



1.0 NAME

The name of the community council shall be Moorfoot Community Council (hereinafter called 'the council'),

2.0 AREA

The area which the council represents shall be as described in the district council scheme dated August 1976.

3.0 OBJECT

The object of the council shall be to promote the well being of the community resident in the above mentioned area, (hereinafter called 'the area'), by ascertaining, co-ordinating, and expressing to local authorities, public authorities, and any other interested parties, the views of the community and, by taking such action in the interest of the community as appears to be expedient and practicable.

4.0 MEMBERSHIP

The council shall consist of thirteen members of which eleven are elected by and from all persons aged eighteen and over resident in the community area whose names appear on the relevant Electoral Register, and two of which are nominated from organisations operating within the area.

4.1 *As a minimum, the Council should include at least one resident for each of the following locations to maintain a Council which is representative of the area:*

- *North Middleton*
- *Temple*
- *Carrington*
- *Borthwick*
- *Rural area outside the above villages*

4.2 After the initial three year period, four of the elected members shall retire annually, the rota for resignation to be decided by lot during the initial year of the council.

4.3 On failure to attend 4 consecutive properly constituted meetings of the council, a member shall be disqualified, though may stand for re-election at the next election.

5.0 ELECTION OF COUNCIL

Persons seeking election to the council shall be nominated by a proposer and a seconder both being persons who reside in the area, and whose names appear in the Electoral Registers. Such nominations shall be lodged with the Returning Officer at least 14 days before the date fixed for said election to take place. If the number of persons so nominated for election does not exceed the number of members prescribed in para 4.0 above, the persons so nominated shall be held to be duly elected as members without further process.

5.1 A *secret ballot* system of election shall be used for elections or any other voting arrangements. Elections shall be held *at the AGM*.



5.2 CASUAL VACANCIES

A casual vacancy in the office of an elected member occurring by reason of death, resignation, removal or disqualification shall be filled as soon as may be by 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.

5.3 CO-OPTIONS

The co-option of members shall not be allowed except in the following circumstances:-

- a) By election of an individual qualified in terms of paragraph 5.0 hereof by a simple majority of members present and voting to fill a casual vacancy in order to complete the full membership of the council.
- b) To obtain the benefit of the knowledge or expertise of any individual by his election to the council by a simple majority of members present and voting for a particular defined purpose each member so co-opted shall be entitled to enter into the discussion and to vote only in relation to the purpose for which he was co-opted. The number of co-opted members shall not at any time exceed one-fourth of the total membership of the council. All co-options shall be reviewed annually.

6.0 MANAGEMENT

6.1 A.G.M

An annual general meeting shall be held within 2 months of the 1st February. The Council shall meet at least 6 times per year.

6.2 PUBLIC PARTICIPATION

In the workings of the council is invited. All meetings of the council shall be open to the public who may be invited to address the meeting.

6.3 ELECTION OF OFFICE BEARERS

At the first meeting of the council following the occasion of elections and appointments the council shall appoint a Chairman, Treasurer and other such officers as it shall from time to time decide. The Chairman shall be elected to serve for a period of 3 years and thereafter be ineligible to hold that office for a further 3 years. The vice-Chairman, secretary and Treasurer shall be elected annually but may not hold office for more than 2 consecutive years. All elections to office shall be by simple majority of the elected and nominated members.

MEETINGS

Voting on motions will be limited to council members, with a casting vote being held by the chairman. A minimum of 5 elected or nominated members shall constitute a quorum. Elected representatives and officers of local or central government are welcome to attend



all meetings of the community council in an observer and adviser capacity

6.4 FINANCE

All monies raised by or on behalf of the council shall be applied to further the objects of the council and for no other purpose. The Treasurer shall keep proper accounts of the finances of the council. The account shall be audited at least once a year during the month of January by a qualified auditor or auditors who shall be appointed by a meeting of the council. An audited statement of accounts for the last financial year shall be submitted to the A.G.M. and in respect of the grant aid shall be submitted to the district council.

6.5 EMPLOYMENT OF OFFICIALS

The council shall have power to appoint and dismiss a secretary and Treasurer and such other employees of the council as it may from time to time determine. The office of secretary and treasurer may be combined.

6.6 STANDING ORDERS

The Council shall have powers to draw up standing orders for the proper conduct of its meetings and of all public meetings which it calls.

INFORMATION TO DISTRICT / REGIONAL COUNCILS

These councils shall be sent a copy of the notice of all meetings, minutes, the annual report, the annual financial statement, and other suitable information as the Community Council may decide.

AMENDMENTS TO THE CONSTITUTION

Subject to the provisions of Section 53 of the Local Government (Scotland) Act 1973 any proposal to alter this constitution must be delivered in writing to the Secretary 21 days before a general meeting of the council and on resolution the district council shall be notified thereafter.

TITLE TO PROPERTY

The Council shall have power –

To apply the funds of the Council in the acquisition or taking on lease of heritable property or in carrying out alterations on such property; and to sell, feu, excamb or otherwise alienate such property or to grant leases thereof; to assign, discharge or postpone heritable or other securities and obligations held by the Council;

to enter into contracts;

To invest uplift and re-invest the funds of the Council;

To grant or accept transfer on sales or purchases of stock or other securities and generally, to do or perform all necessary acts of administration relating to the funds and assets of the



Council;

To authorise the execution of all Deeds and Instruments necessary or expedient for any of the foregoing purposes or for more effectually vesting in the Council any property and funds belonging to the Council or under its administration;

To borrow or raise money for the purposes of the Council on such terms and on such security and may be thought fit; and

To do all such others things as are incidental or conducive to the attainment of the purposes of the Council.

All investments of the funds of the Council shall be made in accordance with the law in force for the time being, for the investment by Trustees in Scotland.

DISSOLUTION

- a) A Community Council may be dissolved by a resolution carried by a majority of not less than two-thirds of the number of members present and voting at a meeting called for the purpose after notice of such meeting has been given (i) to the public in a newspaper circulating locally, and (ii) to the District Council not less than fourteen days before the date of such meeting.
- b) A Community Council shall be held to be dissolved if no properly constituted meeting of the Council has been held for a period of six months, commencing with the day after the last properly constituted meeting.
- c) Such property and funds as are vested in a Community Council at the date of its dissolution shall be applied to any purposes for the benefit of the inhabitants of the area of the Council as the Council may, with the approval of the District Council, determine; and in the event of the dissolution of a Council in terms of paragraph (b) above such property and funds shall transfer, vest in and be so applied as the District Council may determine; provided that preference shall be given in any event to the transfer of such property and funds to a successor Community Council elected in terms of paragraph (f) below.
- d) Notice of the dissolution of a Community Council shall be published by the District Council in a newspaper circulating locally not less than one month after the effective date of such dissolution.
- e) If the period between the effective date of the dissolution and the end of the three year or other term of office of the Community Council, had it remained in being, does not exceed one year or 1/3 of the term of office whichever is the lesser it shall not be competent for any steps to be taken to reconstitute the Council during that period.
- f) Should the period mentioned in paragraph (e) above exceed one year or 1/3 of the term of office whichever is the lesser then on the application of not less than twenty electors in the area the procedure for election of members of the Community Council as described in paragraph 8(i) of this scheme shall be followed; and a Community



Council reconstituted by such election shall remain in office until the end of the three year or other period, as described in paragraph 8(ii) of this Scheme.

This revision adopted at the February 2011 AGM and subsequently approved by Midlothian Council.

A handwritten signature in black ink, appearing to read "K Adam", with a long horizontal flourish extending to the right.

Ken Adam, Chairman 2011-2014