

# **Constitution of Prestonpans Community Council**

## **1. Name**

The name of the Community Council shall be Prestonpans Community Council (referred to as “the Community Council” in this document).

## **2. Area of the Community Council**

The area of the Community Council shall be as shown on the map attached to East Lothian Council’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 East Lothian Council, 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.

## **4. Conduct of Business**

In the discharge of their functions and the conduct of their business, the Community Council and its membership shall have regard to paragraph 3 of the Scheme for the Establishment of Community Councils.

## **5. Membership**

The Community Council’s membership is as governed by paragraph 7 of the Scheme for the Establishment of Community Councils and the table on page 9, or as determined from time to time by the local authority. The minimum number for establishment of a community council, or for a meeting to be quorate, is half their total number of members plus one.

## **6. Method of Election**

Election procedures shall be governed by the method of election laid down in paragraphs 6 & 7 of the Scheme for the Establishment of Community Councils and Rules for Election on page 11.

## **7. Casual Vacancies**

Casual vacancies occurring in the Community Council between ordinary elections, shall be filled by appointment by the Community Council. Elected Members of the local authority, Scottish, UK and European Parliaments are not entitled to become members of Community Councils.

Procedures for filling casual vacancies are flexible but guidance is available in paragraph 11 of the Scheme for the Establishment of Community Councils.

## **8. Co-opted Members**

The Community Council may at any time co-opt any person or persons residing, working or having an interest in the Community Council area, to serve on the Community Council or any Committee or other body formed by the Community Council, on which the Community Council is entitled to be represented. Elected Members of East Lothian Council, Scottish, UK and European Parliaments are not entitled to be co-opted members of Community Councils. There is no limit to the number of persons co-opted. There is also no age limit on persons co-opted by the Community Council. Co-opted members shall have no voting powers at meetings of the full Community Council and may be co-opted either for a specific purpose or for a specific period, provided that all co-opted members shall retire along with elected Community Councillors at the end of the term of office.

## **9. 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 appointed into a casual vacancy. Co-opted members have no voting powers.

In the event of a vote of the community councillors that results in a majority not being achieved, the chairperson shall have a casting vote.

The Community Council must be quorate for a vote to take place.

## **10. Meetings of the Community Council**

The Community Council shall hold at least one meeting every three months and all meetings of the Community Council shall be called and held in public. However, the Community Council may resolve that an item be considered in private because of its confidential nature. Any Minute of the discussion will disclose any decision or recommendation, when appropriate, without disclosing any confidential information and shall be reported back to a public

meeting of the Community Council.

Sub-committees to deal with specific items may also be formed, but again, any decision or recommendation shall be reported back to a public meeting of the Community Council.

- (i) The quorum for Community Council meetings shall be at least half the total number of members (as page 9 of ELC Scheme for CCs) plus one.
- (b) An annual general meeting will be held for the purpose of receiving and considering the Chairperson'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.
- (c) 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. Special meetings shall require at least 10 days public notice, either called by the Chairperson or, on the request of not less than one-half of the total number of Community Council members plus one. An officer of East Lothian Council has the discretion to call a meeting of the Community Council.
- (d) 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 within 21 days from the date of that meeting, to Community Council members, other appropriate parties and East Lothian Council's Liaison Officer for Community Councils.
- (e) 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.

## **11. Information to the Local Authority**

East Lothian Council's Community Council 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 East Lothian Council. When special meetings of the Community Council are to be held, East Lothian Council's Community Council 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.

## **12. Control of Finance**

- (a) All monies raised by or on behalf of the Community Council or provided by East Lothian Council and other sources, shall be applied to further the objectives of the Community Council and for no other purpose.
- (b) The treasurer shall undertake to keep proper accounts of the finances of the community council.
- (c) 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.
- (d) A statement of accounts for the last financial year, independently examined by an examiner appointed by the Community Council, who is not a member of this Community Council, shall be submitted to an annual general meeting of the Community Council and shall be available for inspection at a convenient location.
- (e) The financial year of the Community Council shall be from April until 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.

## **13. 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.

## **14. Alterations to the Constitution**

Any proposal by the Community Council to alter this Constitution must be first considered by a meeting of the Community Council. 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 a quorum of the total voting membership of the Community Council and is approved in writing by East Lothian Council, the alteration shall be deemed to have been duly authorised and can then come into effect.

**15. Dissolution**

Where for any reason, the number of Community Council members falls below the minimum specified in the Scheme for the Establishment of Community Councils, East Lothian Council may, by suspending the Constitution of the Community Council, cause the Community Council to be dissolved.

In this event, East Lothian Council shall take custody of any papers, minutes and other assets, together with all funds, until a new Community Council is set up for that area, whereby all of the foregoing shall be delivered to the safekeeping of the new Community Council.

If there is a wish to establish a new Community Council for the area, twenty or more 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.

**16. Approval and adoption of the Constitution**

This Constitution was first adopted by Prestonpans Community Council on the 26<sup>th</sup> January 2016.

Signed: Chairperson .....

Vice Chair .....

Secretary .....

Date .....

and was approved on behalf of East Lothian Council

Signed .....

Date .....