

CONSTITUTION OF CARSPHAIRN COMMUNITY COUNCIL

1.0 NAME

1.1 The name of the organisation shall be Carsphairn Community Council (referred to below as “the Community Council”).

2.0 AREA

2.1 The area served by the Community Council is shown on the maps attached to the Scheme for the Establishment of Community Councils in Dumfries & Galloway and is shown outlined in red on the map forming Schedule 1 to this Constitution (referred to below as the “community area”).

3.0 PURPOSES

3.1 The purposes of the Council shall be:

3.1.1 to promote the well-being of the community of the community area without distinction as to sex, race, religion, political or other opinions, by associating with Dumfries & Galloway Council, statutory Boards, voluntary organisations and other bodies and persons in a common effort to:

- further health
- advance education
- provide meeting places and facilities for physical/mental training and recreation and social, moral and intellectual development
- foster a community spirit for the attainment of these and other objects as by law may be deemed to be charitable; and

3.1.2 to ascertain, co-ordinate and express to Dumfries & Galloway Council and to public authorities the views of the community which it represents, in relation to matters for which that Community Council and authorities are responsible; and to take such action in the interests of the community as appears to be expedient and practicable.

3.2 Community Councils have a General Duty under The Equality Act 2010 to have due regard, when carrying out their functions, to the need to:

- eliminate discrimination, harassment, victimisation or any other prohibited conduct
- advance equality of opportunity by having due regard to
 - removing or minimising disadvantage
 - meeting the needs of particular groups that are different from the needs of others
 - encouraging participation in public life
- foster good relations – tackle prejudice, promote understanding in relation to each of the protected characteristics of age, disability, gender, sexual orientation, race, religion and belief, gender reassignment, marriage, civil partnership, pregnancy and maternity.

4.0 COMPOSITION INCLUDING EX-OFFICIO AND CO-OPTED MEMBERS

4.1 The Community Council shall be composed of:

4.1.1 Eight voting members who have been elected or co-opted in the manner mentioned below;

4.1.2 the Dumfries & Galloway Councillor(s) for the community area or part of it who shall have *ex-officio* membership of the Community Council during their period of office for the local authority but shall have no entitlement to vote, move motions or amendments or to hold office in the Community Council. No elected Member of Dumfries & Galloway Council may simultaneously be a member of the Community Council other than in an *ex-officio* capacity;

4.1.3 and may include co-opted members in the following circumstances:

Co-opted members without voting rights: The Community Council may co-opt further members with skills or knowledge which it considers would be of assistance in carrying out its functions. **Such co-opted members shall not have voting rights, shall not be entitled to move motions or amendments, shall not hold office, and may be under eighteen years of age.** The Community Council shall consider the co-option of at least two persons under the age of eighteen years. Members co-opted for this purpose will serve for such time as determined by the Community Council at the time of their co-option or until the Community Council decide that their services are no longer required; and

4.1.4 **Co-opted members with full voting rights:** The Community Council may, where its elected membership is below the maximum number of elected members specified in paragraph 4.1.1 but is **equal to or more than one half** of that number OR where casual vacancies arise during the interval between ordinary elections, co-opt persons who would be eligible for election to the Community Council as Members in order to make up that number, **subject to the number of members so co-opted not at any time exceeding one half of the number of voting members specified in paragraph 4.1.1.** For the purposes of this sub-paragraph any fractions shall be rounded down to the nearest whole number. Members so co-opted shall serve until the next election to the Community Council, with full voting rights.

4.2 **By-election:** If the number of elected members of the Community Council, in the interval between ordinary elections, reduces to **less than one half** of the number of elected members specified in paragraph 4.1.1 then a by-election shall be held not later than two months after this reduction (unless the next ordinary election is to occur within the next six months). The number of vacancies to be filled at the by-election shall be the number by which the elected membership falls short of the number of elected members specified in paragraph 4.1.1. All co-opted members with voting rights shall demit office at the date of the by-election but may be nominated for election.

5.0 METHOD OF CO-OPTION OF MEMBERS

5.1 A proposal to co-opt a person or persons to the Community Council under paragraph 4.1.4 above shall require a Notice of Motion to that effect to be included on the Agenda for the appropriate meeting of the Community Council, and the Notice of Motion shall include the name and address of the person proposed to be co-opted, together with that person's number on the Register of Electors (for the time being in force), and the names of the proposer and seconder, who shall be voting members of the Community Council.

6.0 CASUAL VACANCIES

- 6.1 A casual vacancy shall be deemed to arise in any of the following circumstances:
- 6.1.1 on the day when a member ceases to be entered in the Register of Electors (for the time being in force) for the community area;
- 6.1.2 on the expiry of a period of six calendar months during which a member has failed to attend a meeting of the Community Council or of any Committee or other body constituted by the Community Council, unless leave of absence has been granted or other reason accepted by the Community Council;
- 6.1.3 on the receipt by the Community Council's Secretary of a written notice of resignation from a member; or
- 6.1.4 upon the death of a member.

7.0 TERM OF OFFICE

- 7.1 The term of office of elected members of the Community Council shall extend from one ordinary election to the next such election and they shall retire together at the end of such term on the day of the ordinary election of Community Councillors for the local community, but shall be entitled to submit themselves for re-election provided they still meet the qualifications for election specified in paragraph 9.1. Ordinary elections shall be held in the Autumn every third year, subject to any variation of this requirement under the Scheme for the Establishment of Community Councils in Dumfries & Galloway in force at the time.

8.0 RETURNING OFFICER

- 8.1 The Returning Officer for Community Council elections shall be a person appointed by the Community Council concerned, subject to approval of the appointment by Dumfries & Galloway Council. The Returning Officer for a Community Council election shall not be an elected member of the Community Council, a candidate in that election to the Community Council or a close relative of a candidate.

9.0 ELECTION PROCEDURE

- 9.1 **Nomination of candidates:** A person seeking election to the Community Council must be aged 18 years or over and appear on the Register of Electors (for the time being in force) for the community area at the date of being proposed for membership. Each candidate shall be nominated by a proposer and a seconder, both being persons whose names appear at that time in the said Register of Electors for the community area. The candidate nominated shall not be the proposer or seconder of his or her candidature. The Nomination Paper shall be in the form set out in Schedule 3 to this Constitution.
- 9.2 **Prohibition on multiple nominations by the same elector:** No person shall be entitled to nominate more than one candidate and, if he/she does so, his/her signature will be inoperative in any paper other than the first delivered to the Returning Officer.
- 9.3 **Notice of election:** When instructed to do so by the Community Council the Returning Officer shall publish, through a newspaper circulating throughout the community area, a Notice of Election inviting nominations for membership within not less than 21 days of the date of the notice. The Notice of Election shall be in the form set out in Schedule 2 to this Constitution.

- 9.4 **Examination of nomination papers:** The Returning Officer shall determine the validity of any Nomination Paper as soon as possible after he/she receives it. If the Returning Officer decides that any Nomination Paper is invalid, he/she shall return it immediately to the candidate with the reasons for his or her decision written on the Nomination Paper.
- 9.5 **Contested election:** Nominations shall be in the form set out in Schedule 3 to this Constitution. Where the number of valid nominations, after any withdrawals, exceeds the number of voting Community Council members specified in paragraph 4.1.1, a contested election shall be held in accordance with the procedure prescribed in this Constitution.
- 9.6 **Uncontested election:** Nominations shall be in the form set out in Schedule 3 to this Constitution. Where the number of valid nominations, after any withdrawals, is equal to half or more than half but does NOT exceed the number of voting Community Council members specified in paragraph 4.1.1, the Returning Officer shall give public notice that the candidates validly nominated have been elected. The Notice of Uncontested Election shall be in the form set out in Schedule 5 to this Constitution.
- 9.7 **Insufficient nominations to form the Community Council:**
- 9.7.1 **In any election where the number of valid nominations, after any withdrawals, is less than half the number of voting Community Council members specified in paragraph 4.1.1, the Community Council will be dis-established from the date of the election. The Returning Officer shall give public notice (in the form set out in Schedule 6a to this Constitution) that the Community Council has been dis-established at that time.** In such event no application or further application in terms of paragraphs 3.1 and 3.2 of Dumfries & Galloway Council's Scheme for the Establishment of Community Councils for the community area shall be considered until the expiry of a period of six months after the date of the public notice of the invitation to submit nominations.
- 9.7.2 In the event of such an application being received **after** that period the Returning Officer, who shall be appointed for this purpose by Dumfries & Galloway Council, shall issue an invitation to submit nominations in the form set out in Schedule 3 to the Constitution and the electoral process shall be repeated. After this second invitation, if the number of valid nominations is still less than half the number of Community Council members specified in paragraph 4.1.1, no further applications for the establishment of a Community Council for the community area shall be considered until the expiry of a period of twelve months after the date of public notice of that second invitation.
- 9.8 **Notice of poll:** The Returning Officer shall display for not less than seven days immediately before the election, a Notice or Notices of Poll giving details of the election procedure to be used, the names and addresses of candidates and the place, dates and times fixed for the conduct of the poll and the count. The Notice of Poll shall be in the form set out in Schedule 7 to this Constitution and shall be displayed on the Community Council notice board(s) and at any other designated public place(s), subject to any necessary consents.

- 9.9 **Death of candidate:** If a candidate whose name has been included in a Notice of Uncontested Election or Notice of Poll dies before the declaration of the result of the election his candidature shall be regarded as if his nomination had been validly withdrawn.
- 9.10 **Decision of Returning Officer final:** Any question with regard to the validity of a nomination paper, ballot paper or otherwise in connection with the election shall be determined by the Returning Officer, whose decision shall be final.
- 10.0 VOTING ARRANGEMENTS**
- 10.1 **Persons entitled to vote:** Persons included in the section(s) of the Register of Electors (for the time being in force) applicable to the community area and who would be entitled to vote in a Local Government election at the date of the Community Council election shall be entitled to vote in the Community Council elections for that area.
- 10.2 **Voting procedure:** Voting in a Community Council election shall take place by way of a ballot box, at a designated polling place or places and shall conform with the procedures prescribed in Schedule 8 to this Constitution. There shall be no postal voting, nor any provision for the issue of poll cards or voting by proxy.
- 10.3 **Style of ballot paper:** The ballot papers to be used in the Community Council elections shall be laid out in a style approved by Dumfries & Galloway Council.
- 10.4 **Number of votes available to voters:** Each eligible elector shall have available to him or her a number of votes equal to the total number of seats being contested at that election and no elector shall cast more than one vote for any one candidate.
- 10.5 **Hours of polling and equality of votes:** The hours of polling shall be during such period or periods between 8 a.m. and 8 p.m. as the Community Council may determine. The number of vacant seats shall be filled by the corresponding number of candidates receiving the highest number of votes. In the event of more than one candidate receiving the same number of votes for the last available seat or seats on the Community Council, the successful candidate(s) shall be decided by lot.
- 10.6 **Spoilt ballot papers:** A returned ballot paper shall contain only such information as is requested to identify the candidates chosen by the elector. Any ballot paper which at the counting of the votes is found to:
- contain any mark or other writing implying that the number of votes being cast is more than the designated number available to the elector; or
 - imply that more than one vote for any one candidate is being cast; or
 - identify the elector
- shall be deemed to be a spoilt paper and shall be disregarded in the count.
- 10.7 **Appointment of persons to assist the Returning Officer:** The Returning Officer shall appoint and instruct persons to supervise the ballot as appropriate and to conduct the count.
- 10.8 **Return to Dumfries & Galloway Council of members elected:** Immediately after the counting of votes the Returning Officer shall complete a return to the Community Council and to Dumfries & Galloway Council, containing the names and addresses of Members elected, details of the number of votes cast for each

candidate, the number of ballot papers issued and returned, the number of spoilt ballot papers and any other information as to the conduct of the election which may be required by Dumfries & Galloway Council.

- 10.9 **Notice of members elected as a result of the poll:** As soon as possible after the election the Returning Officer shall give public notice of the names and addresses of members elected which shall be on the form in Schedule 9 to this Constitution.
- 11.0 **GENERAL PROVISIONS**
- 11.1 **First meeting after an ordinary election:** Within twenty-one days of the election, the Returning Officer shall convene the first public meeting of the Community Council. This meeting shall be chaired by the Returning Officer or his nominee (who shall normally be an ex-officio member, if available) until a Chairperson has been elected. At this meeting the Community Council shall elect from its eligible members a Chairperson, Vice Chairperson (to be known by such titles as the Community Council decide, subject to approval of those titles by Dumfries & Galloway Council), and such other office-bearers as the Community Council shall deem necessary. Thereafter such office-bearers, who shall be eligible for re-election, shall be elected or re-elected at the Annual General Meeting of the Community Council.
- 11.2 **Term of office for Chairperson:** No one person may hold the office of Chairperson for more than six consecutive years.
- 11.3 **Duties of the Chairperson:** The Chairperson shall be responsible for:
- convening all meetings of the Community Council and its committees (except the first meeting of the Community Council following an ordinary election of elected members);
 - ensuring that meetings of the Community Council are properly conducted in accordance with the Constitution and Standing Orders; and
 - the submission of a written report on the Community Council's activities for the previous year to the Annual General Meeting and thereafter to Dumfries & Galloway Council.
- 11.4 **Secretary/Treasurer:** The Community Council shall appoint (and may dismiss) a Secretary and a Treasurer who may be the same person and need not be a member of the Community Council. If the Secretary and/or the Treasurer is a member of the Community Council, he/she shall retain office as Secretary and/or Treasurer until a successor is appointed, although they may demit office as a member of the Community Council. Such appointees, if not members of the Community Council, shall be entitled to speak only on matters relating to their function as office-bearers and shall have no voting rights.
- 11.5 **Duties of the Secretary**
- 11.5.1 **Duties of the Minute Secretary:** The Minute Secretary shall:
- be responsible for preparing the Minutes of meetings and making a true record of proceedings for distribution to Members and others.
- 11.5.2 **Duties of the Correspondence Secretary:** The Correspondence Secretary shall:
- undertake all correspondence arising from the work of the Community Council;
 - undertake other duties required by the Community Council from time to time.

- 11.6 **Duties of the Treasurer:** The Treasurer shall:
- correctly maintain financial records which shall disclose, with reasonable accuracy, the financial position of the Community Council;
 - take all reasonable steps to ensure that monies due are received and creditors paid;
 - present financial information to the Community Council when required; and
 - if nominated to do so, prepare annually an Abstract of Accounts.
- 11.7 **Payment of office bearers:** Office Bearers shall be entitled to reimbursement for all reasonable expenses incurred in performing their duties. If they are not members of the Community Council, the Secretary and/or Treasurer may be salaried.
- 11.8 **Examiner(s) of accounts:** The Community Council shall appoint such person(s) as Dumfries & Galloway Council may approve, to be the Examiner(s) of their Accounts. Such Examiner(s) shall not be a member or members of the Community Council.
- 11.9 **Other employees:** From time to time the Community Council may appoint (and dismiss) such other employees as they agree, provided that no member of the Community Council shall hold any paid office under the Community Council.
- 11.10 **Return to Dumfries & Galloway Council of office bearers and examiner(s) of accounts:** Following the first meeting after every election, the Community Council shall lodge with Dumfries & Galloway Council a return specifying the full names, designations and addresses of the Community Council's office bearers and Examiner(s) of their Accounts and subsequently advise Dumfries & Galloway Council in writing, within one month of a change occurring.
- 11.11 **Frequency of meetings and admission of the public:** Meetings of the Community Council shall be convened at intervals of not more than six months and at least four meetings shall be held annually, one of which shall be the Annual General Meeting. All Ordinary meetings of the Community Council and of any Committees appointed by the Community Council shall be open to members of the public subject to the provisions of the Public Bodies (Admission to Meetings) Act 1960 as amended. A summary of the Act's main provisions shall be made available to each Community Council member. **All General Meetings shall be open to the public without exception.**
- 11.12 **Agendas, minutes and public notices:** Community Council members shall be advised of the place, date and time of any meetings of the Community Council, Committees or sub-Committees by means of written agenda, specifying the business to be conducted and sent at least seven days before the due date of such a meeting. Public notice shall be given by a copy of the agenda being fixed on the notice board being used by the Community Council at the time. Minutes shall be sent to members of the Community Council not later than with the issue of the agenda for the next meeting. A copy of the minutes will be available for inspection on the notice board at least seven clear days before the next meeting of the Community Council. Names and addresses of members shall be displayed on the Community Council's notice board and on the Dumfries & Galloway Council website, subject to any necessary consents being obtained under the Data Protection Act.

- 11.13 **Code of conduct:** Members shall comply with the Code of Conduct for Community Councillors which forms Schedule 10 to this Constitution. A copy of the Code shall be issued to each Community Council Member. Members shall be required in advance to declare pecuniary and non-pecuniary interests relating to matters which might be under discussion and after doing so shall take no part in their consideration. Failure to observe this may lead to suspension and repeated failure to observe may lead to expulsion.
- 11.14 **Eligibility to vote at ordinary meetings:** Only Community Council members with full voting rights may vote at Ordinary Meetings of the Community Council or of any Committee appointed by the Community Council. This includes co-opted members with full voting rights.
- 11.15 **Quorum:** The quorum for Ordinary Meetings shall be one third of the Community Council membership eligible to vote, subject to a minimum of three.
- 11.16 **Annual general meeting (AGM):** No later than 60 days after the end of the Community Council's financial year, and in the same month of each year if possible, an Annual General Meeting shall be convened. All persons of eighteen years of age and over then resident within the community area and whose names appear in the sections of the Register of Electors (for the time being in force) for the community area applicable to the Community Council and who would be entitled to vote in Community Council elections for that area shall be entitled to attend and vote at the AGM.
- 11.17 **Annual general meeting agenda:** The Agenda shall include items such as:
- a written report on the Community Council's activities for the previous year;
 - the certified Annual Abstract of Accounts; and
 - where appropriate, provisions for considering and voting on proposals for amendment of the Community Council's Constitution and any other business which can be competently dealt with at an Annual General Meeting.
- 11.18 **Special general meetings:** The Community Council may convene Special General Meetings at which all the persons described in paragraph 11.16 of this Constitution may attend and vote, for the purpose of transacting any necessary business requiring to be dealt with at a General Meeting, details of which shall be specified on the Agenda. The Council shall convene a Special General Meeting on a requisition to that effect, signed by 10% of the electorate or 50 electors in the local community, whichever is the lesser number, duly delivered to the Secretary of the Council.
- 11.19 **Appointment of committees:** The Community Council may appoint Committees of its members for the purpose of considering items of business, making recommendations to, or actioning any matter which may have been specifically delegated to them by the Community Council. The Community Council shall NOT make any general delegation of their powers to a Committee. The Community Council shall specify the size, composition, functions and quorum of such Committees.
- 11.20 **Advisers:** The Community Council may invite to each meeting of the Community Council or its Committees, any person (resident either within or outwith the community area) who, in the opinion of the Community Council, has an interest in the community area and whose views, advice and professional or technical skills

would be/would appear to be of assistance or could be used for the promotion or advancement of any project falling within the Community Council's objects. Such advisers shall be entitled to receive Agenda papers and accompanying documents, and may participate in the discussion of the items of business, but shall NOT be entitled to move a motion or amendment, or to vote.

12.0 FINANCIAL PROVISIONS

12.1 **Fund-raising:** The Community Council shall be empowered to raise funds for projects and other purposes within its stated purposes.

12.2 **Use of funds:** All monies received by the Community Council, whether by way of grant, gift or loan, shall be applied to maintain its administrative structure and/or to further the purposes of the Community Council.

12.3 **Financial year:** The Community Council's financial year for accounting purposes shall be from 1 April to 31 March in the following year.

12.4 **Authorised signatories:** Any two of three authorised signatories, who would normally be office bearers, may sign cheques on behalf of the Community Council. Authorised signatories must not be connected, as per the following definition of 'connected' within the Charities & Trustee Investment (Scotland) Act 2005:

- *"Any person to whom the [signatory] is married, is the civil partner of the [signatory] or with whom the [signatory] is living as husband and wife or, where the [signatory] and the other person are of the same sex, in an equivalent relationship.*
- *Any child, parent, grandchild, grandparent, brother or sister of the [signatory] (and any spouse of any such person).*
- *For the purposes of the above, a person who is another person's stepchild or brought up or treated by another person as if the person were a child of the other person, is to be treated as that other person's child."*

12.5 **Abstract of accounts:** The Community Council shall keep an accurate record of its receipts and payments and the Treasurer or other nominated office bearer shall prepare annually an Abstract of Accounts. The books and Abstract of Accounts shall be scrutinised and certified by the Examiner(s) of Accounts as to whether they give a true and fair view of the Community Council's financial affairs. A copy of the approved Abstract of Accounts and Annual Report shall be submitted to Dumfries & Galloway Council within seven days of the Annual General Meeting.

12.6 **Disestablishment/dissolution of the Community Council – financial arrangements:** In the event of the disestablishment or dissolution of the Community Council, all property and funds as are held in trust or under the control of the Community Council at the date of disestablishment/dissolution shall be transferred to and held in trust by Dumfries & Galloway Council until a new Community Council is established, for a period of not fewer than three years. After this three year period all assets including money held in bank, building society etc. accounts may be disposed of by Dumfries & Galloway Council for such charitable purposes in the former Community Council area as they in their sole discretion decide. The liability of all members and Office Bearers of the former Community Council shall cease on the transfer of assets and the submission of satisfactory certified Abstract of Accounts for the final period of

operation of the former Community Council to Dumfries & Galloway Council.

13.0 HERITABLE AND OTHER PROPERTY

13.1 The Community Council may acquire by purchase, gift or otherwise, heritable and other property, including land, buildings, stocks, shares and other investments, equipment, plant and machinery. All such property shall be held in the name of the Community Council and any Deed of Conveyance or other Deed affecting the same shall be validly executed for and on behalf of the Community Council if it is signed by two members and the Secretary of the Community Council, whose signatures shall be attested in accordance with the practice according to the Law of Scotland for the time being in force.

14.0 STANDING ORDERS

14.1 Community Council business shall be conducted in accordance with the Standing Orders contained in Schedule 11 to this Constitution.

15.0 ALTERATIONS TO THE CONSTITUTION

15.1 A Motion to amend, alter, add to or rescind this Constitution or its Schedules may be moved by a member of the Community Council or by an elector of the community area, and must be delivered to the Secretary not less than 21 days before the General Meeting at which the Motion is to be first considered, and the full terms of the Motion shall be included in the notice calling the meeting. Any such motion shall be dealt with only at a General Meeting.

15.2 Any such motion shall require:

- the approval of at least two-thirds of the electorate present and voting at the meeting;
- the approval of a simple majority of the Community Council members present and voting at the meeting; and
- ratification by Dumfries & Galloway Council.

15.3 Notice of any General Meeting at which a Motion to amend, alter, add to or rescind this Constitution or the Schedules hereto is to be considered, shall be given to the members of the Community Council and electorate, at least fourteen days prior to the date of the meeting.

16.0 DISSOLUTION OF COMMUNITY COUNCIL

16.1 Any motion to dissolve the Community Council shall be intimated and dealt with in the same way as a motion to amend, alter, add to or rescind this Constitution, all as prescribed in paragraph 15 of this Constitution.

SCHEDULE 11 – STANDING ORDERS

1.0 COUNCIL MEETINGS

1.1 **Election Year:** Within twenty-one days of an ordinary election of the Community Council, the Returning Officer shall convene the first public meeting of the Community Council.

1.2 **Conduct of the first meeting of the Council after an ordinary election:**

1.2.1 The Returning Officer or his/her nominee (who shall normally be an ex-officio member, if available) shall chair the meeting and obtain nominations for the office of Chairperson.

1.2.2 The Chairperson shall be elected and shall thereafter chair the meeting.

1.2.3 The Community Council shall then:

- elect a Vice Chairperson
- appoint a Secretary and Treasurer who may be the same person and need not be a member of the Community Council
- elect such other office bearers as the Community Council considers necessary and appropriate
- deal with any business considered necessary and appropriate.

1.3 **Ordinary meetings of the Community Council:**

1.3.1 **Place and time:**

All meetings of the Community Council, including General Meetings, shall be held at such place and time as the Community Council may decide, subject to conformity with the provisions of the Constitution.

1.3.2 **Calling of meetings:**

Members shall be advised of the place, date and time of any meetings of the Community Council, Committees or Sub-Committees by means of written agendas, specifying the business to be conducted and sent along with the minute of the previous meeting either to their normal residence or place of work at least seven days before the due date of such meeting. Public notice shall be given by a copy of the agenda and accompanying Minutes or other papers for discussion in public circulated with the agenda being affixed in a prominent, clearly visible position at the normal place where Community Council meetings are held and/or in such other manner or locations as the Community Council may choose to prescribe.

1.4 **Special general meetings of the Community Council:**

A general meeting including a meeting convened to make a resolution for dissolution of the Community Council shall be called by the Secretary at least fourteen days before the date of such meeting in the manner prescribed in paragraph 1.3.2 together with such additional notice to the electorate as the Community Council may prescribe.

1.5 **Items of business to be considered at all Community Council meetings:**

No business shall be discussed at any meeting other than that specified in the agenda unless a majority of the members present and voting consider that any additional item(s) of business should be dealt with as a matter of urgency.

- 1.6 **Order of business:** The order of business shall be:
- the recording of the names of members present;
 - the recording of apologies for absence;
 - the approval as a true record of the minutes of the previous meeting (after amendment if necessary) and the signing of these minutes by the person who presided or in his/her absence another member who was present at the meeting to which the minutes relate;
 - the consideration of any other items on the agenda.

- 1.7 **Persons to preside:**
If present the Chairperson shall preside and if he/she is not present then the Vice Chairperson shall preside; and in the Vice Chairperson's absence another voting member, chosen by a majority of those present, shall preside.

- 1.8 **Quorum:**
No item of business shall be considered unless at least the number of Community Council members eligible to vote and specified as a quorum within the Constitution are present.

- 1.9 **Minutes:**
The Secretary (or, in his/her absence, another person present at the meeting selected by the Community Council or Committee for that purpose) shall draw up a minute recording the persons present, apologies for absence, the date, time and place of the meeting, the items of business under consideration and the decisions taken in relation to those items. The draft minute shall be circulated and publicly displayed along with the agenda for the next meeting of the Community Council or Committee in accordance with the provisions contained in paragraph 1.3.2 above. The minute, once approved by the Community Council or Committee and signed in accordance with paragraph 1.6 above, shall be preserved by the Secretary for future reference and passed on to successors in that office. The signed minutes shall be taken as conclusive evidence of the matters to which they relate.

2.0 **PROCEDURE AND CONDUCT OF MEETINGS**

2.1 **Powers and duties of the Chairperson:**

- 2.1.1 The Chairperson shall preserve order and ensure that all members obtain a fair hearing.

- 2.1.2 The Chairperson shall decide on all matters of competency and relevancy, procedure and conduct of business.

2.2 **Motions and amendments at meetings:**

- 2.2.1 A motion must be competent and relevant to the business on the agenda and any amendments and counter amendments must be competent and relevant to the motion.

- 2.2.2 A motion and any amendments or counter amendments shall be moved and seconded.

- 2.2.3 Once moved and seconded, a motion or amendment or counter amendments may be altered or withdrawn with the consent of the mover and seconder.

- 2.2.4 When a motion and amendment or counter amendments are before a meeting, the last counter amendment shall be voted on as against the second last until the position is reached whereby a final vote shall be taken as between the successful amendment and the motion.
- 2.2.5 A member shall not move or second more than one amendment or counter amendment to a motion, unless the earlier amendment or counter amendment is withdrawn.
- 2.2.6 The mover of a motion or amendment shall not speak for more than three minutes, each succeeding speaker shall not speak for more than two minutes and shall speak only once in the same discussion unless to call attention to a point of order or with the sanction of the Chairperson to make an explanation.
- 2.2.7 The mover of an amendment and the mover of the original motion in that order shall have the right to speak for two minutes in reply, strictly confining himself/herself to answering previous speakers and not introducing any new matter.
- 2.2.8 When the replies are concluded the discussion shall be held to be closed, after which no member shall be permitted to offer an opinion, ask a question or otherwise interrupt the proceedings or to speak, except with regard to a point of order or clarification, and the question under discussion shall be put by the Chairperson.
- 2.2.9 Once a matter has been voted on, no other motion or amendment or counter amendment on the same business shall be competent at that meeting.

2.3 **Voting majority, roll call, ballot, equality:**

- 2.3.1 All questions coming or arising before the Community Council shall be decided by a majority of the members present and voting. In the event of an equal number of votes the Chairperson (or in his absence the person presiding) shall have a second or casting vote except in the case of the election of an office bearer, from within the membership of the Community Council, when the equality shall be resolved by lot.
- 2.3.2 Unless the Community Council otherwise determine for any specific occasion; the vote will be taken verbally in the order of the roll, beginning with the Chairperson

3.0 COMMITTEES

- 3.1 The Community Council may appoint such Committees and sub-Committees as it considers necessary and appropriate.
- 3.2 Each Committee shall appoint a Chairperson and a Vice Chairperson in accordance with the rules governing the appointment of officers.
- 3.3 The conduct of Committee meetings shall be the same as for full meetings of the Community Council as set out in paragraph 2 above.

Schedule 1	Map of the Community Council area
Schedules 2-9	Election Documents
Schedule 10	Code of Conduct
Schedule 11	Standing Orders

This Constitution, its Schedules and Standing Orders were adopted by Carsphairn Community Council and approved by a majority of the electorate of the local community present and voting at a public meeting held on 20 December 2012

|Andrew Metcalf.....
(Chairperson's signature)

Liz Holmes.....
(Vice Chair's signature)

Tony Challis.....
(Correspondence Secretary's signature)

This Constitution, its Schedules and Standing Orders were approved on behalf of Dumfries & Galloway Council in terms of and for the purposes of paragraph 12.1 of the Scheme for the Establishment of Community Councils in Dumfries & Galloway, made on 25 September 1997 (as amended).

.....
(Monitoring Officer's signature)

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(Date)