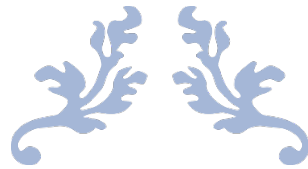


Bonnyrigg and District Community Council



Constitution



October 2025

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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 28th of June 2022.

2. Area of the Community Council

- 2.1. The BDCC will function within the boundaries as defined in the 'Scheme for the Establishment of Community Councils in Midlothian (2025)' and shall be as shown on the map in Appendix G

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 is desirable and practicable.
- 4.2. It is the responsibility of the BDCC in pursuing the objectives as set out in by the 'Scheme for the Establishment of Community Councils in Midlothian (2025)' article 6 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 –

- 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 2018, provide contact details of BDCC.
- 4.2.2. Agendas and draft minutes of the Community Councils meetings must be presented to Midlothian Council within 21 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 or until the next scheduled election as determined by Midlothian Council under the Scheme for the Establishment of Community Councils in Midlothian (2025). 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.
 - 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.

- 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 as Appendix D to the 'Scheme for the Establishment of Community Councils in Midlothian (2025)' 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 Scheme for the Establishment of Community Councils in Midlothian (2025).
- 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: -
 - 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 residents 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 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.
 - 8.1.2.4. Persons in a paid role of the BDCC.
- 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
 - 9.1.2. Vice-Chairperson
 - 9.1.3. Treasurer
 - 9.1.4. Secretary (Business)
 - 9.1.5. Secretary (Minutes)
 - 9.1.6. 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 (2nd) Thursday of each month, with each ordinary meeting being of normally two (2) hours in 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.
- 11.5. The quorum for BDCC meetings shall be at least one-third of the current eligible voting membership, which 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 21 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 residents 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: -
 - 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.
 - 15.3.3. The Treasurer shall keep a written accurate account of the finances of the BDCC and present a verbal summary financial report at each Community Council meeting.
 - 15.3.4. Prepare and have the account of the finances independently examined and verified as accurate, for presentation and approval at the Annual General Meeting and shall be available for inspection before the meeting.
 - 15.3.5. Allow the inspection of all the finances of the BDCC to the Chairperson, within ten days of the request.
 - 15.3.6. From time to time, hold a petty cash sum, the amount, approved by the BDCC.

- 15.3.7. 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.
 - 15.3.8. 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.
 - 15.3.9. 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
 - 15.3.10. 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.
- 15.4. 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
 - 15.5. The fiscal year of the BDCC shall end on the 1st day of the month immediately prior to the month the AGM is to be held. Ideally, this should be a fixed period rather than depending on when the AGM is.
 - 15.6. Examined accounts as received and approved by the BDCC at the Annual 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 these respective offices.

17. Alterations to the Constitution

- 17.1. Any proposal by the BDCC to alter this Constitution must be first considered by a meeting of the BDCC, and the terms of the 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 Scheme for the Establishment of Community Councils in Midlothian (2025).
- 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.

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 Scheme for the Establishment of Community Councils in Midlothian (2025).
- 18.5. Where for any reason, the number of BDCC members falls below the minimum specified in the Scheme for the Establishment of Community Councils in Midlothian (2025), 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 Scheme for the Establishment of Community Councils in Midlothian (2025) allows Midlothian Council to dissolve a Community Council, under specific circumstances, regardless of the Constitution.

19. Approval and Adoption of the Constitution

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

Date 9 October 2025

Name	George Nicol	Chairperson
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Signature

Name	Joyce Bernard	Member
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Signature

Name	Alison Thomson	Member
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Signature

and was approved on behalf of Midlothian Council on

Date

Name

Signature

Appendix I

Map of the Bonnyrigg and District Community Council Area

Bonnyrigg & District Community Council Boundary

Scale: 1:30,000

Date: August 2022

0 500 1,000 2,000
Meters

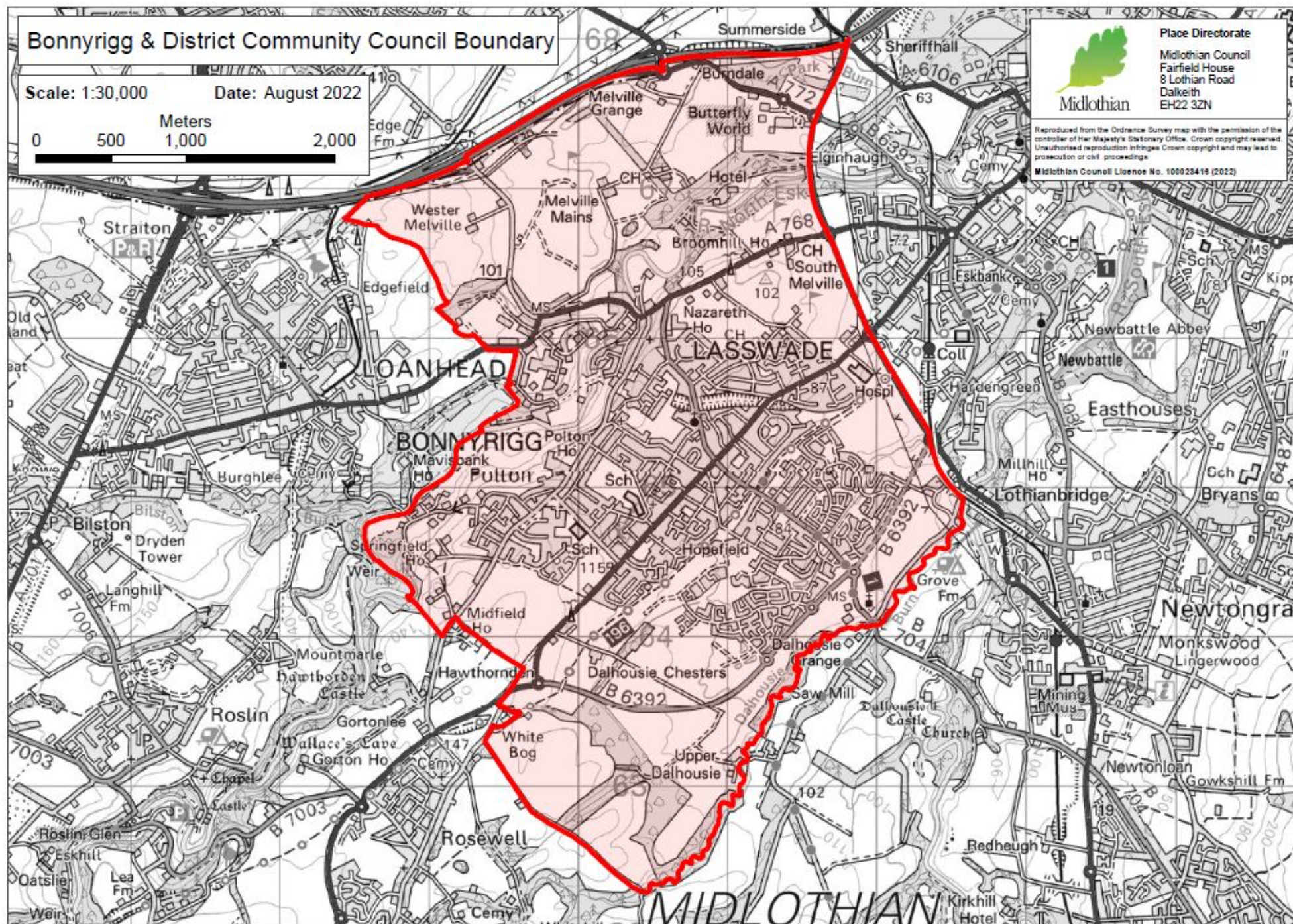


Place Directorate

Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3ZN

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Appendix II

Scheme for the Establishment of Community Councils in Midlothian (2025)

Scheme for the Establishment of Community Councils in Midlothian (2025)

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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 role of Community Councils in Scotland was further strengthened by the Community Empowerment (Scotland) Act 2015 which identified them as community participation bodies.

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

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 the Establishment of Community Councils in Midlothian, 2025'.

3. DEFINITIONS

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

- a. 'Act of 1973' means the Local Government (Scotland) Act, 1973.
- b. 'The Council' refers to Midlothian Council constituted by the Act of 1994.
- c. '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, Section 7 (1) (b).
- d. 'Liaison Officer' means the official Midlothian Council Officer responsible for liaison with Community Councils.
- e. 'Interim Election' means an election held outside the regular schedule, for the purposes of filling vacancies.
- f. 'Scheme' means the Scheme for the Establishment of Community Councils in Midlothian, 2025.
- g. 'Electoral Registers for Community Council areas' means the part of the full Electoral Register that relates to the specific Community Council.

4. REVIEW AND AMENDMENT OF THE SCHEME

Midlothian Council, having regard to changing circumstances and to any representations made to it, shall from time to time review the Scheme and, where it considers that the Scheme ought to be amended, shall proceed in accordance with the procedure specified in Section 53 of the Local Government (Scotland) Act 1973, as amended by the Local Government (Miscellaneous Provisions) (Scotland) Act 1981.

Midlothian Council shall publish a Public Notice, inviting the public to make suggestions as to the content of the scheme, geographical boundaries, and composition of Community Councils etc. Thereafter, a consultation process shall be undertaken prior to its formal adoption by Midlothian Council.

5. STATUTORY PURPOSES

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

'In addition to any other purpose which a Community Council may pursue, the general purpose of a Community Council shall be to ascertain, coordinate 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'.

6. THE RIGHTS AND RESPONSIBILITIES OF COMMUNITY COUNCILS

Summary

A Community Council, which conforms fully to the Scheme, has rights:

- a.** to be consulted, and to make representations about planning applications.
- b.** to be recognised as a competent body to comment on licensing applications.
- c.** to be recognised as an appropriate body to apply for Midlothian Council funding.
- d.** to seek information and assistance from Midlothian Council.

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.

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 and supported by Midlothian Council where possible, recognised consultative mechanisms, including digital, to validate their views and devise strategies to secure greater involvement by all sectors of the community.

Good Practice Guidance, such as the National Standards for Community Engagement and the Model Scheme Documents has been produced to help Community Councils to deliver on these responsibilities.

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 Midlothian Council, Community Planning Partnership, and other agencies.

In carrying out their activities Community Councils must always adhere to the law, the terms of the Scheme, their Constitution, and the Community Councillors' Code of Conduct (Appendix D: Code of Conduct).

It is recommended that each Community Council conduct a review of their Constitution (every 2 years), based upon the Model Constitution (in accordance with provisions in Appendix B: Constitution Guidance), which has been produced for use, together with Model Standing Orders (an example is provided in Appendix C: 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. Any changes to a Community Council's Constitution are required to be approved by the Midlothian Council Liaison Officer.

In order to fulfil their responsibilities as effective and representative, Community Councils shall: -

- a.** Inform the community of the work and decisions of the Community Council by posting minutes (once approved) of meetings in public places, such as libraries, notice boards and online, subject to the provisions contained within the Data Protection Act 2018 and the General Data Protection Regulations (2018).
- b.** Draft minutes of Community Council meetings should be provided to the Midlothian Council Liaison Officer within 21 days from the date of that meeting, where possible, and be circulated to Community Council members, relevant Elected Members, and other interested parties.
- c.** Seek to broaden both representation and expertise by promoting the Associate Membership role of the Community Council of persons for specific projects/issues.

- d.** 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.
- e.** Provide contact information such as a Community Council email address, website links or information on social media to be made available to allow the Community Council to be contacted by members of the public. The Community Council should utilise a generic email address, not a personal email address.
- f.** Maintain current and accurate financial records and present a verbal summary financial report at each Community Council meeting.
- g.** Inform Midlothian Council of any change in membership (resignations, associate membership, etc) and circumstances, as soon as is practicable.
- h.** Respond to enquiries and feedback from the community.

6.1 Planning

Community Councils will be consulted on the submission of planning applications for proposed developments that are categorised as being of national or major scale or of significance to the community. Community Councillors may also be invited to attend events held by applicants to inform members of the community about the development proposed prior to submission of a planning application. Community Councils may also request to be consulted on specific applications once the application has been submitted.

Once a planning application is submitted, it will be recorded on the weekly list of applications and the e-planning website compiled by the planning authority and made available to Community Councils. If the Community Council wishes to be consulted on an application not directly referred to it by the planning team, it must timeously contact the Planning Officer concerned.

Community Councils will be included when consultations such as Local Place Planning and Local Development Plans are undertaken.

To support Community Councillors in this role, Midlothian Council will make efforts to brief Community Councillors on new planning legislation when it is enacted.

6.2 Licensing

The Licensing Board will consult on policy issues and notify Community Councils of all new premises licences and major variation applications.

6.3 Participation Requests

Community Councils are a type of community participation body as defined under the Community Empowerment Act 2015. As a body, they have the authority to make participation requests to a public service authority to enable them to participate in a process that will improve outcomes for their local community (e.g. developing a new community facility or amenity).

7. 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 only (identified in Appendix F).

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 Midlothian Council representative will attend MFCC meetings. MFCC may also have representatives on other bodies as they see fit or are invited to attend.

8. COMMUNITY COUNCIL ELECTIONS

1.1 8.1 Returning Officer

Midlothian Council will appoint a member of Midlothian Council staff or an Elected Member of Midlothian Council (whose ward covers the Community Council area) to act as an Independent Returning Officer. The Independent Returning Officer must not be a member currently elected to that Community Council nor intending to stand for election to that Community Council.

8.2 Eligibility

Candidates aged 16 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. 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. The same criteria shall apply to voters in a Community Council election.

Any Community Council member who no longer resides within that Community Council area is deemed to have resigned from that Community Council. Midlothian Council can enable Community Council members who have left the Community Council area to remain in place until the next election (full or interim) should they wish to, this should be done in conjunction with the Liaison Officer.

8.3 Ineligibility

Any individual who is elected to serve on Midlothian Council, or the Scottish or, UK 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.

8.4 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, (Appendix E). Nomination forms require to be submitted by post or email to the contact for that Community Council, identified on the Midlothian Council website, no later than 5pm, **7 calendar days prior** to the date of the election. Nomination forms submitted after that date may not be accepted.

Nomination Forms will be checked for eligibility by Midlothian Council staff.

8.5 Process for electing Community Councillors

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 election 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, an election shall be held.

Method of Election

Community Councillors shall be elected on a simple majority basis. The preferred method of election is using a show of hands at the meeting. Other methods can be used as agreed by those at the meeting.

At the election, each voter (currently elected Community Councillors) shall be entitled to vote for candidates up to the number of vacancies on the Community Council.

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 Midlothian Council from issuing a second call for nominations for a Community Council area failing to meet the minimum membership requirement within 6 months of the closing date for the registration of the first call for nominations.

8.6 Filling of casual places / vacancies between elections

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

- a.** When a Community Councillor submits their resignation.
- b.** When a Community Councillor ceases to be resident within that Community Council area.
- c.** When a Community Councillor has their membership disqualified (see section 10 Disqualification).

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 Midlothian Council.

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, then Midlothian Council shall be informed and shall undertake arrangements for an interim election to be held.

8.7 Filling of an Office Bearer vacancy

In the event of an Office Bearer position becoming vacant it must be filled by a current member of the Community Council at the earliest opportunity. If an Office Bearer position cannot be filled the Liaison Officer should be informed.

8.8 Co-option to Community Councils

Co-opted members must be eligible for membership of the Community Council as detailed in 8.2 'Eligibility'. They must be elected to the Community Council by a simple majority of the elected 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. 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 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.

8.9 Additional Membership

1.1.1.1 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.

1.1.1.2 Ex-officio members

Midlothian Council elected members, MPs, and MSPs, 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.

8.10 Resignation of a Community Councillor

A Community Councillor may resign from the Community Council at any time by submitting a letter of resignation to the Chairperson or Secretary. If a Community Councillor does not attend three consecutive meetings of the Community Council and fails to submit apologies to the Chairperson or Secretary, the Community Councillor shall be considered to have resigned. Unless there are exceptional circumstances, if a Community Councillor does not attend six (6) consecutive meetings, the Community Council has the right to consider them to have resigned.

9. EQUALITIES

The Equality Act 2010 makes it unlawful to discriminate against persons or groups on the grounds of the protected characteristics of race, sex, gender recognition, disability, age, sexual orientation, marriage and civil partnership, pregnancy and maternity, and religion or belief.

Recognition should be given to the contribution of everyone participating in the work of the Community Council. Community Councils must comply with the Equality Act 2010 and should recognise and value diversity in their membership and in their communities, ensuring that equality of opportunity be given to every resident to have their knowledge, opinion, skill, and experience considered.

Consideration must also be given by the Community Council as to their meeting place, whether online or in-person. This must be in terms of accessibility and facilities for disabled users, as well as location, as far as practicable, to ensure that the needs of all members, visiting public or other additional members are met.

10. DISQUALIFICATION OF MEMBERSHIP

Membership of a Community Council is invalidated if a Community Councillor is no longer on the electoral roll for that Community Council area.

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.

Midlothian Federation of Community Councils has agreed a policy and procedure for dealing with a complaint. If, at the end of the process, it is found that there has been a

serious breach of the Code of Conduct, a Community Councillor may be disqualified from holding a position as a Community Councillor.

11. MEETINGS

The time, day, and venue for meetings of the Community Council should have regard to the availability of its members and the ease of access of the venue for members of the general public.

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 C).

Virtual Meetings

Community Councils may decide to take an in-person, online or hybrid approach to their meetings, and the platform to be used for any meeting is for the Community Council to decide.

Community Council representatives participating in a meeting in this manner shall be deemed to be 'present' in person at the meeting.

Virtual meetings will include members of the public where this can be accommodated.

Whether or not they are able to attend, proper provision must be made to afford members of the public the opportunity to address the Community Council.

An agenda for the meeting shall be published in the usual way and all members of the Community Council and members of the public invited, in advance, to submit comments on any agenda item to the Community Council's generic email address or by other appropriate means; such views to be considered by the members dealing with the items of business. Comments may also be submitted during the meeting

itself, but the ability to receive comments in advance will assist the Community Council in managing a remote meeting.

Draft Minutes of the meeting and details of any decisions taken must be recorded, in writing in the usual way and made publicly available. Video or audio recording of meetings can only take place with the clear consent of all present, such consent to be recorded in the written minutes.

12. LIAISON WITH MIDLOTHIAN COUNCIL

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 draft minutes within 21 days, where possible, of the meeting being held to Midlothian Council via the Liaison Officer.

13. RESOURCING A COMMUNITY COUNCIL

The financial year period of each Community Council will be detailed in its Constitution. The Annual Accounts of each Community Council shall be independently examined and verified as accurate by an appropriate person, who is not a member of that Community Council, and must be submitted at the Community Council's Annual General Meeting. A copy of the independently examined statement of accounts/balance sheet shall be forwarded to the Liaison Officer after the statement is approved at the Community Council's Annual General Meeting. Failure to submit independently checked and verified accounts may disqualify eligibility to receive any funding support from Midlothian Council.

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.

Midlothian Council should 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 will review the level of annual administrative grant and other support to Community Councils during each term of Midlothian Council.

Midlothian Council shall determine any additional support services/resourcing, such as free lets of rooms for Community Council meetings, to suit local requirements.

14 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 Midlothian Council and other relevant topics.

15 PUBLICITY

Midlothian Council shall allocate space on the Midlothian Council website for the provision of Community Council contact details and the promotion of Community Council activities according to demand.

16 LIABILITY OF COMMUNITY COUNCIL MEMBERS AND FEDERATION

Insurance is required for a Community Council to be operational. Community Councils are responsible for ensuring the cover offered by the policy meets the operational needs of the Community Council and its members.

Midlothian Council will arrange for payment of Insurance premiums.

17. AMENDMENT TO THE BOUNDARIES AND COMPOSITION OF COMMUNITY COUNCILS

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

- a. Midlothian Council.
- b. 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. Community

Councils should co-ordinate responses received during the consultation process and provide these comments to Midlothian Council and any affected Community Councils. Subsequently, each affected Community Council will be required to call a public meeting. At that meeting a vote indicating approval or disapproval will be held. The votes will be counted, and results notified at the meeting.

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.

The Head of Legal Services will notify all affected Community Councils of the outcome following the special meeting of Midlothian Council.

In the event of a merger between 2 Community Councils, members are advised that 'good practice' will involve representatives of both Community Councils forming a working group to discuss and organise the development of governance procedures such as a draft Constitution, Standing Orders for approval and sign-off at the first public meeting.

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 will have taken action to address the situation), Midlothian Council shall take action to dissolve that Community Council. All assets remaining, subject to the approval of the local authority, after the satisfaction of any proper debts or liabilities shall transfer to the local authority who shall hold same in Trust for a future COMMUNITY COUNCIL representing that area.

19 ESTABLISHMENT OR RE-ESTABLISHMENT OF A COMMUNITY COUNCIL

Twenty or more electors (on the Electoral Register for the Community Council area) are required for the establishment or the re-establishment of a Community Council for the 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 the requisition, the Returning Officer shall arrange for an inaugural meeting at which an election, in accordance with the Scheme, will be held.

The business of the inaugural meeting for all new or reestablished Community Councils will include the election of Community Councillors, the adoption of the Model Constitution, Standing Orders, and the appointment of Office Bearers.

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 Appendix F and shall be appropriate to size of the population of the Community Council area.

19.1 Nominations

Individuals seeking election at the establishment of a Community Council require to be nominated by a Proposer and Secunder, 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.

19.2 Process

On the expiry of the period for lodging nominations:

Should the number of candidates validly nominated equal or exceed HALF, but 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.

19.3 Method of Elections

Community Councillors 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.

19.4 Election of Office Bearers

Office Bearers shall be elected according to the model Constitution. Only elected Community Councillors will be permitted to vote for the election of Office Bearers.

2 APPENDIX A - MEMBER DEFINITIONS & NOMINATION FORM

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

2.1 A 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 has 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*).

2.2 A 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 Council elected member, MSP, or MP, 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.

3 APPENDIX B - CONSTITUTION GUIDANCE

The Scottish Government has provided a 'Model' Constitution that 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 D) 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 8.5 'Process for electing Community Councillors'.

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

Office bearers may be elected at the AGM. If not, Office Bearers will be elected at the first meeting after the AGM. 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. Resignation of a Community Councillor

This will specify the terms or conditions of a Community Councillor resigning from their position. It will also identify the circumstances in which the Community Council will have considered the member to have resigned when not providing notification of their intention to do so.

11. 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.

12. 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.
- The observance of the Standing orders.

- The process for the public to petition the Community Council to debate a specific issue.
- The process to allow specific topics to be discussed in private; recognition that meetings may be held in person or by digital means or by telephone.

Virtual Meetings

Community Councils may decide to take an in-person, online or hybrid approach to their meetings, and the platform to be used for any meeting is for the Community Council to decide. Community Council representatives participating in a meeting in this manner shall be deemed to be 'present' in person at the meeting.

Virtual meetings will include members of the public where this can be accommodated.

Whether or not they are able to attend, proper provision must be made to afford members of the public the opportunity to address the Community Council.

An agenda for the meeting shall be published in the usual way and all members of the Community Council and members of the public invited, in advance, to submit comments on any agenda item to the Community Council's generic email address or by other appropriate means; such views to be considered by the members dealing with the items of business. Comments may also be submitted during the meeting itself, but the ability to receive comments in advance will assist the Community Council in managing a remote meeting.

Minutes of the meeting and details of any decisions taken must be recorded, in writing, in the usual way and once approved made publicly available. Video or audio recording of meetings can only take place with the clear consent of all present, such consent to be recorded in the written minutes.

13. 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).

14. Information provided 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.

15. 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 and the requirement for a verbal summary update on the balance of accounts to be presented at each meeting.

Specifies the requirement for accounts to be presented at the AGM. Accounts should have been independently examined and verified by an appropriate person, who is not a member of that Community Council.

Specifies the requirements for the withdrawal of funds from the Community Council bank account.

Specifies the period of the financial year.

16. Title to Property

This would typically vest the rights to property in the Office Bearers of the Community Council and their successors.

17. Alterations to the Constitution

Defines the process for altering this Constitution, the voting requirements, and the submission for Approval by the Liaison Officer.

18. Dissolution

Section 18 of the Scheme 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 Section 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.

4 APPENDIX C - STANDING ORDERS

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

4.1 C.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.

c. If Community Councils cannot meet in person, the platform to be used for any virtual meeting is for the Community Council to decide. Community Council representatives participating in a meeting in this manner shall be deemed to be 'present' in person at the meeting.

Virtual meetings will include members of the public where this can be accommodated.

Whether or not they are able to attend, proper provision must be made to afford members of the public the opportunity to address the Community Council as set out in the following paragraph.

An Agenda for the meeting shall be published in the usual way and all members of the Community Council and members of the public invited, in advance, to submit comments on any Agenda item to the Community Council's generic email address or by other appropriate means; such views to be considered by the members dealing with the items of business. Comments may also be submitted during the meeting itself, but the ability to receive comments in advance will assist the Community Council in managing a remote meeting.

Minutes of the meeting and details of any decisions taken must be recorded, in writing, in the usual way and once approved made publicly available. Video

or audio recording of meetings can only take place with the clear consent of all present, such consent to be recorded in the written minutes.

4.2 C.2 Minutes

Draft Minutes of the proceedings of a meeting of the Community Council shall be drawn up within 21 days, where possible, from the date of that meeting, distributed in accordance with paragraph 5 of the Scheme for the Establishment of Community Councils in Midlothian 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.

4.3 C.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.

4.4 C.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. A verbal summary update on the balance of accounts will be provided at each meeting. This update will be recorded in the meeting minutes.
- d. Any other item of business, which the Chairperson has directed, should be considered.
- e. Any other competent business.
- f. Questions from the floor.
- g. 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. Dismissal of current office bearers (as per the Constitution).
- b. Recording of membership present and apologies received.

- c. The minutes of the last Annual General Meeting of the Community Council shall be submitted for adoption.
- d. Chairperson's Annual Report (and questions from the floor).
- e. Secretary's Annual Report (and questions from the floor).
- f. Treasurer's submission of Balance Sheet and Annual Accounts duly independently examined and certified correct (and questions from the floor).
- g. Election of Community Councillors.
- h. Election of Office Bearers.
- i. 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.

4.5 C.5 Order of Debate

- a. The Chairperson shall decide all questions of order, relevancy, and competency arising at meetings of the Community Council 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 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 they 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.

4.6 C.6 Voting

- a. Voting shall be taken by a show of hands of those elected Community Councillors 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.

4.7 C.7 Alteration of Standing Orders

A proposal to alter these Standing Orders may be proposed to Midlothian Council to be altered or added to at any time by the Community Council if notice of motion to that effect is given at the meeting of the Community Council before that at which the motion is discussed. Midlothian Council shall have final discretion on any proposed change.

4.8 C.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.

4.9 C.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.

5 APPENDIX D - 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

5.1 D.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 Scheme for the Establishment of Community Councils in Midlothian, 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.

5.2 D.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.

5.3 D.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.

5.4 D.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.

5.5 D.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. If you are unsure about relevant legal requirements, you should contact Midlothian Council's Communities Lifelong Learning and Employability team for clarification in the first instance.

Community Councillors will individually and collectively ensure that the business of the Community Council is conducted according to the Scheme for the Establishment of Community Councils in Midlothian 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 Scheme for the Establishment of Community Councils in Midlothian. 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.

Draft Minutes of meetings recording all actions and decisions made should be produced and circulated to all members of the Community Council within 21 days of each meeting.

Any breach of the Scheme for the Establishment of Community Councils in Midlothian 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.

5.6 D.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.

5.7 D.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. If you are unsure about conflicts of interest, you should contact the Midlothian Council's Communities Lifelong Learning and Employability Team in the first instance for clarification.

5.8 D.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.

5.9 D.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 within 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 considered.

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.

D.10 Community Council Complaint Procedure

Any complaints about a Community Council or individual Community Councillor(s), for example about an alleged breach of the Code of Conduct, should be made in accordance with the Midlothian Community Councils Complaint Procedure outlined on the Midlothian Federation of Community Councils website or on the Community Council page on the Midlothian Council website.

Office Use only	Date received	Initials	No.

ELECTION OF COMMUNITY COUNCILLOR - NOMINATION FORM

Insert name of Community Council here

Day & Date of Election

Candidate's Details

Candidate's Name

Other names in full

**Home address in full
(including postcode)**

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

Insert name of Community Council here

I declare that I am qualified to be elected. I am registered on the Midlothian Register of Electors and eligible to be elected to: Insert name of Community Council here

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

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

I agree to follow and adhere to the Midlothian Community Council Code of Conduct (tick)

☐

Candidate's signature

Date

Witness: *I confirm that the candidate named above signed the declaration in my presence.*

Witness (name in full)

Witness Address

Witness's signature

Date

DETAILS OF NOMINATORS

Nominator 1

*I declare that to the best of my knowledge this candidate is resident in the Community Council area and is eligible¹ 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.*

Name

Address

Occupation

Date

Signature

Nominator 2

*I declare that to the best of my knowledge this candidate is resident in the Community Council area and is eligible² 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.*

Name

Address

Occupation

Date

Signature

Please forward to the contact for the Community Council or the Midlothian Council Liaison Officer by the last day for the acceptance of nominations (**7 days** before the date of the AGM or the Election). **Email to:** cll@midlothian.gov.uk

¹ Eligibility rules include residency in the specific Community Council Area and aged 16 years or over on the date of the election.

5.10 COMPOSITION

APPENDIX F - COMMUNITY COUNCIL

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 below. The maximum number of members identified above is the total of **Elected, Interim and Co-opted** members, and excludes **Associate** and **Ex-officio** members.

There shall be 15 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: -

Name of Community Council	Numbers as per Community Council Constitution (March 2025)		Maximum Composition Permitted	Estimated Population for each CC area.
	Minimum	Maximum		
Bonnyrigg and District	5	20	20 members	18,137
Dalkeith and District	3	18	20 members	12,485
Damhead	3	7	20 members	852
Danderhall and District	8	16	20 members	4,863
Eskbank and Newbattle	3	15	20 members	5,035
Gorebridge and District	6	18	20 members	8,993
Howgate	3	7	20 members	471
Loanhead and District	3	17	20 members	8,599
Mayfield and Easthouses	3	12	20 members	8,353
Moorfoot	6	12	20 members	1,342
Newtongrange	3	16	20 members	5,875
Penicuik and District	6	20	20 members	18,815
Rosewell and District	3	20	20 members	2,183
Roslin and Bilston	3	12	20 members	5,035
Tynewater	3	18	20 members	2,565

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 (تایپا افراد کے لیے ابھرے ہوئے حروف کی لکھائی) میں، ٹیپ پر یا بڑے حروف کی لکھائی میں فراہم کر سکتے ہیں۔

Tha sinn toilichte cadar-theangachadh ma thèid iarraidh agus fiosrachadh agus foillseachaidhean a thoirt seachad ann an cruthan eile.

communications@midlothian.gov.uk

Appendix III

Midlothian Council's Code of Conduct for Community Councillors

CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

The Code of Conduct for Community Councillors is based 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
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

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 Scheme for the Establishment of Community Councils in Midlothian (2025), 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.

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 Councillor 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 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.

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.

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 Councillors will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the Community Council as set out in the Scheme for the Establishment of Community Councils in Midlothian (2025). 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 Scheme for the Establishment of Community Councils in Midlothian (2025) 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.

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.

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.

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

conflict with those of other groups or other areas you should help to ensure that the Community Council is aware of them.

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 within 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

Appendix IV

Midlothian Community Councils – Nomination Form

Office Use only	Date received	Initials	No.

ELECTION OF COMMUNITY COUNCILLOR - NOMINATION FORM

Bonnyrigg and District Community Council

Day & Date of Election

Candidate's Details

Candidate's Name

Other names in full

Home address in full
(including postcode)

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

Bonnyrigg and District Community Council

I declare that I am qualified to be elected. I am registered on the Midlothian Register of Electors and eligible to be elected to: Insert name of Community Council here

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

- e. as detailed in the Scheme for the Establishment Community Councils in Midlothian (2025)
- f. by reason of holding a politically restricted post in Midlothian
- g. by reason of being the subject of bankruptcy proceedings
- h. by reason of having had a custodial sentence of longer than 3 months in the past 5 years

I agree to follow and adhere to the Midlothian Community Council Code of Conduct (tick)

☐

Candidate's signature

Date

Witness: *I confirm that the candidate named above signed the declaration in my presence.*

Witness (name in full)

Witness Address

Witness's signature

Date	
DETAILS OF NOMINATORS	

Nominator 1			
<i>I declare that to the best of my knowledge this candidate is resident in the Community Council area and is eligible³ 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.</i>			
Name			
Address			
Occupation			
Date		Signature	

Nominator 2			
<i>I declare that to the best of my knowledge this candidate is resident in the Community Council area and is eligible⁴ 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.</i>			
Name			
Address			
Occupation			
Date		Signature	

Please forward to the Community Council contact or the Community Council Liaison Officer by the last day for the acceptance of nominations (7 days before the date of the AGM or the Election).

Email to: cll@midlothian.gov.uk

¹ Eligibility rules include residency in the specific Community Council Area and aged 16 years or over on the date of the election.

Appendix V

Midlothian Community Councils – Promoting Equality and Diversity

**Midlothian Community Councils – Promoting Equality and Diversity
Practical Tips for Engagement**

Community Councils are legally required to make reasonable adjustments to ensure fair treatment for all (Equality Act 2010).

A community council can only claim to represent the views, wishes and needs of its community if it continues to engage openly with that community.

Protected characteristics:

- **Race** (this includes ethnic or national origins, colour and nationality)
- **Disability** (e.g. physical disabilities, sensory impairments, learning disabilities, mental health conditions or long-term illnesses)
- **Sex** (gender)
- **Age** (all ages)
- **Sexual Orientation** (gay man, gay woman/lesbian, bisexual, heterosexual/straight)
- **Religion or belief** (including having no religion or belief)
- **Pregnant and maternity** (having just had a baby or being pregnant)
- **Gender reassignment or transgender status** (a person who is proposing to undergo, is undergoing or has undergone a process to change their sex)
- **Marriage and Civil Partnership**
- **Socio-economic deprivation or poverty** (poverty may be simply defined as not having enough money to meet one's basic daily needs or to have the things that most people in the UK take for granted).

General tips for promoting equality and diversity:

- Do not make assumptions, if in doubt, ask the person concerned
- Respect everyone is right to be different
- Appreciate the difference between banter and offensive language
- Challenge inappropriate behaviour and comments
- Careful planning may eliminate unnecessary indirect discrimination
- Acknowledge the diversity calendar. You do not need to do anything, but it is good to reference important dates

In relation to gender and transgender identity:

- Use gender-neutral language
- Use “they” rather than “he” or “she”
- Avoid welcoming “Ladies and Gentlemen” , this may not be inclusive to everyone present. Welcoming “everyone” is appropriate
- Avoid the use of images that reinforce occupational and lifestyle stereotypes
- Refer to trans people using language associated with their new gender role

In relation to religion or belief:

- Do not make assumptions about needs, check with the persons concerned
- At events, check preferences when providing refreshments, ensure there are vegetarian options and that food is clearly labelled to indicate ingredients
- Be sensitive to the needs of people who are fasting

In relation to race or culture:

- Ask people how they wish to be addressed
- Find out how to pronounce and spell people’s names and remember them
- Use images that reflect diversity
- Be aware that apparently impolite behaviour may be unintentional, and simply down to cultural differences

In relation to sexual orientation:

- Do not assume everyone is heterosexual, i.e. ensure that any materials produced use the gender-neutral word “partner” as the norm
- The rainbow is recognised worldwide as the symbol of LGBT equality. Placing a rainbow image on your written text demonstrates awareness of diversity, acceptance, inclusion, and equal opportunity

In relation to age:

- Ensure that language and images do not reinforce stereotypes
- Avoid using terms which imply a particular age group i.e. “mature”, “enthusiastic”, “highly experienced”
- Timings of meetings: does it exclude single parents? Those of school age? Should you vary the times of meetings?
- Encourage participation from young people, young families, the working population, and retired people

In relation to disability:

- Consider Easy Read versions of material to empower people in our communities who have difficulties with reading and spelling
- Speak directly to the disabled person rather than to anyone who may be accompanying them
- Find out what you can do to make things easier for the person concerned
- Be aware that everybody’s abilities are different, and many people have developed strategies to help them cope with challenging situations
- Ensure disabled access and toilets are available
- For written information: Font - avoid serif fonts with their ticks and tails as people with dyslexia can find this difficult to read. This also applies to fonts which use short letter stems. Recommended fonts: Calibri, Century Gothic, Verdana, Arial

In relation to someone with a speech impairment :

- Show patience, remain calm and relaxed, and allow them time to speak
- Do not finish sentences for them
- Listen carefully to what they are saying
- Ask them to repeat anything you do not understand

In relation to someone with visual impairment:

- Make things bigger, brighter, and bolder
- Be aware that people may be able to read material, but often it takes them longer

In relation to someone who has difficulties relating to others:

- Show patience, remain calm
- Be aware that with some conditions people take what you say very literally
- Be specific and use closed questions
- Recognise that some people view the world and relationships differently – they may not be interested in general conversation or social interaction

In relation to someone with hearing loss:

- Reduce background noise and ensure they can see your lips clearly
- Do not shout – it distorts your voice and lip patterns
- Try not to startle people who cannot hear you approaching from behind

In relation to poverty:

- Welcome people from all social groups within the community. We know how we feel about our community, but do we know how our community feels to others?
- Consider the experiences people have had dealing with people they see as “in authority”
- Community Councils can be seen as formal and “not for people like me”
- Do not make assumptions about
 - The choices people make in spending their money (i.e. how can they afford to...)
 - The personal abilities/attitudes of working age people who are in receipt of state benefits (they should just... or no wonder they are unemployed)

Appendix VI

Midlothian Community Councils – Complaints Procedure

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Community Councils

Midlothian Community Councils aim to represent all people in their area without prejudice: they are non-party political and non-sectarian. They must call for nominations publicly and hold contested elections if necessary. Any person 16 years or over and resident in the Community Council area can be nominated to join their local Community Council.

Community Councils are regularly consulted by the local authority and public bodies on a wide range of issues, which affect their area such as planning, environment, and health.

Most Community Council meetings are open to the public in accessible venues.

Visit the [Midlothian Federation of Community Councils](#) website for further contact information: [Midlothian Community Councils](#)

Midlothian Community Councillor - Code of Conduct

Community Councils and their members are required to adhere to the 'Midlothian Community Councillors Code of Conduct'.

A copy of the Code of Conduct can be found in the 'Policies' section here:

[Community Council Documents](#)

A breach of one or more of the key principles does not in itself constitute evidence of a breach of the Code of Conduct.

A complaint may be made about Community Councils in general and individually about Community Councillors.

If you are dissatisfied or have concerns about the standard of service, actions or lack of action provided by your Community Council or one or more of its members, a complaint can be made.

Please note: The Midlothian Community Councils Complaint Procedure has been devised and agreed by Midlothian Federation of Community Councils and should not be confused with the Midlothian Council Complaint Policy.

Maintaining confidentiality

- The complainant's confidentiality should be maintained at all times.
- All complaints will also be subject to legal requirements including data protection legislation and therefore any communications or documentation held will be retained as per the Midlothian Community Council Data Protection Guidance.

What is a complaint?

- A complaint is an expression of dissatisfaction or concern by a member of the public.
- This may be about the conduct, standard of service, actions, or lack of action by a Community Council or its members.

Who can complain?

- Anyone in a Community Council area can make a complaint. Sometimes you may be unable or reluctant to make a complaint on your own.
- A complaint brought by third parties made on your behalf will be accepted as long as it is clear that you have given personal consent.
- If you are under 16 and wish to complain, you may contact your Community Council yourself or if you would prefer, you can ask a trusted adult such as a parent, older brother or sister, or a guardian to contact us for you.
- If you believe yourself to be a vulnerable adult, you may again contact your Community Council directly or if you would prefer, you can ask someone you trust to contact the Community Council on your behalf.
- Please provide written evidence (letter\email) to indicate that you have given personal consent.

What can I complain about?

You may complain about things such as:

- Inadequate standard of office.
- Treatment by or attitude of a Community Councillor when dealing with a Community Council issue.
- Breaches of the Scheme for the Establishment of Community Councils in Midlothian (2025) or its Code of Conduct.
- Financial irregularities and fraud.
- Breaches of confidentiality.
- Inappropriate use of social media, email, or letters contrary to the Community Council Code of Conduct.
- Bringing the Community Council into disrepute.

This is not an exhaustive list and may involve more than one issue.

What can't I complain about?

There are some things that cannot be dealt with under this complaint policy. These include:

- a dispute of a personal nature which does not encompass an individual's role as a Community Councillor.
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered, where a final decision has been reached.
- any decisions Midlothian Council has made.
- a request for compensation on a decision the Community Council has made.

How do I make a complaint?

- It is easier for a complaint to be resolved if you make them quickly and directly to the Community Council concerned.
- In the first instance, if appropriate, please speak to a member of the Community Council so they can try to resolve any problems at the earliest opportunity.
- You can make a complaint by email, in writing or in person to the Chairperson or Secretary of the Community Council in your area.
- A form is available to download ('Policies' section) here: **Complaint Procedure Form** or you can contact your local Community Council.
- **Please Note: ALL** sections of the form must be completed for the complaint to be considered.

Contact Your Community Council

- Contact details are available **here** on the Midlothian Federation of Community Councils website or on the **Community Councils** page on the Midlothian Council website.

When making a complaint in writing please include:

- Your full name and address, including an e-mail address if possible.
- As much detail as you can about the complaint.
- What has gone wrong.
- What action would provide a resolution for you.

How long do I have to make a complaint?

- It is anticipated that most complaints will be submitted immediately or within three months from the date of the incident.
- There is a time limit of six months from the event you want to complain about.
- In exceptional circumstances, a complaint may be accepted out with the six-month time limit. If you feel that the six-month time limit should not apply to the complaint, please explain your reasons.

THE COMPLAINT PROCEDURE

The complaint procedure provides three opportunities to resolve complaints:

- Stage One - Frontline Resolution - Contact Local Community Council
- Stage Two - Investigation - Midlothian Federation of Community Councils
- Stage Three - External Review - Midlothian Council

Stage One - Frontline Resolution

Each Community Council will aim to resolve a complaint as quickly as possible. This could mean an apology and explanation if something has clearly gone wrong. In such circumstances, steps should be taken to prevent such a problem re-occurring.

- Complainants *must* engage at Stage 1 for the process to commence.
- Your Community Council should endeavour to acknowledge the complaint within 10 working days and thereafter seek a resolution at the earliest opportunity.
- If the complaint cannot be resolved at this stage, is complex or requires more detailed investigation, the Community Council will move it to a second stage, which is an Investigation.

Stage Two – Investigation

- Deals with a complaint that has not been resolved at frontline resolution.
- A complaint will go to a panel of Community Councillors who will conduct a more detailed investigation and seek an appropriate resolution.
- The Midlothian Council Liaison Officer for Community Councils will also be notified at this stage.
- You should receive a response to your complaint within 28 days of the complaint moving to Stage Two. If this is not possible, you will receive an explanation and an amended timescale.
- After receiving a response, if you are still unhappy with the outcome or the way that the complaint has been managed, you can ask the Chairperson of the Midlothian Federation of Community Councils (MFCC) for advice and request that the complaint be externally reviewed by Midlothian Council.

Email: contact-midlothianfederation@googlegroups.com

- They will inform the Midlothian Council Liaison Officer for Community Councils.

Stage 3 - Independent External Review – Final Stage

- A complaint progressing to Midlothian Council will have been thoroughly investigated by the Community Council and then by Midlothian Federation of Community Councils.
- Midlothian Council will assess whether there is evidence of a breach of the Code of Conduct for Community Councillors, not identified during stages 1 and 2.
- You will be contacted by the Midlothian Council Liaison Officer for Community Councils who will provide you with the findings of the review.

You can contact them by emailing: cll@midlothian.gov.uk

A QUICK GUIDE TO THE COMPLAINT PROCEDURE

Complaint Procedure

- You can complain by email, in writing or in person to the Chairperson or Secretary of your Community Council.
- Download a copy of the Complaint procedure in the 'Policies' section [here](#).
- **ALL** sections of the form must be completed for the complaint to be considered.
- There is a three-stage complaint procedure - **Frontline Resolution, Investigation Stage and External Review**. A complaint will be dealt with at the earliest opportunity. However, if it is clear that the matter will require a detailed investigation you will be notified of the progress.

Stage 1 - Frontline Resolution

- The process **cannot** proceed until the complaint has been considered by the Community Council in the first instance.
- Please complete **ALL** sections of the [Complaint Procedure Form](#)
- An acknowledgement of receiving the complaint will be issued within 10 working days.
- A resolution of the complaint will be sought as soon as possible.
- If a resolution cannot be found, the Community Council will consider a **Stage 2 - Investigation**

Stage 2 - Investigation

- If a complaint is complex or requires detailed investigation, the Community Council may move directly to Stage 2.
- The request for investigation will be acknowledged within seven days.
- The Midlothian Council Liaison Officer for Community Councils will be notified at this stage.
- Normally a response will be made within 28 days unless there is clearly a good reason for needing more time.
- If, after receiving the response at the Investigation Stage, you are still unhappy with the decision or the way the complaint has been managed, you can ask the Chairperson of the MFCC for advice and request that the complaint be externally reviewed. Email: contact-midlothianfederation@googlegroups.com

Stage 3 – Independent External Review – Final Stage

- The external review, including an assessment as to whether there is evidence of a breach of the Code of Conduct for Community Councillors, not identified during stages 1 and 2 will be undertaken by Midlothian Council.
- You will be contacted by the Midlothian Council Liaison Officer for Community Councils who will provide you with the findings of the review.