

Constitution



October 2022

Bonnyrigg and District Community Council

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1. **Name**
	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).
	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**
	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**
	1. The objectives of the BDCC shall be:
		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.
		2. To take such actions in the interest of the community as appears to the BDCC Members to be desirable and practical.
		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.
		4. To encourage cooperation amongst the various community organisations in the area.
		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**
	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.
	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 -

* + 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.
		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.
		3. Seek to broaden both representation and expertise by promoting the Associate Membership of persons for specific projects/issues.
		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.
		5. Maintain proper financial records and present financial reports at Community Council meetings.
		6. Inform the Midlothian Council Liaison Officer of any change in membership (Resignations, Associate Membership, etc.) and circumstances as soon as is practicable.
1. **Membership**
	1. The BDCC shall consist of not less than five (5) and no more than twenty (20) members.
	2. Full Membership
		1. A full member is a person: -
			1. Of 16 years of age or over.
			2. Whose names appear on the appropriate Register of Electors, current at the date of the election.
				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.
			3. Who is a resident within the appropriate boundaries of the BDCC.
		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.
		3. Non-eligibility of membership includes: -
			1. By reason of holding a politically restricted post in Midlothian.
			2. By reason of being the subject of bankruptcy proceedings.
			3. By reason of having had a custodial sentence of longer than three months in the past five years.
	3. Co-option membership
		1. Co-option of members shall be permitted in the following circumstances: -
			1. The person is eligible for elected membership under Article 5.2.
			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.
		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
		3. Co-opted members shall serve as a co-opted member until the next AGM.
	4. Associate Member
		1. Provision shall be made for Associate Membership for purposes and duration as defined by the BDCC. For example, a person: -
			1. Under 16 years of age.
			2. Regularly representing a local Club, Group or Organisation to the BDCC.
			3. Offers skills, services, or expertise to the BDCC but is not eligible to join the BDCC.
		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. Ex-Officio Member
		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.
			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.
	6. Removal of a member
		1. Membership of the BDCC is invalidated should a community councillor: -
			1. Miss three (3) consecutive meetings of the Community Council without formal apologies being tendered.
			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.
				1. However, a period of leave of absence for community council members may be granted at any meeting of the community council.
			3. Move out of the community council area.
		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.
	7. Member Vacancy
		1. Should a member vacancy arise, the BDCC may decide: -
			1. To hold an interim election at an EGM if more than two positions become available.
			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).
			3. To fill the vacancy by co-option
		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.
2. **Member's Responsibilities**
	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: -
		1. Service to the Community (Public Service)
		2. Selflessness / Altruism
		3. Integrity
		4. Objectivity
		5. Accountability and Stewardship
		6. Openness
		7. Honesty
		8. Leadership
		9. Respect
3. **Method of Election**
	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).
	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.
	3. The voting in the election is open to all persons: -
		1. of 16 years of age or over.
		2. Whose names appear on the appropriate Register of Electors, current at the date of the election.
		3. Who are residents within the appropriate boundaries of the BDCC.
	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)
	5. The co-option of a member.
		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.
		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.
		3. They must be elected to the community council by a majority of the elected community councillors present and voting.
4. **Voting Rights**
	1. The right to vote at any meeting of the BDCC shall be held by
		1. All BDCC councillors, whether elected or co-opted.
			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.
		2. But not by
			1. Associate Members.
			2. Ex-Officio Members.
			3. Guests or Visitors.
			4. Persons in a paid role of the BDCC.
	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.
	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.
5. **Election of Office Bearers**
	1. At the Annual General Meeting, Community Council members shall elect office bearers to the positions of: -
		1. Chairperson
		2. Vice-Chairperson
		3. Treasurer
		4. Secretary (Business)
		5. Secretary (Minutes)
		6. Media Officer
	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.

* 1. 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.
	2. Without the express approval of the Midlothian Council, no one member shall hold more than one executive role.
1. **Committees**
	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.
	2. The BDCC shall determine their composition, terms of reference, duration, duties, and powers.
2. **Meetings**
	1. An Annual General Meeting and at least nine (9) ordinary meetings shall be held by BDCC at times throughout the year.
	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.
	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.

* 1. An annual general meeting of the BDCC shall convene not later than fifteen months from the last AGM.
	2. The quorum for BDCC meetings shall be at least one-third of the current eligible voting membership, which should include two (2) office bearers.
	3. BDCC shall abide by its Standing Orders for the proper conduct of its meetings.
	4. 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.
	5. 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.

* 1. 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.
	2. 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.
1. **Public Participation**
	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.
	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.

* 1. 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.
1. **Guest Speakers**
	1. The Chairperson may invite: -
		1. Midlothian Councillors
		2. Midlothian Council Officials
		3. Police Scotland Representatives
		4. Invited Guests and Visitors

To the BDCC meetings or sub-group meetings to give reports and discuss issues and items of mutual concerns.

1. **Information to the Local Authority**
	1. The Midlothian Council Liaison Officer shall be sent an: -
		1. Annual calendar of the BDCC prescribed meeting dates, times, and venues
		2. Minutes of all meetings,
		3. The AGM annual report,
		4. The annual financial statement
		5. Any other such relevant information, as may from time to time, be agreed between the BDCC and Midlothian Council.
	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.
2. **Control of Finance**
	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.
	2. The monies provided by Midlothian Council in the annual Administrative Grant for administrative and other approved purposes shall be used only as prescribed.
	3. The BDCC will accept:
		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
		2. Donations to the BDCC are accepted, subject to the Bribery Act 2010.
		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.
		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.
		5. Allow the inspection of all the finances of the BDCC to the Chairperson, within ten days of the request.
		6. From time to time, hold a petty cash sum, the amount, approved by the BDCC.
		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.
		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.
		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
		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.

* 1. 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
	2. 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.
	3. 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.
1. **Title to Property**
	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.
2. **Alterations to the Constitution**
	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.
	2. Any proposed alterations may not prejudice the terms and objectives contained within the Scheme for the Establishment of Community Councils in Midlothian (2025).
	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.
3. **Dissolution**
	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.
	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.
	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.
	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).
	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.
	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.
4. **Approval and Adoption of the Constitution**

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

*Signature*

*Signature*

*Signature*

*Name Member*

*Name Member*

*Name Chairperson*

*Date*

and was approved on behalf of Midlothian Council on

*Signature*

*Name*

*Date*

Appendix I

Map of the Bonnyrigg and District Community Council Area



Appendix III

Midlothian Council's Code of Conduct for Community Councillors

**Appendix III Midlothian Council's Code of Conduct for Community Councillors p1**

**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.

**Appendix III Midlothian Council's Code of Conduct for Community Councillors p2**

**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 Council uses its resources prudently and in accordance with the law.

Community Councillors will individually and collectively ensure that the business of the Community Council is conducted according to the Scheme for the Establishment of Community Councils in Midlothian (2025) 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 (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

**Appendix III Midlothian Council's Code of Conduct for Community Councillors p3**

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 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.

**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 personal, malicious or corrupt purposes.

Appendix IV

Midlothian Community Councils – Nomination Form

|  |
| --- |
| **ELECTION OF COMMUNITY COUNCILLOR - NOMINATION FORM** |
| *Bonnyrigg and District Community Council* |
| **Day & Date of Election** |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Office Use only | Date received | Initials | No. |
|  |  |  |

|  |
| --- |
| **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:*1. as detailed in the Scheme for the Establishment Community Councils in Midlothian (2025)
2. by reason of holding a politically restricted post in Midlothian
3. by reason of being the subject of bankruptcy proceedings
4. 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 eligible**[[1]](#footnote-2) 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 eligible[[2]](#footnote-3) 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 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*

Appendix V

Midlothian Community Councils – Promoting Equality and Diversity

**Appendix V Midlothian Community Councils – Promoting Equality and Diversity p1**

**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).

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| 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
 |
|  |

**Appendix V Midlothian Community Councils – Promoting Equality and Diversity p2**

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|  |
| **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
 |

**Appendix V Midlothian Community Councils – Promoting Equality and Diversity p3**

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| **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

**Appendix V Midlothian Community Councils – Promoting Equality and Diversity p4**

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| **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](https://www.midlothiancommunitycouncils.org.uk/) website for further contact information: [Midlothian Community Councils](https://www.midlothiancommunitycouncils.org.uk/directory-of-community-councils)

**[Midlothian Community Councillor - Code of Conduct](https://web-cdn.org/s/1269/file/Policies/CCs-code-of-conduct.pdf?r=72529)**

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](https://web-cdn.org/s/1269/file/Policies/Midlothian-CC-Code-of-Conduct.pdf?r=141119)

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](https://web-cdn.org/s/1269/file/Policies/Midlothian-Community-Councils-Data-Protection-Guidance.pdf?r=292927).

**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)](https://web-cdn.org/s/1269/file/Policies/Scheme-Establishment-Community-Councils-Midl-2025.pdf) or its [Code of Conduct.](https://web-cdn.org/s/1269/file/Policies/Midlothian-CC-Code-of-Conduct.pdf?r=141119)
* 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**](https://web-cdn.org/s/1269/file/Policies/Midlothian-Community-Councils-Complaint-Procedure-Form.docx?r=24997) 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**](https://www.midlothiancommunitycouncils.org.uk/directory-of-community-councils) on the Midlothian Federation of Community Councils website or on the [**Community Councils**](https://www.midlothian.gov.uk/info/200284/your_community/534/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](https://web-cdn.org/s/1269/file/Policies/Midlothian-Community-Councils-Complaint-Procedure.pdf?r=178321).
* **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](https://web-cdn.org/s/1269/file/Policies/Midlothian-Community-Councils-Complaint-Procedure-Form.docx?r=25579)
* 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.
1. [↑](#footnote-ref-2)
2. 1 Eligibility rules include residency in the specific Community Council Area and aged 16 years or over on the date of the election. [↑](#footnote-ref-3)