

MAYFIELD AND EASTHOUSES COMMUNITY COUNCIL

CONSTITUTION

1. **Name.** The name of the Community Council shall be '*Mayfield and Easthouses Community Council*' (hereinafter called '*The Community Council*').
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 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, to fairly express the diversity of opinions and outlooks of the residents and to take such action in the interests of the community, as it appears to it, to be desirable and practicable.
 - b. To express the views of the community to the local authority for the area, to public authorities and to other organisations.
 - c. To retain the identity of the Community amongst people living within the Community Council area and the safeguarding of their interests.
 - d. The encouragement of co-operation between the various community organisations in the Community Council area.
 - e. The fostering of a strong community spirit in the Community Council area and the maintenance of historical or traditional links.
 - f. The continuation of all local customs and events.
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 twelve 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. **Resignation of a Community Councillor.** A Community Councillor may resign from the Community Council at any time by submitting a letter of resignation to the Chairperson or Secretary. If a Community Councillor does not attend three consecutive meetings of the Community Council, and failed to submit apologies to the Chairperson or Secretary, the Community Councillor shall be considered to have resigned. Unless there are exceptional circumstances, a Community Councillor who does not attend six consecutive meetings of the Community Council shall be considered to have resigned.
8. **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 possible 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 due to any vacancy in the number of members thereof above the necessary quorum for each meeting.
9. **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.
10. **Election of Office Bearers.** At the Annual General Meeting featuring occasion of elections, the Community Council shall elect from within its members a Chairperson, Vice-Chairperson, 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.

11. **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 subcommittees 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.

12. **Meetings of the Community Council.** The Annual General Meeting of the Community Council shall be held each year in June, where the Chairperson shall deliver a report and Treasurer shall provide the Audited Account. Elections to the Community Council shall be held at every third Annual General Meeting. Thereafter, the Community Council shall meet throughout the year at intervals not exceeding two months. Excluding occasions when an extraordinary general meeting requires to be called, the Community Council will not meet in January or July. Dates of regular meetings during the year, the times of meetings, and the venue, shall be agreed at the first meeting of the Community Council following election, or at the Annual General Meeting. A quorum of four (4) members shall be sufficient to hold a meeting of the Community Council, during which members must adhere to the Standing Orders published as Annex A to this Constitution. Minutes are to be taken of each meeting of the Community Council, and a draft is to be circulated to members of the Community Council and to the Midlothian Council Liaison Officer, within 14 days following the meeting or as soon as practical thereafter. Minutes should be approved at the next meeting of the Community Council and copies should subsequently be displayed in the Mayfield Library, on digital media and in other places deemed suitable.

The Community Council may conduct virtual (on-line) meetings by means of a telephone conference, video conferencing facility or similar communications equipment - so long as all Community Council representatives participating in the meeting can hear each other; a Community Council representative 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 an attendee participating in the meeting through any of these methods will be taken to be given personally. Hybrid (combined regular and virtual) meetings of the Community Council shall be valid provided they are conducted in the same manner as meeting described above.

- 13. Public Participation in the Work of the Community Council.** All meetings of the Community Council shall be open to 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. Members of the public shall be invited to address the Community Council on matters within its objectives. Any member of the public wishing to address the Community Council should give the Secretary formal notice of this intention seven days prior to the meeting but the Chair may accept any request at shorter notice.
- 14. 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.
- 15. 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 either be by cheque (which must be signed by at least two Office Bearers who are not related to each other or co-habitees) or by any approved debit payment including Banker's Automated Clearing System (BACS) (provided that the action is included in meeting minutes). 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.
- 16. Title to Property.** The title to all property owned by the Community Council shall be vested in the Chairperson, Treasurer and Secretary, and their successors in such offices.

17. **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. 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.

18. **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.

APPROVAL AND ADOPTION OF THE CONSTITUTION

This Constitution was adopted by the *Mayfield and Easthouses Community Council*:

Date:	1 st June 2022	
Signed:		Chairperson
		Member
		Member

The Constitution was approved on behalf of Midlothian Council on:

Date:	8 th June 2022	
Signed:		Midlothian Council