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# Constitution

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October 2022

Bonnyrigg and District Community Council

# Bonnyrigg and District Community Council CONSTITUTION

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# Bonnyrigg and District Community Council

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### 1. Name

- 1.1. The Community Council shall be called Bonnyrigg and District Community Council, commonly abbreviated as BDCC, (constituted in accordance with the provisions of the Local Government (Scotland) Act 1973).
- 1.2. This is the name of the Community Council in the county of Midlothian, created from a merger of the Bonnyrigg and Lasswade Community Council (BLCC) with the Poltonhall and Hopefield Community Council (PHCC) agreed at Midlothian Council (MC) on the 28<sup>th</sup> June 2022.

### 2. Area of the Community Council

- 2.1. The BDCC will function within the boundaries as defined in the "Midlothian Council Handbook for Scheme for Community Councils" and shall be as shown on the map attached to Midlothian Council's Scheme for Community Councils.

### 3. Objectives

- 3.1. The objectives of the BDCC shall be:
  - 3.1.1. To ascertain, coordinate and represents the views of the Bonnyrigg and District Community to the Midlothian Council and other public bodies about matters for which those bodies are responsible.
  - 3.1.2. To take such actions in the interest of the community as appears to the BDCC Members to be desirable and practical.
  - 3.1.3. To promote the well-being of the community, uphold the maintenance of historical or traditional links and also foster and encourage a community spirit.
  - 3.1.4. To encourage cooperation amongst the various community organisations in the area.
  - 3.1.5. To be a means whereby the people of the area shall be able to voice their opinions on any matter affecting their lives, their welfare, their environment, its development, and amenity.

### 4. Role and Responsibilities

- 4.1. It is the role of the members of the BDCC to take such actions in the interests of the community as it appears to be desirable and practicable.
- 4.2. It is the responsibility of the BDCC in pursuing the objectives as set out in by the Midlothian Council Handbook for Scheme for Community Councils article 4 and to adhere to the Code of Conduct for Community Councillors.

BDCC has a duty under statute to represent the views of the local Community and reflect the broad spectrum of opinions and interests of all sections of the Community.

In order to fulfil their responsibilities as effective and representatives, the Community Council shall -

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- 4.2.1. Inform the Community of the work and decisions of the Community Council by posting agendas and minutes of meetings in public places, such as libraries and notice boards and, subject to the provisions contained within the Data Protection Act 1998, provide contact details of BDCC.
- 4.2.2. Agendas and draft minutes of the Community Councils 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.
- 4.2.3. Seek to broaden both representation and expertise by promoting the Associate Membership of persons for specific projects/issues.
- 4.2.4. Make particular efforts to encourage young people and other underrepresented groups to attend/participate in Community Council meetings and to ensure equality of opportunity in the way the Community Council carries out its functions.
- 4.2.5. Maintain proper financial records and present financial reports at Community Council meetings.
- 4.2.6. Inform the Midlothian Council Liaison Officer of any change in membership (Resignations, Associate Membership, etc.) and circumstances as soon as is practicable.

### 5. Membership

5.1. The BDCC shall consist of not less than five (5) and no more than twenty (20) members.

#### 5.2. Full Membership

5.2.1. A full member is a person: -

5.2.1.1. Of 16 years of age or over.

5.2.1.2. Whose names appear on the appropriate Register of Electors, current at the date of the election.

5.2.1.2.1. Exceptions in the case where a candidate is not on the electoral register solely by reason of age is permitted, the nomination form for election must be accompanied by a declaration signed by two individuals who are on the electoral register confirming that the Nominee is a resident of the Community Council area.

5.2.1.3. Who is a resident within the appropriate boundaries of the BDCC.

5.2.2. Members shall be elected for the term of three (3) years. After this term they will stand down from council and shall be eligible for immediate re-election. There is no limit to the number of terms a member can be elected.

5.2.3. Non-eligibility of membership includes: -

5.2.3.1. By reason of holding a politically restricted post in Midlothian.

5.2.3.2. By reason of being the subject of bankruptcy proceedings.

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- 5.2.3.3. By reason of having had a custodial sentence of longer than three months in the past five years.
- 5.3. Co-option membership
- 5.3.1. Co-option of members shall be permitted in the following circumstances: -
- 5.3.1.1. The person is eligible for elected membership under Article 5.2.
- 5.3.1.2. The number of co-opted members in any period between an Annual General Meeting shall not exceed one-quarter of the number of total memberships of the BDCC.
- 5.3.2. Co-opted Members voted on to the Community Council shall have the right to vote on BDCC decisions, except for Article 9.1.1.1
- 5.3.3. Co-opted members shall serve as a co-opted member until the next AGM.
- 5.4. Associate Member
- 5.4.1. Provision shall be made for Associate Membership for purposes and duration as defined by the BDCC. For example, a person: -
- 5.4.1.1. Under 16 years of age.
- 5.4.1.2. Regularly representing a local Club, Group or Organisation to the BDCC.
- 5.4.1.3. Offers skills, services, or expertise to the BDCC but is not eligible to join the BDCC.
- 5.4.2. Associate members shall have no voting rights and will not be counted in terms of meeting a quorum or towards the total number of Community Council Members.
- 5.5. Ex-Officio Member
- 5.5.1. Ex-Officio Members: Midlothian Councillors, Members of Parliament, and Members of the Scottish Parliament whose wards or constituencies fall wholly or partly within the geographical area of the BDCC area shall be deemed ex-officio members of the community council.
- 5.5.1.1. Ex-officio members shall have no voting rights and will not be counted in terms of meeting a quorum or towards the total number of community council members.
- 5.6. Removal of a member
- 5.6.1. Membership of the BDCC is invalidated should a community councillor: -
- 5.6.1.1. Miss three (3) consecutive meetings of the Community Council without formal apologies being tendered.
- 5.6.1.2. If a member of the community council fails to attend a meeting, with or without submitting apologies, throughout a period of six (6) months, the community council may terminate their membership.
- 5.6.1.2.1. However, a period of leave of absence for community council members may be granted at any meeting of the community council.

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5.6.1.3. Move out of the community council area.

5.6.2. Where a member has brought their membership of the BDCC into disrepute, they shall be referred to Midlothian Federation of Community Councils Complaints Procedures (Appendix VI) for investigation and deliberation.

### 5.7. Member Vacancy

5.7.1. Should a member vacancy arise, the BDCC may decide: -

5.7.1.1. To hold an interim election at an EGM if more than two positions become available.

5.7.1.2. To not fill the vacancy until the next Annual General Meeting provided that the membership has not fallen below the minimum required by section 5(I).

5.7.1.3. To fill the vacancy by co-option

5.7.2. Should the vacancy result in the membership falling below the minimum number of (5) five, the BDCC shall inform Midlothian Council and undertake the arrangements for an interim election to be held.

## 6. Member's Responsibilities

6.1. All BDCC members have a responsibility to be familiar and comply with the principles set out in the Code of Conduct for Community Councillors attached to Appendix B to Midlothian Council's Scheme for Community Councils as amended and headed as follows and therein detailed: -

6.1.1. Service to the Community (Public Service)

6.1.2. Selflessness / Altruism

6.1.3. Integrity

6.1.4. Objectivity

6.1.5. Accountability and Stewardship

6.1.6. Openness

6.1.7. Honesty

6.1.8. Leadership

6.1.9. Respect

## 7. Method of Election

7.1. Election procedures shall be governed by the method of election laid down in article 8 of the Midlothian Council's Scheme for Community Councils.

7.2. A completed Midlothian Council's "Election of Community Councillors Nomination Form" to be given to the Chairperson / Returning Officer seven days prior to the meeting.

7.3. The voting in the election is open to all persons: -

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- 7.3.1. of 16 years of age or over.
- 7.3.2. Whose names appear on the appropriate Register of Electors, current at the date of the election.
- 7.3.3. Who are resident within the appropriate boundaries of the BDCC.
- 7.4. Election to the BDCC shall be by show of hands unless objections are raised at the meeting or if there are more candidates for election than vacant places. In this case, the election shall be by secret ballot organised by an appointed returning officer. The returning officer will organise the first past the post-election system, selecting the highest voting returns for the position(s)
- 7.5. The co-option of a member.
  - 7.5.1. Notice of any proposed co-option is required to be intimated to all of the community council's members at least 14 days prior to the meeting when the matter will be decided.
  - 7.5.2. A completed Midlothian Council's "Election of Community Councillors Nomination Form" is to be given to the Chairperson seven days prior to the meeting.
  - 7.5.3. They must be elected to the community council by a two-thirds majority of the elected community councillors present and voting.

### 8. Voting Rights

- 8.1. The right to vote at any meeting of the BDCC shall be held by
  - 8.1.1. All BDCC councillors, whether elected or co-opted.
    - 8.1.1.1. Except for co-opted members voting on further co-opted members to the BDCC prior to their first election at the next Annual General Meeting.
  - 8.1.2. But not by
    - 8.1.2.1. Associate Members.
    - 8.1.2.2. Ex-Officio Members.
    - 8.1.2.3. Guests or Visitors
- 8.2. In the event of a vote of the BDCC councillors that results in a majority not being achieved, the Chairperson or Acting Chairperson shall have a casting vote.
- 8.3. The BDCC shall not accept a proxy vote. Voting must be made in person at a meeting. Voting can be received in person, via video conference, via telephone conference, or through further digital means accepted by the BDCC.

### 9. Election of Office Bearers

- 9.1. At the Annual General Meeting, Community Council members shall elect office bearers to the positions of: -
  - 9.1.1. Chairperson

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- 9.1.2. Vice-Chairperson
- 9.1.3. Treasurer
- 9.1.4. Secretary
- 9.1.5. Media Officer
- 9.2. Election of office bearers to the BDCC shall be by the verbal nomination of a current Councillor and verbal acceptance of the nomination by the Councillor in advance of a decision by a majority show of hands of the present members.

If objections to a show of hand are raised at the meeting or if there are more candidates for election to the position. In this case, the election shall be by secret ballot organised by an appointed returning officer.
- 9.3. All office-bearers shall be elected for the term of one (1) year. After this term, they will stand down from the council and shall be eligible for immediate re-election. There is no limit to the number of terms a member can be elected to an office-bearer position.
- 9.4. Without the express approval of the Midlothian Council, no one member shall hold more than one executive role.

### 10. Committees

- 10.1. The BDCC may form a group and sub-groups for a particular purpose either for general continuing issues or for specific occasions and may appoint representatives to these groups.
- 10.2. The BDCC shall determine their composition, terms of reference, duration, duties, and powers.

### 11. Meetings

- 11.1. An Annual General Meeting and at least nine (9) ordinary meetings shall be held by BDCC at times throughout the year.
- 11.2. The BDCC shall meet face-to-face or by digital means on the second (2<sup>nd</sup>) Thursday of each month, with each ordinary meeting being of normally two (2) hours duration.
- 11.3. The BDCC may conduct their meetings in person or by means of a telephone or video conferencing facility or a type of similar communications equipment.

The participants of the meeting must have the ability to communicate with each other and be able to communicate with the Chairperson for the member to be counted as 'present' at the meeting and counted in the quorum.

For the avoidance of doubt, a vote given by a member participating in the meeting through any of these methods will be taken to be given personally. Hybrid (combined regular and virtual) meetings of BDCC shall be valid provided they are conducted in the same manner as the meeting described above.
- 11.4. An annual general meeting of the BDCC shall convene not later than fifteen months from the last AGM.



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- 11.5. The quorum for BDCC meetings shall be at least one-third of the current eligible voting membership, who should include two (2) office bearers.
- 11.6. BDCC shall abide by its Standing Orders for the proper conduct of its meetings.
- 11.7. Copies of all minutes of meetings of the BDCC shall be approved at the next prescribed meeting of the BDCC, but the draft minute shall be circulated within 14 days from the date of that meeting to Community Council members, other appropriate parties and Midlothian Council's Liaison Officer for Community Councils.
- 11.8. Annual general, ordinary meetings and Special meetings shall require at least ten days of a public notice, either called by the Chairperson or on the request of not less than one-half of the total number of BDCC members. An appointed officer of the Midlothian Council has the discretion to call a meeting of the BDCC.  

Details of the business of the meetings are laid out in the standing orders.
- 11.9. The BDCC has a duty to be responsive to the community it represents. Should the Community Council receive a 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 to be held within 14 days of receipt of such a request and advertise it in the manner prescribed locally for special meetings called by the BDCC.
- 11.10. The decision to meet in private will be agreed upon in advance and decided by a majority vote of the CC. Notice of such a meeting will be given to the public in the usual way. However, the notice will record that the meeting, or a part thereof, shall be held in private.

### 12. Public Participation

- 12.1. All meetings of the BDCC and its groups subject to Article 12.10 shall be open to members of the public. Proper provision is to be made for the accommodation of members of the public, and the opportunity should be afforded at each meeting to permit members of the public to address the BDCC under the guidance of the Chairperson.
- 12.2. In accordance with article 12.3. the BDCC may conduct their meetings by means of a telephone or video conferencing facility or a type of similar communications equipment.  

Where it is safe and possible, the conference meeting shall be open to members of the public, and proper provision is to be made for the accommodation of the public and the opportunity should be afforded at each meeting to permit members of the public to address the BDCC.
- 12.3. Notices calling meetings of BDCC shall be posted prominently within the Community Council's area for a minimum period of ten days before the date of any such meeting and, where possible, be advertised by other suitable means.

### 13. Guest Speakers

- 13.1. The Chairperson may invite: -

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- 13.1.1. Midlothian Councillors
- 13.1.2. Midlothian Council Officials
- 13.1.3. Police Scotland Representatives
- 13.1.4. Invited Guests and Visitors
- To the BDCC meetings or sub-group meetings to give reports and discuss issues and items of mutual concerns.

### 14. Information to the Local Authority

- 14.1. The Midlothian Council Liaison Officer shall be sent an: -
- 14.1.1. Annual calendar of the BDCC prescribed meeting dates, times, and venues
  - 14.1.2. Minutes of all meetings,
  - 14.1.3. The AGM annual report,
  - 14.1.4. The annual financial statement
  - 14.1.5. Any other such relevant information, as may from time to time, be agreed between the BDCC and Midlothian Council.
- 14.2. When special meetings of the BDCC are to be held, the Midlothian Council Liaison Officer should be advised of the date, time, venue, and subject(s) of debate of such meetings, in advance of the meeting date.

### 15. Control of Finance

- 15.1. All monies raised by or on behalf of the BDCC or provided by Midlothian Council and other sources shall be applied to further the objectives of the BDCC and for no other purpose.
- 15.2. The monies provided by Midlothian Council in the annual Administrative Grant for administrative and other approved purposes shall be used only as prescribed.
- 15.3. The BDCC will accept:
- 15.3.1. Monies raised from other sources, so long as they are consistent with the objectives of the BDCC and meet with Money laundering and terrorist financing (amendment) regulations 2022
  - 15.3.2. Donations to the BDCC are accepted subject to the Bribery Act 2010.
- 15.4. The Treasurer shall
- 15.4.1. Keep a written accurate account of the finances of the BDCC.
  - 15.4.2. Prepare and have the account of the finances independently examined for presentation and approval at the Annual General Meeting and shall be available for inspection before the meeting.
  - 15.4.3. Allow the inspection of all the finances of the BDCC to the Chairperson, within ten days of the request.

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15.4.4. From time to time hold a petty cash sum, the amount, approved by the BDCC.

15.4.5. Deposit funds of the Community Council only within the BDCC's bank account [The Treasurer. Bonnyrigg and District Community Council A/C. Bank of Scotland.] in a timely manner.

15.4.6. Ensure disbursement shall be by correct means, of Cheque, Bank Card, Digital or Telephone Banking or by Banker's Automated Clearing System (BACS). Payments by cheque must be signed by any two office-bearers who are authorised signatories of BDCC.

15.4.7. Make available the funds of the BDCC to any two of the three authorised signatories in accordance with articles 15.1, 15.2 & 15.3

15.4.8. Authorised signatories may not be related to each other or be co-habitees.

BACS, card, telephone, or digital payments shall be made on the authorisation and recorded confirmation of two unrelated, non-co-habitees and shall be authorised office bearers.

Receipts for expenditure must be obtained and held by the Treasurer.

15.5. Any two of three authorised signatories, who are office bearers of the BDCC, may sign cheques or authorise payment on behalf of the Community Council in accordance with articles 15.1, 15.2 & 15.3.

15.6. The fiscal year of the BDCC shall end on the 31st day of the month immediately prior to the month the AGM is to be held.

15.7. Examined accounts as received and approved by the BDCC or the AGM General Meeting shall be submitted to Midlothian Council Community Council Liaison Officer following approval at the BDCC Annual General Meeting.

### 16. Title to Property

16.1. Property and other assets belonging to the BDCC shall be vested in the Chairperson, Secretary and Treasurer of the BDCC and their successors in their respective offices.

### 17. Alterations to the Constitution

17.1. Any proposal by the BDCC to alter its Constitution must be first considered by a meeting of the BDCC, and the terms of any proposal to alter the Constitution shall be stated on the notice calling the AGM or EGM meeting, which shall be issued not less than ten days prior to the meeting.

17.2. Any proposed alterations may not prejudice the terms and objectives contained within the Midlothian Council Handbook for Scheme for Community Councils.

17.3. If the proposal is supported by two-thirds of the total voting membership of the BDCC and is approved in writing by Midlothian Council Liaison Officer, the alteration shall be deemed to have been duly authorised and can then come into effect.

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### 18. Dissolution

- 18.1. If the BDCC, by a two-thirds majority of the total voting membership, decides at any time that it is necessary or advisable to dissolve, it shall agree on a date for a public meeting to be held to discuss the proposed resolution to dissolve.
- 18.2. It is a requirement that not less than ten days prior to the date of such meeting, a public notice be given by means of a notification in the local newspaper.
- 18.3. If the resolution is supported by a majority of those persons present and qualified to vote and is approved by the Midlothian Council, the BDCC shall be deemed to be dissolved and all assets remaining, subject to the approval of Midlothian Council, after the satisfaction of any proper debts or liabilities shall transfer to Midlothian Council who shall hold same in Trust for a future Community Council representing the BDCC area.
- 18.4. In the event that the BDCC is dissolved under the above procedure, and twenty or more electors subsequently wish the re-establishment of a Community Council for the BDCC area, these electors shall submit a requisition to Midlothian Council in accordance with Section 52(7) of the Local Government (Scotland) Act 1973, on receipt of which the Returning Officer shall arrange for elections to be held in accordance with the Midlothian Council Handbook for Scheme for Community Councils.
- 18.5. Where for any reason, the number of BDCC members falls below the minimum specified in the Midlothian Council Handbook for Scheme for Community Councils, the local authority may, by suspending the Constitution of the BDCC, cause the BDCC to be dissolved and in this event, the procedures for the establishment of a new Community Council being those identified in the immediately preceding paragraph hereof, shall be initiated.
- 18.6. The Midlothian Council Handbook for Scheme for Community Councils allows Midlothian Council to dissolve a Community Council, under specific circumstances, regardless of the Constitution.

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## 19. Approval and Adoption of the Constitution

This Constitution was adopted by the Bonnyrigg and District Community Council on

Date 13-10-2022

Name JAN IRVINE *Chairperson*

Signature Jan Irvine<sup>0</sup>

Name Fiona Warner *Member*

Signature FIONA WARNER

Name JOYCE BERNARD *Member*

Signature Joyce C Bernard

and was approved on behalf of Midlothian Council on

Date 7/9/2023

Name LINDSAY THOMSON

Signature LT