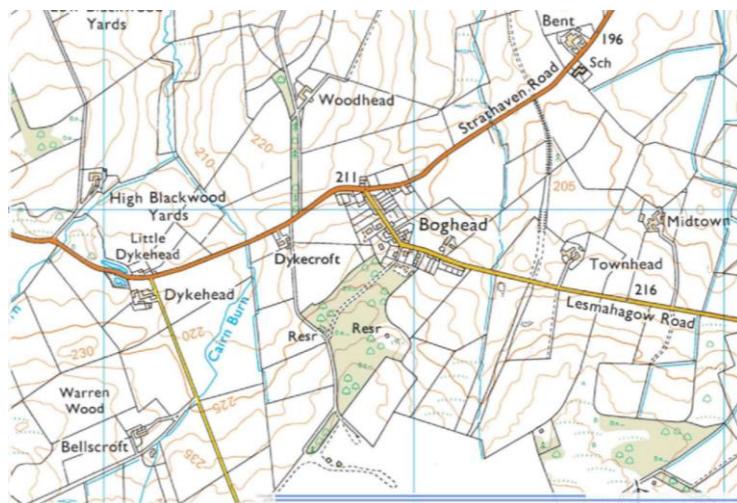


# Boghead Community Group Constitution

## Scope (Area) of the Boghead Community Group

The Scope (Area) of the Community Group shall be the extent of the village covering both Lesmahagow Road and Strathaven Road with approximately a 1km radius. The boundaries are defined by the following locations:

- Midtown Farm (Lesmahagow Road)
- Bent School/Bent Farm (Strathaven Road)
- Woodhead Farm (Blackwood Estate)
- High Blackwood Yards, Dykehead, Little Dykehead and Bellscroft (off Strathaven Road)



All residential properties including, and within, these boundaries are defined as the Boghead Community. Additional properties outside those boundaries can request to be included and will be considered by the committee.

## Objectives

The objectives of the Community Group shall be:

- 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 local people, in relation to matters that directly affect the interests of the whole community
- to express the views of the community to South Lanarkshire Council (referred to as "the Council" in this document) and other organisations
- to take such action in the interests of the community as appears to it to be expedient, practicable and appropriate
- to promote the well-being of the community and to foster community spirit
- to be a means whereby the people of the Community Group area shall be able to voice their opinions on any matter affecting their lives, their welfare and on matters that directly affect the environment, development and amenity of the Community Group area
- to be non-party political in all activities and

- to promote equality of opportunity and ensure that the Community Group does not commit any discrimination on the grounds of
  - age
  - disability
  - gender reassignment
  - pregnancy and maternity
  - race
  - religion or belief
  - sex
  - sexual orientation

## Roles

In the discharge of their functions and the conduct of their business, the Community Group shall have regard to their role (and responsibilities) as set out below:

### General

The general purpose of the Community Group is to act as a voice for their local area. This will involve it articulating the views and concerns of local people in the area on a wide range of issues of public concern and make representations to the Council, other public-sector bodies and private agencies on matters within their sphere of interest.

It is essential that these views be demonstrated to be accurately representative of the community. Accordingly, the Community Group will have in place recognised consultative mechanisms to engage the wider community, validate their views and devise strategies to secure greater involvement by all sectors of the community.

The Community Group may carry out other activities that are in the general interests of the community it represents, provided these activities fall within the objectives of their Constitution.

### Community Group Roles

The Community Group must have a Chairperson, a Treasurer and a Secretary – the office bearers – and these roles carry the most responsibility. The office bearers, representing their local communities, are responsible for the efficient and effective operation of the Community Group.

The office bearers do not (and should not) do all of the work, but they are responsible for making sure that everything is done according to the Constitution of the Community Group.

All members of the Community Group are equally responsible for the Community Group's decisions and actions and may take on additional activities in support of the Community Group.

The office bearers' roles are described below, followed by an outline of other potential roles within the Community Group.

### *Chairperson*

The chairperson is vital to the success of the Community Group. Meetings are key to the Community Group making decisions on what its priorities are and what work it has to do. The chairperson is responsible for ensuring that discussions are productive and run on-time, and that clear action points are set. The Chairperson, however, does not take an executive role within the Community Group. All Community Group Committee Members have equal standing and voting rights.

### *Treasurer*

The Treasurer is responsible for handling the Community Group's finances. It is his or her responsibility to ensure that the finances are kept healthy and the Community Group does not get into debt. The Treasurer must oversee all financial administration and transactions of the Community Group and make decisions regarding these.

### *Secretary*

The Secretary ensures the smooth running of the Community Group by organising meetings, setting the agenda and keeping minutes and records (including all formal correspondence coming in to, and going out from, the Community Group Committee). The Secretary also ensures effective communication between committee members.

### *Other roles*

The Community Group might want to consider if there is a need to create a specific role in response to an area/project/activity that needs a lot of attention. For example, the committee may wish to create the post of Engagement Officer where there is a need to reach out to a specific group that is under-represented in the Community Group (e.g. young people, ethnic minorities or disabled people). Other roles that might be created to support the work of the Community Group, depending on its circumstances are:

- Publicity Officer
- Fundraising Officer
- Assets Management Officer
- Communications Officer
- Events Officer

### *Statutory rights*

While the Community Group has no statutory rights, matters may be jointly agreed between the Community Group, the Council and other public sector and private agencies.

There should be mutual engagement in the establishment of working relationships with the Council and other agencies.

In carrying out their activities, the Community Group must at all times adhere to the Law.

## Constitution

The Community Group is required to adopt this Constitution, to facilitate its proceedings being properly structured and regulated; that items of business relevant to the community are properly debated to ensure that there is no perception of anything that may discourage or deter participation in the business of the meeting and that decisions are reached in a democratic manner. Any change to the constitution must be approved by a 2/3 majority at a General Meeting of the Community Group.

All Community Group elected members must adhere to the rules of the constitution.

The Community Group will be able to delegate some matters to Sub Groups. However, the Community Group must prepare and make available the remit of any such Sub Groups to the community.

## Responsibilities

The Community Group has a duty to represent the views of the local community. It is vital, therefore, that it reflects the broad spectrum of opinion and interests of all sections of the community. In order to fulfil its responsibility as effective and representative, the Community Group shall:

- inform the community of the work and decisions of the Community Group by posting agendas and minutes of meetings on, for example, a central community information space, notice boards and website and, subject to the provisions contained within GDPR and the Data Protection Act 2018, provide contact details of the Community Group committee.
- make available to the Community Group committee, relevant elected Members and other interested parties, a copy of the draft minute within 14 days from the date of the meeting
- circulate a copy of the agenda for the next meeting to the Community Group committee, relevant elected Members and other interested parties and post a copy in a central community information space and website at least 7 days in advance of the next meeting.
- prepare an Annual Report to be presented at the Annual General Meeting.
- look to broaden both representation and expertise by promoting the Associate Membership of the Community Group of persons for specific projects/issues (Sub Group/Working Party).
- ensure equality of opportunity in the way the Community Group carries out its functions.
- maintain proper financial records and present financial reports at Community Group meetings.
- ensure that the Community Group has appropriate and adequate insurances in place

All decisions must be discussed at a meeting of the full Community Group and any decisions reached must be recorded in the minutes of that meeting.

The Community Group cannot delegate any of its decision-making powers to an individual member of the Community Group. Similarly, individual members cannot make decisions on behalf of the Community Group.

All recommendations proposed by a Sub Group must be discussed at a meeting of the full Community Group. The minute of all Sub Group meetings will be submitted to the next meeting of the Community Group for decision and any decisions reached must be recorded in the minutes of that meeting.

## **Code of Conduct**

All Community Group members must agree to abide by the Code of Conduct. (Appendix 1). This should be recorded in the minutes.

## **Membership**

The Community Group's membership is as governed as below:

### *Membership of the Community Group*

Voting members of the Community Group will be known as Community Group Committee Members. The Community Group will typically comprise 10 members, to a maximum of 15 and a minimum of 5.

### *Eligibility*

The minimum age to stand for election as a Community Group Committee Member is 18 years.

Qualification for membership is by principal or only residence within the specific Community Group boundary (see Scope above). Community Group Committee Members and candidates for Community Group Committee membership must also be named on the electoral register within the Community Group boundary (see Scope above). Residents voting for a candidate must have their principal or only residence within the Community Group boundary (see Scope above).

There shall be provision made for non-voting Associate Membership for purposes as defined by the Community Group. Such persons will not be counted in terms of meeting a quorum, or towards the total number of Community Group Committee Members.

Elected members of the Council are automatically ex officio members of the Community Group, with no voting rights. They cannot be included in the quorum of the Community Group at Community Group Committee meetings.

It should be noted that although Local Authority elected members are automatically ex officio members, their attendance at meetings is neither obligatory or required and attendance, at their discretion, is only on request of the Community Group Committee.

Any Community Group Committee member whose principal or only residence is no longer within the Community Group Scope (Boundary) will be deemed to have resigned from the Community Group from the day they leave that residence.

A person shall be disqualified as a member of the Community Group Committee if they are convicted in the United Kingdom, the Channel Islands, the Isle of Man or the Irish Republic of any offence and has passed on them a custodial sentence of 6 months or more in line with the Rehabilitation of Offenders Act 1974.

## **Method of Election**

### *Nominations*

Individuals seeking election to the Community Group Committee require to be supported by a proposer and seconder, both of whom must be on the Electoral Register and whose main residence is within the Community Group boundary.

### *Election*

Community Group Committee Members shall be elected on a simple majority basis. Voting may be by a simple show of hands, general agreement, or secret ballot

### **Casual Vacancies on the Community Group**

Where a vacancy arises, which does not result in the number of Community Group Committee Members falling below the minimum number, (as specified above) and at least 3 months have passed since the last nomination process, the Community Group may agree to:

- a) hold an extraordinary general meeting in order that the vacancy (and any other outstanding vacancies) can be filled, on the basis that such vacancies would be publicised in prominent public places and the community website, nominations invited, and an interim election held if required; or
- b) filling the vacancy by co-option, with voting rights to a maximum of 1/4 of the total voting membership of the Community Group

Where there is a proposal to co-opt members, the Community Group must seek expression of intent from people (who must be eligible for election to the Community Group Committee)

Nominations for vacancies must be advertised in prominent public places and on the community website 28 days prior to the meeting, where the vacancies will be placed on the agenda. Persons expressing an interest in being co-opted must make their intent known within 14 days of the publication.

The requirement to fill a vacancy does not apply where the vacancy falls in the last 2 months of the current term, in which case, the vacancy can remain unfilled, subject to the requirement to hold a by-election where the number of Community Group Committee Members falls below the minimum as indicated above.

Should circumstances arise that lead to the number of elected Community Group Committee Members falling below the minimum number as indicated above, the Group shall undertake arrangements for a membership election to be held within 2 months from the elected membership deficit.

### **Voting Rights of Members of the Community Group**

The right to vote at any meeting of the Community Group shall be held by all Community Group Committee Members, whether elected or co-opted, but not by Associate Members appointed for specific issues on a temporary basis, or ex-officio members. All decisions of the Community Group will be decided by a simple majority of those eligible to vote and present at the meeting.

In the event of a vote of the Community Group Committee that results in a majority not being achieved, the decision shall be postponed and reconsidered at the next meeting. If there is still no majority, then the decision is assumed rejected and cannot be reconsidered until a 3-month period has elapsed.

## No Confidence

If the Community Group votes by a 2/3 majority that it has no confidence in an elected member, the person elected to that post will be deemed to have been removed from that position.

Prior to taking any vote on the matter, the Community Group must give the member the opportunity to respond to any matters that have caused the motion of no-confidence.

If this impacts an office bearing position then another member of the Community Group must be prepared to take on the vacant Office Bearer position.

## Resignation

If an Office Bearer or other Committee Member tenders their resignation it will be accepted. The Community Group has no ability to refuse or not accept. If this results in the number of Community Group Committee Members falling below the minimum required, then the process above (Casual Vacancies) should be followed to supplement the Community Group membership. Otherwise the Community Group will continue as-is but if an Office Bearer has resigned then another member of the Community Group must be prepared to take on the vacant position.

## Election of Office-Bearers

At the first meeting of the Community Group Committee following election, the Community Group Committee shall appoint a Chair, Vice-Chair, Secretary, Treasurer and other such office-bearers as it shall from time to time decide.

Office bearers can hold their position for a maximum of 4 years and are unable to be re-appointed to the same role until the expiry of the ensuing 2-year period.

If any office bearer or ordinary member is removed through a vote of no confidence, they will be ineligible to be re-appointed to the committee until the expiry of the ensuing 2-year period.

If any office bearer or ordinary member has resigned, they will be ineligible to be re-appointed to the committee until the next AGM.

No one member shall hold more than one of the following offices at any one time: Chairperson, Vice-Chair, Secretary or Treasurer, for longer than 1 month.

## Committees of the Community Group

The Community Group may appoint representatives to Sub Groups or Working Parties of the Community Group and shall determine their composition, terms of reference, duration and duties. Any recommendations arising from the work of a Sub Group or Working Group will require to be approved by the full Community Group before they can be implemented as any Sub Groups or Working Groups do not have delegated powers. Where there is shown to be an urgency to make a decision, and there is insufficient time to call a full Community Group meeting, the Chairperson, or in whose absence the Vice-Chair, and 2 other office bearers shall be empowered to make a decision on behalf of the Community Group and report back in full to the Community Group at the next arranged meeting.

## **Meetings of the Community Group Committee**

The quorum for Community Group meetings shall be 5 eligible voting members. Associated or ex-officio members or other members of the community cannot be included in the quorum

Once each year, the Community Group shall convene an Annual General Meeting for the purpose of receiving and considering the Chairperson's Annual Report on the Community Group, the submission and approval of the annual statement of accounts and the appointment of office bearers. The Annual General Meeting shall be held in a month of each year to be determined by the Community Group. The period between AGM's must not exceed 15 months

Including the Annual General Meeting, the Community Group shall meet not less than 5 times throughout the year but ideally monthly.

Notice of the dates of committee meetings must be posted at relevant information points in the community and on the Community website.

Special meetings (including EGM's) shall require at least 21 days public notice, either called by the Chairperson, or on the request of not less than 1/2 of the total number of Community Group Committee members.

Copies of all minutes of meetings of the Community Group and of Sub Groups thereof, shall be approved at the next prescribed meeting of the Community Group, but the draft minute shall be circulated within 14 days from the date of that meeting, to Community Group members and other appropriate parties and should be posted on the Community website as draft.

Approved minutes should be placed in prominent public display, e.g. community notice board, community web site.

The Community Group shall abide by this Constitution for the proper conduct of its meetings.

The Community Group has a duty to be responsive to the community it represents. Should the Community Group receive a written request (petition), signed by at least 10 residences within the Community to convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting within 21 days of receipt of such a request and advertise it in the manner prescribed locally for special meetings called by the Community Group

## **Order of Debate**

The Chairperson shall decide all questions of order, relevancy and competency arising at meetings of the Community Group Committee and their ruling shall be final and shall not be open to discussion. In particular, the Chairperson shall determine the order, relevancy and competency of all questions from the community in attendance at meetings of the Community Group Committee. The Chairperson in determining the order, relevance and competency of business and questions shall have particular regard to the relevance of the issue to the community and ensure that the discussion and proceedings are conducted in such a manner that decisions are reached in a democratic manner. The Chairperson shall have the power, in the event of disorder arising at any meeting, to adjourn the Community Group Committee meeting to a time they may then, or afterwards, determine

Every motion or amendment shall be moved and seconded

A motion, or amendment, once made and seconded shall not be withdrawn without the consent of the mover and seconder thereof.

A motion, or amendment, which is contrary to a previous decision of the Community Group, shall not be competent within 6 months of that decision unless there is a justifiable and material change in circumstances.

If a member of the public, or a Community Group Committee member, is being disruptive (not allowing the business of the Community Group to take place in an orderly fashion) and does not adhere to the Chairperson's orders, then that person will be asked to leave the meeting. If they refuse, then the Chairperson can adjourn the meeting for a stated time until the situation is resolved or stop the meeting from continuing and arrange for another date.

The Chairperson may move a motion that the disruptive person is removed. If this motion is seconded and carried by those at the meeting, the disruptive person must immediately leave the meeting. There will be no discussion on the motion and no changes to it.

### [Voting](#)

Voting shall be taken by a show of hands or expression of agreement of those present and eligible to vote, with the exception that, at an annual general meeting, the election of office bearers may be held by secret ballot.

### [Public Participation in the Work of the Community Group](#)

All meetings of the Community Group and its sub-committees shall be open to members of the community without exception.

Proper provision is to be made for the accommodation of members of the community and the opportunity should be afforded at each meeting to permit members of the public to address the Community Group, under the guidance of the Chairperson

The Community Group, or any of its members, should not take steps to or do anything that would deter, discourage or obstruct a Community Group Committee Member or a member of the community from attending a meeting or, if entitled to participate in the meeting, from doing so as below.

The Community Group should not be able to or require a Community Group Committee Member or a member of the public to leave a meeting of the Community Group, unless the Chairperson of the meeting has good cause to be satisfied that that Community Group Committee Member or member of the public is behaving in a way that is disorderly or disruptive to the conducting of business of the meeting.

Notices calling meetings of the Community Group Committee and its sub-committees shall be posted prominently within the Community and posted on the Community website for a minimum period of 10 days before the date of any such meeting.

## **Control of Finance**

All monies raised by, or on behalf of, the Community Group or provided by other sources shall be applied to further the objectives of the Community Group and for no other purpose.

The treasurer shall undertake to keep proper accounts of the finances of the Community Group

The Community Group must have a minimum of 3 and maximum of 4 authorised signatories on the bank account. Any 2 of the authorised signatories, who would normally be office-bearers of the Community Group (but may be other committee members or exceptionally include members of sub-groups or working parties), may sign cheques or conduct transactions on behalf of the Community Group however, all spend should be approved in advance by a majority vote of the Community Group committee.

A statement of accounts for the last financial year shall be submitted to an annual general meeting of the Community Group and shall be available for inspection at a convenient community location and Community website

The unaudited accounts, which will include all funds held by the Community Group, must be received and approved by the Community Group at the next meeting after the end of the financial year.

## **Title to Property**

Property and other assets belonging to the Community Group shall be vested in the Chair, Vice-Chair, Secretary and Treasurer of the Community Group and their successors in these offices.

## **Alterations to the Constitution**

Any proposal by the Community Group to alter this Constitution must be first considered and approved by a meeting of the Community Group Committee 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.

If the proposal is supported by a 2/3 majority of the total voting membership of the Community Group Committee, the alteration shall be deemed to have been duly authorised and can then come into effect from the date of the authorisation.

## **Dissolution**

If the Community Group by a 2/3 majority of the total voting membership decides at any time that it is necessary or advisable to dissolve, it shall agree a date for a public meeting to be held to discuss the proposed resolution to dissolve. It is a requirement that not less than 21 days prior to the date of such meeting a public notice be given by means of notification in the local newspaper, local community information space and community website. If the resolution is supported by a majority of those persons present and qualified to vote, the Community Group shall be deemed to be dissolved. If the Community Group is dissolved the property and funds owned on the date of its dissolution will be temporarily frozen. Should a successor Community Group be formed within 6 months of the dissolution of the previous Community Group, all remaining assets and funds will be transferred to it.

After that time, all funds remaining should be split equally between the number of houses within the community (i.e. if 50 houses then each house would receive 1/50th of the funds).

In the event that the Community Group is dissolved under the above procedure, and 20 or more electors subsequently wish the re-establishment of a Community Group, these electors shall arrange for elections to be held in accordance with the Constitution.

Approval and adoption of the Constitution

This Constitution was adopted by Boghead Community Group

Signed:

.....

Chairperson

.....

Member

.....

Member

.....

Date

## Appendix 1:

### Code of Conduct for Community Group Committee Members

Community Group Committee Members, as elected representatives of their community, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct. The Code of Conduct and its principles, shall apply to all Community Group Committee Members and those representing the Community Group. These principles are as follows:

- Service to the Community (Public Service)
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

#### Service to the Community

As a Community Group Committee Member, you have a duty to act in the interests of the local community, which you have been elected or nominated to represent.

You have a duty to establish and reflect, through the Community Group, the views of the community as a whole, on any issue, irrespective of personal opinion.

You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general community to express their views, i.e. suggestion boxes, community surveys, opinion polls should, where possible, be made available.

#### Selflessness

You have a duty to take decisions solely in terms of the interest of the community that you represent. You must not use your position as a Community Group Committee Member to gain financial, material, political or other personal benefit for yourself, family or friends.

#### Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of the community. If you have any private and/or personal interest in a matter to be considered by the Community Group, you have a duty to declare this and if deemed necessary by other Committee members, withdraw from discussions and the decision-making process with regard to that matter.

You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the Secretary of the Community Group.

### Objectivity

In all your decisions and opinions as a Community Group Committee Member, you must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.

You may be appointed or nominated by your Community Group to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.

You are free to have political and/or religious affiliations. However, you must ensure that you represent the interests of the community and Community Group and not the interests of a particular political party or other group.

### Accountability and Stewardship

You are accountable for the decisions and actions that you take on behalf of the community through the Community Group. You must ensure that the Community Group uses its resources prudently and in accordance with the law.

The Community Group cannot delegate any of its decision-making powers to an individual member of the Community Group. Similarly, individual members cannot make decisions on behalf of the Community Group.

Community Group Committee Members will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the Community Group. They must also ensure that all resources are used efficiently, effectively and fairly and are used strictly for the purposes of Community Group business and for no other purpose.

Minutes of Meetings recording all actions and decisions made should be produced and circulated to all members of the Community Group as soon as possible after each meeting.

Community Group letterheaded paper should only be used for Community Group correspondence and personal emails should not be used for Community Group correspondence. Explicit Community Group emails should be set up and used solely for Community business.

All Community Group correspondence and formal documentation should be filed with the Secretary and/or stored electronically so that all business of the Community Group is available for audit and the Community Group is beyond reproach.

### Openness

You have a duty to be open about your decisions, actions and representations, giving reasons for, and documenting these where appropriate. You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of others.

If you have dealings with the Media, members of the public, or others not directly involved in your Community Group, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the Community Group.

### Honesty

You have a duty to act honestly. You also have an obligation to work within the law at all times. You must declare any private interest relating to your Community Group duties and take steps to resolve any conflicts arising in a way that protects the interest of the community and the Community Group.

### Leadership

You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the Community Group and its members in representing the views and needs of the local area.

You must also promote social inclusion and challenge discrimination in any form.

You should act to assist the Community Group, as far as possible, in the interest of the whole community that it serves. Where particular interest groups' concerns are in conflict with those of other groups or other areas you should help to ensure that the Community Group is aware of them.

### Respect

You must respect fellow members of your Community Group and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. This should extend to any person, regardless of their position, you have dealings with in your capacity as a Community Group Committee Member.

Recognition should be given to the contribution of everyone participating in the work of the Community Group. You must 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.

You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.

### Conduct at meetings

You must respect the chair, your colleagues, Council employees and any members of the public present during meetings where you are performing duties as a Community Group Committee Member. When a meeting has a Chairperson or acting Chairperson, you must comply with procedural rulings from the chair.