

# **DAMHEAD AND DISTRICT COMMUNITY COUNCIL**

## **1. Name**

The name of the COMMUNITY COUNCIL shall be DAMHEAD AND DISTRICT COMMUNITY COUNCIL (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 Midlothian Council's Scheme for Community Councils (hereinafter called the 'area').

## **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 Midlothian Council (MLC) Scheme for Community Councils and the associated Code of Conduct. In summary, COMMUNITY COUNCIL members shall establish and reflect the views of the community as a whole, take action in the interests of the COMMUNITY COUNCIL as appears to it to be expedient and practicable, and shall do so in a way that demonstrates integrity, objectivity and respect.

## **5. Membership**

The COMMUNITY COUNCIL'S membership is seven persons elected by and from all persons aged sixteen and over, living in the area, whose names appear on the relevant electoral registers (unless individual under 18 years of age, where declaration signed by two individuals who are on the electoral register will confirm the nominee as a resident of the COMMUNITY COUNCIL area). There will be a Chair, Secretary and Treasurer. The quorum will be three. The term of membership shall be three years.

## **6. Method of Election**

Community councillors shall be elected on a simple majority basis using a show of hands at a public meeting, with the option to use a secret ballot or other method in agreement with the Returning Officer.

## **7. Vacancies and co-option on the Community Council**

Where a vacancy arises which does not result in the number of COMMUNITY COUNCIL members falling below the quorum, the COMMUNITY COUNCIL may, if it considers it to be desirable, agree to:-

- (a) an extraordinary general meeting being 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;
- (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 and as governed by paragraph 9 of the MLC Scheme for the Establishment of Community Councils; or
- (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 COUNCIL members whether elected or co-opted, but not by Associate Members appointed for specific issues on a temporary basis, or *ex-officio* members. With the exception of circumstances which may arise under the MLC Scheme for the Establishment of Community Councils, such as Clause 9.2.2.4: Co-option to Community Councils; Clause 5 in relation to amending the constitution; and Clause 18: Dissolution of a Community Council, 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 in the year when elections are held and at the Annual General Meeting in May 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. 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) There shall be at least six ordinary meetings each year, with dates, times and venues identified in an annual calendar of meetings, and the Standing Orders observed. Draft minutes will be presented within 14 days to MLC, COMMUNITY COUNCIL members, and relevant elected members.
- (c) Once in each year in the month of May 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.
- (d) 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.
- (e) All meetings of the COMMUNITY COUNCIL shall be open to members of the public, except that the COMMUNITY COUNCIL may by resolution agree to go into private session for the consideration of any items of business of a particularly private or confidential nature, where in the interests of the community it appears to the COMMUNITY COUNCIL that it would be advisable to do so.

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

- (a) All meetings of the COMMUNITY COUNCIL and its committees (subject to 11(e), 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) Residents will be informed of forthcoming meetings of the COMMUNITY COUNCIL and its committees at least ten days before the date of any such meeting, and, where possible, these will also be advertised by other suitable means.

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

The local authority's liaison officer shall be sent information relating to the COMMUNITY COUNCIL'S meeting dates, times and venues, 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.

#### **14. Control of Finance**

- (a) All monies raised by or on behalf of the COMMUNITY COUNCIL or provided by the local authority and other sources shall be applied to further the objectives of the COMMUNITY COUNCIL and for no other purpose. The monies provided by the local authority in the annual Administrative Grant for administrative and other approved purposes shall be used only as prescribed. Monies raised from other sources may be used in accordance with the terms of this provision (so long as they are consistent with the objectives of the COMMUNITY COUNCIL), or in the absence of such terms, for the furtherance of the objectives of the COMMUNITY COUNCIL.
- (b) The treasurer shall undertake to keep proper accounts of the finances of the community council, including forwarding a copy of the statement of accounts approved at the AGM to the MLC Liaison Officer.
- (c) 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.
- (d) A statement of accounts for the last financial year, independently examined by examiner(s) 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.
- (e) The financial year of the COMMUNITY COUNCIL shall be from 1 April until 31 March the succeeding year. Examined accounts as received and approved by the COMMUNITY COUNCIL at the annual general meeting shall be submitted to the local authority by 15 October each year following approval at the COMMUNITY COUNCIL's Annual General Meeting.

#### **15. 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.

#### **16. 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 MLC Scheme for the Establishment of Community Councils.

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.

**17. 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. 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 MLC Scheme for the Establishment of Community Councils.

Where for any reason, the number of COMMUNITY COUNCIL members falls below the minimum specified in the MLC Scheme for the Establishment of Community Councils 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.

**18. Approval and adoption of the Constitution**

This Constitution was adopted by DAMHEAD AND DISTRICT COMMUNITY COUNCIL, on

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Signed: Chairman

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Member

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Member

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Date

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and was approved on behalf of Midlothian Council on

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Signed

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Date

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