

## **ROSEWELL & DISTRICT COMMUNITY COUNCIL CONSTITUTION**

### **1. Name**

The name of the COMMUNITY COUNCIL shall be ROSEWELL & 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 the local authority’s Scheme for the Establishment of Community Councils.

### **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, approved by the local authority and the Community Councillors’ Code of Conduct.

### **5. Membership**

The COMMUNITY COUNCIL’S membership is as governed by paragraph 7 of the Scheme for the Establishment of Community Councils and as determined from time to time by the local authority.

The members of the COMMUNITY COUNCIL will be elected to serve for a period of 3 years, and they shall retire at the end of that period but be eligible for re-election.

Members of the COMMUNITY COUNCIL will have attained the age of 16 at the time of election and whose names appear on the current Register of electors and who reside within the Rosewell and District area at the time of election.

The COMMUNITY COUNCIL must have a Chair, Secretary, and Treasurer and sets the maximum membership at 12 elected members.

## **6. Method of Election**

Election procedures shall be governed by the method of election laid down in paragraph 9 of the Scheme for the Establishment of Community Councils.

Election of individuals to the Community Council to be by simple majority with a show of hands at a General Meeting.

## **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 5 of this Constitution 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; or
- (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 9.2.2.4 of the 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 COUNCILLORS 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 **Constitution**: Clause 16 – Alterations to the Constitution and its Clause 17

– 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 chair shall have a casting vote.

## 9. Election of Office-Bearers

- (a) At the first meeting of the COMMUNITY COUNCIL following the Annual General Meeting, Office Bearers will be elected. The COMMUNITY COUNCIL shall appoint a Chair, Secretary, and Treasurer and other such office-bearers as it shall from time to time decide.
- (b) All office-bearers shall be elected for three years, 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: Chair, 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 3 eligible voting members, whichever is the greater.
- (b) Once in each year in the month of **April** the COMMUNITY COUNCIL shall convene an annual general meeting for the purpose of receiving and considering the Chair'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 7 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 Chair, or on the request of not less than one-half of the total number of the COMMUNITY COUNCIL

members. An officer of the local authority has the discretion to call a meeting of the COMMUNITY COUNCIL.

- (e) 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 14 days from the date of that meeting, to the COMMUNITY COUNCIL members, other appropriate parties and the local authority's liaison officer for Community Councils.
- (f) The COMMUNITY COUNCIL shall abide by its Standing Orders for the proper conduct of its meetings.
- (g) 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 person's 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 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.
- (h) The COMMUNITY COUNCIL can meet to discuss items of business in private where it considers it appropriate to do so due solely to the nature of any issue to be discussed as far as it relates to the confidential personal information or business affairs of any person. 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.

## **12. 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 Chair.
- (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.

### 13. 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.

### 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.
- (c) 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 BACS payment. Payments by cheque must be signed by at least two Office Bearers who are not related to each other or co-habitees. BACS payments must be made using a method whereby payment can only be made by authorisation of unrelated authorised members of the Community Council.
- (d) A statement of accounts for the last financial year of this COMMUNITY COUNCIL shall be independently examined by an examiner appointed by the COMMUNITY COUNCIL, who is not a member of the COMMUNITY COUNCIL. The balance sheet for the last financial year shall be presented for approval at the Annual General Meeting.
- (e) The financial year of the COMMUNITY COUNCIL shall be from **1<sup>st</sup> April** until **31<sup>st</sup> 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 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 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 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 Scheme for the Establishment of Community Councils.

Where for any reason, the number of the COMMUNITY COUNCIL members falls below the minimum specified in the 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 ROSEWELL & DISTRICT COMMUNITY COUNCIL, on

.....9<sup>th</sup> November 2020.....

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| ..... | Signed: | Chair  |
| ..... |         |        |
| ..... |         | Member |
| ..... |         | Member |
| ..... |         | Date   |

and was approved on behalf of Midlothian Council on

|       |        |
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| ..... | Signed |
| ..... | Date   |