



MILNGAVIE COMMUNITY COUNCIL

Email: communitycouncilmilngavie@gmail.com

CONSTITUTION AS APPROVED AT AGM 17/04/2000

A. NAME AND PROVENANCE

- A1. The name shall be **MILNGAVIE COMMUNITY COUNCIL** hereafter referred to as “the Council”.
- A2. The Council is constituted under the terms of the Scheme for the Establishment of Community Councils, hereinafter as “the Scheme”, of East Dunbartonshire Council, hereinafter referred to as “the Authority”, and no clause in this Constitution shall contravene the provisions of the Scheme.
- A3. The area covered by the Council shall be the former Burgh of Milngavie including Craigdhu School and the area to the north of Todhill Wood and Craigdhu Burn and to the east of Stockiemuir Road, outlined in black and marked “Milngavie” on Map no.2 of the Scheme, hereinafter called “the Area”.
- A4. The Council shall be non-political and non-sectarian.

B. OBJECTS

- B1. The Objects of the Council shall be:
 - (a) To ascertain, coordinate and express views of the Community which the Council represents, to the appropriate local and public authorities and to take such action in the interests of the Community as appears to the Council to be expedient and practicable.
 - (b) To take up any matters and pursue such activities as the Council considers to be in the interest of the Community.

C. MEMBERSHIP

- C1. The Council shall comprise:
 - (a) A majority of members, who shall be elected in accordance with the Clause 6 (a) of the Scheme, and whose names appear on the electoral register for the Area.
 - (b) Not more than three members co-opted by the Council, including, where desirable, representatives, aged 16 and over, of young persons in the Area.
 - (c) The balance of members, aged 16 and over, representative of local interests, to be nominated by local voluntary or other organisations operating in the Area.

At no time shall the Council comprise more than 30 members in total.

- C2. Initially the number of Elected members shall be nine. Subsequently the number of Elected members may be changed at a General Meeting; which motion shall be treated as being an Amendment to the Constitution. Any amended number shall only apply from the next following election.
- C3. Initially the number of Nominated members shall be a maximum of five. Provided there remains a majority of Elected members, this number may be varied with immediate effect by a resolution at a General Meeting.

D. ELECTIONS

- D1. Elections shall be held in October 1999 and thereafter at three year intervals on the first Wednesday of October. The Authority shall have a supervisory role at the first election but subsequent elections and bye-elections shall be run by the Council under the Authority's guidance, and the council shall appoint a Returning Officer for any such election.
- D2. Persons seeking election shall be nominated following a public notice of election issued by the Authority similar to such a notice as it prescribed for Local Authority Elections. Nominations shall be signed by the person nominated, a proposer, a seconder and two persons, all of whom must appear on the electoral register for the area.
- D3. In the event of the number of valid nominations for election exceeding the number of members to be elected, an election shall be held as prescribed in the Scheme. Voting shall be by secret ballot; only persons whose names appear on the electoral register for the Area shall be entitled to vote.
- D4. Subject to Clause D5, below, in the event of the number of valid nominations being equal to or less than the number of members to be elected, there shall be no election and persons nominated shall be declared elected.
- D5. If at the expiry of the nomination period, the number of valid nominations is equal to or less than half the total number of members of the Council, the Council shall be deemed not to have been formed.
- D6. If at any time the number of elected members of the Council falls to be equal or less than half the total number of members of the Council, the Council shall after the expiry of three months from that time be deemed to be no longer formed. If, however, within those three months, the Council holds a bye-election which results in the number of elected members becoming greater than half the total number of members, then the Council shall continue to be formed.
- D7. Any casual vacancy in the elected members may, subject to the provisions of Clause D5, be filled by co-opting a member whose name appears on the electoral register for the Area.
- D8. The Authority shall meet the following election expenses:
- (a) The cost of publication of all notice of elections
 - (b) The cost of the notice of poll
 - (c) The cost of providing voting papers
 - (d) The cost of providing electoral registers if necessary
 - (e) The cost of providing premises for the election

E. NOMINATED MEMBERS

- E1. The Nominated members shall be appointed in accordance with Clause 6 (b) of the Scheme.
- E2. In the event of a casual vacancy arising among the Nominated members the Council shall request the organisation which originally nominated the vacating member to nominate a replacement. Should no such nomination be made within two months of the vacancy occurring, the Officers may request a nomination from any other suitable organisation.

F. PERIOD OF OFFICE

- F1. All elected members shall hold office from the date of their appointment until the date of the next election of the Council and shall be eligible for re-election.
- F2. Nominated members shall hold office from the date of their appointment until the date of the next election of the Council. Nominated members who cease to be members of the organisation which

originally nominated them shall cease to be members of the Council as from the date they ceased to be members of that organisation.

- F3. Co-opted members shall hold office from the date of their appointment until the date of the next election of the Council.
- F4. If any member of the Council fails to attend three successive meetings of the Council, or fewer than one half of the Council meetings in any calendar year, the Council may require an explanation from the member and in the absence of a reply which is satisfactory to a majority of the Council members present, may by a simple majority vote deem the member to have retired from the Council.

G. MEETINGS

- G1. The first meeting of the Council following an election of its members shall be convened by the Returning Officer or their nominee and shall be held within one month after the date of the election. At this meeting the Council shall fix a date for the second meeting which shall be within one calendar month. The local organisations from which the Nominated members will be appointed in terms of para. E1 above shall be invited to attend the second meeting.
- G2. The second meeting shall be convened by the Returning Officer or nominee. It shall first appoint the members from those nominated by local organisations under the terms of E1 above and shall then appoint Office Bearers in terms of H1 below.
- G3. The Council shall hold meetings as it deems necessary for the conduct of its business and shall hold not less than four meetings in any calendar year.
- G4. Meetings shall be called and conducted in accordance with the Standing Orders which shall be adopted by the Council at its second meeting, or the earliest practicable meeting thereafter, and may be amended at any meeting subject to due notice having been given in the circulated agenda for that meeting.
- G5. The quorum for each meeting of the Council shall be six, of whom at least three shall be Elected members. If a quorum is not present fifteen minutes after the stated time of the meeting there shall be an adjournment to such a place and time as may be fixed by those members present.
- G6. All meetings of the Council shall be open to the public except that the Council may agree by resolution to go into private session to consider any item(s) of business in particularly private or confidential nature where it would be advisable to do so in the Community interest.

H. GENERAL MEETINGS

- H1. The Annual General Meeting of the Council shall be held in April each year for the following purposes:
 - (a) To receive for approval, the Annual Report of the Council
 - (b) To receive an audited statement of accounts for the preceding financial year
 - (c) To discuss any matters of interest to the Community
 - (d) To vote on proposals to amend this Constitution
- H2. Notice of the Annual General Meeting shall be advertised in the Press at least twenty-eight days before the meeting is due to take place.
- H3. A Special General Meeting may be called by the Council or on a reasoned written request by not fewer than twenty electors whose names appear on the electoral register for the Area. Such a Special General Meeting shall be called within fourteen days (twenty-eight days if a constitutional amendment is proposed) of the receipt of the request by the Secretary, and shall discuss and vote on only the matter raised in the original request.

H4. All persons resident within the Area covered by the Council, whose names appear on the relevant electoral register shall be entitled to attend and vote at any General Meeting.

J. OFFICE BEARERS

J1. At the second meeting of the Council following an election the Council shall elect from its Elected and Nominated members by secret ballot a Convener, a Depute-Convener, a Secretary, a Treasurer and such other Officers as it deems necessary for the proper and efficient conduct of its affairs.

J2. No person may hold the post of Convener or the post of Depute-Convener for more than six successive years.

J3. The offices of Secretary and Treasurer may be combined.

J4. Should any of the offices specified in J1 above fall vacant between elections, the Council shall have the power to elect the required Office Bearer from its members.

K. FINANCE

K1. The Authority will pay the Council an annual grant towards its general running and administrative expenses under the provisions of Clause 14 (a) (1) of the Scheme. All money received by the Council shall be applied to further the Objects of the Council and to maintain its administrative structure.

K2. The Council shall also have the following powers:

(a) To solicit special grants from the Authority under the provision of Clauses 4 (b) and 14 (a) (2) of the Scheme

(b) To receive grants and donations from other sources

(c) To devise other legitimate means of raising money

K3. All money received shall be deposited in a bank account or accounts in the name of the Council which shall be operated by the Treasurer. The Treasurer shall sign the authorisations for all withdrawals and for sums over twenty pounds they shall be countersigned by the Convener, the Depute-Convener or the Secretary.

K4. The Treasurer shall maintain proper account books in which shall be recorded all receipts and payments of the Council.

K5. The Financial Year of the Council shall be the period from April 1st to March 31st.

K6. The Council shall appoint annually a qualified auditor, acceptable to the Authority, who shall not be a member of the Council. Should the auditor demit office, the Council shall appoint a new auditor after obtaining the approval of the Authority for the particular appointee.

K7. The Council shall present an audited statement of accounts for the preceding financial year to the Annual General Meeting for approval. Immediately thereafter a certified copy of these accounts shall be sent to the Authority for information. Until this certified copy and any other required by the Authority has been presented to the satisfaction of the Authority, no grant shall be paid to the Council.

K8. The Council may acquire and hold heritable property, the title to which shall be taken in the names of the Convener and the Secretary for the time being, as Trustees of the Council.

K9. All deeds relevant to the Council shall be executed by the Convener, the Depute-Convener, the Secretary and the Treasurer at the date of execution.

L. COMMITTEES

- L1. The Council shall have the power to appoint such sub-committees as it may from time to time decide, and shall determine their terms of reference, powers, duties and composition. Persons who are not members of the Council but are on the electoral register for the Area may be appointed to such sub-committees but there shall be the majority of members of the Council and the Convener of each sub-committee shall be a member of the Council.

M. LIAISON WITH THE AUTHORITY

- M1. Under the provisions of Clause 16 of the Scheme, following each meeting of the Authority it shall supply the Council with a Digest of its decisions and those of its committees. It shall also, where appropriate, provide the Council with information regarding proposed works and projects within the Council's area and any decisions affecting the area with a view to ascertaining the view of the local inhabitants thereon.
- M2. The Council shall supply the Authority with copies of its Minutes together with copies of appropriate reports considered by it. It may also submit to the Authority any proposals for suggestions it wishes to make regarding any of the Authority's functions as affecting its area.
- M3. The Council shall appoint two members to the Community Councils Liaison Committee set up by the Authority as detailed in Appendix IV of the Scheme.

N. ADOPTION OF AND AMENDMENTS TO THE CONSTITUTION

- N1. In the first instance this Constitution with any appropriate amendments shall be approved by a meeting of the Council. The Council shall then present it to the Authority for scrutiny and to an Annual General Meeting for amendment and approval which shall be by a two-thirds majority. The public notice of this Meeting shall indicate that consideration of the Constitution is part of the business and that copies of the draft are available from the Secretary.
- N2. Subject to the provisions of Section 53 of the Local Government (Scotland) Act 1973 relating to the amendment of Community Council Schemes, any proposal to alter this Constitution must be delivered in writing to the Secretary not less than thirty-five days before an Annual General Meeting or a Special General Meeting, either on the authority of the Council or signed by at least six electors whose name appear in the Electoral Register for the Area. Notice that there is such a proposal, but not necessarily the detail proof thereof, shall appear in the public notice of the General Meeting referred to in H2 or H3 above.
- N3. Any alteration to this Constitution shall require the approval of a two-thirds majority of the electors present and voting at the General Meeting and shall then be presented to the Authority for ratification.
- N4. The Council shall have power to make any amendment that may be necessary to comply with any Statutory requirements that may be imposed on the Council, as an interim measure, subject to report to the next Annual General Meeting.

P. DISSOLUTION OF THE COUNCIL

- P1. If two-thirds of the Council decides at any time that it is advisable to dissolve the Council, a General Meeting shall be called, notice of which shall include a statement of the resolution to be proposed. Representatives of the Authority shall be invited.
- P2. The recommendation shall not be approved if twenty or more electors present at the meeting vote for continuation.
- P3. Should the recommendation be approved by this meeting, it shall be forwarded to the Authority for consideration and approval.

P4. Dissolution shall take effect after discharge of all the debts and liabilities of the Council. Thereafter any assets remaining shall be applied towards charities in the area in accordance with the wishes of the members at dissolution.

Q. INTERPRETATION

Q1. The Council shall have the power to correct any verbal inaccuracy or deficiency or clerical error in this document.

Q2. In this document, unless the contrary intention appears, words in singular shall include the plural and words in the plural shall include the singular.

R. LIABILITY

R1. Members of the Council shall not be personally liable either financially or otherwise as a result of any action raised against the Council.

DATED: 17th APRIL 2000