

**COMMUNITY COUNCILS IN MIDLOTHIAN
FREQUENTLY ASKED QUESTIONS**



What are Community Councils?

How do I find out about my local Community Council?

Apart from representing the views of the community, what else do Community Councils do?

We don't have a Community Council in our area; how do we get one established?

How many members are there on a Community Council?

Do I have to be on the Community Council to attend their meetings?

Who can stand for election onto Community Councils?

Can co-opted members vote?

Should each Community Council have its own Constitution and Standing Orders?

How long should the Office Bearers be appointed for?

How are Community Councils funded?

What can Community Councils spend their administration grant on?

A Community Council may vacancies. How should these be filled and what rights do the new members have?

How should a Community Council promote and run its meetings?

When does a Community Councillor need to declare an interest and under what circumstances should they withdraw from the meeting?

How does a Community Council go about changing its boundary?

If the Community Council disbands, what happens to their funds?

What is the role of Midlothian Councillors on the Community Council, and can they vote?

How does a member of the community make a complaint about their local Community Council?

Q *What are Community Councils?*

A Midlothian Community Council operate within the [Scheme for the Establishment of Community Councils in Midlothian \(2025\)](#).

Community Councils are voluntary organisations. They are established by local government legislation and made up of people who have an interest in the wellbeing of their community. Although democratically elected, members are volunteers. Their main purpose is to represent the views of their local community to the local authority and other public bodies. In particular, Community Councils have the right to be consulted on planning and licensing applications within their area.

[Back to top](#)

Q *How do I find out about my local Community Council?*

A Contact details for the Secretary and Chair of each active Community Council are available on the [Midlothian Federation of Community Councils](#) website.

[Back to top](#)

Q *Apart from representing the views of the community, what else do Community Councils do?*

A Community Councils may carry out a number of activities that are in the general interest of the communities they represent, including safeguarding and improving the amenities and environment in their area. Community Councils can also act as a campaigning body in raising awareness of specific local issues. Examples of activities which Community Councils may become involved with include:

- Holding public meetings or carrying out surveys to find out the view of the community in relation to specific issues;
- Producing a newsletter or developing a website advising of activities going on in the area; and
- Arranging community events such as gala days, environmental clean-ups and improving facilities for young people in the community.

[Back to top](#)

Q *We don't have a Community Council in our area; how do we get one established?*

A If 20 electors from within an area submit a written application to have a Community Council established, Midlothian Council will make the necessary arrangements to hold an interim election for that area. This will involve public notices, seeking nominations to the Community Council and making arrangements for a ballot in the event that there are more candidates than places available on the Community Council. For further information email: clle@midlothian.gov.uk

[Back to top](#)

Q *How many members are there on a Community Council?*

A In Midlothian, the number of members on a Community Council is determined by the size of the population, subject to the minimum size being 3 members and a maximum of 20 members. Details of the specific membership of each Community Council are included in **Appendix F** of the [Scheme for the Establishment of Community Councils in Midlothian \(2025\)](#).

[Back to top](#)

Q *Do I have to be on the Community Council to attend their meetings?*

A No. Community Council meetings are generally open to all members of the public, although the public may only participate and speak at meetings if invited to do so.

[Back to top](#)

Q *Who can stand for election onto Community Councils?*

A In order to stand for election and to vote at Community Council elections you must:

- be at least 16 years of age
- be included on the electoral roll within the Community Council area,
- be resident within the Community Council area, and
- not be an elected member of Midlothian Council, the Scottish Parliament, or the UK Parliament.

You cannot be a member or remain a member of a Community Council if:

You are the subject of bankruptcy proceedings or during the five years prior to the date of nomination have been sentenced to a custodial sentence longer than three months.

[Back to top](#)

Q *Should each Community Council have its own Constitution and Standing Orders?*

A Yes, each Community Council should adopt its own Constitution. The Constitution should not conflict with the [Scheme for the Establishment of Community Councils in Midlothian \(2025\)](#) and it is subject to the approval of Midlothian Council. Model Standing Orders are included in the Scheme. It is good practice to formally adopt Standing Orders and it is recommended that this be done early in the life of a new Community Council.

[Back to top](#)

Q *How long are Office Bearers appointed for?*

A Office Bearers must be appointed for a minimum period of one year and up to a period of 3 years.

[Back to top](#)

Q *Can co-opted members vote?*

A Yes - co-opted members have full voting rights, with the exception of voting on co-option of members, and will serve until the next round of elections (general and interim). Co-opted members are generally appointed for their expertise or interest in a specific matter the Community Council has to consider.

[Back to top](#)

Q *How are Community Councils funded?*

A Community Councils can apply for an annual administration grant from Midlothian Council. They can also apply for grants from other organisations in order to carry out special projects or activities in their area, as well as holding fund-raising events.

[Back to top](#)

Q *What can Community Councils spend the administration grant on?*

A The grant provided by Midlothian Council is designed to cover the general running costs of the Community Council. The general running costs may include meeting room accommodation, the production and circulation of minutes, agenda, and reports; telephone costs; advertising costs; general publicity and promotional activities; and consultation exercises.

[Back to top](#)

Q *A Community Council may have vacancies. How should these be filled and what rights do the new members have?*

A If, at the last election, there were more candidates than places available on the Community Council, when a vacancy arises it must be offered to the unsuccessful candidate who received the most votes at the most recent election. In the event that he/she is unable to fill the vacancy for whatever reason, the vacancy should then be offered to the unsuccessful candidate who received the next highest number of votes and so on, until either the vacancy is filled, or the list of unsuccessful candidates is exhausted.

If the Community Council is unable to appoint anyone from the list of unsuccessful candidates, they may fill the vacancy by any other reasonable method. Members appointed to vacancies have exactly the same rights as members appointed at an ordinary election, including voting rights.

[Back to top](#)

Q *How should a Community Council promote and run its meetings?*

A The number of Community Councils meetings is determined by its Constitution. One of these meetings will be the Annual General Meeting. With a few exceptions, meetings of the Community Council will be open to the public and provision must be made for these both in terms of the meeting room space and layout and public notification being given for arrangements for Community Council meetings. This may be done by an advertisement in the local paper; notices on village or community notice boards, on the Midlothian Council or Community Council's own website or by inclusion in a newsletter or leaflet drop. Most Community Councils hold their meetings on a regular day of the month (e.g. first Monday of each month) and agendas should be made available in accordance with the Constitution and Standing Orders of the Community Council.

Recognition should be given to the contribution of everyone participating in the work of the Community Council. Community Councils must comply with the **Equality Act 2010** and should recognise and value diversity in their membership and in their communities, ensuring that equality of opportunity be given to every resident to have their knowledge, opinion, skill, and experience taken into account.

It should be remembered that although the meeting is open to the public, it is not a public meeting, and it will be for the Chairperson to decide at which points it is appropriate for members of the public to contribute. The Community Council may, as part of their Standing

Orders, determine how they would wish the public to participate, for example by including an item on the agenda for public input or holding an informal open discussion prior to commencing the formal meeting or allowing the public to participate prior to the final decision being taken on each item on the agenda.

[Back to top](#)

Q ***When do Community Councillors need to declare an interest and under what circumstances should they withdraw from a meeting?***

A If they have a financial interest in a matter, which will be under discussion at the Community Council meeting, they should declare an interest in this matter at the start of the meeting and withdraw from the meeting whilst the matter is being discussed. If they have an interest which is not financial, they should declare this as soon as they become aware of the interest, then they should ask themselves if an ordinary member of the public who knew all the facts would think that their interest was likely to influence their decision. If they think the public would believe their interest would influence them, they should leave the meeting. If the interest is fairly marginal and they do not believe the public would think you would be influenced by it, they may remain and participate in the debate and decision. Declarations of interest, whether or not they require a Community Councillor to leave the meeting, should be recorded in the minutes.

[Back to top](#)

Q ***What if another Community Councillor should have declared an interest and hasn't?***

A It is for each individual Community Councillor to determine whether or not they have an interest in a particular item which should be declared. If it has been suggested that a particular member should have declared an interest, it would be appropriate for the Chairperson to enquire as to whether or not the member intended to declare an interest. Given that it is still possible to participate in the debate despite having declared an interest under certain circumstances and given that failure to declare an interest may result in 'fingers being pointed' at either the individual member or Community Council, it is considered preferable if in any doubt to declare an interest than to suppress it.

[Back to top](#)

Q ***How does a Community Council go about changing its boundary?***

A Any requests to amend boundaries of existing Community Councils, including merging adjoining Community Councils or subdividing existing Community Council areas, should be submitted in writing to the Communities, Lifelong Learning and Employability team.

The Liaison Officer will be able to provide information and support with process. Consideration for boundary changes will include demonstration of local support for the proposal, such as confirmation that the matter has been discussed at a Community Council meeting held in public at which support was expressed or the inclusion of a petition with local signatures, for example. Any Community Councils adjoining or otherwise affected by the proposal must also be in agreement.

[Back to top](#)

Q *If the Community Council disbands, what happens to their funds?*

A After all debts have been paid the remaining funds and any assets transfer back to Midlothian Council who will hold these for the benefit of a future Community Council, if established. If a Community Council is not re-established for the area, Midlothian Council may decide to provide the funding to another organisation within the area, for example to enable projects to be completed.

[Back to top](#)

Q *What is the role of Midlothian Councillors on the Community Council, and can they vote?*

A Elected Members of Midlothian Council are entitled to be *ex officio* members of Community Councils within their Ward. This means they are entitled to participate fully in the meeting but have no voting rights. They provide an important link between Community Councils and Midlothian Council and can help the Community Council develop projects and resolve local issues.

[Back to top](#)

Q *How does a member of the community make a complaint about their local Community Council?*

A The complaint process has 3 stages. In order to make a complaint, a form **must** be completed.

Stage 1 - Frontline Resolution. A complaint should be raised in the first instance with the Community Council itself through the Secretary or another Office Bearer.

A Community Council must be given the opportunity to address and respond to any concerns raised before moving to Stage 2.

Stage 2 - Investigation. Deals with a complaint that has not been resolved at frontline resolution. A complaint will go to a panel of Community Councillors who will conduct a more detailed investigation and seek an appropriate resolution.

Stage 3 - Independent External Review – Final Stage. Midlothian Council will review the complaint which will have been thoroughly investigated by the Community Council and then by Midlothian Federation of Community Councils. Midlothian Council will assess whether there is evidence of a breach of the Code of Conduct for Community Councillors, not identified during stages 1 and 2.

You can download a copy of the **Community Council Complaint Procedure** and the **Complaint Procedure Form** within the 'Policies' section here:

[Midlothian Federation of Community Councils | Documents](https://www.midlothiancommunitycouncils.org.uk)
(<https://www.midlothiancommunitycouncils.org.uk>)