

Fairmilehead Community Council

Constitution of the Fairmilehead Community Council as adopted at its meeting on 4 March 2003

This Constitution is made in accordance with the relative provisions of the Scheme for Community Councils in the City of Edinburgh, referred to hereinafter as "the Scheme", as approved by the Secretary of State for Scotland in terms of Section 52(5) of the Local Government (Scotland) Act 1973.

1. **Title**

The Community Council shall be known as the Fairmilehead Community Council, referred to hereinafter as "the Community Council".

The members of the Community Council, whether elected or nominated, shall be known as Community Council Representatives, hereinafter referred to as "Representatives", either elected or nominated.

2. **Functions**

The functions of the Community Council shall be those set out in Section 5 1(2) of the Local Government (Scotland) Act 1973 and any other specific functions which may be agreed between the Community Council and The City of Edinburgh.

3. **Membership**

In accordance with and as specified in the Schedule to the Scheme, the membership of the Community Council shall consist 10 Elected Representatives and 5 Nominated Representatives.

Members of Parliament and of The City of Edinburgh Council representing a Parliamentary constituency, or electoral ward within which the area of the Community Council as defined in the Scheme is wholly or partly situated, shall be members ex officio of the Community Council. Such ex officio members shall have no voting rights and shall not be entitled to be elected or nominated representatives of the Community Council.

The Community Council may co-opt persons with a specific knowledge or expertise, up to a maximum of 5. Such co-opted members shall have no voting rights and shall not be entitled to be elected or nominated representatives of the Community Council. The Community Council will also seek to invite two young people between 16 and 18 years of age to serve as co-opted members. (These shall be in addition to the 5 co-options permitted above).

4. **Method of Election and Appointment**

a. **Elected Representatives**

The second and subsequent ordinary elections of elected representatives to the Community Council shall be conducted in accordance with the Rules for Elections contained in Appendix 1 to this Constitution.

b. **Nominated Representatives**

The second and subsequent appointment of nominated representatives to the Community Council shall be made in accordance with the procedure contained in Appendix II to this Constitution.

5. **Term of Office**

- a) Elected representatives at the first elections shall hold office until the day of the next ordinary election of representatives at the end of the current three year Community Council cycle.
- b) Elected representatives at the second and subsequent ordinary elections of representatives shall hold office until the date of the next ensuing election of representatives.
- c) The term of office of nominated representatives shall be the same as that of elected representatives provided that nominated representatives shall cease to be representatives of the Community Council on ceasing to be members of their respective nominating organisations.
- d) Ex Officio members shall cease to be members on ceasing to hold their qualifying office.
- e) A co-opted member shall hold office until the next ensuing ordinary elections of representatives.
- f) An elected or nominated representative elected or appointed to fill a vacancy shall hold office until the day of the next ensuing ordinary election or appointment of representatives.

6. **Casual Vacancies**

Casual vacancies occurring in the elected representatives may be filled by co-option provided that the number of members co-opted does not exceed one quarter of the maximum number of elected representatives.

In the event of any nominated representative ceasing to hold office on a Community Council, the vacancy shall be filled by a person appointed at a joint meeting of local interest groups called for that purpose.

7. **Chairperson and Vice Chairperson**

At the Annual General Meeting of the Community Council following the ordinary election of representatives, the Community Council shall appoint from amongst its members a Chairperson and a Vice Chairperson, both of whom shall hold office until the date of the next ensuing ordinary election of elected representatives to the Community Council.

8. **Officers**

At the first Annual General Meeting of the Community Council following the ordinary election of representatives, the Community Council shall appoint from amongst its members a Secretary and a Treasurer, both of whom shall hold office until the date of the next ensuing ordinary election of representatives to the Community Council.

9. **Meetings**

There shall be at least 6 meetings in public in each year at times and places to be determined by the Community Council.

The Annual General Meeting of the Community Council shall be held in May, save that in an election year the Annual General Meeting shall be held within 21 days following the ordinary election of representatives.

10. **Sub Committees**

The Community Council may appoint Sub-Committees which may meet in private. The Chairperson of a Sub-Committee shall be appointed by the Community Council. A Sub-Committee shall deal with only those matters specifically remitted to it by the Community Council.

11. **Notice of Meetings**

Meetings will normally be called by notice in writing given by the Secretary not less than 7 days before the date of the meeting and the notice shall include the agenda of items of business to be transacted at the meeting.

12. **Sederunt**

The Secretary shall keep a record of the names of the representatives present at each meeting of the Community Council or of any Sub-Committee.

13. **Minutes**

The Secretary shall keep the minutes of all meetings of, the Community Council and of all meetings of any Sub-Committees.

At each ordinary meeting of the Community Council:-

- a) the minutes of the previous ordinary meeting and of any intervening meeting of the Community Council, having been circulated, shall be submitted, held as read and approved as a correct record of the meeting after such adjustment, if any, as may be decided to be necessary, and thereafter signed by the Chairperson of the meeting to which they are submitted;
- b) the minutes of all meetings of Sub-Committees held since the last ordinary meeting of the Community Council shall be circulated among the members of the Community Council and shall be subject to the approval of the Community Council. Minutes of meetings of Sub-Committees shall be signed by the Chairperson of the meeting to which each minute relates.

14. **Procedure at Meetings**

Unless provision is made to the contrary in this Constitution, the normal rules of procedure applicable to meetings of local authorities as defined in Schedule 7 of the Local Government (Scotland) Act 1973 will apply to meetings of the Community Council.

15. **Quorum**

No business shall be transacted at a meeting of, (a) the Community Council unless at least one third of the whole number of representatives for the Community Council as specified in the Schedule to the Scheme are present: and (b) a Sub-Committee of the Community Council unless there are present 50% of the total number of members of the Sub-Committee or whichever is the lesser.

16. **Chairperson**

At a meeting of the Community Council the Chairperson, if present shall preside. If the Chairperson is absent from a meeting of the Community Council, the Vice Chairperson shall preside and if both are absent another member of the Community Council chosen by the members of the Community Council present shall preside.

The Chairperson of the meeting shall decide all questions of order, relevancy and competency arising at meetings of the Community Council or of any Sub-Committee, and his or her ruling shall be final and shall not be open to discussion.

17. **Financial Arrangements**

The Community Council shall have their accounts audited annually by a competent person appointed by the Community Council for the purpose at the Annual General Meeting.

The financial year of the Community Council shall be the same as that of The City of Edinburgh Council (1st April to 31st March) and adequate copies of all audited accounts shall be available at the Annual General Meeting.

The Community Council shall by the 1st November each year submit a copy of their audited accounts for the previous year to the Director of Finance of The City of Edinburgh Council.

18. **Dissolution**

The Community Council may be dissolved in terms of paragraph 13(a) of Appendix 1 to this Constitution or by resolution of the Community Council at a meeting called for that purpose and notice of the intention to consider dissolution having been given in the Notice calling the meeting.

In the event of the dissolution of the Community Council it shall be open to any 20 electors for the area (as defined in the Scheme) to make further application for a Community Council to be established for the area after the expiry of 6 months following the date of dissolution.

On the dissolution of the Community Council, such property and funds as are vested in the Community Council at the date of its dissolution shall vest in The City of Edinburgh Council who shall apply the funds for the benefit of the inhabitants of the Community - Council Area provided that preference shall in any event be given to the transfer of such property and funds to a successor Community Council for the area established in accordance with the Scheme.

19. **Approval of the Constitution**

This Constitution is subject to the approval of The City of Edinburgh Council.

20. **Amendment of Constitution**

This Constitution may be amended provided that any proposed amendment shall not take effect until it has been approved by The City of Edinburgh Council.

APPENDIX 1

THE CITY OF EDINBURGH COUNCIL

COMMUNITY COUNCILS

RULES FOR THE ELECTION OF COMMUNITY COUNCIL ELECTED MEMBERS

1. Elections of Community Council Elected Members will be conducted on the general lines of the procedures set out in the Scottish Local Elections Rules 1986 but subject to the following specific modifications.
2. The proceedings at an election will be conducted in accordance with the following timetable :

Notice of Election - Not later than 6 weeks prior to the day of election.

Delivery of Nomination Papers - Not later than 4 pm on the corresponding day 4 weeks prior to the day of election.

Applications relating to postal voting - Not later than 3 weeks after the date of publication of the Notice of Election.

Notice of poll - Not later than 2 weeks prior to the day of election.
3. The date of an election and the hours of polling will be fixed by the Community Council except in the case of a first election when they will be fixed by The City of Edinburgh Council.
4. The Returning Officer will normally be appointed by the Community Council and will not be a candidate for election or appointment to the Community Council. In the case of a first election, the Returning Officer will be appointed by The City of Edinburgh Council.
5. The Returning Officer may appoint one or more persons to discharge all or any of his/her functions.
6. Any question of interpretation of the Scottish Local Election Rules 1986 as modified by these Rules in their application to the election of Community Council Elected Members will be referred to the Returning Officer.
7. Any matters arising in connection with the election of Community Council Elected Members will be referred to the Returning Officer whose decision will be final. There will be no appeal by way of election petition or any other process in the context of Community Council elections.
8. In addition to the general duty of the Returning Officer to do any act or thing which may be necessary for effectively conducting an election, the Returning Officer in the application of the Scottish Local Election Rules 1986 thereto will be empowered to make any amendments or adjustments as he/she may consider appropriate or necessary in relation to the conduct of any election.
9. Notice of election and notice of poll will be given by exhibition in the area of the Community Council.
10. Each candidate will be nominated by a separate nomination paper which will state the candidate's full name; his/her home address in full and his/her electoral number; and if different from his/her home address, his/her address as appearing in the Register of Electors. No other information will be incorporated in the nomination paper.

The nomination paper will be signed by two electors (as defined in the Scheme) as proposers and will include the electoral numbers and home addresses of the persons so signing.

The nomination paper will contain a statement signed by the candidate accepting the nomination.

11. No person will sign as a proposer more than one nomination paper and if he/she does so, his/her signature will be operative only in the case of the paper first delivered.
12. The Returning Officer will decide on the validity of a nomination paper and his/her decision will be final.
13. If after the latest time for delivery of nominations the number of candidates remaining validly nominated for election:
 - (a) is less than one-half the number of Elected Members to be elected, the election will be declared void and not held and the Community Council will be held to have been dissolved;
 - (b) is not less than one-half and not more than the total number of Elected Members to be elected, there will be no poll and on the day of election, and those candidates will be declared elected;
 - (c) is greater than the number of Elected Members to be elected, a poll will be held.
14. The provisions in the Scottish Local Elections Rules 1985 relating to the withdrawal of candidate's nominations will not apply.
15. When a poll is held, the votes will be taken by secret ballot. The ballot of each voter will consist of a ballot paper and each voter may vote and mark his/her ballot paper up to, but not in excess of, the number of times equivalent to the number of Elected Members to be elected.
16. The ballot paper will contain the names and home addresses of the candidates as shown in their respective nomination papers and arranged in alphabetical order of their surnames or, where the surnames are the same, their other names.
17. At an election, persons who are currently registered as absent voters and entitled to vote by post at local government or parliamentary elections will, on written application to the Returning Officer, be allowed to vote by post.

The notice of election will indicate the latest day for the receipt of applications to vote by post.
18. Every ballot paper will be marked with an official mark.
19. The Returning Officer will determine the polling place(s) at which the electors for a particular place will vote and he/she will allot the electors in such manner as he/she thinks most convenient.
20. The Returning Officer will provide such supplies and equipment for conducting the poll as he/she considers necessary.
21. The Returning Officer may appoint such number of presiding officers, polling clerks, enumerators and other officials as he/she considers necessary for the conduct of the election and he/she may pay them such fees as are laid down by the Community Council. In the case of a first election, the fees will be fixed and paid by the City of Edinburgh Council.
22. No polling cards will be issued or required in an election of Community Council Elected Members.
23. Tendered ballot paper procedure will not apply in an election of Community Council Elected Members.
24. Candidates will not have an official election, polling, counting or other agent.
25. No expenses of candidates will be refunded by the Community Council or the City of Edinburgh Council.

26. The Returning Officer will make such arrangements as he/she considers appropriate for counting the vote as soon as practicable after the close of the poll.
27. The adjudication of doubtful ballot papers will be carried out by the Returning Officer, after consulting with the candidates if present, and the decision of the Returning Officer will be final.
28. When the result of the poll has been ascertained, the Returning Officer will declare to be Elected Members the candidates to whom the majority of the votes have been given, up to the number of Elected Members to be elected.
29. The Returning Officer will seal up in separate packets the counted and rejected ballot papers and, along with the other documents used in connection with the conduct of the election, deliver these to the Secretary of the Community Council who will retain them in his/her possession for such period as he/she considers necessary but not less than six months.
30. None of the documents, while retained by the Secretary, will be available for inspection except the marked copies of the lists of electors.
31. Within the required period in terms of paragraph 10 (c) of the Scheme, the Returning Officer will call the Annual General Meeting of the Community Council following an ordinary election and will occupy the chair at that meeting until a chairman of the Community Council has been elected. In the case of a first election, the Returning Officer will call a meeting within 21 days of the election.

APPENDIX 2

THE CITY OF EDINBURGH COUNCIL

COMMUNITY COUNCILS

PROCEDURE FOR THE APPOINTMENT OF COMMUNITY COUNCIL NOMINATED MEMBERS

1. The appointment of Nominated Members will be made at a joint meeting of the organisations registered with the City of Edinburgh Council as Local Interest Groups and in accordance with the following arrangements.
2. Local Interest Groups will apply to be registered on the approved forms which will be available from the Community Council Liaison and Development Officer, Department of Strategic Policy, 12 St Giles Street, Edinburgh.

Registration for Community Council purposes will be accepted from any Local Interest Group provided that it is reasonably representative of a significant section of that community.

Where a Group seeks to be registered for more than one Community Council area because their local interest extends into those areas, then they will be accepted for registration in each area.

Where a Local Interest Group seeks to be registered in a large number of areas or indeed all areas on the basis of a general interest, their application will be referred to the City of Edinburgh Council for determination.

3. Local Interest Groups may register at any time.
4. After the Notice of Election has been published, only those Local Interest Groups registered by the closing date for Delivery of Nomination Papers for Elected Members will be included in the joint meeting for the appointment of Nominated Members.
5. The Date, Time and Place of the Meeting of registered Local Interest Groups will be fixed by the Community Council and shall be in the week following the Election of Elected Members. In the case of a first election, the Returning Officer appointed by the City of Edinburgh Council will be responsible for convening this meeting.
6. The Chairman of the Joint Meeting will be the Returning Officer duly appointed by the Community Council or, in the case of a first election, by the City of Edinburgh Council for the purpose of the Election of Elected Members.
7. Each registered Local Interest Group will be entitled to send one representative to the Joint Meeting.
8. Each registered Local Interest Group will be entitled to nominate one person for election as a nominated representative for the Community Council.
9. Should the number of nominations exceed the number of places for Nominated Members on the Community Council, then the representatives will vote, by ballot, voting up to the number of places to be filled; e.g. 12 nominations for 7 places - each representative may vote for 7 persons out of 12 nominations.
10. Should the number of registered Local Interest Groups be less than the number of places for Nominated Members, then the Groups will be asked to nominate one representative to serve on the Community Council and also to make a further nomination or nominations, and the remaining places as required will be filled at a meeting of the registered groups as in Para. 9.
11. Nominations will be made in writing by the Secretary of the registered Local Interest Group, 2 weeks prior to the Joint Meeting, to the Returning Officer.