

ESKBANK & NEWBATTLE COMMUNITY COUNCIL
CONSTITUTION

1. **Name.** The name of the Community Council shall be ‘the Eskbank & Newbattle Community Council’ (referred to as “the Community Council” in this document).

2. **Area.** The area of the Community Council shall be as shown on the map attached to Midlothian Council’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.** The role of the Community Council is to take such action in the interests of the community as it appears to be expedient and practicable. Members of the Community Council should be guided in their responsibilities by the Code of Conduct for Community Councillors, shown at Appendix C to Midlothian Council’s Scheme for the Establishment of Community Councils.

5. **Membership.** The Community Council shall consist of fifteen (15) persons elected by and from all persons aged sixteen and over living in the Community Council area whose names appear on the relevant Electoral Register. In the case of candidates who are not on the electoral register solely by reason of age, their nomination form must be accompanied by a declaration signed by 2 individuals who are named on the electoral register for the Community Council area confirming that the nominee is a resident of the Community Council area.

6. **Method of Election.** Members of the Community Council shall be elected in accordance with Midlothian Council’s Scheme for the Establishment of Community Councils.

7. Casual Vacancies. A casual vacancy in the Community Council occurring by reason of death, resignation, removal or disqualification, shall be filled as soon as may be by a vote of the Community Council. The person appointed to fill a casual vacancy shall hold office and be entitled to enter into discussion and to vote on all matters until the next election of members to the Community Council. The proceedings of the Community Council shall not be invalidated by reason of any vacancy in the number of members thereof above the necessary quorum for each meeting.
8. Voting Rights. All elected members of the Community Council, including those appointed to fill a casual vacancy, shall have equal voting rights. Other than for the election of office bearers, voting shall normally be by a show of hands, unless the Chair decides otherwise. In all votes, where there is a tie, the Chair shall have a casting vote.
9. Election of Office Bearers. At the Annual General Meeting featuring occasion of elections, the Community Council shall elect from within its members a Chair, Vice-Chair, Treasurer and Secretary and any other such officers as it shall from time to time decide. Office Bearers will be elected for a period of 3 years, and may be re-elected thereafter. In the event that more than one person is nominated for a particular office, a ballot shall be held for that post.
10. Committees of the Community Council. From time to time, the Community Council may form a sub-committee of the Community Council to gather, collate and provide information to the Community Council. Membership of such sub-committees will be determined by the Community Council, and may include members of the Community Council and co-opted persons of relevant experience. All deliberations of Community Council sub-committees must be referred to the Community Council for decision.
11. Meetings of the Community Council.
- (a) The quorum for Community Council meetings shall be one third of the current voting membership of the Community Council or three voting members whichever is the greater.
 - (b) Once in each year, no later than the month of December, 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 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. Details of the Date, Time and Venue for such meetings will be displayed on the Community Council website and on any public Notice Boards within the control of the Community Council. 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

Midlothian Council 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 Community Council members, such other appropriate parties as the Community Council may decide and the Midlothian Council'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 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 21 days of receipt of such a request and advertise it locally.
- (h) The Community Council can establish committees (sub-groups or working groups), as detailed in paragraph 10, to progress specific issues. Where the Community Council are agreed that due to the nature of any such issue as far as it relates to confidential information about the personal life or business affairs of any person or body that it would be inappropriate to discuss such matters in public then such groups may meet in private but will report back in full at the next Community Council meeting.

12. Public Participation in the Work of the Community Council. All meetings of the Community Council, and of its sub-committees, shall be open to the public, and members of the public shall be invited to address or petition the Community Council on matters within its Objectives. Any member of the public wishing to petition the Community Council should give the Secretary written notice of this intention three days prior to the meeting but the Chair may accept any petition at shorter notice

13. Liaison with Midlothian Council. Midlothian Council has identified an official to act as a Liaison Officer with Community Councils. Unless there is a specific agreement, or an issue is a specific departmental issue, all correspondence between the Community Council and Midlothian Council should, in the first instance, be directed through that Liaison Officer. The Community Council must advise the Liaison Officer on the annual calendar of scheduled meetings, the AGM and give at least 10 working days notice of any Special Meeting arranged by the Community Council. Additionally, the Community Council must provide the Liaison Officer with a copy of the draft minutes of each meeting within 14 days of that meeting or as soon as practical thereafter.

14. Control of Finance. All moneys 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 moneys on behalf of the Community Council, and when approved by the Community Council, to disburse moneys held. All

disbursement shall be by cheque, which must be signed by at least two Office Bearers who are not related to each other or co-habitees, and receipts for expenditure must be obtained and held by the Treasurer. 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.

15. Title to Property. The title to all property owned by the Community Council shall be vested in the Chair, Treasurer and Secretary, and their successors in such offices.

16. Alterations to the Constitution. Any proposal to alter this constitution must be delivered in writing to the Secretary of the Community Council not less than twenty-eight days before the date of the meeting at which it is first to be considered and such an alteration will require the support of the two thirds of members of the Community Council present and voting at an Annual General Meeting or a special Community Council meeting convened to discuss the matter. Before such an amendment can be enacted, it must be submitted for approval by the Midlothian Council Liaison Officer.

17. Dissolution. The Community Council shall be dissolved when, following three consecutive meetings, it has not been able to form a Quorum, or at any time that a vote of two thirds of the Community Council members present so decide. Further, Midlothian Council may dissolve the Community Council when the terms of the Midlothian Council's Scheme for the Establishment of Community Councils, Para 18, are not compliant.

18. Approval and adoption of the Constitution

This Constitution was adopted by ESKBANK AND NEWBATTLE
COMMUNITY COUNCIL, on.....

Signed:
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Chair

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Member

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Member

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Date

and was approved on behalf of Midlothian Council on

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Signed

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Date