

# THE ROYAL BURGH OF ST ANDREWS



## COMMUNITY COUNCIL CONSTITUTION

*adopted 09 05 2022*

### **1.Name**

The Community Council shall be called the **Royal Burgh of St Andrews Community Council**.

### **2. Area served by the Community Council**

The Community Council shall serve the Royal Burgh of St Andrews in the area detailed in Schedule 1 of the Scheme for Community Councils in Fife (“the Scheme”) and shown marked on the plan annexed to the Scheme or available on <https://www.communitycouncils.scot/community-council-finder>.

### **3 Functions and Powers of the Community Council**

**3.1** The general purpose of the Community Council shall to be to ascertain, co-ordinate and express to the local authorities for its area and to public authorities the views of the community which it represents in relation to matters for which those authorities are responsible; and to take or initiate such action in the interests of that community as appears to it to be expedient and practicable and to safeguard and improve the amenities and environment of St Andrews.

**3.2** To this end the Community Council shall be empowered to raise funds for schemes, projects and all other purposes within its stated objects and that by way of:

**3.2.1** public appeals and the promotions of functions

**3.2.2** applications for and receipt of grants and/or loans from the Local Authority and

**3.2.3** applications for and receipt of grants and/or loans from any government department or any government-financed or sponsored body or any other organisations which Community Councils may be or shall become entitled to apply for and receive.

**3.3** The Community Council shall be empowered to acquire and hold heritable property, with the consent of Fife Council, the title to which shall be taken in the name of the Chair, Vice-Chair, Treasurer and Secretary for the time being, as Trustees for the Community Council and their respective successors in office.

**3.4** The Community Council shall be a non-profit making body and all excess income generated by the Community Council will only be used for the furtherance of the aims and objects of the Community Council.

**3.5** It is the responsibility of a Community Council to satisfy Fife Council that it has taken positive steps to ascertain the views of the wider community within their area, before making representations on any matter, on behalf of the community, which for the most part is comprised of local residents.

**3.5.1** The Community Council shall make particular efforts to encourage young people and other underrepresented groups to attend and participate in Community Council meetings and to ensure equality of opportunity in the way the Community Council carries out its functions.

## **4 Membership of the Community Council**

**4.1** The Community Council shall be composed of:

**4.1.1** Elected Members – 20 Members elected under the Scheme

**4.1.2** Student Members – three persons appointed by the Student Representative Council of the University of St Andrews, such persons being students at that University and elected to the Student Representative Council.

**4.1.3** Ex officio Members – the elected Members of Fife Council for the town shall be Members *ex officio* of the Community Council. They shall not be entitled to hold office in terms of Paragraph 6 of this Constitution and shall not be entitled to vote on any item of business considered by the Community Council.

**4.2** The Community Council may also include:

**4.2.1** Nominated Members – up to five (a quarter of the number of elected Members) persons nominated by organisations or other bodies in the town. The organisations or bodies shall be invited to nominate a person by the Community Council. Such nominated Members shall be eligible to serve for such period as the Community Council shall determine and shall not be entitled to vote on any item of business considered by the Community Council.

**4.2.2** Co-opted Members – up to five persons appointed by the Community Council for any specific purpose by reason of their interest in the community and whose views, advice and professional or technical skills would be of assistance to the Community Council or could be employed for the promotion or advancement of any scheme or project approved by the Community Council. Such co-opted Members shall be eligible to serve for such period as the Community Council shall determine

and shall not be entitled to vote on any item of business considered by the Community Council.

**4.3** The Community Council shall inform Fife Council of any change in membership (resignations, nominated members) and circumstances, as soon as is practicable and shall immediately advise Fife Council when its constituted membership falls to half of its total.

## **5 Method of Election**

**5.1** Elections shall take place in accordance with the Fife Council Scheme, subject to any amendments which may be made from time to time.

**5.2** Casual vacancies on the Community Council may arise in the following circumstances:

- (a) death of an elected member;
- (b) resignation of an elected member declared in person or in writing to the Secretary of the Community Council;
- (c) unreasonable non-attendance at meetings for a period of 6 months.

**5.2.1** At the discretion of the Community Council, a period of leave of absence may be granted to ensure that the active membership remains above the minimum number required; (d) an elected member no longer qualifies as a candidate for election, e.g., they cease to be resident within that community council area; (e) the number of nominations received to establish the Community Council is sufficient but less than the number of members to be appointed in terms of population numbers.

**5.3** The overarching qualification for membership is that the candidate, on the date of nomination, is a resident within the specific Community Council area. Candidates must also be named on the current electoral register as a local government elector for the Community Council area in which they reside.

**5.3.1** The minimum age to stand for election as a Community Councillor is 16 years of age.

**5.3.2** The Community Council will make reasonable efforts to publicise the vacancy to allow all sectors of the community to be represented.

## **6 Election of Officers and Representatives of the Community Council**

**6.1** The Community Council shall make the following elections at its first Meeting after the Annual Meeting and at the inaugural Meeting after each election of the whole Council, within 1 calendar month of the election:

**6.1.1** Chair

**6.1.2** One or more Vice-Chairs

**6.1.3** Secretary

#### **6.1.4 Treasurer**

#### **6.1.5 Representatives of the Community Council on outside bodies**

**6.2** The Chair, Vice-Chair(s), Secretary and Treasurer, where these offices are held by elected Members, shall continue in office until but not including the inaugural Meeting of the Community Council. The inaugural Meeting shall at its outset be chaired by one of the Fife Councillors for the area or any other person appointed to do so by Fife Council.

**6.3** A member of the Community Council can hold any two of the posts of Chair, Vice-Chair, Secretary or Treasurer, at the same time, with the exception that a member cannot be both Chair and Vice-Chair. An officer will hold no more than two officer positions.

**6.4** If an officer of the Community Council is not performing their duties to the satisfaction of the Community Council, a motion to remove that officer from their post can be considered at a meeting of the Community Council, as long as notice has been given on the agenda for the meeting and the officer concerned has been given reasonable opportunity to be heard.

**6.4.1** If such a motion is passed by a two thirds majority of the current total number of elected members on the Community Council, then the officer concerned will be considered to have been removed from that post and the post will require to be filled as the next item of business at that meeting.

### **7 Accounts**

**7.1** The Accounts of the Community Council shall be audited annually, presented to the Annual Meeting by the Treasurer and, after approval, forwarded to Fife Council.

**7.2** The Community Council will resolve to appoint an independent person for the purpose of examining the Community Council's accounts.

**7.3** All monies received by the Community Council shall be lodged in an account in the name of the Royal Burgh of St Andrews Community Council with a clearing bank, building society or other reputable financial institution.

**7.4** Following a Community Council agreement of the amount to be spent and a proper invoice or receipt being received by the Treasurer monies may be paid by cheque (requiring signatures of 2 Community Council Officers) or by digital on-line transactions (requiring one person – i.e., the Treasurer).

**7.5** Monthly accounts will be produced by The Treasurer for Community Council members to peruse and to query.

## **8 Alterations to the Constitution**

Any alterations to the Constitution of the Community Council shall be displayed for a period of 21 days during which written comment shall be invited from persons resident within the area served by the Community Council or alternatively be considered at the Annual General Meeting or at a Meeting specially convened by the Council for that purpose. All alterations shall then be submitted to Fife Council for ratification.

## **9 Meetings**

**9.1 Annual Meetings** – The Community Council shall convene in the same month each year an Annual Meeting which shall be advertised and which electors for the area of the Community Council shall be entitled to attend. The Community Council shall provide a copy of their annual meetings schedule to Fife Council. The Agenda for the Annual Meeting shall comprise items for approving the Community Council's Report and the audited Annual Statement of Accounts and the fixing of dates for the General Meetings during the following twelve months. Amendments to the Constitution may be considered at the Annual Meeting.

**9.2 General Meetings** – The Community Council shall convene a minimum of eleven General Meetings each year which shall be advertised and which members of the public may attend and speak subject to the discretion of the Chair. No more than six months may elapse between General Meetings.

**9.3 Special Meetings** – The Community Council may call a special meeting: -  
(a) on the requisition of the Chair of the Community Council;  
(b) on requisition of at least one fourth of the elected members of the Community Council; or  
(c) a requisition of twenty electors for the area of the Community Council.

**9.3.1** The meeting will be held within 21 days of receipt by the Secretary of the Community Council of a requisition stating the reason for the requisition. It will only be necessary to call such a meeting if, in the opinion of the Chair, the subject matter of the requisition cannot be dealt with at the next ordinary meeting of the Community Council.

**9.3.2** Any decisions taken in private, together with the reason for taking the decision in private, will be recorded in the minute and reported to the next meeting of the Community Council.

**9.4** Public notification will be given of the place, time, date and agenda of all Community Council meetings.

**9.4.1** The Community Council will encourage public participation in its meetings and should include provision on the agenda for input from members of the public present. This is subject to the provisions of paragraph 6.8 of the Scheme which allows for the exclusion of the public in specific circumstances.

**9.5** Minutes of the proceedings of a meeting of the Community Council and its committees, will be drafted and circulated to Community Council members and presented for formal approval at the next scheduled meeting before being made public.

## **10 Committees**

**10.1** 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 will be included in the minutes of the Community Council, and a record kept of that remit publicly available.

**10.2** If a committee is appointed to discharge any of the functions of the Community Council, a majority of the members of the committee will be elected members of the Community Council. Meetings of such committees will be open to the general public as observers.

**10.3** 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 will be presented to the next meeting of the Community Council. If the Community Council arranges to establish an informal working group, the purpose or remit of that Working Group should be fed back in the formal Community Council minutes. An informal working group will not have decision making powers.

## **11 Procedures of the Community Council**

**11.1** No business will be transacted at a meeting of the Community Council unless at least 40% of the actual number of elected members or 3 of such members (whichever is the greater) of the Community Council are present.

**11.2** Except where otherwise stated decisions will be decided by majority vote, the Chair having a casting vote.

**11.3** Whether before or during any meeting of the Community Council, a member of that Community Council becomes aware that they, or any person connected with them, has an interest in or relating to any matter to be or being considered however minor, e.g., planning, licensing, financial etc. The member(s) shall withdraw from the meeting during consideration of this item of business and shall take no part in the discussion or decision thereon.

**11.3.1** All declarations of interest must be formally minuted.

## **12 Other Relevant Matters**

**12.1** The Community Council must not be party political. It must not take part in activities relating to sponsoring, endorsing or opposing the election of any candidate

or party to the United Kingdom, Scottish Parliaments or local elections. This includes the Community Council being involved in any party-political issues.

**12.2** The Community Council will not enter into any agreement or contract with any party which extends for a period in excess of 6 months without the prior written consent of Fife Council.

**12.3** The Community Council will comply with Equal Opportunities legislation and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skill and experience taken into account.

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

### **13 Dissolution**

**13.1** If the Community Council decides that it is advisable to dissolve the Community Council, it will call a public meeting, giving no less than 21 days' notice, stating the terms of the resolution to be proposed. If a decision is confirmed by two thirds majority of those present, the Community Council will, 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.

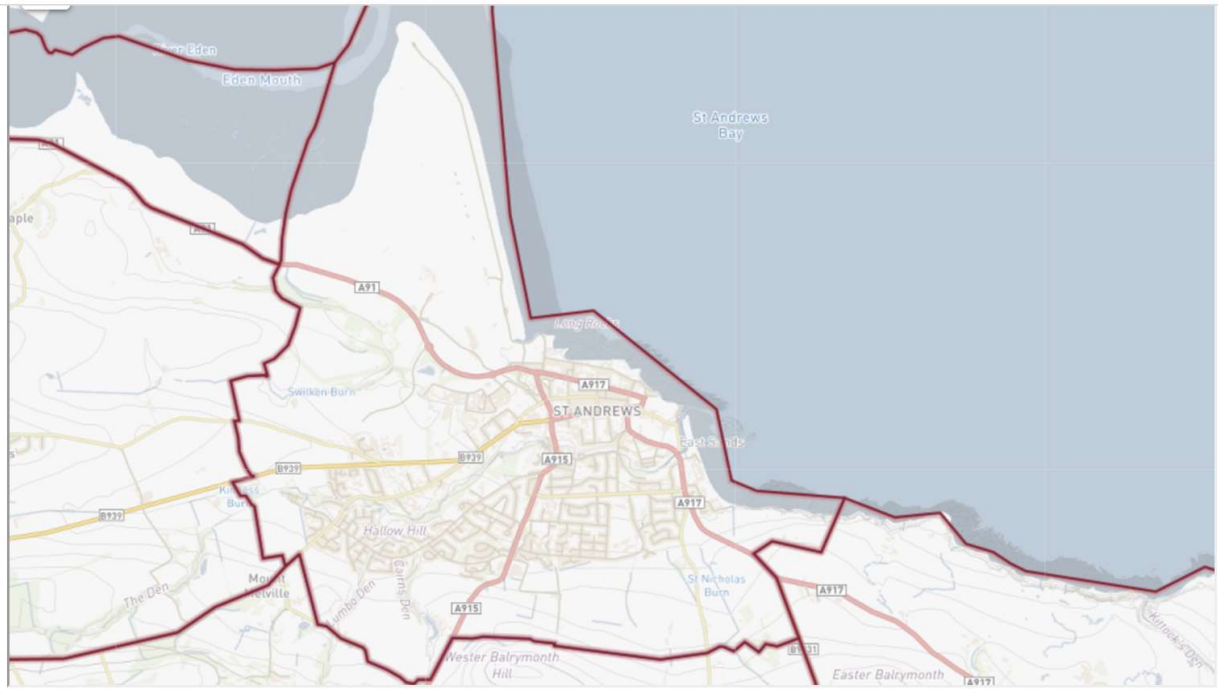
**13.2** If the membership of the Community Council falls below 50% of the maximum permitted membership under this Scheme for a continuous period of 6 months despite efforts to fill casual vacancies, the Community Council will be dissolved and a formal interim election held to re-establish the Community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

**13.3** After dissolution of the Community Council the former members must not engage in or use any media or social media purporting to be representatives of the Community Council.

### **14 Other Documents**

This Constitution is governed and defined by Fife Council's Scheme for the Establishment of Community Councils (2021) and should be read in conjunction with it. If the Constitution conflicts with the Scheme, the provisions of the Scheme will prevail.

## **Annex – Plan of St Andrews Community Council area**



**Plan of St Andrews Community Council area**