

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

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The purpose of this document is to provide guidance in the meaning and implementation of the [Scheme for the Establishment of Community Councils in Midlothian \(2025\)](#).

It is not part of the Scheme but is provided solely as an interpretation to assist in understanding the rationale.

In case of any conflict between the Scheme and the Guidance, the Scheme provides the definitive information.

The body of this document follows the same structure as the Scheme itself to allow simple cross-referencing between the documents.

You can click select links to access web pages and online documents.

1. INTRODUCTION

- After 3 periods of Midlothian-wide engagement and consultation a revised Scheme (reflecting the Community Empowerment Act (Scotland) 2015 and revised National Guidance for Community Councils was presented to, and approved by, Midlothian Council elected members in April 2025.
- Community Councils are defined by the [Local Government \(Scotland\) Act 1973](#), they do not have complete autonomy from their local Council, and so some aspects of the scheme, in particular those that concern the relationship with Midlothian Council, are not able to be removed.
- 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

- The title of the scheme is 'Scheme for the Establishment of Community Councils in Midlothian, 2025'.

3. DEFINITIONS

- These definitions are provided to simplify references later in the text and remove ambiguities that might otherwise arise.

4. REVIEW AND AMENDMENT OF THE SCHEME (Page 5)

- Provides information about the process of amendment and revision of the Scheme.

5. STATUTORY PURPOSES (Page 5)

- This defines the statutory purposes for which a Community Council exists but does not prevent a Community Council from undertaking other activities.
- Note that a key aspect of the Statutory Purpose is to “*express ... the views of the community it represents*” (i.e. not simply the views of the Community Councillors).

6. THE RIGHTS AND RESPONSIBILITIES OF COMMUNITY COUNCILS (Pages 5 - 8)

- As above, Community Councils must be (and be seen to be) representative of the community.
- This section refers to the Improvement Service [Good Practice Guidance](#) and [National Standards of Engagement](#).
- Community Councils must operate within the law, the Midlothian Scheme, and the Code of Conduct.
- Each Community Council must operate within its Constitution (required) which should not be seen as a static document, but as one which can change over time to reflect legislation and good practice (review recommended every 2 years).
- This section provides operational guidance for Community Councils, the requirement for them to engage, communicate and provide information to Midlothian Council.
- It also notes the requirement for Midlothian Council to engage with local Community Councils on Planning and Licensing matters and Participation Requests.

7. MIDLOTHIAN FEDERATION OF COMMUNITY COUNCILS (MFCC) (Page 8)

- Recognises MFCC as the representative body for Community Councils in Midlothian, defines MFCC’s relationship with the [Community Planning Partnership](#) and its right to be represented and engage with other public bodies.
- Midlothian Federation of Community Councils has its own website. www.midlothiancommunitycouncils.org.uk

8. COMMUNITY COUNCIL ELECTIONS (Pages 8 – 12)

Role	Elected Community Councillor	Co-opted Community Councillor	Associate Member	Ex-Officio Member
Process for Election	Section 8.5	Section 8.8	Section 8.9	Section 8.9
Able to propose motions and vote on decisions	✓	✓		
Eligible to be appointed as an Office Bearer	✓	✓		
Propose and elect a co-opted Member	✓			
Must adhere to the 'Scheme'	✓	✓	✓	✓
Count towards Quorum for a meeting	✓	✓		

8.1 Returning officer

- Notes that Midlothian Council will appoint an independent Returning Officer (member of staff or elected member for the area).
- A period of notice should be given to allow the Returning Officer to be nominated.

8.2 Eligibility

- Clarifies eligibility requirements to stand for election as a Community Councillor.
- This includes being on the Electoral Register and remaining resident in the area covered by the Community Council to which they wish to be elected.
- Procedure to be followed for younger candidates (16 - 18), who cannot meet the Midlothian Register of Electors requirement.

8.3 Ineligibility

- Notes that MP's, MSPs, and Midlothian Council Elected members are ineligible to stand as a Community Councillor. (Can be *ex-officio* members)
- Notes the additional constraint regarding bankruptcy proceedings and custodial sentences (up to 5 years prior to the date of nomination). The additional constraint is in accordance with the restrictions which apply to Midlothian Councillors.

8.4 Nominations

- Notes the process and deadlines for individuals to be nominated for election to a Community Council.
- Nominees must be resident in the area and on the current register of electors for the area.
- For further information see [Appendix E](#).

8.5 Process for electing a Community Councillor

- Notes that for a Community Council to be formed, the minimum number of members elected is required to be at least 50% of the maximum number noted in each Community Council's Constitution.
- This defines the conditions for whether an election will be required, and/or whether the Community Council will be able to continue to exist.
- If the minimum numbers are not met, then it also permits Midlothian Council to initiate a new election to allow the Community Council to continue.

8.6 Filling of Casual Vacancies

- Notes the conditions and requirements for Community Councils to try and fill vacancies, and allows co-option as a quicker/simpler approach, provided at least half the Community Council will still be elected members.
- Notes the reference to **ELECTED** members **excludes** those **Co-opted** since a previous election. This addresses the concern about the potential conversion of a Community Council to a dominantly co-opted one.

8.7 Filling of an Office Bearer Vacancy

- Notes the requirement for an Office Bearer vacancy to be filled at the earliest opportunity by a current member of the Community Council.

8.8 Co-option to Community Councils

- Notes the process for co-option of further members between elections, highlighting that co-opted members do not have a vote on the co-option for further members.
- No more than a third of the membership can be co-opted members before an interim election must be called.

8.9 Additional Membership

- Notes the possibility to appoint additional (associate) members with knowledge and expertise that would support the operation of the Community Council. Members of local constituted voluntary organisations could be elected as an associate member.
- *Ex-officio* members would be Elected members, MPs, or MSP's whose constituency falls within the Community Council area.

8.10 Resignation of a Community Councillor

Sets out the process for the resignation of a Community Councillor and additionally, the conditions whereby a Community Council can consider a member to have resigned.

9. EQUALITIES (Page 12)

This is a legal requirement (Equality Act 2010) with which Community Councils must comply. Note the requirement is to **represent** the groups, not necessarily to **have representatives from** each or any of the groups.

10. DISQUALIFICATION OF MEMBERSHIP (Page 12)

- Notes the conditions for a member to be disqualified, e.g no longer on the Electoral Roll for the area, or not resident in the area, not attending a meeting for 6 months or a serious breach of the Code of Conduct.

11. MEETINGS (Page 13)

- Each Community Council is free to define its own meeting schedule (minimum of 6 'ordinary' meetings and the AGM) within the allowed limits, considering the local situation.
- The quorum is defined in relation to the current voting membership. Must be one-third of the voting membership and there must be a minimum of 3 voting members to form a quorum.
- 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).
- Agendas should be publicly available and circulated before the meeting.
- Draft minutes should be made publicly available and circulated within 21 days of a meeting.

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.
- This section also sets out the conditions and requirements for holding a virtual meeting that complies with the Scheme.

12. LIAISON WITH THE LOCAL AUTHORITY (Page 14)

- Defines the primary contact with Midlothian Council to be the Liaison Officer but does not require that all communication be via the Officer when other routes (such as the departmental officer) may be more appropriate.
- Community Councils are required to provide copies of their draft minutes within **21** days, of the meeting using the midlothianccminutes@midlothian.gov.uk email address.

13. RESOURCING A COMMUNITY COUNCIL (Page 14)

- Currently (2025) Midlothian Council provides an administrative grant each year.
- Grant levels are not defined within the Scheme, and the provision of the administrative grant will be reviewed yearly during the process of the Elected Members setting the budget for the next fiscal year.
- Each Community Council is required to keep proper accounts.
- The period of the fiscal year must be specified in the Constitution.
- A verbal summary of the current financial position is required to be given at each monthly meeting.
- Annual Accounts must be *independently examined, verified, and signed as accurate* and presented and approved at each Annual General Meeting.
- After approval at the AGM, a copy of the Annual accounts must be submitted to Midlothian Council.
- Failure to submit independently checked and verified accounts may disqualify eligibility to receive any further funding support from Midlothian Council.
- Each Community Council has the power to secure resources for schemes, projects, and all other purposes consistent with its functions from sources other than Midlothian Council.
- Midlothian Council will determine any additional support / services / resourcing, such as free lets of rooms for Community Council meetings, to suit local requirements.

14. TRAINING (Page 15)

- Midlothian Council and MFCC actively seek suggestions from Community Councils regarding the topics and format of training that should be provided to assist Community Councillors in performing their role.

- Midlothian Council may provide training.
- Midlothian Council will highlight relevant training opportunities such as those provided 3rd Sector organisations, the 'Improvement Service' and the Scottish Government.

15. PUBLICITY (Page 15)

- Where appropriate, Community Councils will be supported to develop publicity and promotional materials.
- Midlothian Council will allocate space to provide contact details, boundary maps and other related documents on its [website](#).

16. LIABILITY OF COMMUNITY COUNCIL MEMBERS AND FEDERATION (Page 15)

- 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 (Page 15)

- Community Councils or Midlothian Council can propose this.
- This section sets out the required process for proper engagement with local communities and for the requirement for boundary changes to be reviewed, considered and approved at a special meeting of Midlothian Council.

18. DISSOLUTION OF A COMMUNITY COUNCIL (Page 16)

- In addition to whatever terms for dissolution are embodied in the Community Council Constitution, this section defines a process where Midlothian Council will consider a Community Council to have ceased to exist if it fails to hold 3 consecutive scheduled meetings.
- To be 'held', a meeting must have a quorum.
- It is in the interest of any Community Council which fails to meet the quorum for 2 consecutive meetings to contact the Liaison Officer for assistance prior to calling the third meeting (which could otherwise result in the dissolution of the Community Council).

19. ESTABLISHMENT OR RE-ESTABLISHMENT OF A COMMUNITY COUNCIL (Pages 16 - 17)

- This section defines the arrangements and processes for the creation of a new Community Council.
- It includes the number of residents required to establish a new Community Council, the process for 'nomination', 'method of election' and 'election of Office Bearers'.

APPENDIX A - MEMBER DEFINITIONS (Page 18)

The Scheme defines various types of membership of a Community Council, and so, for clarity, the distinct types of membership are defined in Appendix A.

They are:

- 'Community Councillors' including 'co-opted' members.
- 'Other Members' including 'associate' and 'ex-officio' members.

APPENDIX B - CONSTITUTIONAL GUIDANCE (Pages 19 – 22)

- This section provides detailed guidance and requirements of the content of a Community Council Constitution.
- A 'Model' Constitution can be found on the Midlothian Federation of Community Councils website (www.midlothiancommunitycouncils.org.uk) in the '[Policies](#)' section.

APPENDIX C - STANDING ORDERS (Pages 23 – 26)

- Provides 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.
- A 'Model' Standing Orders document can be found on the Midlothian Federation of Community Councils website (www.midlothiancommunitycouncils.org.uk) in the '[Policies](#)' section.
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APPENDIX D - CODE OF CONDUCT (Pages 27 – 30)

- This section provides a Code of Conduct, 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 and are expected 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 apply to all Community Councillors and those representing the Community Council.
- The Code of Conduct principles are as follows:
'Service to the Community (Public Service)' 'Selflessness / Altruism', 'Integrity', 'Objectivity', 'Accountability and Stewardship', 'Openness', 'Honesty', 'Leadership' and 'Respect'.
- **Complaints**
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 in the '[Policies](#)' section on the Midlothian Federation of Community Councils website.
There are 3 stages in the process, **Stage 1**, local resolution, **Stage 2**, investigation by a panel of MFCC members and **Stage 3**, an independent external review by Midlothian Council.

APPENDIX E - COMMUNITY COUNCILLOR NOMINATION FORM (Pages 31 & 32)

Provides the form which must be used for the Nomination and Election of a potential Community Councillor.

You must ensure that you are using the most up to date form. This can be found on the Midlothian Council [website](#) in the Community Council [documents](#) section.

- Nominations must be signed by 2 proposers who must be on the current register of electors for the area.
- Nominations must be made in advance (7 days) of the election, allowing the returning officer to check they are valid prior to the election.
- Nomination forms are returned to the Community Council contact (normally the Secretary) and Community Council's Liaison contact for the area.

The following information must be completed:

- *Candidate's* Name and Home Address
- Signature of the candidate (dated)
- The candidate should have been provided with the Code of Conduct and the must tick the box on the form to indicate that they have read it.
- A *witness* must complete their name, address, sign, and date the declaration.
- 2 people (residents and on the electoral roll for the area) must *nominate* the Candidate. Both must provide their name, address, occupation, sign, and date the form.

- The form must be submitted, (**7 days in advance of the election**), to the Secretary or the Community Council Liaison Officer (cll@midlothian.gov.uk).

APPENDIX F - COMMUNITY COUNCIL COMPOSITION (Page 33)

Provides information about:

- The maximum number of members permitted by the Scheme (20).
- The maximum allowed by individual Community Council Constitutions.
- The minimum allowed by individual Community Council Constitutions.
- The *estimated* population (in 2025) for each Community Council area.

APPENDIX G - COMMUNITY COUNCIL BOUNDARY MAPS (Pages 35 – 49)

- Contains boundary maps for each Community Council area.
- Organised in alphabetical order.
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20. SUPPORT FOR MIDLOTHIAN COMMUNITY COUNCILS.

Community Councils in Midlothian are supported by the Communities Lifelong Learning and Employability Team.

Email: cll@midlothian.gov.uk

Midlothian Council Website: [Your Local Community Council](#)

Improvement Service: www.communitycouncils.scot

Documents and Policies

In partnership with Midlothian Federation of Community Councils, Midlothian Council has developed a range of Guideline and Policy documents to support the operation of Midlothian Community Councils.

These documents can be obtained from the Community Council Liaison Officer for the area and are available on the Midlothian Federation of Community Councils website (www.midlothiancommunitycouncils.org.uk) in the '[Policies](#)' section of the '[Documents](#)' page.