounts of the Community Council annually.
- f. Independently verified Statement of Accounts of the Community Council for the last financial year shall be submitted by the Community Council to the Annual General Meeting. The Community Council's financial year shall run from 1st April.
- g. The Title to all and any heritable property which may be acquired by or for the purpose of the Community Council shall be taken in the name of the Chairperson and Secretary of the Community Council, and their successors in their respective offices, as trustees for the Community Council.
- h. The Community Council must comply with Section 13 of the Scheme and must have sufficient and adequate insurance to cover the Community Council in the event of claims being made against the Community Council and must be able to demonstrate to the Council that this insurance cover is in place.

RETURN OF OFFICE- BEARERS AND OTHERS

- 11. Following the first meeting after each election the Community Council shall lodge with the Area Manager for the Area of Aberdeenshire Council in which located a return specifying the full names, addresses and designations of:
 - a. office-bearers;
 - b. elected, co-opted, and associate members; and
 - c. independent verifier.

and shall, thereafter, notify the Area Manager in writing any change to office-bearers, members and independent verifier/s.

AMENDMENT OF CONSTITUTION

12. a. Any proposal to amend the Constitution must be delivered in writing to the Secretary of the Community Council at least 15 working days before the date of the meeting at which the proposal is first to be considered.
- b. Any alterations to the Constitution will require approval of:
 - i. a majority of two-thirds of those present and voting in favour thereof, and;
 - ii. the Area Manager on behalf of Aberdeenshire Council.
- c. Notification of any proposed changes to the wording of the Constitution will be widely circulated through the publication of the subject meeting Agenda.

SUPPORTED STATUS AND DISSOLUTION

13. Supported Status, Dissolution and Voluntary Dissolution of the Community Council will only take place in accordance with the Scheme for the Establishment of Community Councils.

SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

14. The Community Council shall not do anything which is inconsistent with Aberdeenshire Council's Scheme for the Establishment of Community Councils and in the event of any inconsistency, the Scheme for the Establishment of Community Councils shall take precedence.

DISCIPLINARY PROCEDURES

15. In the event of a complaint by a member of the Community Council or a third party that the Community Council or a member of the Community Council is in serious breach of the Community Councillors' Code of Conduct or has otherwise brought the Community Council into disrepute it shall be dealt with in accordance with the Complaints and Appeals Procedure in Schedule 7 of the Scheme for the Establishment of Community Councils.

(Approved by Aberdeenshire Council – 8 June 2021)