

PROPOSED AMENDMENTS (2026) FOR DALKEITH AND DISTRICT COMMUNITY COUNCIL CONSTITUTION

1. Name

The name of the COMMUNITY COUNCIL shall be DALKEITH 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 ([appendix G](#)) attached to [the ‘Scheme for the Establishment of Community Councils in Midlothian \(2025\)’](#).

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 express fairly the diversity of opinions and outlooks of the people;
- b. to be a means whereby the people of the area shall be able to voice their opinions;
- c. to express the views of the community to the local authority for the area, to public authorities and to other organisations;
- d. to foster community spirit and to take such action in the interests of the community that is desirable and practicable.

4. Role and Responsibilities

The role of the COMMUNITY COUNCIL is to take such action in the interests of the community as appears to it to be expedient and practicable. Members of the COMMUNITY COUNCIL shall be guided in their responsibilities by the Code of Conduct for Community Councillors shown at Appendix D to [the ‘Scheme for the Establishment of Community Councils in Midlothian \(2025\)’](#).

5. Membership

The COMMUNITY COUNCIL shall consist of a **minimum of nine (9) and a maximum of eighteen (18)** persons elected by and from all persons aged sixteen **(16)** 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 relevant Electoral Register, solely by reason of age, the nomination form must be accompanied by a declaration signed by **two (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 **the 'Scheme for the Establishment of Community Councils in Midlothian (2025)'**.

7. Casual Vacancies on the Community Council

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 officer-bearers as it shall from time to time decide. Office-bearers shall be elected for a period of **three (3)** years and may be re-elected thereafter. In the event that more than one **(1)** person is nominated for a particular office, a vote 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 shall 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. 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 fails to submit apologies to the Chairperson or Secretary, the Community Councillor shall be considered to have resigned. Unless there are exceptional circumstances, if a Community Councillor does not attend six (6) consecutive meetings, the COMMUNITY COUNCIL has the right to consider them to have resigned.

12. 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 (3)** voting members, whichever is the greater.
- b. Once in each year, no later than the month of February, 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, where applicable.
- c. Including the Annual General Meeting, the COMMUNITY COUNCIL shall meet not less than **seven (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 shall be displayed on the COMMUNITY COUNCIL website and on any public Notice Boards within the control of the COMMUNITY COUNCIL. Special meetings, either called by the Chairperson, or on the request of not less than one-half of the total number of COMMUNITY COUNCIL members, shall require at least 10 days public notice. An officer of Midlothian Council has the discretion to call a meeting of the COMMUNITY COUNCIL.

- e. 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 members of the COMMUNITY COUNCIL participating in the meeting can hear each other; a member of the COMMUNITY COUNCIL 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 of the COMMUNITY COUNCIL 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.
- f. The minute of a meeting of the COMMUNITY COUNCIL and of any sub-committees thereof shall be approved at the next prescribed meeting of the COMMUNITY COUNCIL; but a draft minute shall be circulated within **twenty-one (21)** days to COMMUNITY COUNCIL members, such other appropriate parties as the COMMUNITY COUNCIL may decide and Midlothian Council's Liaison Officer with Community Councils.
- g. The COMMUNITY COUNCIL shall abide by its Standing Orders for the proper conduct of its meetings.
- h. 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 **twenty (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 **twenty-one (21)** days of receipt of such a request and advertise it locally.
- i. The COMMUNITY COUNCIL can establish sub-committees (working groups), as detailed in paragraph 10, to progress specific issues. Where the COMMUNITY COUNCIL is 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, 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.

13. Public Participation in the Work of the Community Council

All meetings of the COMMUNITY COUNCIL, and of its sub-committees (subject to **12(i)** above), 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 (3) days prior to the meeting, but the Chair may accept any petition 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 minute of each meeting within [twenty-one \(21\)](#) days of that meeting or as soon as practical thereafter.

15. Control of Finance

All monies 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 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 Banker's Automated Clearing System (BACS). Payments by cheque must be signed by any two (2) office-bearers who are authorised signatories of the COMMUNITY COUNCIL. Authorised signatories may not be related to each other or co-habitees. BACS payments shall be made on the authorisation and recorded confirmation of two (2) unrelated, not co-habitees and authorised office bearers. Receipts for expenditure must be obtained and held by the Treasurer. The Treasurer is to keep a written account, [present a verbal summary at each meeting](#) and is to prepare and have the accounts independently examined [and verified as accurate](#) for presentation and approval at the Annual General Meeting. [The financial year of the COMMUNITY COUNCIL shall be from February until January the succeeding year. Examined accounts as approved by the COMMUNITY COUNCIL at the Annual General Meeting shall be submitted to Midlothian Council following approval.](#)

16. 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.

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 \(28\)](#) days before the date of the meeting at which it is first to be considered, and such an alteration will require the support of two-thirds of the 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 Midlothian Council's Liaison Officer with Community Councils.

18. Dissolution

The COMMUNITY COUNCIL shall be dissolved when, following **three (3)** 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 '[Scheme for the Establishment of Community Councils in Midlothian \(2025\)](#)', Para 18, are not compliant.

