

**MINUTES of SPECIAL MEETING of MIDLOTHIAN COUNCIL** held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday, 10 June 2014 at 12.15 pm.

**Present:-** Provost Wallace, Depute Provost Coventry and Councillors Bennett, Bryant, Constable, Johnstone, Milligan, Muirhead, Pottinger, Rosie, Russell, Thompson and de Vink.

**Apologies for Absence -** Councillors Baxter and Montgomery; and Mr Hayes.

Also intimated was an apology for absence from Mr K Adam, Co-author of the report referred to at paragraph 3 below, together with a note of his continuing support for the Revised Scheme.

**1      Declarations of Interest**

No declarations of interest were intimated.

**2      Minutes of Last Meeting**

The Minutes of Special Meeting held on 22 April 2014 were noted.

**3      Review of Scheme for the Establishment of Community Councils**

With reference to paragraph 2 of the Minutes of Special Meeting of 22 April 2014, there was submitted Report, dated 29 May 2014, by the Director, Education, Communities and Economy, confirming, *inter alia*, the findings of the second consultation exercise and measures required to review the Scheme for the Establishment of Community Councils.

Appended to the Report were:-

- (a) the response from Eskbank / Newbattle Community Council;
- (b) an analysis of the concept of Meetings being held in private;
- (c) a description of exempt information for local authorities; and
- (d) the revised Draft Scheme for Community Councils in Midlothian, highlighting the amendments that were considered desirable.

The Head of Communities and Economy was heard in amplification of the Report.

The Leader of the Administration was heard (a) in support of the Revised Scheme, incorporating the amendments which had been made; and including the enabling provision for meetings to take place in private, on the basis that in exceptional circumstances, when sensitive situations which could merit discussion in private were anticipated, legal advice could be taken as regards amendment of constitutions; and (b) noting that a separate report would be submitted to Council on 24 June 2014, in relation to the award of grant aid generally, which was not affected by the amendments to the Scheme.

Following confirmation, *inter alia*, from the Leader of the Opposition, on behalf of his Group, that they accepted the assurances that had been given, the Council agreed to resolve to amend the Scheme for the Establishment of Community Councils as shown in the **Appendix** hereto.

**Decision**

To adopt the Scheme for Community Councils, as amended.

(Action: Director Education, Communities and Economy)

The meeting terminated at 12.35pm.

**APPENDIX****(relative to paragraph 3)****MIDLOTHIAN COUNCIL****SCHEME FOR COMMUNITY COUNCILS****Contents**

1	Introduction	2
2	Title	2
3	Definitions	2
4	Statutory Purposes	2
5	The Role and Responsibilities of Community Councils	3
6	Community Council Areas within Midlothian	4
6.1	Midlothian Federation of Community Councils	4
7	Membership of Community Councils	5
8	Amendment to the Boundaries and Composition of Community Councils	5
9	Community Council Elections	6
9.1	Eligibility	6
9.2	Nominations and Elections	6
9.2.1	Returning Officer	6
9.2.2	Nominations	7
9.2.2.1	Process	7
9.2.2.2	Method of Election	7
9.2.2.3	Filling of casual places/vacancies between elections	7
9.2.2.4	Co-option to Community Councils	8
9.2.3	Additional Membership	8
9.2.3.1	Associate Members	8
9.2.3.2	Ex-Officio Members	9
10	Equalities	9
11	Disqualification of Membership	9
12	Meetings	9
13	Liaison with the Local Authority	10
14	Resourcing a Community Council	10
15	Training	11
16	Publicity	11
17	Liability of Community Council Members and Federation	11
18	Dissolution of a Community Council	11
19	Establishment or Re-Establishment of a Community Council	11
Appendix A	Constitution Guidance	12
Appendix B	Standing Orders	15
Appendix C	Code of Conduct	18
Appendix D	Community Council Areas	21
Appendix E	Community Council Composition	39
Appendix F	Nomination Form	40
Appendix G	Member Definitions	43

## **1 Introduction**

Community Councils were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government (Scotland) Act, 1994, which produced the current system of unitary local authorities, made provision for the continuation of community councils. Under the legislation, every local community in Scotland is entitled to petition their local authority to establish a community council in their area.

The Scheme for Community Councils is designed to enable the establishment of community councils across Midlothian to provide a common minimum basic framework governing their creation and operation.

Any amendment to the scheme requires to adhere to the process detailed in the Local Government Scotland Act 1973 as amended.

## **2 Title**

This scheme made under the provisions of Sections 51 and 52 and later amended under Section 53 of the Local Government (Scotland) Act, 1973 may be cited as the “Scheme for Community Councils in Midlothian, 2013”<sup>1</sup>.

## **3 Definitions**

In this scheme the following words and expressions shall have the meanings respectively assigned to them that is to say:-

- “Act of 1973” means the Local Government (Scotland) Act, 1973.
- “Midlothian Council” means Midlothian Council constituted by the Act of 1994.
- “Registers of Electors” means the Registers of Electors prepared and published by the Electoral Registration Officer in terms of the Representation of the People Act, 1949<sup>2</sup>, Section 7 (1) (b).
- “Liaison Officer” means the official Midlothian Council Officer responsible for liaison with Community Councils.
- “Interim Election” means an election held outside the regular schedule, for the purposes of filling vacancies.
- “Scheme” means the Scheme for Community Councils in Midlothian, 2013
- “Electoral Registers for community council areas” means the part of the full Electoral Register which relates to the specific Community Council.

## **4 Statutory Purposes**

The statutory purposes of community councils are set out in Section 51 (2) of the Local Government (Scotland) Act 1973, as follows: -

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<sup>1</sup> To be confirmed

<sup>2</sup> Later update?

*“In addition to any other purpose which a community council may pursue, the general purpose of a community council shall 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 such action in the interests of that community as appears to it to be expedient and practicable”*

## **5 The Role and Responsibilities of Community Councils**

The general purpose of community councils is to act as a voice for their local area. This will involve them articulating the views and concerns of local people in their area on a wide range of issues of public concern and make representations to their local authority, 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 council will have in place, in consultation with the local authority, recognised consultative mechanisms to validate their views and devise strategies to secure greater involvement by all sectors of the community.

Community councils have a statutory right to be consulted on planning applications and will be consulted on Liquor Licensing matters. Any other matters may also be jointly agreed between community councils, the local authority and other public sector and private agencies.

Community Councils are also tasked to take action in the interests of that community as appears to it to be expedient and practicable.

Community councils may carry out other activities that are in the general interests of the communities they represent, provided these activities fall within the objects of their Constitution and the terms of the Scheme.

There should be mutual engagement in the establishment of working relationships with the local authority, Community Planning Partnership and other agencies.

In carrying out their activities community councils must at all times adhere to the law, the terms of the Scheme and the Community Councillors' Code of Conduct (Appendix C Code of Conduct)

Each community council is required to adopt and regularly review their Constitution (In accordance with the guidance provided in Appendix A Constitution Guidance), together with Standing Orders (An example is provided in Appendix B Standing Orders), to encourage and maintain consistency for all community councils and to facilitate their proceedings being properly structured and regulated, to ensure that items of business relevant to the community are properly debated and decisions reached in a democratic manner. The community council's Constitution is required to be approved by the Liaison Officer.

Community councils have a duty under statute to represent the views of their local community. It is vital therefore, that they reflect the broad spectrum of opinion and interests of all sections of the community. In order to fulfil their responsibilities as effective and representative, community councils shall: -

Inform the community of the work and decisions of the community council by posting minutes of meetings in public places, such as libraries, websites and notice boards and, subject to the provisions contained within the Data Protection Act 1998, provide contact details of community council members.

Draft minutes of community council meetings must be presented to Midlothian Council within 14 days from the date of that meeting and be circulated to community council members, relevant elected members and other interested parties.

Seek to broaden both representation and expertise by utilising the Associate Membership of the community council of persons for specific projects/issues.

Make particular efforts to encourage young people and other under-represented groups to attend/participate in community council meetings and to ensure equality of opportunity in the way the community council carries out its functions.

Maintain proper financial records and present financial reports at community council meetings.

Inform the local authority of any change in membership (resignations, Associate Membership, etc.) and circumstances, as soon as is practicable.

## **6 Community Council Areas within Midlothian**

Midlothian Council has produced a list of named community council areas and a map or maps that define their boundaries. The list of community areas is attached as Appendix D Community Council Areas to this Scheme.

### **6.1 Midlothian Federation of Community Councils**

Midlothian Council recognises the Midlothian Federation of Community Councils (MFCC) as the representative body for Community Councils in Midlothian. MFCC shall be governed by its own constitution; with the proviso that membership and voting at MFCC meetings shall be restricted to representative members of the constituent Community Councils identified in Appendix D only. MFCC shall provide a representative to attend and participate in the meetings of the Community Planning Working Group (CPWG), which is a component of the Community Planning Partnership (CPP). A Council representative will attend MFCC meetings.

## **7 Membership of Community Councils**

There shall be minimum and maximum membership numbers of elected community councillors in a community council. The area of each of the Community Councils is identified in Appendix D and the composition is detailed in Appendix E Community Council Composition.

The minimum age to stand for election as a community councillor is 16 years. Qualification for membership is by residency within the specific community council area. Community councillors and candidates for community council membership must also be named on the electoral register for the community council area in which they reside. In the case of candidates who are not on the electoral register *solely by reason of age*, the nomination form must be accompanied by a declaration signed by 2 individuals who are named on the electoral register for the community council area in which they reside confirming that the nominee is a resident of the same Community Council area. There shall be provision made for non-voting Associate Membership (Appendix G Member Definitions) for purposes as defined by each community council, for example, for persons under 16 years of age. Such persons will not be counted in terms of meeting a quorum, or towards the total number of community council members. Elected members of Midlothian Council and members of the Scottish, United Kingdom and European Parliaments are entitled to become *ex-officio* members (Appendix G) of community councils, with no voting rights.

## **8 Amendment to the Boundaries and Composition of Community Councils**

Proposals to amend the boundaries and/or composition of Community Councils can be initiated by:

- Midlothian Council
- Any of the affected Community Councils

The proposal shall be submitted in writing to the Liaison Officer for the process to be initiated. As part of the process, all affected Community Councils shall be informed, prior to publication of a public notice for a consultation period of 90 days. All comments received during the consultation should be notified to Midlothian Council and affected community councils.

Subsequently each affected community council will be required to call a public meeting and hold a show of hands vote to approve the proposal. If all affected community councils approve the proposal, it will be formally submitted to Midlothian Council for consideration at a special meeting of Midlothian Council within 90 days of submission.

Guidance: Boundary changes can only progress if all (not just a majority of) affected Community Councils agree to the change. The public consultation period is required by the government.

## **9 Community Council Elections**

### **9.1 Eligibility**

Candidates aged 18 and over wishing to stand for election to a community council must reside in the Community Council area and be named on the Electoral Register for that area. The same criteria shall apply to voters in a Community Council election.

16 and 17 year-olds residing in the community council area and named on the Electoral Register for that area are also entitled to both stand for the community council and vote in any election. In the case of candidates who are not on the electoral register *solely by reason of age*, the nomination form must be accompanied by a declaration, signed by 2 individuals who are named on the electoral register for the relevant community council area in which they reside, confirming that the nominee is a resident of the same Community Council area.

Any community council member who no longer resides within that community council area is deemed to have resigned from that community council.

Any individual who is elected to serve on Midlothian Council, or the Scottish, UK or European parliament shall be ineligible to remain a community councillor, or to stand for election to a community council. Such persons, upon taking office, become *ex-officio* members of the community councils contained in whole or in part of their electoral constituency.

Any individual who is either the subject of *bankruptcy proceedings* or who during the *five years prior to the date of nomination has been sentenced to a custodial sentence longer than three months* shall be ineligible to stand or remain as a Community Councillor.

### **9.2 Nominations and Elections**

Within 3 years of the adoption of this scheme by Midlothian Council, Community Councils must both make any necessary updates to their Community Council Constitution and then hold the first elections under the Scheme.

Subsequent elections will be held in accordance with the Constitution of the Community Council, with the proviso that Community Councillors shall serve for a maximum period of 3 years before being required to retire but shall be eligible for re-election. Elections shall be organised by the Community Council, with support and guidance from the Liaison Officer.

#### **9.2.1 Returning Officer**

The local authority will appoint an Independent Returning Officer. The Independent Returning Officer shall be either an Elected Member or a member of Midlothian Council Staff. The Independent Returning Officer must not be a current elected member of that community council nor intending to stand for election to that community council.



## 9.2.2 Nominations

Individuals seeking election to a community council require to be nominated by a proposer and seconder, both of whom must be on the Electoral Register for that community council area. Nominations require to be submitted with the candidate's consent. Self-nomination is not permitted.

A nomination form should be completed, the style of which is defined in Appendix E Nomination Form. Nomination forms require to be submitted to the contact for that Community Council, identified on the Midlothian Council website, no later than 5pm. 7 days prior to the date of the election. No nomination forms submitted after that date will be accepted.

### 9.2.2.1 Process

On the expiry of the period for lodging nominations:

- a) Should the number of candidates validly nominated equal or exceed **HALF**, but be less than or equal to the total maximum permitted membership as specified in the Constitution for the community council area, the said candidates will be declared to be elected and no vote shall be held.
- b) Should the number of candidates validly nominated exceed the total maximum permitted membership as specified in the Constitution for the community council area, arrangements for an Election shall be implemented. At the Election, each voter shall be entitled to vote for candidates up to the number of vacancies on the community council.
- c) Should the number of candidates to be elected be below **HALF** of the total maximum permitted membership, as specified for the community council area, no community council will be established at that time. However, that does not preclude the local authority from issuing a second call for nominations for a community council area failing to meet the minimum membership.

### 9.2.2.2 Method of Election

Community councils shall be elected on a simple majority basis. The preferred method of election is using a show of hands at a Public Meeting, however where appropriate an alternative method can be approved by the Returning Officer.

### 9.2.2.3 Filling of casual places/vacancies between elections

Casual vacancies on a community council may arise in the following circumstances:

- When an elected community council member submits her/his resignation;

- When an elected community council member ceases to be resident within that community council area;
- When an elected community council member has her/his membership disqualified (see 11 Disqualification of Membership).

Should a vacancy or vacancies arise in a community council between elections, it shall be a requirement that the community council undertake appropriate election/co-option arrangements, in consultation with the local authority. Under certain circumstances, a Community Council may decide not to fill a Casual Vacancy, provided the membership will not fall below HALF the membership defined by the Community Council's Constitution. Filling a vacancy can be undertaken either through the process of an interim election or by co-option. However, should circumstances arise that lead to the number of elected community councillors falling below **HALF** of the membership defined by the Community Council's Constitution, the Midlothian Council shall be informed and shall undertake arrangements for an interim election to be held.

#### **9.2.2.4 Co-option to Community Councils**

Co-opted members must be eligible for membership of the community council as detailed in 9.1 Eligibility. They must be elected onto the community council by a simple majority of the elected (general and interim) community councillors present and voting. Such co-opted members shall have full voting rights, with the exception of voting on co-option of members, and will serve until the next round of elections (general and interim). Notice of any proposed co-option procedure is required to be intimated to all of that community council's members at least 14 days prior to the meeting when the matter will be decided.

The number of co-opted members may not exceed a THIRD of the current elected (general and interim) community council membership. Should the ratio of co-opted to elected community councillors become greater than one third, due to any circumstances, an interim election process shall be triggered.

### **9.2.3 Additional Membership**

#### **9.2.3.1 Associate Members**

Associate members may be appointed by a community council where there may be a need for individuals with particular skills or knowledge. These individuals do not have voting rights. Associate members may serve for a fixed period as determined by the community council or for the term of office of the community council that has appointed them. Associate members may also include representation from other constituted local voluntary organisations. The number of Associate members shall not exceed half the number of current Community Councillors in that Community Council.

### **9.2.3.2 Ex-Officio Members**

Midlothian Councillors, MPs, MSPs and MEPs whose wards or constituencies fall wholly or partly within the geographical area of the community council area shall be deemed ex-officio members of the community council. Ex-officio members shall have no voting rights on the community council.

## **10 Equalities**

Recognition should be given to the contribution of everyone participating in the work of the community council. Community councils 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.

Community Councils therefore have both a duty and responsibility to ensure that they represent all within their community irrespective of race, disability, gender, age, sexual orientation, religion and/or belief.

## **11 Disqualification of Membership**

Membership of a community council is invalidated should a community councillor's residency qualification within that community council area cease to exist. If any member of a community council fails to attend any community council meeting, with or without submitting apologies, throughout a period of 6 months, the community council may terminate their membership. At the discretion of individual community councils, a period of leave of absence for community council members may be granted at any meeting of the community council.

If a Community Councillor is alleged to be in breach of the Code of Conduct, a formal report shall be submitted to the Liaison Officer who shall investigate and recommend to Midlothian Council, who shall decide whether the Community Councillor should be disqualified from office. The Liaison Officer will be guided by the Chief Executive or the person nominated by the Chief Executive to do so.

## **12 Meetings**

Office Bearers shall be elected at the first meeting of a community council following a community council election.

The frequency of meetings will be determined by each community council, subject to a minimum of one annual general meeting and 6 ordinary meetings being held each year. The annual general meeting shall be held in a month of each year to be determined by the Community Council Constitution.

The quorum for community council meetings shall be one third of the current voting membership of a community council, or 3 voting members, whichever is the greater.

An outline for the content of business that community councils should adhere to when holding ordinary, special and annual general meetings is contained within the Standing Orders (Appendix B).

### **13 Liaison with the Local Authority**

In order to facilitate the effective functioning of community councils, Midlothian Council has identified an official to act as a Liaison Officer with community councils. The Liaison Officer will be guided by the Chief Executive or the person nominated by the Chief Executive to do so. Unless there is a specific agreement or an issue is a specific departmental issue, all correspondence between Midlothian Council and the community councils should, in the first instance, be directed through the Liaison Officer.

Community councils may make representations to Midlothian Council and other public and private agencies, on matters for which it is responsible and which it considers to be of local interest. Representations should be made, in the case of statutory objections, such as planning or licensing matters, to the appropriate Midlothian Council official. On issues where a Midlothian Council department is consulting with community councils, representations should be made to the appropriate departmental officer.

Community councils shall provide copies of their minutes within prescribed timescales to the Council via the Liaison Officer.

### **14 Resourcing a Community Council**

The financial year of each community council shall be provided for in the constitution of each community council to allow for the proper submission of an externally examined statement of accounts to the community council's annual general meeting on a specified date.

The Annual Accounts of each community council shall be independently examined by an examiner appointed by the community council, who is not a member of that community council. A copy of the independently examined statement of accounts/balance sheet shall be forwarded immediately after the statement is approved at the community council's annual general meeting, to the Liaison Officer.

The Liaison Officer may, at their discretion and in consultation with Midlothian Council's Chief Financial Officer, require the community council to produce such records, vouchers and account books, as may be required.

Each community council shall have the power to secure resources for schemes, projects and all other purposes consistent with its functions.

Each community council shall be eligible to apply for grants for suitable projects through the local authority's grant system, where applicable.

The Council will provide an annual administrative grant to Community Councils. The purpose of the grant is to cover the operating costs and publicising the work of the Community Council within the Community Council area.

Midlothian Council shall determine any additional support services/resourcing, such as: free lets of rooms for community council meetings, to suit local requirements. Midlothian Council will review the level of annual administrative grant and other support to community councils during each term of Midlothian Council.

## **15 Training**

The Liaison Officer shall facilitate advice and assistance to community councils and arrange for the establishment of a training programme and/or conferences for community councils on the duties and responsibilities of community council office bearers, the role of community councils, the functions of the local authority and other relevant topics.

## **16 Publicity**

Midlothian Council shall allocate space within Midlothian News (or equivalent publication) and on the Council website for the provision of Community Council contact details and the promotion of Community Council activities according to demand.

## **17 Liability of Community Council Members and Federation**

Midlothian Council will arrange ongoing insurance liability cover for Community Councils and Community Councillors. Midlothian Federation of Community Councils will also be covered by this insurance scheme. The insurance liability cover becomes effective upon Midlothian Council advising the insurance underwriter of the establishment of a community council.

## **18 Dissolution of a Community Council**

The terms for dissolution of a Community Council are contained within the Constitution of the Community Council.

Notwithstanding these terms, should a community council fail to hold a meeting for a period of 3 consecutive prescribed meeting dates, or its membership falls below the prescribed minimum for a period of 3 consecutive prescribed meeting dates (during which time the Community Council and Midlothian Council have taken action to address the situation), Midlothian Council shall take action to dissolve that community council.

## **19 Establishment or Re-Establishment of a Community Council**

On the application to the Chief Executive of Midlothian Council of not less than 20 electors in the Community Council area, Midlothian Council shall within not more than six weeks from the date of application organise in accordance with the Scheme elections or other voting arrangements. For the purposes of the initial Election, the number of Community Councillors to be elected shall be defined by Midlothian Council. This number shall not exceed the number specified in 0 and shall be appropriate to size of the population of the Community Council area. The first order of business of the new Community Council shall be to establish a new Constitution.

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## Appendix A Constitution Guidance

The Scottish Government has provided a Model Constitution which can be used as guidance to help in writing and updating your Community Council Constitution. Each Community Council is responsible for writing and approving its own Constitution in accordance with requirements of the Scheme. Once approved at a meeting of the Community Council, the revised Constitution must be submitted to the Liaison Officer for approval. This approval is to confirm that the Constitution complies with the requirements of the Scheme.

In general a Community Council Constitution will address at least the following topics, although additional topics may be relevant in specific circumstances:

1. Name  
 “The name of the COMMUNITY COUNCIL shall be ..... (referred to as “the COMMUNITY COUNCIL” in this document).”
2. Area  
 “The area of the COMMUNITY COUNCIL shall be as shown on the map attached to Midlothian Council’s Scheme for Community Councils.”
3. Objectives  
 This should cover the standard objectives regarding: representing the views of the community, acting to promote and improve the well-being of the Community, fostering a community spirit etc, along with any specific objectives that the Community Council may have (e.g. relating to local activities and events that it wishes to support)
4. Role and responsibilities  
 It is the role of a Community Council to take such action in the interests of that community as appears to it to be expedient and practicable. This topic is primarily covered by the Code of Conduct (Appendix C) which should be referenced.
5. Membership  
 The Scheme defines a maximum number of Community Councillors (excluding Associate and ex-officio members) that the Community Council may have. The constitution may set a lower limit, consistent with the population and size of the area to be represented, provided this is adequate to represent the geographic area e.g. 5 or 6 as a minimum. The number of Associate members is defined by the Scheme on the basis of the number of Elected members, and the eligible ex-officio members are defined by statute, so these do not require to be identified in the constitution. The Community Council must have a Chair, Secretary and Treasurer, which sets the absolute minimum membership at 3 elected members.
6. Method of Election  
 This should reference the Election methods defined in 9.2.2.2 Method of Election.

7. Casual Vacancies  
The Scheme allows for co-option or interim election, or for vacancies to remain unfilled. The Community Council Constitution can specify which of these approaches may be used.
8. Voting Rights  
This will specify the voting rights of elected (including interim and co-opted) members, in accordance with the Scheme. It will also normally assign a casting vote to the Chairperson.
9. Election of Office Bearers  
At the first meeting following the AGM, Office bearers will be elected. This paragraph should specify the election procedure, term of office, and which posts (if any) are eligible for re-election. The Constitution may specify the maximum period for which the same person may hold the same office continuously.
10. Committees of the Community Council  
Specifies whether the Community Council is able to create Committees for specific purposes. Even if this is not envisaged, it is reasonable to allow this in the constitution as a future possibility.
11. Meetings of the Community Council  
This should specify at least: the quorum (in accordance with the Scheme, and taking into account the number of elected members); The schedule for holding an Annual General Meeting; The number and timing of meetings to be held each year; The approval and circulation of the minutes; observance of the Standing orders; the process for the public to petition the Community Council to debate a specific issue; and the process to allow specific topics to be discussed in private.
12. Public Participation in the Work of the Community Council  
Define that meetings are open to the public (except where specified in accordance with paragraph 11 above.
13. Information to Midlothian Council  
Specifies the requirement to notify the Liaison Officer about the annual calendar of scheduled meetings, AGM, Minutes, and to give at least 10 days notice of Special meetings.
14. Control of Finance  
Specifies that all monies from whatever source are solely to further the objectives of the Community Council. It is therefore important to ensure that the Objectives are adequately defined by the Constitution. Specifies the role of the treasurer to keep proper accounts, the signatory requirements to withdraw funds and Financial year, along with the need to prepare independently examined accounts for the AGM.
15. Title to Property  
This would typically vest the rights to property in the Office Bearers of the Community Council and their successors.
16. Alterations to the Constitution  
Defines the process for altering this Constitution, the voting requirements, and the submission for Approval by the Liaison Officer.

17. Dissolution

Specifies the procedure should a Community Council desire to dissolve and accounts for the transfer of assets to Midlothian Council (in trust for a future Community Council representing that area). Note that as described in 18 Dissolution of a Community Council, the Scheme allows Midlothian Council to dissolve a Community Council, under specific circumstances, regardless of the Constitution. (If the membership falls below a certain level it may not be practical or possible to comply with the wording of this part of the Constitution.



## Appendix B                      Standing Orders

This is an example of the format and content of the Standing Orders which a Community Council is expected to adopt. Community Councils are free to adopt these as written, or make adaptation to suit specific local circumstances.

### *B.1    Meetings (all held in public, except for private matters as specified in the constitution)*

(a) Ordinary meetings of the COMMUNITY COUNCIL shall be held in the months of ..... **[to be entered]**. Special Meetings may be called at any time on the instructions of the Chairperson of the community council on the request of not less than one-half of the total number of COMMUNITY COUNCIL members; or the receipt of a common written request (petition), signed by at least 20 persons, resident within the COMMUNITY COUNCIL area, to convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting. A special meeting shall be held within 14 days of the receipt of the request made to the Secretary of the COMMUNITY COUNCIL. Annual general meetings are held annually.

(b) The notice of ordinary and annual general meetings of the COMMUNITY COUNCIL, featuring the date, time and venue, shall be provided to each COMMUNITY COUNCIL member and the Liaison Officer by the Secretary of the COMMUNITY COUNCIL, at least 10 days before the date fixed for the meeting.

### *B.2    Minutes*

Minutes of the proceedings of a meeting of the COMMUNITY COUNCIL shall be drawn up within fourteen days from the date of that meeting, distributed in accordance with paragraph 5 of the Scheme of Community Councils and shall, following their approval, be signed at the next meeting of the COMMUNITY COUNCIL by the person presiding thereat and retained for future reference.

### *B.3    Quorum*

A quorum shall be one-third of the current voting membership of the COMMUNITY COUNCIL, or 3 voting members, whichever is the greater.

### *B.4    Order of Business*

#### **(i) Ordinary Meeting**

The order of business at every ordinary meeting of the COMMUNITY COUNCIL shall be as follows: -

Recording of membership present and apologies received.

(a) Visitor Matters, for short topics, not exceeding 30 minutes total.

(b) The minutes of the last meeting of the COMMUNITY COUNCIL shall be submitted for approval.

(c) Any other item of business, which the Chairperson has directed, should be considered.

(d) Any other competent business.

(e) Questions from the floor.

(f) Chairperson to declare date of next meeting and close meeting.

**(ii) Annual General Meeting**

It will not be uncommon that the COMMUNITY COUNCIL has arranged for an ordinary meeting of the COMMUNITY COUNCIL to begin at the close of the annual general meeting, to enable any outstanding reporting on business matters to be heard; and for COMMUNITY COUNCIL members and members of the public to have an opportunity to bring matters to the attention of the COMMUNITY COUNCIL, possibly for inclusion on a future agenda.

The order of business at every annual general meeting of the COMMUNITY COUNCIL shall be as follows: -

(a) Recording of membership present and apologies received.

(b) The minutes of the last annual general meeting of the COMMUNITY COUNCIL shall be submitted for adoption.

(c) Chairperson's Annual Report (and questions from the floor).

(d) Secretary's Annual Report (and questions from the floor).

(e) Treasurer's submission of Balance Sheet and Annual Accounts duly independently examined and certified correct (and questions from the floor).

(f) Demit of current office bearers/election of office bearers.

(g) Chairperson to declare date of next annual general meeting and close meeting.

**(iii) Extraordinary General Meeting**

The order of business at every extraordinary general meeting of the COMMUNITY COUNCIL shall be as follows: -

(a) Recording of membership present and apologies received.

(b) Business for debate, as described in the calling notice for the special meeting.

(c) Chairperson to close meeting.

**B.5 Order of Debate**

(a) The Chairperson shall decide all questions of order, relevancy and competency arising at meetings of the COMMUNITY COUNCIL and her/his 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 public in attendance at meetings of the COMMUNITY COUNCIL raised at 4, above. 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 COUNCIL meeting to a time he/she may then, or afterwards, fix.

- (b) Every motion or amendment shall be moved and seconded.
- (c) After a mover of a motion has been called on by the Chairperson to reply, no other members shall speak to the question.
- (d) A motion or amendment once made and seconded shall not be withdrawn without the consent of the mover and seconder thereof.
- (e) A motion or amendment which is contrary to a previous decision of the COMMUNITY COUNCIL shall not be competent within six months of that decision.

**B.6**    *Voting*

- (a) Voting shall be taken by a show of hands 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.
- (b) The Chairperson of a meeting of the COMMUNITY COUNCIL shall have a casting vote as well as a deliberative vote.

**B.7**    *Alteration of Standing Orders*

A proposal to alter these Standing Orders may be proposed to the Midlothian Council to be altered or added to at any time by the COMMUNITY COUNCIL, provided that notice of motion to that effect is given at the meeting of the COMMUNITY COUNCIL previous to that at which the motion is discussed. The local authority shall have final discretion on any proposed change.

**B.8**    *Committees*

The COMMUNITY COUNCIL may appoint such committees as it may from time to time decide and shall determine their composition, terms of reference, duration, duties and powers.

**B.9**    *Suspension of Standing Orders*

These Standing Orders shall not be suspended except at a meeting at which three-quarters of the total number of COMMUNITY COUNCIL members are present and then only if the mover states the object of his motion and if two-thirds of the COMMUNITY COUNCIL members present consent to such suspension.

## Appendix C      Code of Conduct

The Code of Conduct for Community Councillors is based largely on the Code of Conduct for local authority councillors and relevant public bodies as provided for in The Ethical Standards in Public Life etc (Scotland) Act 2000.

Community Councillors, as elected representatives of their communities, 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 Councillors and those representing the Community Council. These principles are as follows:

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

### *C.1 Service to the Community*

As a Community Councillor you have a duty to act in the interests of the local community, which you have been elected or nominated to represent. You also have a duty to act in accordance with the remit of the Councils Scheme for the Establishment of Community Councils, as set out by your local authority under the terms of the Local Government (Scotland) Act 1973.

You have a duty to establish and reflect, through the Community Council, 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.

### *C.2 Selflessness/Altruism*

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 Councillor to gain financial, material, political or other personal benefit for yourself, family or friends.

### *C.3 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 your community. If you have any private and/or personal interest in a matter to be considered by the Community Council, you have a duty to declare this and if deemed necessary by other 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 Council.

#### *C.4 Objectivity*

In all your decisions and opinions as a Community Councillor, 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 Council 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 your community and Community Council and not the interests of a particular political party or other group.

#### *C.5 Accountability and Stewardship*

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

Community Councillors will individually and collectively ensure that the business of the Community Council is conducted according to the Council's Scheme for Community Councils and this Code of Conduct.

Community Councillors will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the Community Council as set out in the Councils Scheme for Community Councils. They must also ensure that all resources are used efficiently, effectively and fairly and are used strictly for the purposes of Community Council 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 Council as soon as possible after each meeting.

Any breach of the Council's Scheme for Community Councils as set out by your local authority under the terms of the Local Government (Scotland) Act 1973 may be reported to your local authority to determine what action, if necessary, should be taken.

#### *C.6 Openness*

You have a duty to be open about your decisions, actions and representations, giving reasons for 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 Council, 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 Council.

#### *C.7 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 Council duties and take steps to resolve any conflicts arising in a way that protects the interest of the community and the Community Council.

### *C.8 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 Council 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 Council, 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 Council is aware of them.

### *C.9 Respect*

You must respect fellow members of your Community Council 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 Councillor.

Recognition should be given to the contribution of everyone participating in the work of the Community Council. 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.

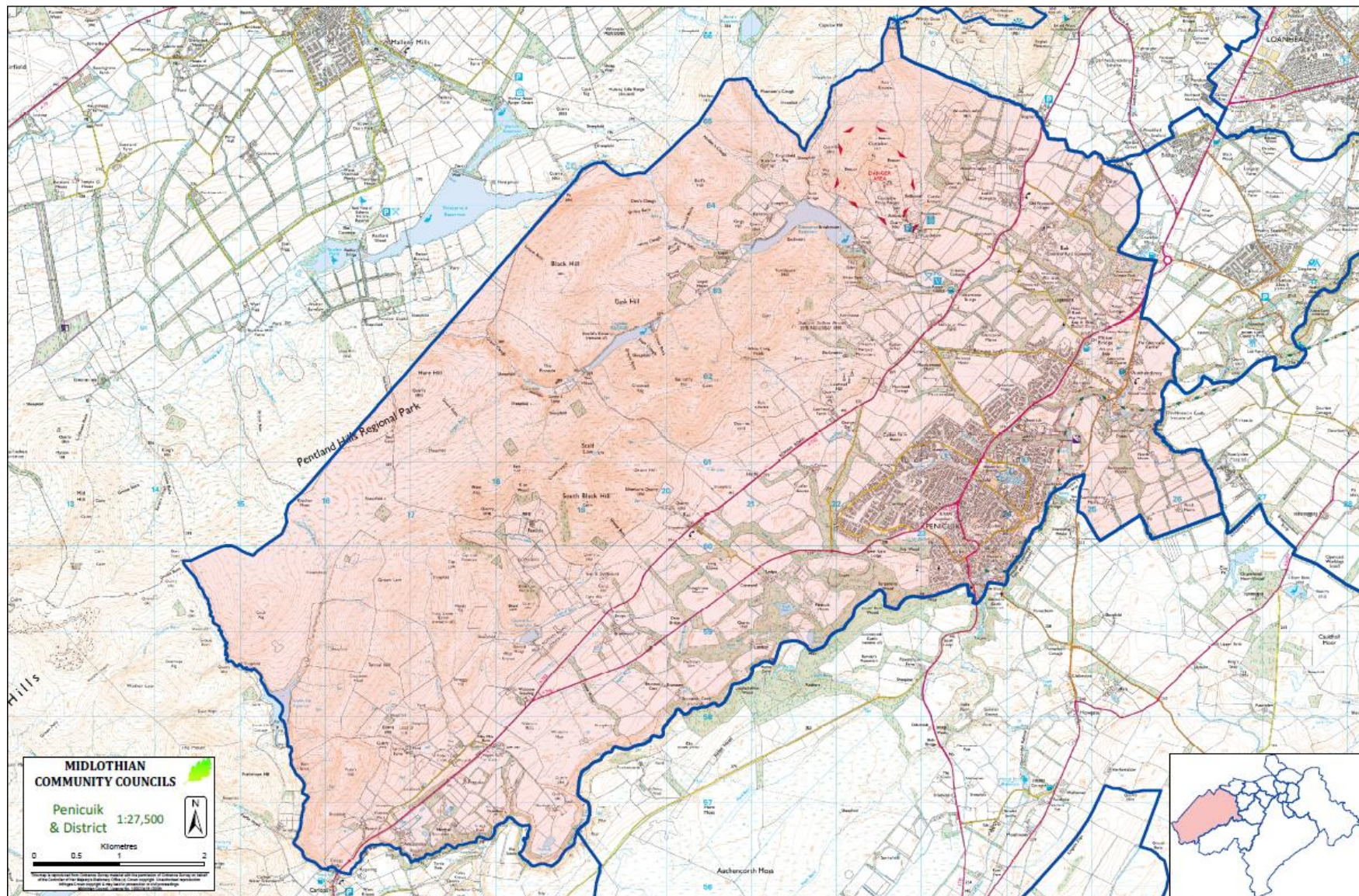
## Appendix D            Community Council Areas

The Community Council areas are defined by the maps shown in this Appendix to the Scheme, which supersedes the text descriptions that were used in the 1976 Scheme. The maps included in the 2013 Scheme are taken from the previous textual description and have been certified by Midlothian Council to be a true representation of the previously defined areas.

Any subsequent amendment of the areas (in accordance with the procedure defined in the Scheme) if acceptable to Midlothian Council will be reflected in an update to this Appendix. For efficiency, minor updates to boundary areas that are agreed and enacted will be incorporated into a single compound update following the subsequent Midlothian Council election. Electronic copies of the maps will be available on the Council and Federation websites, which will be updated, along with the Planning system, following each agreed change.

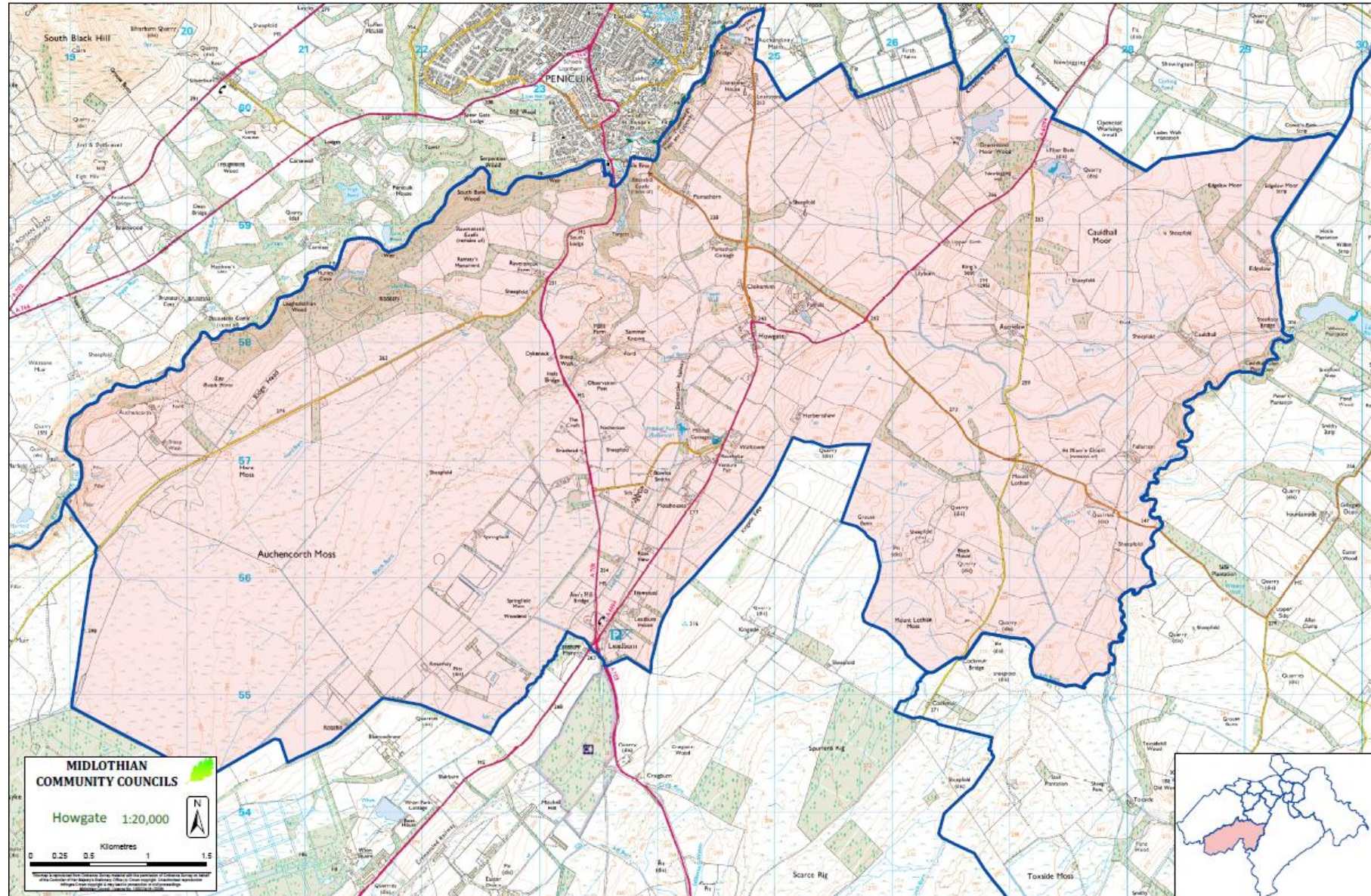




*Penicuik and District Community Council.*

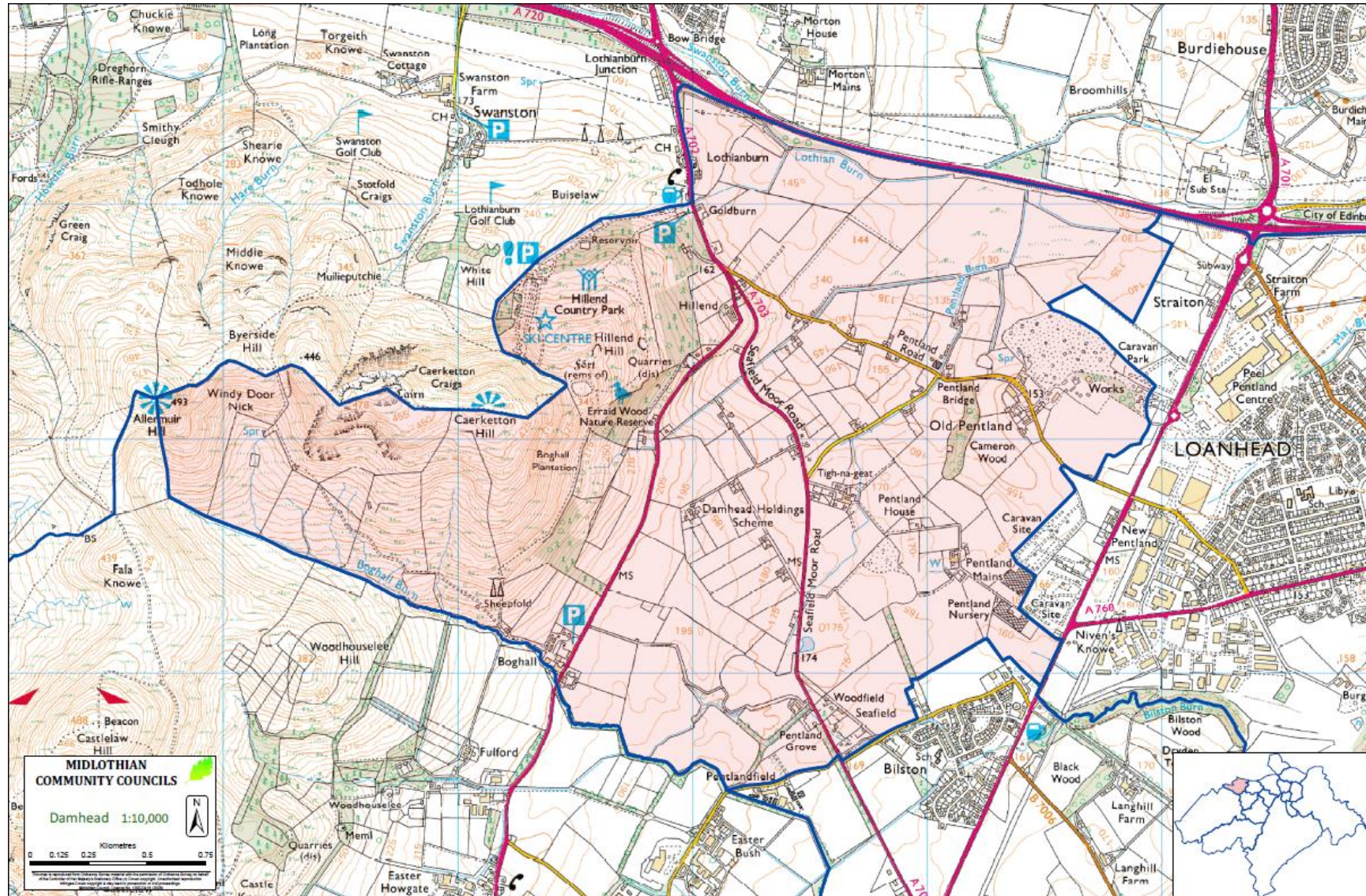


## Howgate Community Council.



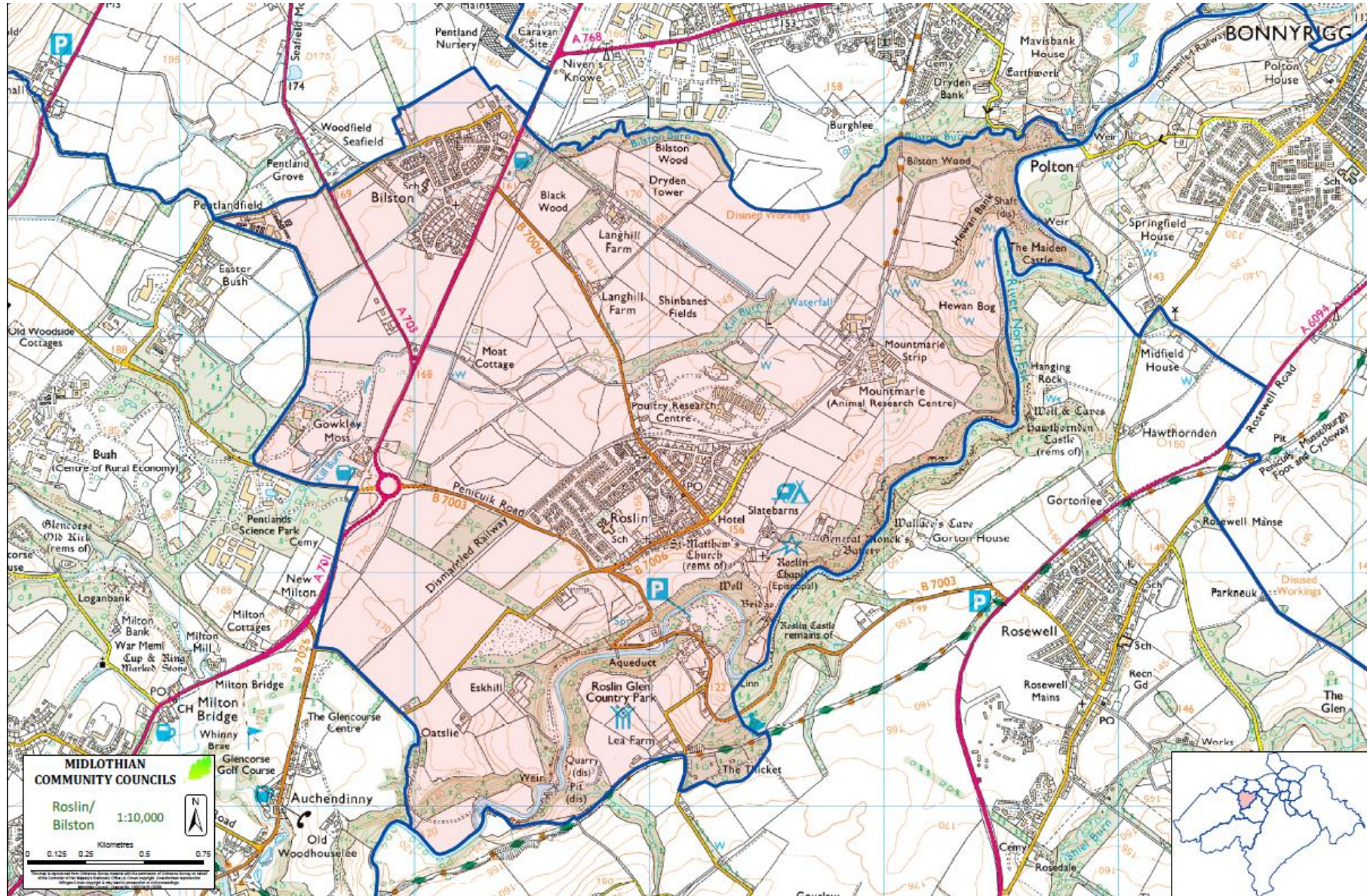


*Damhead Community  
Council*



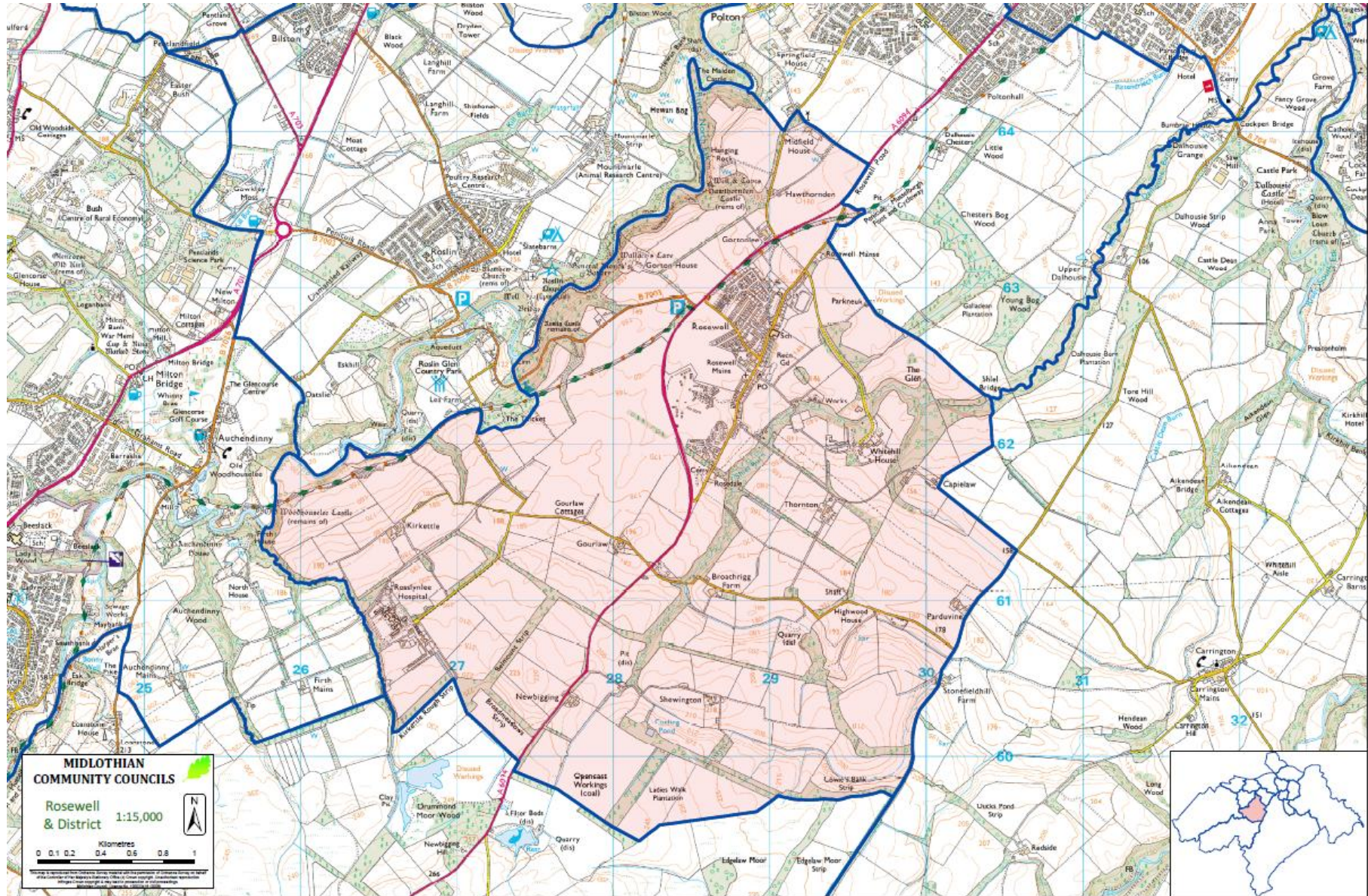


## Roslin/Bilston Community Council.

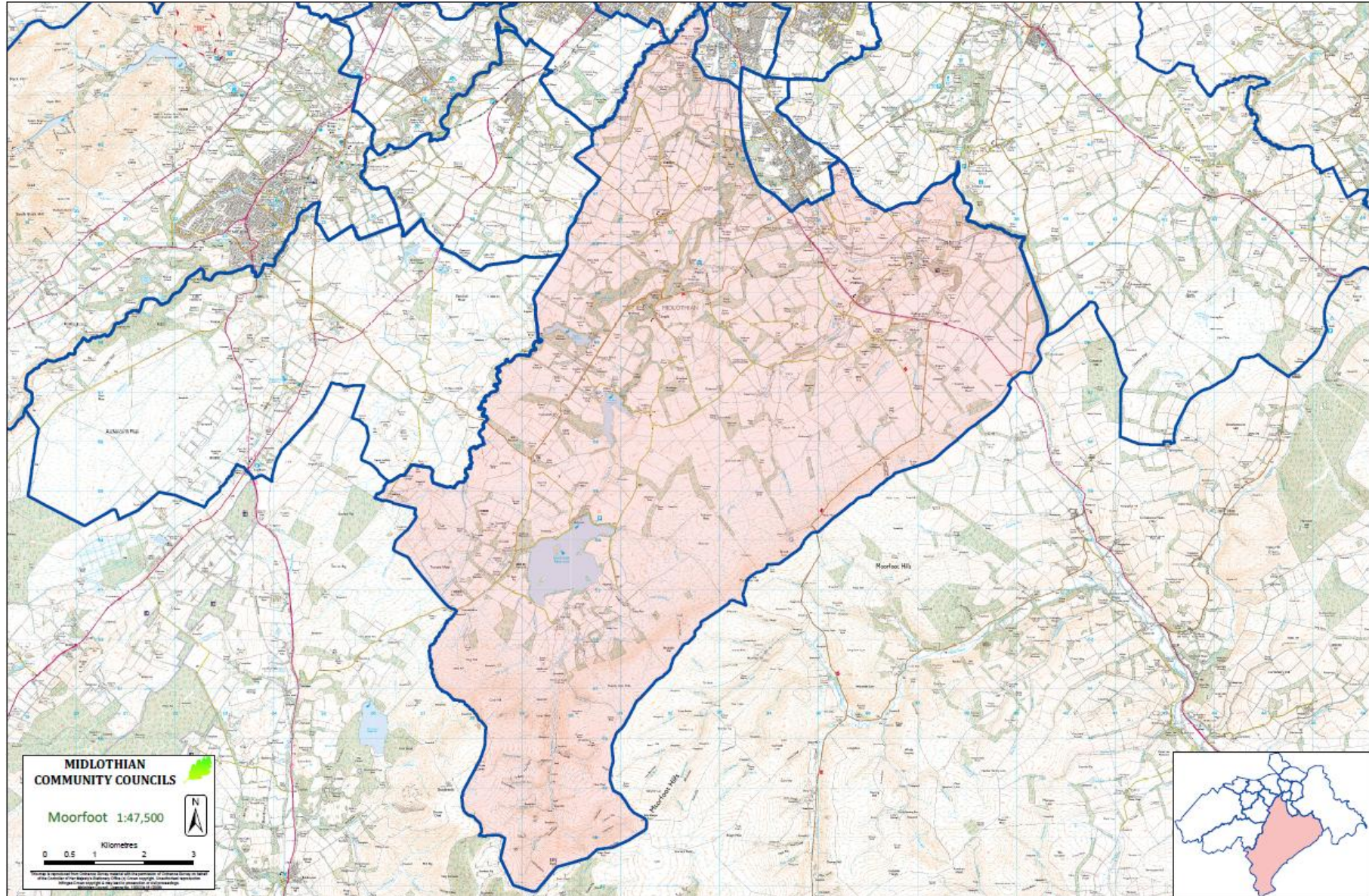




*Rosewell and District Community Council.*

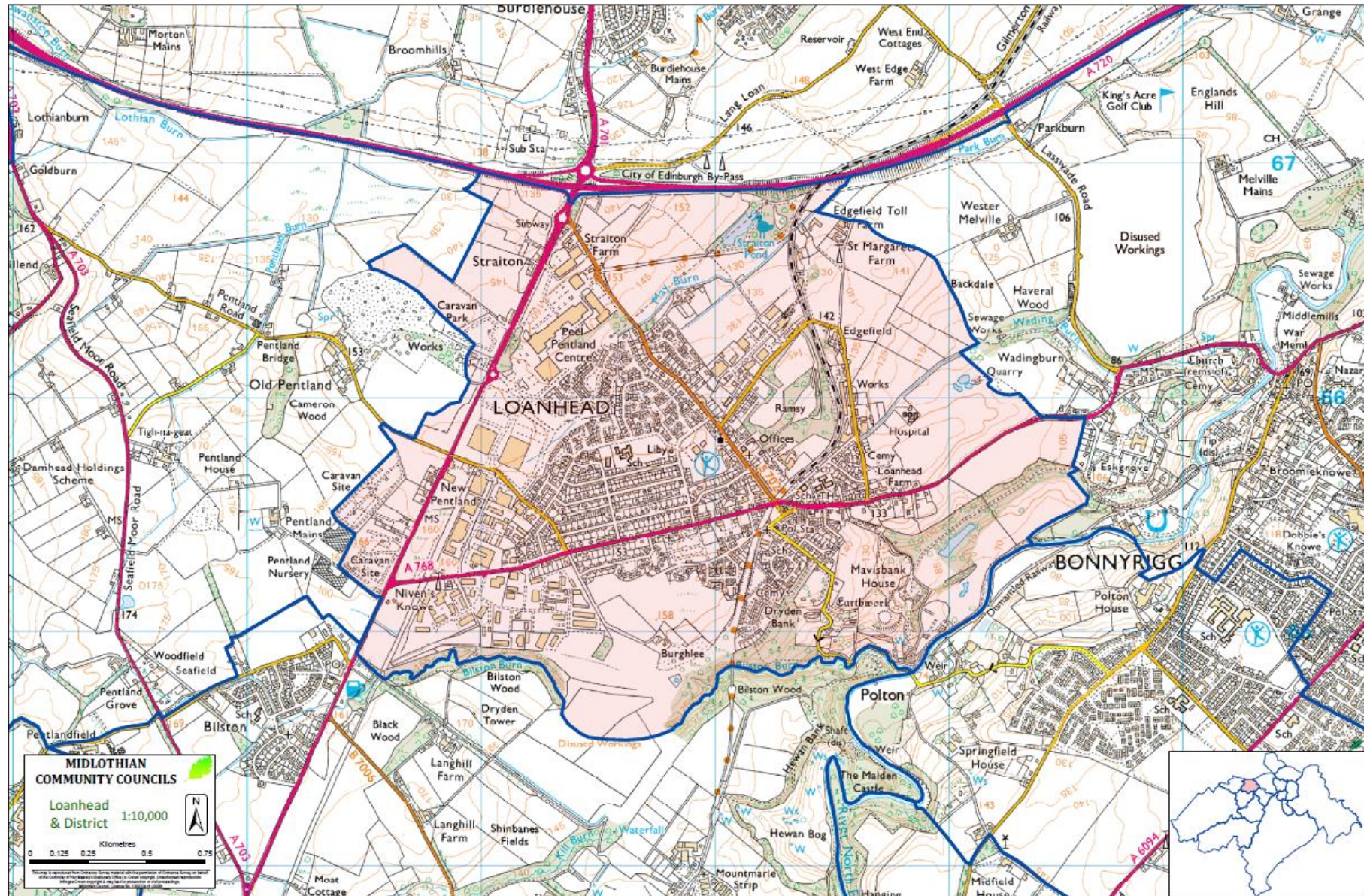




*Moorfoot Community Council*

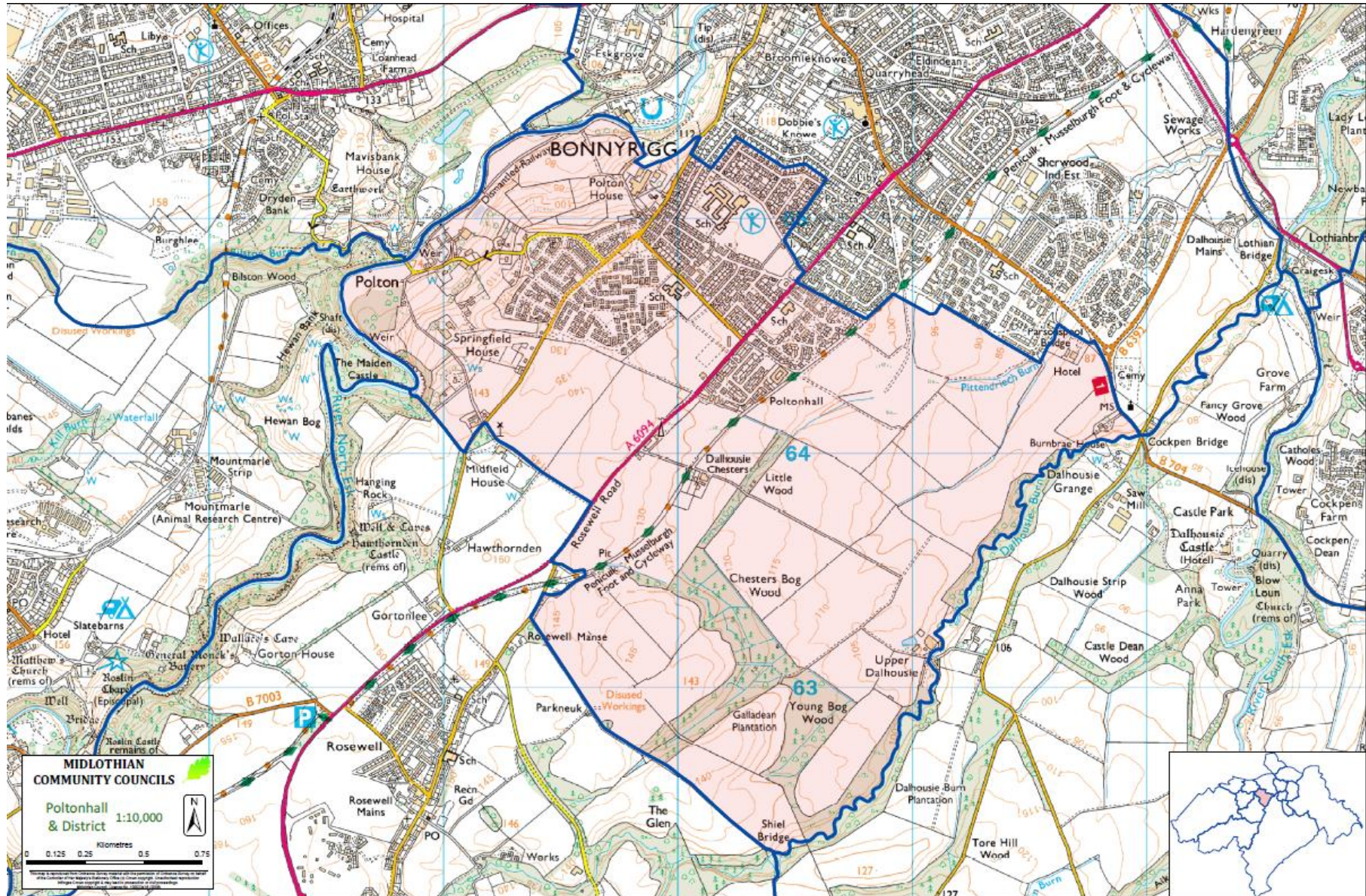


*Loanhead and District Community Council.*



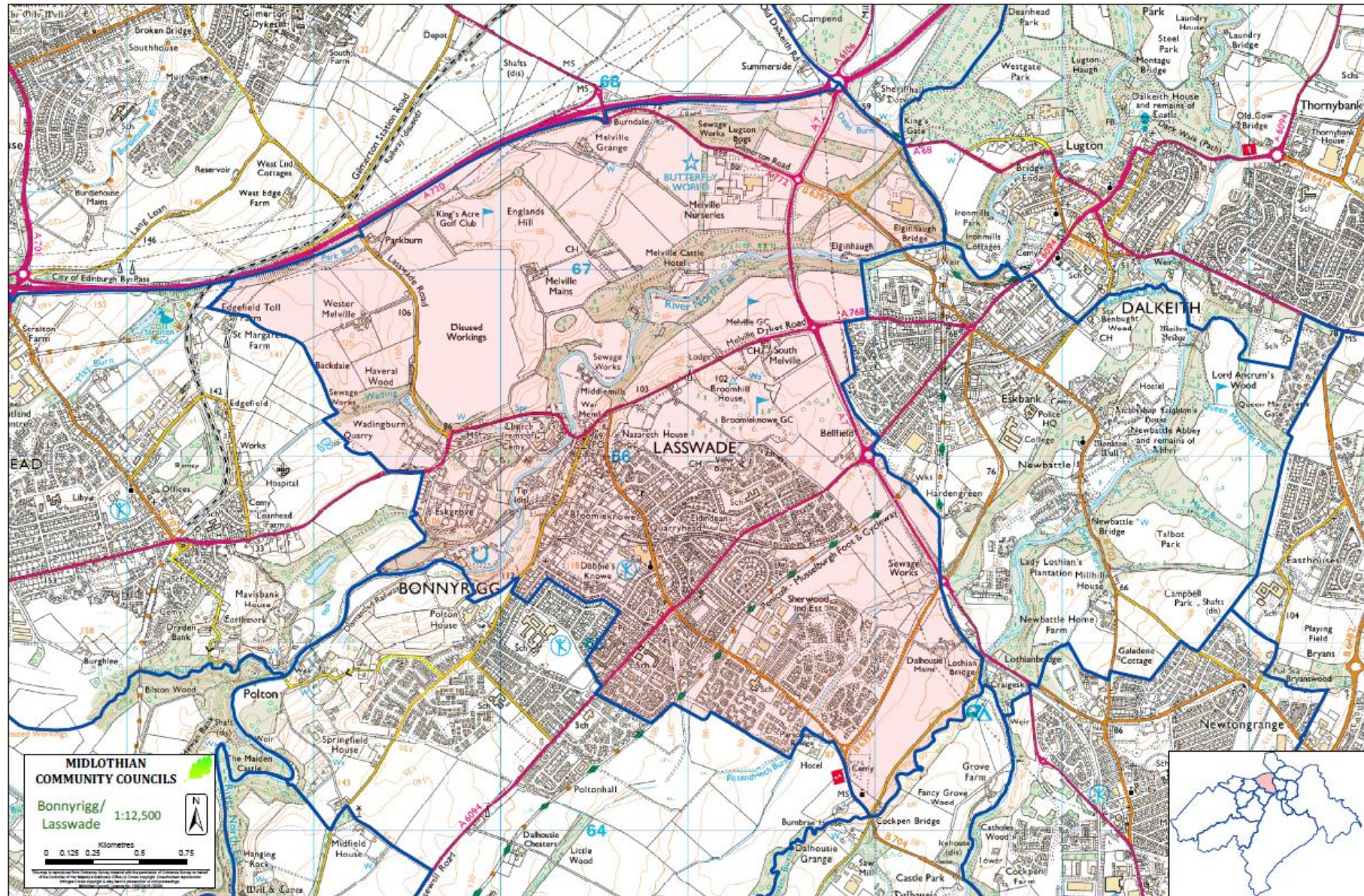


*Poltonhall and District Community Council.*



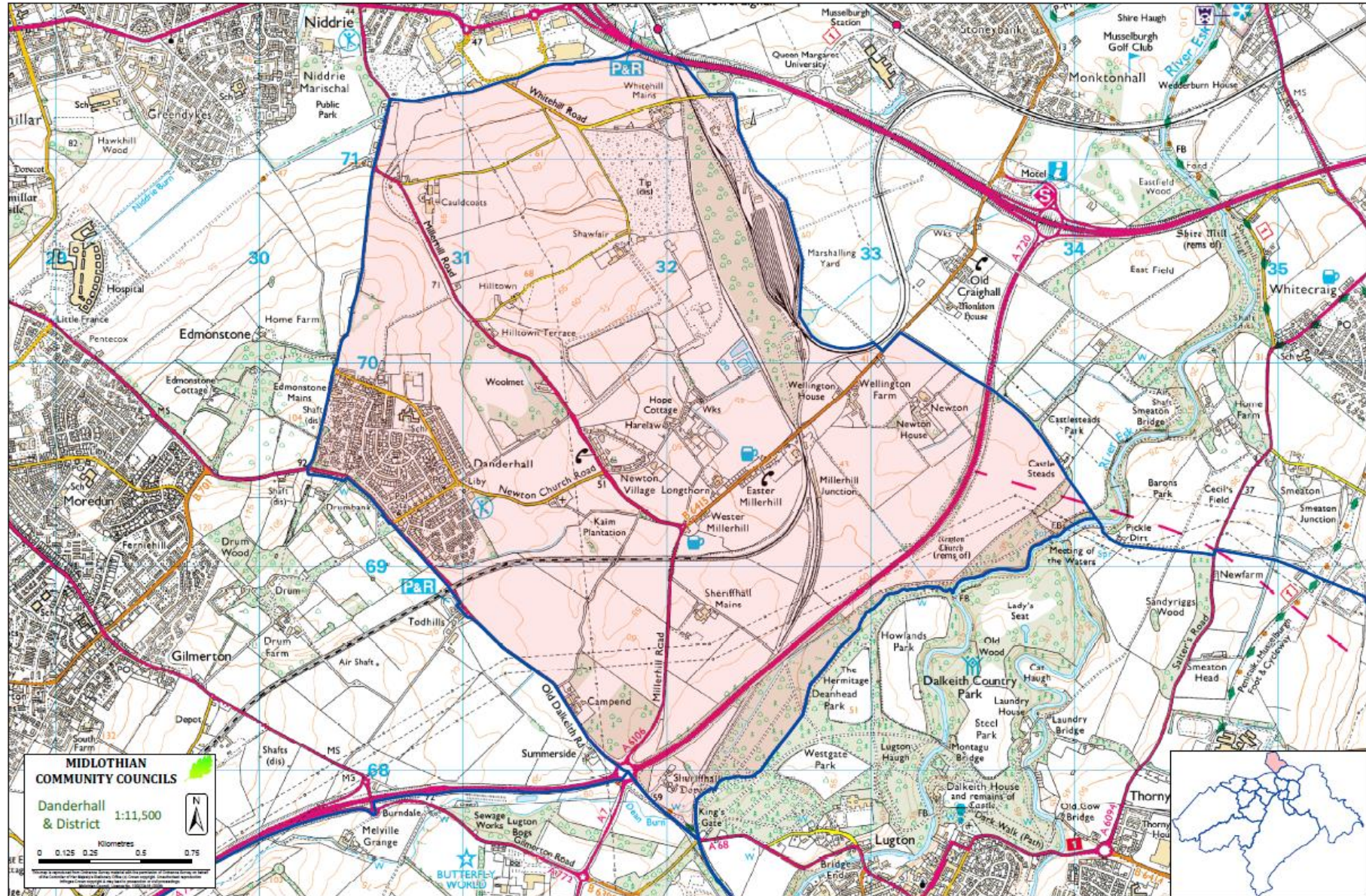


## Bonnyrigg/Lasswade Community Council.





*Danderhall and District Community Council.*

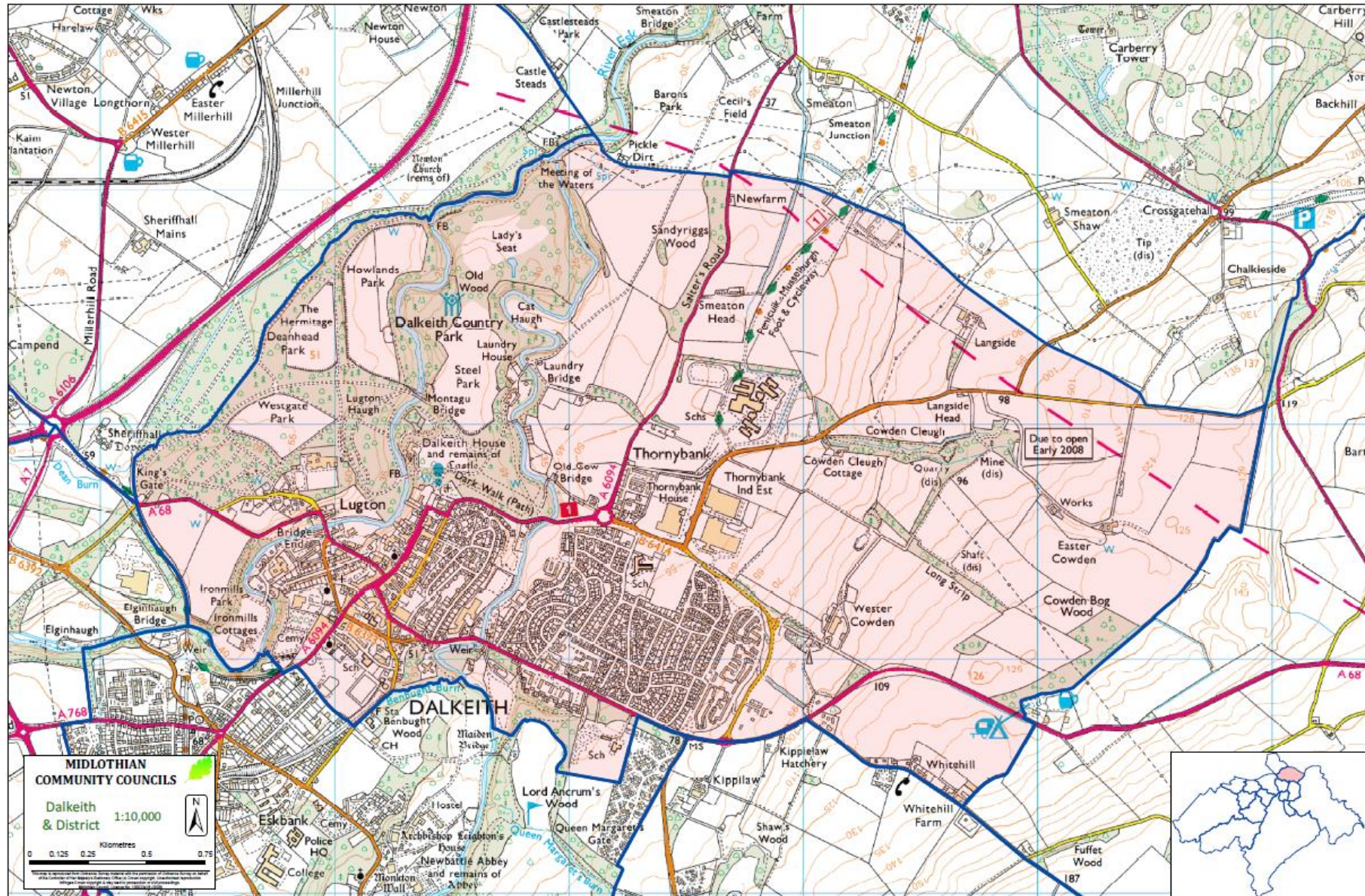






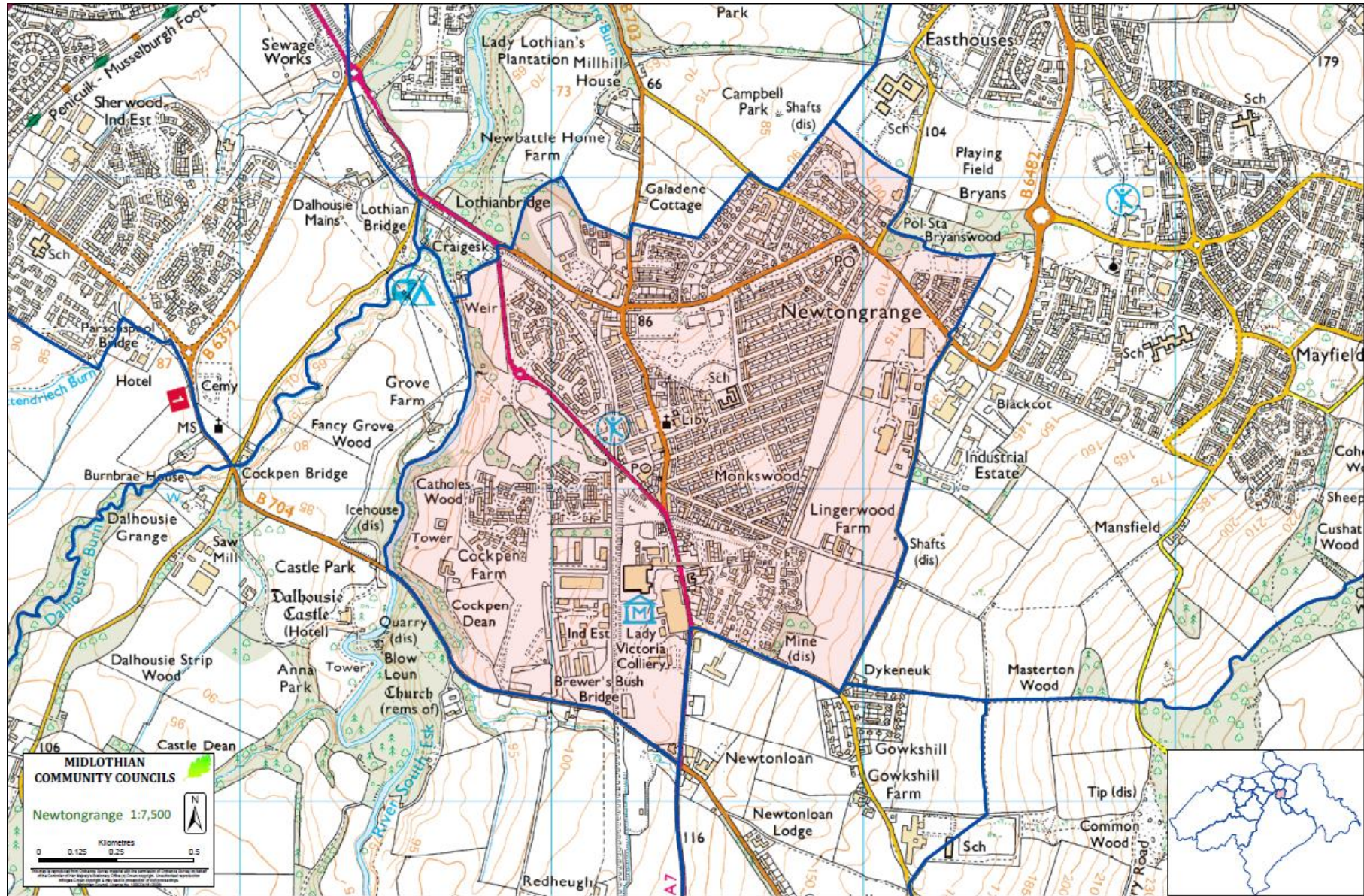


# Dalkeith and District Community Council



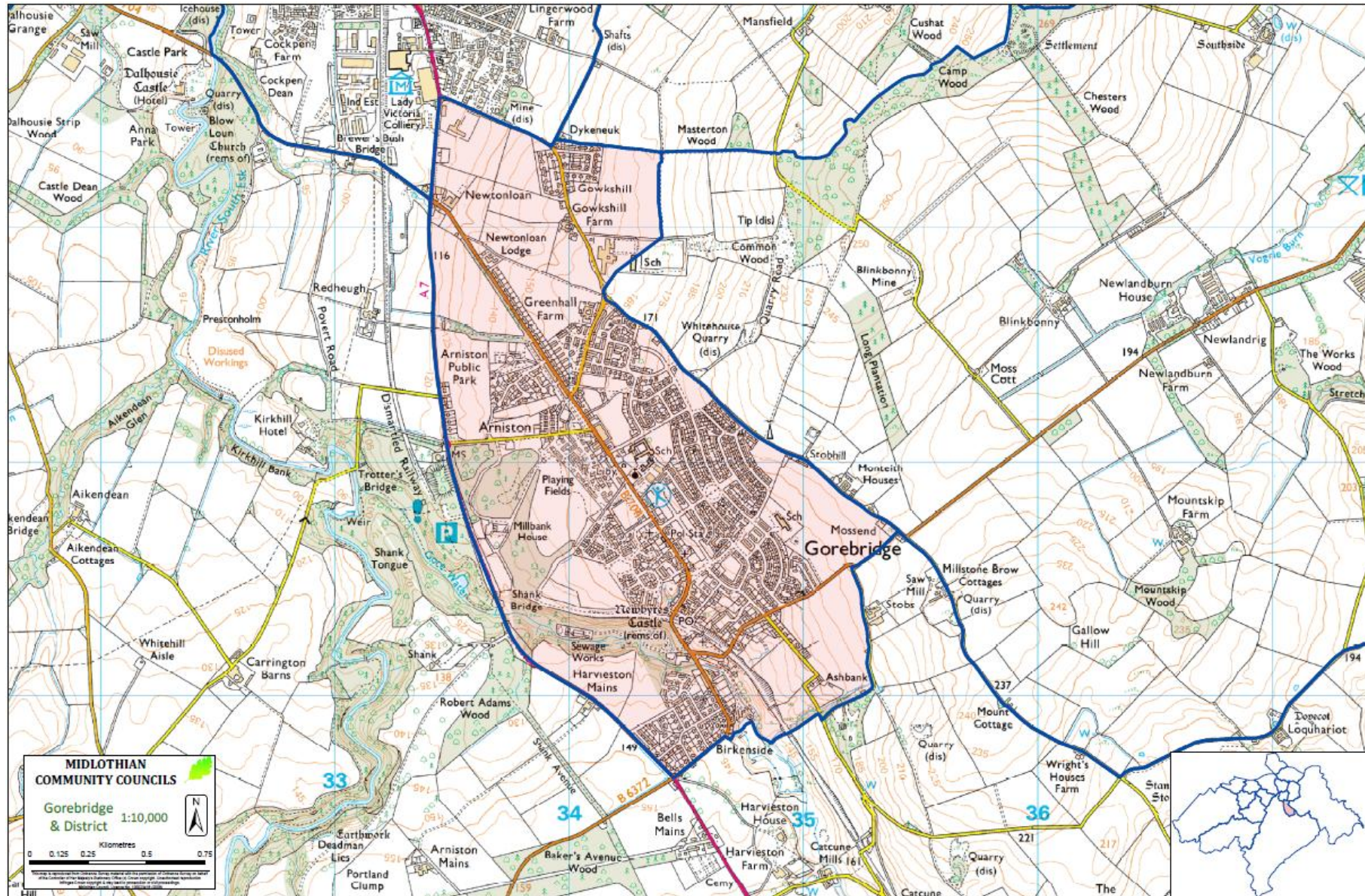


*Newtongrange Community Council.*



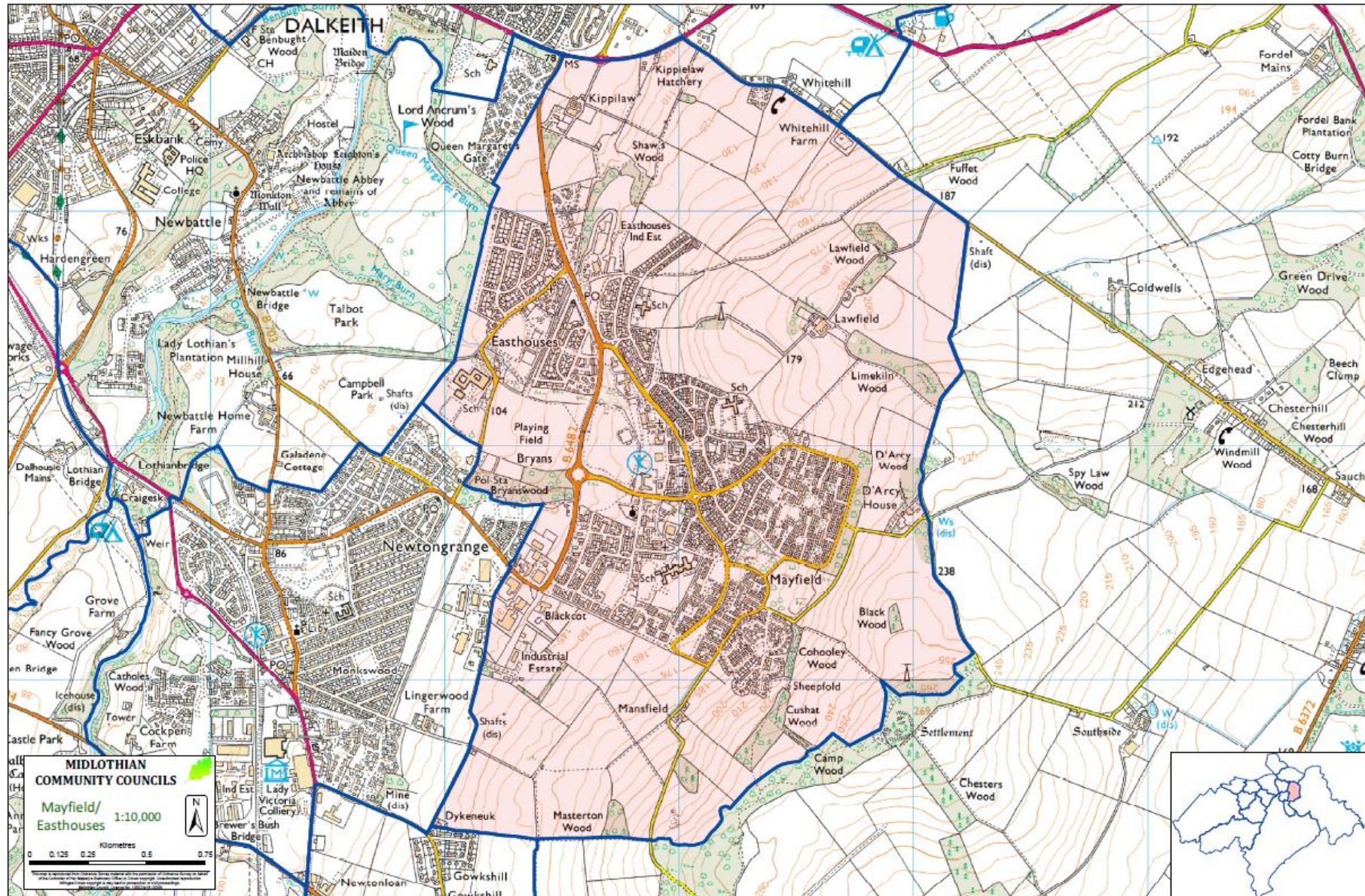


*Gorebridge and District Community Council.*



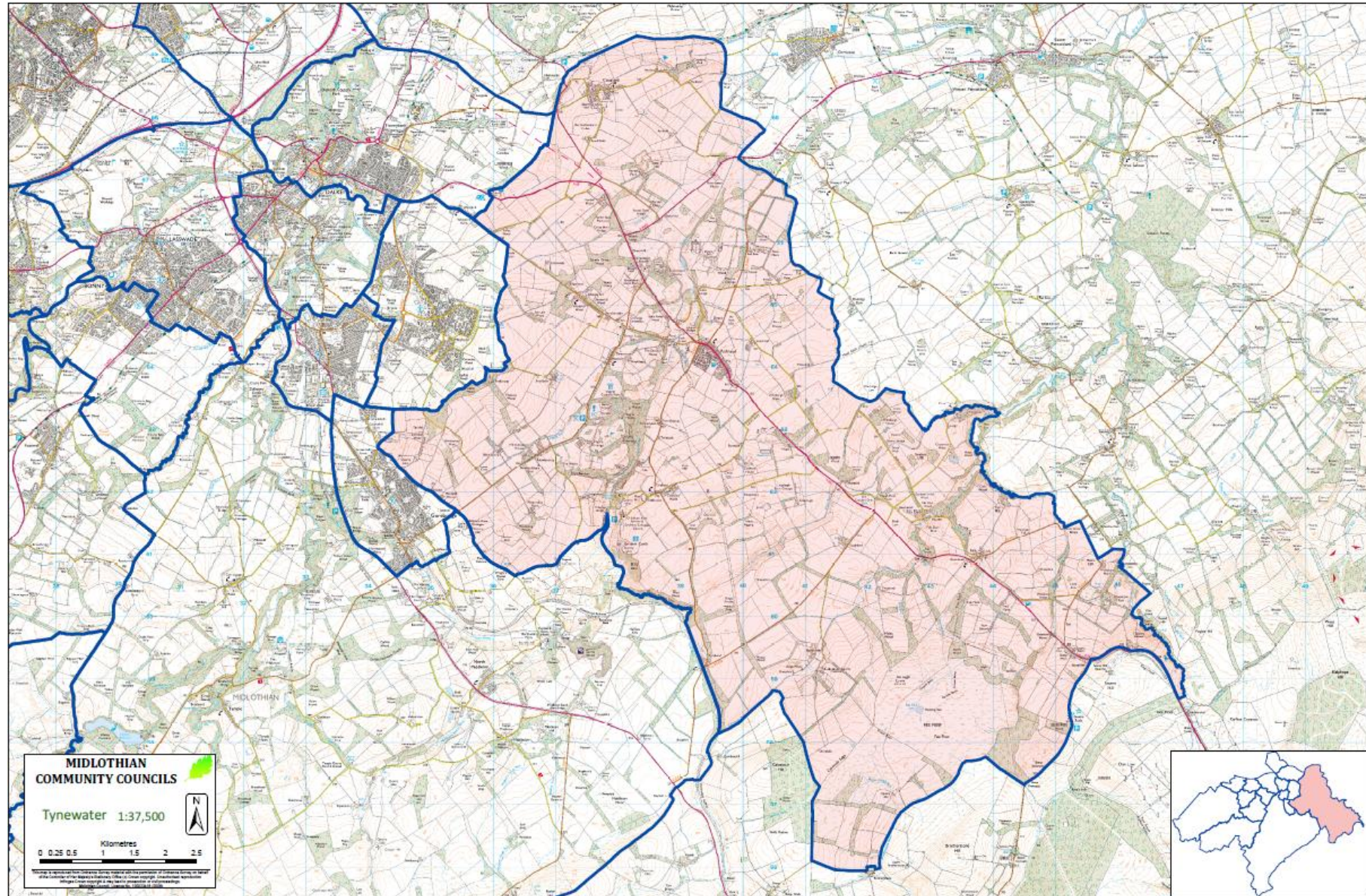


*Mayfield/Easthouses Community Council.*





*Tynewater Community Council.*





## Appendix E Community Council Composition

There shall be 16 Community Councils for the District of Midlothian which shall be known by the official names, shall serve the respective populations and shall be served by the respective membership as follows:-

<b>Name of Community Council</b>	<b>Maximum Composition of Community Council</b>	<b>Approx populations (based on 2011 Census best fit to output areas. Midlothian's population is projected to increase to approx 91,000 by 2035 (based on 2010 figures from National Records of Scotland published Feb 2012))</b>
Penicuik & District	20 members	16,516
Howgate	20 members	451
Damhead	20 members	212
Roslin / Bilston	20 members	2,899
Rosewell & District	20 members	1,677
Moorfoot	20 members	902
Loanhead & District	20 members	6,294
Poltonhall & District	20 members	6,060
Bonnyrigg & Lasswade	20 members	10,031
Danderhall & District	20 members	3,258
Eskbank & Newbattle	20 members	4,123
Dalkeith & District	20 members	8,472
Newtongrange	20 members	5,180
Gorebridge	20 members	6,910
Mayfield / Easthouses	20 members	7,943
Tyneewater	20 members	1,924

The actual composition of a Community Council will be defined in its constitution, where the number of Community Councillors will not exceed the numbers provided above. The maximum number of members identified above is the total of **Elected**, **Interim** and **Co-opted** members, and excludes **Associate** and **Ex-officio** members.

Appendix F                      Nomination form

All nominations for election as Community Councillor must be made on the form shown on the following two pages, which is also available for download from the **Community Councils** section of the **Midlothian Council website**.

Office Use only	Date received	Time received	Initials	No.

Community Council

Nomination paper

**ELECTION OF COMMUNITY COUNCILLORS NOMINATION FORM**

Community Council

Day and Date of Election

**Candidate's Details**

Candidate's surname

Other names in full

Commonly used surname (if any)

Commonly used forenames (if any)

Home address in full (including  
postcode)

I, the nominee for election, consent to being nominated as a candidate for the

Community Council

I declare that I am qualified to be elected. I am registered on the Midlothian Register of Electors and if not have two referees stating I am an official resident of the community council area.

I declare that I am not disqualified from being nominated as a candidate for community council elections in Midlothian:

- a. as detailed in the Midlothian Scheme for Community Councils
- b. by reason of holding a politically restricted post in Midlothian.
- c. by reason of being the subject of bankruptcy proceedings
- d. by reason of having had a custodial sentence of longer than 3 months in the past 5 years.

Candidate's signature

Date

Witness: I confirm the above-mentioned candidate signed the declaration in my presence.

Witness's signature:

Witness (name in full):

of (address in full):

Date

<b>Details of Nominators</b>
<b>Nominator 1</b>
<p>I declare that to the best of my knowledge this candidate is resident in the community council area of _____ and is eligible<sup>3</sup> to stand as a candidate. I also declare I am on the Midlothian Register of Electors for the above named community council area and therefore eligible to nominate them to stand for election.</p> <p><b>Name:</b></p> <p><b>Address:</b></p> <p><b>Occupation:</b></p> <p><b>Date:</b></p> <p><b>Signature:</b></p>
<b>Nominator 2</b>
<p>I declare that to the best of my knowledge this candidate is resident in the community council area of _____ and is eligible<sup>3</sup> to stand as a candidate. I also declare I am on the Midlothian Register of Electors for the above named community council area and therefore eligible to nominate them to stand for election.</p> <p><b>Name:</b></p> <p><b>Address:</b></p> <p><b>Occupation:</b></p> <p><b>Date:</b></p> <p><b>Signature:</b></p>

Please deliver to the **designated contact point** by the last day for the delivery of nominations by 12 noon.

---

<sup>3</sup> Eligibility rules include residency in the specific Community Council Area and aged 16 years or over on the date of the election.

## Appendix G            Member Definitions

The Scheme defines various types of Membership of a Community Council, and so, for clarity, the different types of membership are defined here.

### G.1    *Community Councillors*

- a) Elected refers to Community Councillors who have been elected at either a Normal or Interim Election. Elected Community Councillors have full voting rights on all matters at Normal and General meetings of the Community Council. They serve for the remainder of their term until the next Normal election as defined by the Constitution of the Community Council.
- b) Co-opted refers to Community Councillors who have filled a vacancy during the term of a Community Council without an election process. They have voting rights on all matters except the co-option of further Community Councillors. (*This is to prevent a “take-over” of the Community Council by a succession of Co-opted members, none of whom have been elected*). They serve until the next normal or interim election. (*i.e. If a Community Council holds an interim election, then any existing co-opted members must be voted on to the Community Council at that time if they are to continue as Community Councillors.*)

### G.2    *Other Members*

- a) Associate Members attend Community Council meetings to advise on specific topics, or to represent the interest of specific groups. Associate Members are appointed by the Community Council in accordance with their own Constitution and within the constraints of this scheme. The term of office may be for a specific period or for remainder of the term of the Community Council itself. The number of Associate Members may not exceed half the current number of elected Community Councillors. Associate Members have no voting rights.
- b) Ex-Officio Members are members of the Community Council by virtue of their election as Midlothian Councillor, MSP, MP, or MEP representing the area that includes the Community Council. Ex-officio members are disqualified from Election or co-option as Community Councillors. They have no voting rights.

## COMMUNICATING CLEARLY

We are happy to translate on request and provide information and publications in other formats, including Braille, tape or large print.

如有需要我們樂意提供翻譯本，和其他版本的資訊與刊物，包括盲人點字、錄音帶或大字體。

Zapewnimy tłumaczenie na żądanie oraz dostarczymy informacje i publikacje w innych formatach, w tym Braillem, na kasecie magnetofonowej lub dużym drukiem.

ਅਸੀਂ ਮੰਗ ਕਰਨ ਤੇ ਖੁਸ਼ੀ ਨਾਲ ਅਨੁਵਾਦ ਅਤੇ ਜਾਣਕਾਰੀ ਤੇ ਹੋਰ ਰੂਪਾਂ ਵਿੱਚ ਪ੍ਰਕਾਸ਼ਨ ਪ੍ਰਦਾਨ ਕਰਾਂਗੇ, ਜਿਨ੍ਹਾਂ ਵਿੱਚ ਬਰੇਲ, ਟੇਪ ਜਾਂ ਵੱਡੀ ਛਪਾਈ ਸ਼ਾਮਲ ਹਨ।

Körler için kabartma yazılar, kaset ve büyük nüshalar da dahil olmak üzere, istenilen bilgileri sağlamak ve tercüme etmekten memnuniyet duyarız.

اگر آپ چاہیں تو ہم خوشی سے آپ کو ترجمہ فراہم کر سکتے ہیں اور معلومات اور دستاویزات دیگر شکلوں میں مثلاً بریل (تایما افراد کے لیے انجریس ہوئے حروف کی لکھائی) میں، ٹیپ پر یا بڑے حروف کی لکھائی میں فراہم کر سکتے ہیں۔

Contact 0131 270 7500 or email: [enquiries@midlothian.gov.uk](mailto:enquiries@midlothian.gov.uk)