



Dalgety Bay and Hillend Community Council

Constitution

1. Name

The name of the Community Council shall be Dalgety Bay and Hillend 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 in Schedule 1 to Fife Council’s Scheme for the Establishment of Community Councils in Fife (referred to as “the Scheme” in this document).

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 Fife Council, to 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 community participation and to foster a sense of community spirit within the community;
- (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.
- (f) to carry out such other functions as approved where appropriate by Fife Council or any other body who may provide resources to carry out the function, including the safeguarding and improvement of the amenities and environment in the area.

4. Role and Responsibilities

This Constitution and any subsequent amendments may not prejudice the terms and objectives contained within the Scheme. In the discharge of its functions and the conduct of its business, the Community Council shall have regard to its role and responsibilities as set out in the Scheme and the Community Councillors’ Standards of Conduct appended to this Constitution.

5. Membership

The Community Council shall consist of:-

- (a) Elected Members - persons elected under the Scheme, which shall include persons elected or appointed between ordinary elections to fill vacancies. Elected Members of the Community Council shall be entitled to speak and vote on any item of business considered by the Community Council. Maximum elected membership shall be in accordance with the number stipulated in Schedule 1 to the Scheme.
- (b) The elected members of Fife Council whose area of representation includes any part of the area of the Community Council shall be ex officio members of the Community Council. Such ex officio members shall not be entitled to hold office in terms of

paragraph 9 of this Constitution and shall not be entitled to vote on any item of business considered by the Community Council;

- (c) Co-opted members - persons who are not members of the Community Council, but have been appointed by the Community Council for any specific purpose by reason of their interest in the community or the area of the Community Council, or their expertise in a specific subject, and whose views would be of assistance to the Council or could be employed for the promotion or advancement of any scheme or project falling within the objects of the Council. The persons appointed for such a purpose shall not exceed one fourth of the elected members of the Community Council. Any person so appointed shall be appointed for such period as the Community Council may determine but not beyond the next elections to the Community Council. Co-opted members shall be entitled to speak on any item but not vote on any item of business considered by the Community Council.
- (d) Nominated members - The Community Council may make provision to invite organisations operating within its area to nominate members to serve on the Community Council. Where the Community Council makes such provision then at no time shall the number of nominated members exceed one fourth of the elected members of the Community Council. Nominated members shall not be entitled to vote on any item of business considered by the Community Council.

6. Qualification for and Method of Election

Qualification for election and election procedures including acceptance of office shall be governed by the criteria laid down in paragraphs 5 and 6 of the Scheme.

7. Casual Vacancies

- 7.1 In the event of a casual vacancy or vacancies occurring in the elected membership between ordinary elections, the Community Council shall be entitled to fill these vacancies with any person qualified as a candidate for election as a member of the Community Council who will be deemed to hold office as an elected member with voting rights.
- 7.2 In filling a vacancy with any person under this paragraph the Community Council must, in the first instance, offer the vacancy to the unsuccessful candidate who polled the most number of votes at the most recent elections for community councils. If he/she does not wish to fill the vacancy or is no longer eligible for the Community Council or steps taken to contact him/her have in the opinion of the community council been unsuccessful, then the vacancy should be offered to the unsuccessful candidate who polled the next highest number of votes and so on until either the vacancy is filled or the list of unsuccessful candidates is exhausted. If the Community Council is unable to appoint from the list of unsuccessful candidates a vacancy should be filled by any other reasonable method it chooses e.g. hold a public meeting at which candidates have a chance to state their case before a ballot of Community Council members.
- 7.3 A casual vacancy shall be deemed to have arisen on the occurrence of any of the following events:-
 - (a) death of an elected member;
 - (b) resignation of an elected member intimated to the Secretary of the Community Council in writing;
 - (c) resignation of an elected member by declaration at a meeting of the Community Council so long as that resignation is not withdrawn in writing by the commencement of the next scheduled meeting of the Community Council;
 - (d) unreasonable non-attendance by an elected member at meetings for a period of six months;
 - (e) an elected member ceasing to be qualified as a candidate for election as a member of the Community Council;

- (f) the number of nominations received is sufficient to establish the Community Council in terms of paragraph 6.3 of the Scheme but less than the number of members to be appointed in terms of Schedule 1.

8. Voting Rights of Members

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 to fill a casual vacancy, but not by Co-opted, Nominated or ex-officio members. All decisions of the Community Council will be decided by a simple majority of those eligible to vote and present and voting. 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.

9. Election of Office-Bearers

- 9.1 At the first meeting of the Community Council after elections in the year when elections are held, the Community Council shall appoint a Chair, Secretary, Treasurer and may appoint a Vice Chair or other such office-bearers as it may decide.
- 9.2 At the Annual General Meeting each year after election to such office, the office bearers shall retire but shall be eligible for election or re-election for any elected office in accordance with 9.1 above (provided that a person may not offer himself for election or re-election as Chair on more than five consecutive occasions). All other office-bearers shall be elected for one year, but shall be eligible for re-election without limitation of time.
- 9.3 A member of a Community Council may hold at the same time any two of the posts of Chair, Vice Chair, Secretary or Treasurer with the exception that a member cannot be both Chair and Vice Chair at the same time.

10. Removal of Office Bearers

- 10.1 In the event that an Office-Bearer of the Community Council is not performing his or her duties to the satisfaction of the Community Council, a motion to remove that Office Bearer from his or her post can be considered at a meeting of the Community Council, provided that notice has been given on the agenda for the meeting and the Office Bearer concerned has been given reasonable opportunity of being heard.
- 10.2 If a motion in terms of paragraph 10.1 above is passed by a two thirds majority of the current number of elected members on the Community Council then the office bearer concerned will be deemed to have been removed from that post and the post will require to be filled as the next item of business at that meeting.
- 10.3 Any Community Councillor who becomes, or acts as an election agent for, a prospective candidate for local government or parliamentary elections covering part or all of the area of the Community Council should not hold office in the Community Council during the period of the candidature. That period will commence on the day on which a candidate is nominated and shall continue until the day of the election. The Community Council should appoint a temporary replacement from within its elected members for the duration of that period.

11. Committees

The Community Council may form committees to consider specified matters and may arrange for the discharge of any of its functions by such a committee. When a committee is established, details of the membership and terms of reference shall be included in the minutes of the Community Council. If a committee is appointed to discharge any of the functions of the Community Council a majority of the members of the committee shall be elected members of the Community Council. Meetings of such committees shall be open to the general public as observers. Where a committee is formed which has no decision making powers but rather will make recommendations to the Community Council, it will not be necessary to hold those meetings in public. Minutes of the proceedings of any committee shall be presented to the next meeting of the Community Council

12. Meetings

- 12.1 The quorum for Community Council meetings shall be at least 40% of the current eligible voting membership, or 3 eligible voting members, whichever is the greater.
- 12.2 Once in each year the Community Council shall convene an annual general meeting 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.
- 12.3 Including the annual general meeting, the Community Council shall meet not less than quarterly.
- 12.4 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.
- 12.5 A special meeting may be called:-
- (a) on the requisition of the Chair of the Community Council; or
 - (b) on requisition of at least one fourth of the elected members of the Community Council.
- 12.6 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 14 days from the date of that meeting, to Community Council members and other appropriate parties.
- 12.7 The Community Council shall abide by its Standing Orders for the proper conduct of its meetings.
- 12.8 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.
- 12.9 The Community Council can meet to discuss items of business in private in accordance with Para 9.4 of the Scheme. The decision to meet in private will be agreed in advance and decided by a majority vote. Notice of such a meeting will be given to the public in the usual way. However, the Notice will record that the meeting, or a part thereof, shall be held in private.

13. Public Participation in the Work of the Community Council

- 13.1 All meetings of the Community Council and its committees (subject to 12.9 above) shall be open to members of the public. Proper provision is to be made for the accommodation of members of the public and the opportunity should be afforded at each meeting to permit members of the public to address the Community Council, under the guidance of the Chairperson.
- 13.2 Notices calling meetings of the Community Council and its committees shall be posted prominently on the Community Council and Library notice boards for a minimum period of ten days before the date of any such meeting, and, where possible, be advertised by other suitable means.

14. Declaration of Interest

Whether before or during any meeting of the Community Council a member of the Community Council becomes aware that he/she or any person connected with him/her has an interest in or relating to any matter to be or being considered he/she shall declare such interest, A member

who has declared a financial interest, or a non-financial interest which he/she considers would cause a member of the public, knowing all the relevant facts and acting reasonably, to form the view that he or she might be influenced by that interest shall withdraw from the meeting during such consideration and shall not speak or vote on any question relating to the matter. Such declarations of interest shall be recorded in the minutes of the meeting.

15. Control of Finance

- 15.1 All monies raised by or on behalf of the Community Council or provided by Fife Council and other sources shall be applied to further the objectives of the Community Council and for no other purpose. The monies provided by Fife Council in the annual Administrative Grant for administrative and other approved purposes shall be used only as prescribed. Monies raised from other sources may be used in accordance with the terms of this provision (so long as they are consistent with the objectives of the Community Council), or in the absence of such terms, for the furtherance of the objectives of the Community Council.
- 15.2 The Treasurer shall be responsible for keeping proper accounts of the finances of the Community Council in accordance with the Financial Guidelines provided by Fife Council. The accounts shall be examined at least once a year by an independent examiner appointed by the Community Council.
- 15.3 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.
- 15.4 A statement of the independently examined accounts for the last financial year shall be submitted to an annual general meeting of the Community Council and shall be available for inspection at a convenient location.
- 15.5 The financial year of the Community Council shall be from 1st April until 31st March the succeeding year. Examined accounts as received and approved by the Community Council at the annual general meeting shall be submitted to Fife Council following approval at the Community Council's annual general meeting.

16. Heritable Property

Title to and duty of care for heritable property belonging to the Community Council shall be held in the name of the Chair, Vice Chair, Secretary and Treasurer of the Community Council and their successors in these respective offices as Trustees for the Community Council. Decision making responsibility on matters relating to heritable property shall rest with the Trustees, who will act at all times in the best interests of and be accountable to the Community Council as Trust beneficiary.

17. Alterations to the Constitution

- 17.1 Any proposal by the Community Council to alter this Constitution must be first considered by a meeting of the Community Council and the terms of the proposal to alter the Constitution shall be stated on the notice calling the meeting, which shall be issued not less than ten days prior to the meeting.
- 17.2 If the proposal is supported by two-thirds of the total voting membership of the Community Council and is approved in writing by Fife Council, the alteration shall be deemed to have been duly authorised and can then come into effect.

18. Equalities

In fulfilling its purpose or carrying out any function the Community Council shall in doing so recognise that people may face discrimination on the grounds of their sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political beliefs and shall not in itself in anything it does discriminate in any of these ways.

19. Environment

The Community Council shall have regard to the impact on the environment of all its activities and shall ensure as far as possible that any projects which it promotes or funds contribute to sustainable development. The Community Council shall promote good environmental practices, such as recycling, within the community.

20. Child Protection

The Community Council does not directly manage activities for children except when already in the care of a responsible adult. However, we recognise that all children have a right to protection from abuse of any kind.

21. Dissolution

21.1 If the Community Council decides that it is advisable to dissolve the Community Council it shall call a public meeting of which not less than 21 days notice shall be given stating the terms of the resolution to be proposed thereat. If such a decision is confirmed by two thirds majority of those present the Community Council shall, after payment of all debts and liabilities transfer the assets to Fife Council, to be held in trust for a future Community Council if established, or to such other organisation as Fife Council may determine.

21.2 In the event that the membership of the Community Council falls below 50% of the maximum permitted membership under this Scheme for a continuous period of 6 months despite efforts to fill casual vacancies, the Community Council shall be dissolved and a formal interim election held to re-establish the Community Council.

21.3 In the event that the Community Council is found to be in breach of the Scheme or a complaint against the Community Council is upheld in accordance with the provisions in Schedule 4 of the Scheme, a recommendation may be made to Fife Council that the Community Council be dissolved.

22. Adoption and Approval of the Constitution

This Constitution was adopted by Dalgety Bay and Hillend Community Council, on 13th June 2016.

..... Signed:
Chairman
..... Member
..... Member
..... Date

and was approved on behalf of Fife Council by

..... Signed
..... Position
..... Date

STANDARDS OF CONDUCT

The following key principles should be followed by all Community Councillors.

Duty

Community Councillors have a duty to uphold the law and act in accordance with the law and the public trust placed in them. They have a duty to act in the interests of the Community Council as a whole and all the communities served by it and a duty to be accessible to all the people of the area for which they have been elected to serve, and to represent their interests conscientiously.

Selflessness

Community Councillors have a duty to take decisions solely in terms of the public interest. They must not act in order to gain financial or other material benefit for themselves, family or friends.

Integrity

Community Councillors must not place themselves under any financial or other obligation to any individual or organisation that might reasonably be thought to influence them in the performance of their duties.

Objectivity

Community Councillors must make decisions solely on merit when carrying out public business.

Accountability and Stewardship

Community Councillors are accountable for their decisions and actions to the public. They have a duty to consider issues on their merits, taking account of the views of others, and they must ensure that the Community Council uses its resources prudently and in accordance with the law.

Openness

Community Councillors have a duty to be as open as possible about their decisions and actions, giving reasons for their decisions and restricting information only when the wider public interest clearly demands.

Honesty

Community Councillors have a duty to act honestly. They must declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Community Councillors have a duty to promote and support these principles by leadership and example, and to maintain and strengthen the public's trust and confidence in the integrity of the Community Council and its Community Councillors in conducting public business.

Respect

Community Councillors must respect the members of the community they serve and all other Community Councillors and the role they play, treating them with courtesy at all times.