

# **LOANHEAD and DISTRICT COMMUNITY COUNCIL CONSTITUTION**

## **1. Name**

The name of the COMMUNITY COUNCIL shall be LOANHEAD 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 view 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 interest 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;
- (f) To create a sense of community amongst the people of Loanhead and District and to safeguard their interests;
- (g) To ensure the continuity of local customs and events e.g. Gala Week, etc.

## **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, the COMMUNITY COUNCIL members shall establish and reflect the views of the community as a whole, take action in the interests of the COMMUNITY COUNCIL which appears to be expedient and practicable in a way that demonstrates integrity, objectivity and respect.

## **5. Membership**

- (a) The COMMUNITY COUNCIL membership shall be up to seventeen members, fifteen from Loanhead and preferably two from the Caravan Sites. The membership is 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 16 years of age, where a declaration signed by two individuals who are on the electoral register will confirm the nominee as a resident of the COMMUNITY COUNCIL area).
- (b) No member of Lothian Regional Council or Midlothian Council shall be appointed ex officio to the COMMUNITY COUNCIL.
- (c) The proceedings of the COMMUNITY COUNCIL shall not be invalidated by reason of any vacancy in their numbers or by a defect in the appointment or qualification of any member thereof.

- (d) After each election or change of Office Bearer, the COMMUNITY COUNCIL shall lodge with the Chief Executive, Midlothian Council a return showing the names and addresses of their members and office bearers.
- (e) Any member who misses six consecutive meetings of the COMMUNITY COUNCIL shall be written to by the Secretary asking if he/she intends to continue to serve on the COUNCIL.

## **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**

The co-option of members to the COMMUNITY COUNCIL shall not be permitted except in the following circumstances:

- a. By election of an individual qualified in terms of 5(a) above by a simple majority of members present and voting to fill a casual vacancy in order to complete the full membership of the COMMUNITY COUNCIL; or
- b. To obtain the benefit of the knowledge or expertise of any individual by his/her election to the COMMUNITY COUNCIL by a simple majority of members present and voting for a particular defined purpose, each member co-opted for the said purpose shall be entitled to enter into the discussion and to vote only in relation to the purpose for which he/she was co-opted. The number of such co-opted members shall not at any time exceed one-fifth of the number of the total membership of the COMMUNITY COUNCIL.

## **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 (other than on the co-option of further Community Councillors on which co-opted members may not vote), 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, all decisions of the COMMUNITY COUNCIL will be decided by a simple majority of those eligible to vote, 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 November in the year when elections are not held, the COMMUNITY COUNCIL shall appoint a Chairperson, Vice Chairperson, Secretary, Treasurer and other such office bearers as it shall from time to time decide from among their own number. The term of membership shall be three years, and they shall retire at the end of that period but be eligible for re-election. The quorum will be 5.
- (b) With the approval of the local authority it shall be competent for the COMMUNITY COUNCIL to appoint a Secretary/Treasurer to the COMMUNITY COUNCIL from non-members if no

member is considered suitable for appointment. In that event the Secretary/Treasurer shall not be entitled to vote at meetings.

- (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 the COMMUNITY COUNCIL meetings shall be at least one third of the current eligible voting membership, or 5 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) **Online / telephone meetings** - Community Councils may conduct their meetings by means of a telephone conference, video conferencing facility or similar communications equipment - so long as all the Community Council members and members of the public, participating in the meeting can hear each other; a Community Council member participating in a meeting in this manner shall be deemed to be 'present' in person at the meeting. 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.
- (d) Members of the public will be required to make a personal application to the COMMUNITY COUNCIL not less than two full days before the advertised start of the online/telephone meeting in order for meeting details to be forwarded to them.
- (e) Once in each year in the month of November the COMMUNITY COUNCIL shall convene an Annual General Meeting for the purposes 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.
- (f) 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**

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 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 at such meetings at least 10 days in advance of the meeting date.

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

The Treasurer of the COMMUNITY COUNCIL shall be responsible for the accounting of all COMMUNITY COUNCIL monies, and the funds of the COMMUNITY COUNCIL will be banked at the Bank of Scotland, Loanhead in an account in the name of LOANHEAD AND DISTRICT COMMUNITY COUNCIL. Withdrawals from the bank account will be on two signatures, that of the Treasurer and any one of the Chairperson, Vice Chairperson or Secretary. Authorised signatories on any occasion may not be cohabitees. The accounts of the COMMUNITY COUNCIL will be audited annually and submitted to the COMMUNITY COUNCIL. The COMMUNITY COUNCIL will submit by 31<sup>st</sup> October each year an estimate of their income and expenditure for the full year to 31<sup>st</sup> March.

#### **15. Title to Property**

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

#### **16. Alterations to the Community Council**

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 majority of those persons present and qualified to vote 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 a meeting a public notice be given by means of notification in the local newspaper. If the resolution is supported by a two-thirds majority of the total voting membership 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 or through any other process, 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 identified in the immediately preceding paragraph hereof, shall be initiated.

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

The Constitution was adopted by LOANHEAD AND DISTRICT COMMUNITY COUNCIL on

..... 26-4-17 .....

..... P. H. ..... Signed: Chairman

..... Gina Temple ..... Member

..... Annabel Hamilton ..... Member

..... 26 April 2017 ..... Date

And was approved on behalf of Midlothian Council on

..... Amy Noble, Solicitor .....

..... A Noble ..... Signed

..... 11 May 2017 ..... Date