

BALLATER & CRATHIE COMMUNITY COUNCIL
CONSTITUTION

(Approved AGM April 2012)

1. NAME:-

The name of the Community Council shall be Ballater & Crathie Community Council (hereinafter referred to as The Community Council).

2. OBJECTS:-

The object & function of the Community Council shall be:-

To ascertain, co-ordinate and express to statutory and public authorities and bodies the views of the community in relation to matters for which the authorities or bodies are responsible and to take such action in the interests of the community as appear practical and desirable.

To promote the well-being of the community resident in the area without distinction of sex or political or religious opinions.

To be a means whereby the people of Ballater and Crathie area shall be able to voice their opinions on any matter affecting their lives, welfare, environment, development and amenity.

The Community Council shall be non-party in politics and non-sectarian in religion.

3. MEMBERSHIP:-

The Community Council shall consist of not less than SEVEN and not more than TWELVE persons elected by and from all persons aged 18 and over resident in the Community Area whose names appear on the relevant Electoral Registers.

They will be elected on the following basis:-

Ballater & surrounding district:- 10 members

Crathie:- 2 members.

The secretary will provide a copy of the Constitution of the Community Council to new members.

4. ANNUAL GENERAL MEETING:-

Every April the Community Council shall convene an Annual General Meeting, the Agenda for which shall include items for receiving the Community Council's Annual Report and the Statement of Accounts, Reports on any Elections, provision where necessary for considering and voting on proposals for the Amendment to the Constitution.

Annual General Meetings shall be held in Ballater or Crathie on alternate years.

The minutes of the AGM shall be reviewed at the next ordinary meeting of the Community Council (in May) where it will be recorded that they are an accurate record of the AGM. At the following year's AGM it will be recorded that this was done and formally approved.

5. ORDINARY MEETINGS:-

The Community Council shall meet every month, with the exception of August on the second Monday of the month. Meetings will be held in Ballater, with the exception of the April or May meetings which will alternate between Crathie and Ballater as above, and October meetings, which will be held in Crathie. The dates of regular meetings shall be agreed at the first meeting of the Community Council following ordinary elections.

The Community Council may convene Special Meetings for the purpose of considering matters of interest or importance. The Office Bearers or any three members may request a Special Meeting.

A quorum for any General or Special Meeting shall be FOUR members of the Community Council.

The Community Council may invite to its meetings the Member for the Area elected to the Aberdeenshire Council. This member shall not be entitled to vote.

The Community Council may invite to its meetings any other party, including officers of Aberdeenshire Council, depending on the subject matter to be discussed. Such individuals shall not be entitled to vote.

The Community Council may invite any member of the public to address its meetings.

All meetings of the Community Council shall be open to members of the public, except that the Community Council may by resolution agree to go into private session for the consideration of any items of business of a private or confidential nature, where in the interests of the community it appears to the Community Council that it would be desirable so to do.

6. NOTICES CALLING MEETINGS:-

Notices calling meetings of the Community Council specifying the items of business to be discussed together with the Minutes of the previous Meeting to be approved shall be sent to each member of the Community Council and to the appropriate member of Aberdeenshire Council.

Notices calling meetings of the Community Council shall be displayed in Ballater on the Community Council Notice Board and on the Notice Board in Crathie.

Copies of the Minutes of Meetings, once approved, shall be sent to the Aberdeenshire site and shall be available for inspection in Ballater Library fourteen days after the approval of the Minutes.

7. ELECTIONS:-

Ordinary elections shall be held in the month of April every fourth year, unless a common election date is subsequently prescribed by Aberdeenshire Council.

Persons seeking election must be resident in the area they seek to represent and their names and those of the two proposers must also appear on the Electoral Roll for that area.

Persons who have lived in the area for at least three months who are not yet on the Electoral Roll or business men or women in the area or sub area but who reside elsewhere are also eligible for election but they may not nominate anyone for election to the Community Council nor may they vote in a Community Council Election. Persons seeking election must be nominated by two persons whose names appear on the Electoral Roll for that Area. Nomination forms must be on the prescribed form and shall be in the hands of the Secretary of the Community Council at least 14 days before the date of election.

In the event of the number of persons remaining validly nominated for election to the Community

Council (after any withdrawals) exceeding the number of vacancies, election shall be by secret ballot containing a list of persons validly nominated. The said elections shall be arranged by the Community Council with any assistance that may be requested from Aberdeenshire Council.

In election by ballot box the hours of poll shall be from 10 a.m to 1 p.m. and from 5 p.m. to 9 p.m.

Elections shall be by secret ballot in Ballater and/or Crathie. Except as otherwise implemented by Aberdeenshire Council, a Community Council shall be in being for a period of four years.

The Community Council shall at the commencement of the election period, appoint a Returning Officer, who will be independent of the Community Council.

In the event of any casual vacancy or vacancies the Community Council shall arrange to hold an election in the prescribed way. The member so elected will serve until the next ordinary election.

The Community Council shall have power to co-opt in such manner and by such a majority as the Community Council shall determine, subject to the provisions of Aberdeenshire Council's Scheme for the establishment

of Community Councils, a person or persons to fill a vacancy or vacancies.

Members so co-opted may serve for six months, with full voting rights.

The Community Council may co-opt any person or persons whose advice or skills may be of assistance in the advancement of any project provided that such persons shall be co-opted for a period agreed by the Community Council not exceeding one year and such persons shall not be entitled to vote.

8. OFFICE BEARERS:-

The Community Council, at its first meeting after Ordinary Elections, shall elect one of its members to be Chair and may elect one of its members to be Vice Chair.

The Chairman and Vice Chairman shall continue in office until the next Ordinary Election.

The Community Council shall appoint a Secretary and a Treasurer.

These persons shall not be entitled to remuneration but the Community Council may award honoraria to these members, together with expenses actually incurred. The Community Council shall have the power to dismiss a Secretary and a Treasurer whether or not from among its elected members.

The office of Chair shall not be combined with any other nor shall one person hold more than two positions.

9. COMMITTEES:-

The Community Council shall have powers to appoint Committees and sub-committees and shall determine their terms of reference, powers, duration and composition.

10. STANDING ORDERS:-

The Community Council shall have powers to draw up Standing Orders for the conduct of Business at meetings of the Community Council.

In the absence of its own Standing Orders, Aberdeenshire Council's Standing Orders may be those used by the Community Council.

Copies of the Community Council's Constitution and Standing Orders (or Aberdeenshire's) shall be given to each member of the Community Council at the commencement of his or her membership.

11. DISCIPLINARY PROCEDURES

1. In the event of a complaint by a member of the Community Council or a third party that 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 at first instance be for the Chair of the Community Council, or as may be appropriate the Vice-chair or other Office Bearer to set a date for a hearing by the Community Council to consider the matter. In the event that the matter is considered sufficiently serious the member may be suspended from the Community Council pending the hearing taking a decision. The Community Council may also arrange for legal advice to be available to the hearing.
2. (a)The hearing shall normally take place within 4 weeks of the complaint being made. (b)The hearing shall comprise at least three-quarters membership of the Community Council, excepting the complainer who will however be entitled to state a case at the hearing. (c)The member subject to the complaint if a Community Councillor shall also be entitled to be heard and both complainer and member shall also be entitled to ask questions to the other party with regard to the matter complained of and the submissions made to the hearing. (d)The chair of the hearing may also permit members taking part in the hearing to question either party. (e)The member against whom a complaint has been made shall also be entitled to have present witnesses as to the facts who may also be required to answer questions, and also a character witness who would not normally be subject to questions except to clarify any points made (f) the member against whom the complaint has been made will be permitted legal or professional representation.
3. The hearing shall decide in private with neither complainer nor member complained about being present. Thereafter the parties involved shall be called back to the hearing and advised of the decision which shall be confirmed in writing within seven days.
4. The decision shall normally be either:
 - (a) that no breach of the Code of Conduct has occurred and/or that the Community Council has not been brought into disrepute
or
 - (b) that the hearing finds that the complaint has been substantiated

either in whole or in part.

5. If the complaint is substantiated the Hearing may either:
 - (a) censure or warn the member as to his/her future conduct or
 - (b) suspend the member from the Community Council for any period up to a maximum of six months.

6. Following any decision in this regard the member may lodge an appeal within 14 days of the date of confirmation of the initial decision with the local Area Manager of Aberdeenshire Council who shall arrange for the appeal to be heard and a final decision reached.

In the event of any member being sentenced for whatever reason and thereafter commencing a period of imprisonment of 12 months or more his membership of the Community Council will be automatically terminated and the Community Council shall immediately proceed to fill the vacancy. The member involved shall not be permitted to stand for the Community Council for a period of 12 months beyond the end of his/her sentence.

12. FINANCE

All monies raised by the Community Council shall be applied to further the objects of the Community Council and to maintain its administrative structure.

The Community Council shall be entitled to seek and hold loans as provided for in appropriate circumstances.

The Treasurer shall arrange for bank account/accounts to be held in the name of the Community Council and shall be responsible for:-

The proper management of the Community Council's financial affairs.
The keeping of proper books of account showing the finances of the Community Council.

A 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-31st March.

The Community Council shall take out such additional Insurance Cover for special events as is necessary, at least to the extent and value prescribed by Aberdeenshire Council.

13. RETURN OF OFFICE BEARERS

Following the first meeting after each election the Community Council shall lodge with the Area Manager a Return specifying the names, addresses and designation of all Office Bearers and, Elected Members. All changes shall be notified in writing.

14. AMENDMENT OF CONSTITUTION

Any proposal to amend the Constitution must be delivered in writing to the Secretary of the Community Council at least 28 days before the date of the meeting at which the proposal is to be considered.

Any alteration to the Constitution will require the approval of both:-
A majority of members of the Council and a 2/3rds majority of residents of the Community Area entitled to vote, being present and voting at a General Meeting.

Notice of a General meeting at which a proposal to change the Constitution is to be considered shall be given fourteen days prior to the date of the meeting and such notice shall detail the wording of the proposed alteration.

15. DISSOLUTION

If at any time it seems to the Community Council necessary or desirable that the Community Council be dissolved or amalgamated with an adjoining Community Council in the event of insufficiency of members, financial difficulties, lack of interest within the local community, or any other valid reason, it shall have power to call a Special General Meeting to consider the matter.

A resolution being carried by 2/3rds of the members present voting in favour thereof: shall have the power to dissolve the Community Council. However, any funds held by the Community Council shall be held by Aberdeenshire Council for the benefit of any future Community Council for the area which may subsequently set up.

16. SCHEME OF ESTABLISHMENT

The Community Council shall not do anything which is inconsistent with Aberdeenshire Council's Scheme for the Establishment of Community Councils in accordance with the terms of Section 22 of the Local Government etc. (Scotland) Act, 1994 and in the event of any inconsistency the Scheme for Establishment shall take precedence.

END

Log of Changes made to this document:
(Started April 2010)

Sections 4&5, to allow the AGM to alternate between Crathie and Ballater. April 2010.

Insert new Section on Disciplinary Procedure. April 2010.

Section 3, to include provision of the Constitution to new members. April 2011.

Section 4 to record approval of the AGM minutes. April 2012

Section 8 to clarify Office Bearers term of office. April 2012

Distribution:

Community Council Members

Community Council website

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Ballater Library