

PENCAITLAND COMMUNITY COUNCIL

CONSTITUTION

- 1 **Name** The name of the Community Council, hereinafter called 'the Council', shall be Pencaitland Community Council.
- 2 **Purpose** In addition to any other purpose which a Council may pursue, the general purpose of the Council shall be to ascertain, co-ordinate and express to the local authority for its area, and to other public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible and to take such action in the interests of that community as appears to it to be expedient and practicable.
- The Council agrees to operations intended to prevent or reduce any potential for pollution that may be caused, or to remedy or mitigate the effects of any pollution that has been caused by a previous activity on the land, which has ceased: the provision, maintenance or improvement of a public park or other public amenity in the vicinity of a landfill site, where it is for the protection of the environment.
- Where it is for the protection of the environment, the conservation or promotion of biological diversity shall be through –
- the provision, conservation, restoration or enhancement of a natural habitat, or the maintenance or recovery of a species in its natural habitat, on land or in water situated in the vicinity of a landfill site.
- 3 **Area** The area of the Council and its community wards are as shown on the map annexed to Paragraph 9 of the Scheme (Community Council Handbook) of Feb 2004, available at Council offices.
- 4 **Membership** The Council shall consist of a maximum of fifteen representatives, elected in accordance with Paragraph 6 of the Scheme.
- 5 **Qualifications of Candidates for Election** Candidates for election as Community Councillors, who must be aged 16 or over, shall reside, work own/lease property or be registered as a local government elector, for the whole of the previous twelve months preceding the date of nomination, within the Community Council area for which they are candidates.
- 6 **Term of Office** Shall be four years, as defined in Paragraph 10 of the Scheme
- 7 **Office-bearers** The council shall elect at its own meeting the following office-bearers:
- Chairman
 Vice-Chairman
 Press Secretary
 Treasurer
- The Council shall appoint a secretary who need not be a member of the Community Council
- 8 **Casual Vacancies** A casual vacancy shall be deemed to include and shall be declared when (i) an elected Community Councillor ceases to reside, work, own/lease property or be registered as a local government elector within the Community Council Area for which he/she has been elected, or

- (ii) an elected Community Councillor fails to attend any meetings of the Community Council for a period of three consecutive meetings without good reason, or
- (iii) an elected Community Councillor resigns from the Community Council.

The casual vacancy can be filled as per the Paragraph 11 of the Scheme.

- 9 **Co-option** The Council shall at any time co-opt, either for a specific purpose or for a specific period, any person or persons residing, working or having an interest in the Community Council area, to serve on the Council or any Committee or other body formed by the Council, on which the Council is entitled to be represented. Co-opted members shall have no voting powers at meetings of the full Council .
- 10 **Meetings** The Council shall meet on the last Wednesday of each month, unless notice and approval to cancel or change a meeting is given at the previous meeting. A quorum of six is necessary for meetings to proceed.. All meetings shall be in public,except as referred to in Paragraph 13 of the Scheme but members of the public who attend shall not be permitted to speak at such meetings except where they have been invited to do so by the Council.
- Special General Meetings may be called at the discretion of the Council, or at the request of not less than 20 members of the electorate of the Community Council area.
- 11 **Conduct of Business** The Chairman and other office bearers shall be elected annually and this shall be the first business transacted at the Annual General Meeting to be held in October.
- The views of the community take precedence over the personal views of individual members. In the interests of impartiality, the Council shall be advised of any personal interest by a Community Councillor (eg membership of any groups which may benefit from financial aid from the Community Council) who then may not take part in any decision making.
- Notices of meetings, agendas and minutes shall be posted in public places, noticeboards etc and contact names, addresses and telephone numbers shall be provided.
- 12 **Amendment to Constitution** Shall require to be adopted at a Public Meeting, convened by the Council for that purpose and subsequently ratified by East Lothian Council.
- 13 **Minutes** Shall be taken and copies issued to all members prior to the start of the next meeting. Copies must also be issued to the Community Council Liaison Officer. All spending decisions will be minuted.
- 14 **Audit** All funds shall be held in a local bank. Withdrawals shall be made on the signature of any two of the three following:
 The Chairman
 The Treasurer
 The Vice-Chairman
- The Treasurer shall keep proper accounts of the finances and all monies raised by and on behalf of the Council, shall be applied to further the objects of the Council and for no other purpose. An audit shall be carried out annually as defined in paragraph 18 of the scheme.

The Council agrees that no money from ENTRUST shall be made to benefit the contributors.

- 15 **Title to** The Title of any heritable property shall be held in the names of the Chairman, Secretary and Treasurer and their successors in Office, for the time being, as Trustees on behalf of the Council
- 16 **Dissolution** If more than 50% casual vacancies arise for a period exceeding three calendar months or, if the Council so resolve after public consultation, that the Council shall be dissolved, East Lothian Council shall be notified and the affairs of the former Council shall be wound up, as far as possible, by East Lothian Council.
- 17 **Adoption of Constitution** This constitution after being agreed by the Pencaitland Community Council was adopted at a public meeting held on Wednesday October 27th 2004 at the Trevelyan Hall Pencaitland

Signed Janet Bisset Chairman

Bob Wilson Member

Ann Wilson Member

Date 27th October 2004

At a meeting of Pencaitland Community Council held on 31st March 2004 in Pencaitland it was agreed that the following item be added to the Constitution of the Community Council under OBJECT .

Addition to Constitution

“Operations intended to prevent or reduce any potential for pollution that may be caused, or to remedy or mitigate the effects of any pollution that has been caused by a previous activity on the land, which has ceased.

The provision, maintenance or improvement of a public park or other public amenity in the vicinity of a landfill site, where it is for the protection of the environment.

Where it is for the protection of the environment, the conservation or promotion of biological diversity through –

the provision, conservation, restoration or enhancement of a natural habitat, or
the maintenance or recovery of a species in its natural habitat, on land or in
water situated in the vicinity of a landfill site.

Pencaitland Community Council agrees that no money from ENTRUST shall be made to benefit the contributors.”