

# **MODEL CONSTITUTION FOR MIDLOTHIAN COMMUNITY COUNCILS**

## **1. Name**

The name of the COMMUNITY COUNCIL shall be .....  
(referred to as 'the COMMUNITY COUNCIL' in this document).

## **2. Area of the Community Council**

The area of the COMMUNITY COUNCIL shall be as shown on the map attached to the Scheme for the Establishment of Community Councils in Midlothian (2025).

## **3. Objectives**

The objectives of the COMMUNITY COUNCIL shall be:

- (a) to ascertain, co-ordinate and reflect the views of the community which it represents, to liaise with other community groups within the area, and to fairly express the diversity of opinions and outlooks of the people.
- (b) to express the views of the community to the local authority for the area to public authorities and other organisations.
- (c) to take such action in the interests of the community as appears to it to be desirable and practicable.
- (d) to promote the well-being of the community and to foster community spirit.
- (e) 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**

In the discharge of their functions and the conduct of their business, the COMMUNITY COUNCIL and its membership shall have regard to their role and responsibilities as set out in paragraph 5 of the Scheme for the Establishment of Community Councils in Midlothian (2025), approved by the local authority and the Community Councillors' Code of Conduct.

## **5. Membership**

The COMMUNITY COUNCIL'S membership is as governed by paragraph 8 of the Scheme for the Establishment of Community Councils in Midlothian (2025) and as determined from time to time by the local authority.

## 6. Method of Election

Election procedures shall be governed by the method of election laid down in paragraph 8.5 of the Scheme for the Establishment of Community Councils in Midlothian (2025).

## 7. Casual Vacancies on the Community Council

Where a vacancy arises which does not result in the number of COMMUNITY COUNCILLORS falling below the minimum number as specified in paragraph 8.6 of the Scheme for the Establishment of Community Councils in Midlothian (2025), and at least 6 months has passed since the last election the COMMUNITY COUNCIL may, if it considers it to be desirable, agree to: -

- (a) an extraordinary general meeting be held in order that the vacancy (and any other outstanding vacancies) can be filled on the basis that such vacancies would be publicised, nominations invited, and an election held where the number of candidates exceeded the number of places available. Interim elections will be administered by the local authority.
- (b) the filling of a vacancy by co-option with voting rights to a maximum of one quarter of the total membership of the community council as governed by paragraph 15 of the Scheme for the Establishment of Community Councils in Midlothian (2025).
- (c) the vacancy to be left unfilled until local public interest is expressed or until the next set of regular elections.

## 8. Voting Rights of Members of the Community Council

The right to vote at any meeting of the COMMUNITY COUNCIL or any committee thereof, shall be held by all COMMUNITY COUNCILLORS whether elected or co-opted, but not by Associate Members appointed for specific issues on a temporary basis, or *ex-officio* members. Apart from circumstances which may arise under the **Scheme for the Establishment of Community Councils in Midlothian (2025)**: Clause 8.8 – Community Council Elections [Co-option]; and **Constitution**: Clause 17 – Alterations to the Constitution and its Clause 18 – Dissolution, all decisions of the COMMUNITY COUNCIL will be decided by a simple majority of those eligible to vote and present and voting.

In the event of a vote of the community councillors that results in a majority not being achieved, the chairperson shall have a casting vote.

## **9. Election of Office-Bearers**

- (a) At the first meeting of the COMMUNITY COUNCIL after elections are held and at the Annual General Meeting in **(to be determined locally)** in the year when elections are not held, the COMMUNITY COUNCIL shall appoint a Chair, Secretary, Treasurer, and other such office-bearers as it shall from time to time decide.
- (b) All office-bearers shall be elected for one year, but shall be eligible for re-election, without limitation of time.
- (c) Without the express approval of the local authority, no one member shall hold more than one of the following offices at any one time: Chairperson, Secretary or Treasurer.

## **10. Committees of the Community Council**

The COMMUNITY COUNCIL may appoint representatives to committees of the COMMUNITY COUNCIL and shall determine their composition, terms of reference, duration, duties, and powers.

## **11. 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.

## **12. Meetings of the Community Council**

- (a) The quorum for COMMUNITY COUNCIL meetings shall be at least one third of the current eligible voting membership, or 3 eligible voting members, whichever is the greater.
- (b) Once in each year in the month determined by its Constitution, the COMMUNITY COUNCIL shall convene an annual general meeting for the purpose of receiving and considering the Chairperson's annual report on the COMMUNITY COUNCIL, the submission and approval of the independently examined annual statement of accounts and the appointment of office bearers.

- (c) Including the annual general meeting, the COMMUNITY COUNCIL shall meet not less than six times throughout the year.
- (d) Dates, times, and venues of regular meetings of the COMMUNITY COUNCIL shall be fixed at the first meeting of the COMMUNITY COUNCIL following ordinary elections and thereafter at its annual general meeting. Special meetings shall require at least 10 days public notice, either called by the Chairperson, or on the request of not less than one-half of the total number of COMMUNITY COUNCIL members. An officer of the local authority has the discretion to call a meeting of the COMMUNITY COUNCIL.
- (e) 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.

- (f) Copies of all minutes of meetings of the COMMUNITY COUNCIL and of committees thereof shall be approved at the next prescribed meeting of the COMMUNITY COUNCIL, but the draft minute shall be circulated within 21 days from the date of that meeting to COMMUNITY COUNCIL members, other appropriate parties, and the local authority's liaison officer for COMMUNITY COUNCILS.
- (g) The COMMUNITY COUNCIL shall abide by its Standing Orders for the proper conduct of its meetings.
- (h) The COMMUNITY COUNCIL has a duty to be responsive to the community it represents. Should the COMMUNITY COUNCIL receive a written request (petition), signed by at least 20 persons resident within the COMMUNITY COUNCIL area to convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting within 14 days of receipt of such a request and advertise it in the manner prescribed locally for special meetings called by the COMMUNITY COUNCIL.
- (i) The COMMUNITY COUNCIL can meet to discuss items of business in private where it considers it appropriate to do so. The decision to meet in private will be agreed in advance and decided by a majority vote. 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.

### **13. Public Participation in the Work of the Community Council**

- (a) All meetings of the COMMUNITY COUNCIL and its committees (subject to 11(h), above) 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 COMMUNITY COUNCIL, under the guidance of the Chairperson.
- (b) Notices calling meetings of the COMMUNITY COUNCIL and its committees shall be posted prominently within the COMMUNITY COUNCIL area for a minimum period of ten days before the date of any such meeting, and, where possible, be advertised by other suitable means including COMMUNITY COUNCIL or local authority websites and social media channels where available.

#### **14. Information to the Local Authority**

The local authority's liaison officer shall be sent an annual calendar of the COMMUNITY COUNCIL'S prescribed meeting dates, times, and venues, which should be agreed at the COMMUNITY COUNCIL'S annual general meeting, minutes of all meetings, the annual report, the annual financial statement and any other such suitable information, as may from time to time be agreed between the COMMUNITY COUNCIL and the local authority. When special meetings of the COMMUNITY COUNCIL are to be held, the local authority's liaison officer should be advised of the date, time venue and subject(s) of debate of such meetings, at least 10 days in advance of the meeting date.

#### **15. Control of Finance**

- a) All monies held by the COMMUNITY COUNCIL, from whatever source, are solely to further the objectives of the COMMUNITY COUNCIL and shall be held by an elected Treasurer on behalf of the COMMUNITY COUNCIL. The Treasurer is authorised to receive monies on behalf of the COMMUNITY COUNCIL, and when approved by the COMMUNITY COUNCIL, to disburse monies held. All disbursement shall be by cheque or by Banker's Automated Clearing System (BACS).
- b) Payments by cheque must be signed by any two office-bearers who are authorised signatories of the COMMUNITY COUNCIL. Authorised signatories may not be related to each other or co-habitees. BACS payments shall be made on the authorisation and recorded confirmation of two unrelated, not co-habitees and authorised office bearers. Receipts for expenditure must be obtained and held by the Treasurer.
- c) The Treasurer is to keep a written account and is to prepare and have the accounts independently examined for presentation and approval at the Annual General Meeting.
- d) The Treasurer shall undertake to keep proper accounts of the finances of the community council and present a verbal summary at each meeting.
- e) Any two of three authorised signatories, who would normally be office-bearers of the community council, may sign cheques on behalf of the COMMUNITY COUNCIL. Authorised signatories may not be co-habitees.

- f) A statement of accounts for the last financial year, independently examined by two examiners appointed by the COMMUNITY COUNCIL, who are not members of this COMMUNITY COUNCIL, shall be submitted to an annual general meeting of the COMMUNITY COUNCIL and shall be available for inspection at a convenient location.
- g) The financial year of the COMMUNITY COUNCIL shall be from **(to be identified in the Constitution)** until **(to be identified in the Constitution)** the succeeding year. Examined accounts as received and approved by the COMMUNITY COUNCIL at the annual general meeting shall be submitted to Midlothian Council following approval at the community council's annual general meeting.

## **16. Title to Property**

Property and other assets belonging to the COMMUNITY COUNCIL shall be vested in the Chair, Secretary and Treasurer of the COMMUNITY COUNCIL and their successors in these respective offices.

## **17. Alterations to the Constitution**

Any proposal by the COMMUNITY COUNCIL to alter this Constitution must be first considered by a meeting of the COMMUNITY COUNCIL and the terms of the proposal to alter the Constitution shall be stated on the notice calling the meeting, which shall be issued not less than ten days prior to the meeting.

Any proposed alterations may not prejudice the terms and objectives contained within the Scheme for the Establishment of Community Councils in Midlothian (2025).

If the proposal is supported by two-thirds of the total voting membership of the COMMUNITY COUNCIL and is approved in writing by the local authority, the alteration shall be deemed to have been duly authorised and can then come into effect.

## **18. Dissolution**

If the COMMUNITY COUNCIL 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 a date for a public meeting to be held to discuss the proposed resolution to dissolve. 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 notification in the local newspaper as well as through COMMUNITY COUNCIL and local authority websites and social media channels, where available. If the resolution is supported by a majority of those persons present and qualified to vote and is

approved by the local authority, the COMMUNITY COUNCIL shall be deemed to be dissolved and 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.

In the event that the COMMUNITY COUNCIL is dissolved under the above procedure, and twenty or more electors subsequently wish the re-establishment of a COMMUNITY COUNCIL for the area, these electors shall submit a requisition to the local authority 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).

Where for any reason, the number of COMMUNITY COUNCIL 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 COMMUNITY COUNCIL, cause the COMMUNITY COUNCIL 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.

## **19. Approval and adoption of the Constitution**

This Constitution was adopted by ..... COMMUNITY COUNCIL, on .....

Signed:

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Chairperson

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Member

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Member

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Date

and was approved on behalf of ..... Council on

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Signed

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Date

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