

# ROYAL BURGH OF HADDINGTON and DISTRICT COMMUNITY COUNCIL



## CONSTITUTION

### NAME

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This Community Council, hereinafter called “the Community Council” shall be named.

#### **Royal Burgh of Haddington and District Community Council**

### AREA

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The areas of The Community Council and of the Community areas within The Community Council shall be as set out in the table in the Schedule to Paragraph 9 of the East Lothian Council’s Scheme (Scheme) for Community Councils and as shown delineated on the relevant map or maps annexed and signed on behalf of East Lothian Council and the Secretary of State for Scotland as relative to that Scheme.

### PURPOSE

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The purpose of The Community Council shall be to

- represent a full cross-section of the community and encourage the involvement of people regardless of, race, age, disability, nationality, or sexual orientation, shall be non-party political and non-sectarian.
- to ascertain, co-ordinate and express to the local authorities for its area, and to the public authorities the views of the community which it represents in relation to matters for which those authorities are responsible.
- to take such action and represent a broader yet still local view in the interests of that community as appears to be expedient and practical.
- to be effective in fostering a community spirit amongst the people it represents through consultation and local events.
- to carry out functions for East Lothian Council on such terms as may be agreed.
- send representatives to attend meetings of council area committees, advisory groups, area partnership, or local community groups where it reflects areas of concern within the community.

### MEMBERSHIP

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The Community Council shall consist of a maximum of sixteen (16) representatives elected in accordance with Paragraph 9 of the scheme, comprising: -

- Community Area C1 - Fourteen (14) Members
- Community Area C4 - Two (2) Members

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The Community Councillors, as elected representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in the CODE OF CONDUCT FOR COMMUNITY COUNCILLORS.

## CASUAL VACANCIES

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Casual vacancies shall be filled in accordance with Paragraph 11 of the Scheme with references to the requirement that a person appointed to fill a casual vacancy in a The Community Council shall reside in the Community Area thereof where the casual vacancy has occurred.

A casual vacancy will be deemed to have arisen on The Community Council when a community councillor resigns or fails to attend, without good reason, three (3) consecutive Community Council stated meetings.

Such a vacancy will then be advertised publicly in the specified manner for a minimum of 28 days.

The three months is made notwithstanding the provision contained in paragraph 1.1(ii) of the Local Government (Scotland) Act 1972, S.4.

## QUALIFICATION OF ELECTION

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Qualification for election shall be defined by reference to Paragraph 7 of the Scheme.

It is advised that all members, future applicants, and co-opted members have access to the internet and e-mail for the distribution of electronic correspondence and documentation.

## PERIOD OF OFFICE

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The period of Office (term) shall be defined in Paragraph 10 of the Scheme.

All members shall be eligible for re-election.

It is advised that community councillors should not hold an office bearer's role continually for more than three (3) full terms in that position. Previous office bearers can apply for re-election to become an office bearer after 1 year.

## MEETINGS

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Ordinary meetings of the Community Council shall be held at 7pm in the Haddington Town House on the second Tuesday of the month lasting approximately 2 hours, unless notice and approval to cancel or change a meeting is given at the previous meeting or within five (5) working days' notice subject to approval of not less than one-half, (50%), of the total number of the Community Council members as stated in the membership section above.

A minimum of four (4) ordinary meetings must be held per year with no more than three (3) consecutive months between meetings. A summer recess is held during July and August.

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Special Meetings may be called at any time on the instructions of the Chairperson or Vice-Chairperson of the community council on the written request made to the Secretary of the Community Council of not less than one-half, (50%), of the total number of the Community Council members as stated in the membership section above.

A special meeting shall be held within twenty-eight (28) days of the receipt of that request.

Annual general meetings (AGM) are held annually in October and can be held prior to a scheduled ordinary meeting. The AGM will be presided over by an elected East Lothian Councillor for the area, or such other person agreed by East Lothian Council.

If physical meetings cannot be held then an online alternative will be made available and communicated to all members and interested parties at least forty-eight (48) hours before the scheduled meeting.

## QUORUM

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A quorum shall be one-third (1/3) of the current voting membership of the Community Council, or four (4) voting members, whichever is the greater.

## AGENDA

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The agenda of an ordinary meeting is to be available to all council members not less than two (2) days before meeting.

Any items to be placed on the agenda for a stated meeting must be given to the Secretary not less than five (5) days before the said meeting.

The proposed agenda for any special meeting shall be only the stated business for which the meeting has been called.

Urgent Business: If five days' notice are not given for an item of business, it may be dealt with at the ordinary meeting as urgent business if:

1. it is made known at the start of the meeting; and
2. the Chair rules that there are reasons why it is urgent and states those reasons.

## MINUTES

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The Minutes of The Community Council meetings shall be taken, and copies shall be issued to all members seven (7) days prior to the start of the next meeting. Copies shall be distributed in accordance with paragraph 3 of the Scheme of Community Councils and shall, following their approval, be proposed, and seconded at the next meeting of the Community Council and retained for future reference.

All minutes must record the membership present, apologies received, items covered in the agenda and any other competent business.

## DECISIONS AND VOTING

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In the discussion of any question, each member has the right to speak.

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All questions brought before The Community Council shall be decided by the majority of members present.

Voting shall be taken by a show of hands of those present and eligible to vote, with the exception that, a secret ballot may be held in the event of more than one candidate for a casual vacancy or at an annual general meeting, the election of office bearers.

The Chairperson of a meeting of the Community Council shall have a casting vote as well as a deliberative vote.

## PROPOSALS

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All proposals put before the Community Council must be backed by another member with both members in attendance at meeting.

In the discussion of any proposal, no member is entitled to speak more than once, except strictly in explanation.

The proposer of any motion has the right of reply, after which, no further discussion shall take place, and a vote will ensue.

The person presiding at the meeting cannot make proposals but has the right to vote any way they deem fit, and in the case of an equality of votes can have a second or casting vote.

## RESOLUTIONS

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Resolutions adopted by The Community Council cannot be rescinded or amended within a period of less than six (6) months, with the exception when circumstances change, and new options are open to the Community Council.

## COMMITTEES & SUBGROUPS

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Committees & Subgroups shall be set up as required to deal with specific tasks or events.

All committees and sub-groups should have a minimum of two community councillors in attendance but can include co-opted members who are relevant to the function of that group. Co-opted members shall only be members of a Committee or subgroup co-opted for a specific purpose.

The period of co-option shall be determined prior to co-option taking place. Persons co-opted shall have no voting powers at full Community Council meetings.

## ELECTIONS

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Elections of Community Councillors shall be by secret ballot elections organised by East Lothian Council under such procedure as may be agreed by East Lothian Council from time to time. Such elections to be defined by reference to Paragraph 6 of the Scheme.

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## FINANCES AND AUDIT

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All funds shall be held in registered bank account(s) except for petty cash.

No financial transactions greater than £500 shall be entered into unless previously discussed and approved by a quorum of members. This approval does not need to wait until a meeting if the expenditure is time sensitive. All expenditure will be highlighted by the treasurer at next available meeting.

The following office bearers will be authorised on the bank account(s)

- The Chairperson
- The Secretary
- The Treasurer

The Treasurer shall keep proper accounts of the finances, and all monies raised by and on behalf of The Community Council shall be applied to further the objects of The Community Council and for no other purpose.

The audit shall be carried out as defined by reference to Paragraph 17 of the Scheme.

## PUBLIC ACCESS

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All Meetings are open to the public to attend and observe.

Members of the public may forward any comments or representations in at least five (5) days in advance of the meeting to the Secretary. If a response is required this will be given verbally or in writing up to fourteen (14) days after that meeting. Not all representations will merit a response.

## ABUSE & INTIMIDATION

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Community Council members should be able to carry out their duties without fear of abuse or intimidation, whether online, at meetings or in public. All abuse, threats and public intimidation are considered to be undermining the principles of free speech, democratic engagement, and debate.

Community Council Members, Co-Opted members, and members of the public are asked to always conduct themselves in a respectful manner when dealing with members of the Community Council.

Any abuse or intimidation will be dealt with in a zero-tolerance approach and may result in but not limited to any or all the following suspension of access to meetings, blocking of correspondence for a period or the authorities being contacted.

## ELECTION OF OFFICE BEARERS

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The election of office bearers shall take place annually at the Annual General Meeting, at which the accounts shall also be presented. Office bearers shall consist of the following posts.

- Chairperson

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- Vice-Chairperson
- Secretary
- Treasurer

All office bearers must make themselves aware of the contents of this Constitution, East Lothian Council's Scheme for Community Councils, and the Code of Conduct for Community Councillors

## AMENDMENTS TO CONSTITUTION

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Amendments to the Constitution shall require to be adopted at a Public Meeting convened by the Community Council for that purpose and subsequently ratified by East Lothian Council.

## TITLE TO DISSOLUTION

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The Title of any heritable property shall be held in the names of the Chairperson, Secretary, Treasurer, for the time being and their successors in Office as Trustees on behalf of the Community Council.

Dissolution shall be as follows: -

- If more than 50% casual vacancies arise for a period exceeding three (3) months (calendar) or,
- if the Community Council so resolve after public consultation that the Community Council shall be dissolved,
- East Lothian Council notified accordingly, and the affairs of the former Community Council shall be wound up as far as possible by East Lothian Council.

## Approval and Adoption

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This constitution was discussed and agreed on 9th of March 2021 and has been documented as such in that month's minutes.

## Signatories

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Signed by Chairperson:

Chris McEwan

Date: 9<sup>th</sup> March 2021.

Signed by Secretary:

Fiona McEwan

Date: 9<sup>th</sup> March 2021.

Signed by Treasurer:

John Hamilton

Date: 9<sup>th</sup> March 2021.