

[illegible]

Ref	Item	Note
1.0	REFERENCE	
1.1	<p><i>The Constitution is founded on the East Lothian Council Scheme for Community Councils as approved by the Secretary of State for Scotland on 26 April 1976 and subsequently amended 2004, 2008, 2012 and 2021, hereinafter called 'the Scheme' the text of which is adopted with general revision to the singular term 'Community Council' where the Scheme refers to the plural 'Community Councils'.</i></p> <p><i>Over and above this, wording in italics in the Constitution indicate variation from the precise wording of the Scheme or the insertion of explanatory clauses or terms.</i></p>	
1.2	<i>The name of the Community Council, hereinafter called 'the Council', shall be Dunbar Community Council.</i>	
2.0	PURPOSE	
2.1	In addition to any other purpose which the Council may pursue, the general purpose of the Council shall be <i>to work together</i> to ascertain, co-ordinate and express to <i>East Lothian Council</i> , and to other public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible and to take such action, in the interests of that community as appears to it to be expedient and practicable.	
2.2	The Council will represent a cross section of the community, <i>without bias to any specific section or sections of the community</i> . It will not be party-political or sectarian. It will be inclusive, will <i>endeavour to</i> eliminate all forms of discrimination and promote equality of opportunity and good relations between persons of different ethnic and religious groups.	
3.0	CONDUCT OF BUSINESS	
3.1	The Chair, <i>Vice Chair, Secretary and Treasurer</i> of the Council shall be elected annually by members of the Council and this shall be the first business transacted at the Annual General Meeting of the Council.	
3.2	Subject to the requirements of this Scheme as prepared by East Lothian Council, the Council shall arrange its own business and proceedings in such manner as the Council itself may determine.	
3.3	The Council will ensure that the views of the community take precedence over the personal views of individual members. In the interests of impartiality, the Community Council should be advised of any personal <i>beneficial</i> interest by a Community Councillor in <i>matters to be discussed, debated or voted on</i> . (e.g. membership of any group which may benefit from financial aid from the Community Council). <i>Any Councillor with a beneficial interest will not take part in any decision making on the referred subject or issue.</i>	

Ref	Item	Note
3.4	<i>In the interests of promoting best practice and working on issues of shared interest, the Community Council will nominate a primary and secondary representative to act as a liaison for participation in the Association of East Lothian Community Councils.</i>	
4.0	DIVISION OF EAST LoTHIAN INTO COMMUNITY COUNCIL AREAS	
4.1	East Lothian is divided into twenty areas for Community Councils as detailed in paragraph 9 hereunder and the map annexed to the principal copy of the Scheme and each Community Council area has one Community Council.	
5.0	DIVISION OF COMMUNITY COUNCIL AREAS INTO COMMUNITY WARDS	
5.1	<i>If the Community Council so determines, the Community Council area may be sub-divided into community wards for representation on the Council and for the purpose of election of Community Councillors and there shall be separate elections for each community ward within the Community Council area.</i>	
6.0	ELECTIONS	
6.1	<p>Community Councillors shall be elected by secret ballot elections organised by East Lothian Council under such procedure as may be agreed by East Lothian Council, from time to time. East Lothian Council reserves the right to decide whether ballot elections shall be conducted by ballot box, postal vote or electronic vote. The Returning Officer for any Community Council election shall be the Chief Executive of East Lothian Council. Community Council elections shall not be held simultaneously with East Lothian Council elections.</p> <p><i>In the event that the number of candidates in an election does not exceed a full complement of 12 Councillors, East Lothian Council may determine to appoint all candidates without balloting.</i></p>	
7.0	QUALIFICATIONS OF CANDIDATES FOR ELECTION	
7.1	<p>Candidates for election as Community Councillors must be aged 16 or over, and shall reside, work, own/lease property or be registered as a local government elector, for the whole of the previous twelve months preceding the date of nomination, within the Community Council area for which they are candidates. Nomination papers must be signed by the candidate and a witness to the candidate's signature.</p> <p><i>In order to fully engage with the business of the Council, it is anticipated that all Community Councillors will be fully conversant with digital formats.</i></p>	
7.2	<p>Elected Members of the local authority, Scottish, UK and European Parliaments are entitled to attend Community Council meetings and to receive agendas and minutes. They are not entitled to become members of Community Councils or to vote at meetings.</p> <p><i>They may take part in the business of the Community Council at the discretion of the Chair.</i></p>	
8.0	QUALIFICATIONS OF ELECTORS	
8.1	Only such persons 16 years of age or over, as are included in the section of the register of local government electors applicable to the community ward for the Community Council area, shall be entitled to vote in the election of the Community Councillor or Councillors.	
9.0	AREAS, COMMUNITY AREAS AND NUMBERS OF COUNCILLORS	

Ref	Item	Note
9.1	The area of the Community Council within East Lothian, <i>and where applicable</i> , the community wards within such Community Council areas, and the number of elected Councillors for each Community Council and representing each community ward, shall be as set out in the table in the Schedule to the Scheme and as shown delineated on the map annexed as relative to the principal copy of this Scheme. Any dispute as to boundaries of the Community Council or community wards shall be referred to East Lothian Council whose decision shall be final.	Appendix 4 Maps of DCC Area
9.2	<i>The number of Community Councillors will be as set out in the Schedule to the Scheme. The Community Council will therefore have a maximum of 12 members.</i>	
10.0	TERM OF OFFICE	
10.1	Ordinary elections shall take place every fourth year. The term of office of Community Councillors shall be a period of four years and they shall retire together at the end of such term, on the day of the ordinary election of Community Councillors for that area. In exceptional circumstances elections may be postponed, <i>with a commensurate continuation of a term of office</i> , in consultation with the Chief Executive of East Lothian Council.	
10.2	<i>A Community Councillor may be removed from the role during a term of office if the Community Councillor breaches the Code of Conduct for Community Councillors.</i>	
11.0	CASUAL VACANCIES	
11.1	<p>Casual vacancies occurring in the Community Council between ordinary elections, shall be advertised and filled by appointment by the Community Council. A person appointed to fill a casual vacancy in a Community Council <i>will meet the qualification criteria for candidates (Clause 7.1)</i></p> <p>A casual vacancy shall be deemed to include and shall be declared when:</p> <ul style="list-style-type: none"> (i) An elected Community Councillor ceases to reside within the Community Council area for which he had been elected, or (ii) An elected Community Councillor fails to attend any <i>formal</i> meetings of the Community Council for a period of three consecutive meetings without good reason, or (iii) An elected Community Councillor resigns from the Community Council. 	
12.0	CO-OPTED MEMBERS	
12.1	The Community Council may at any time co-opt any person or persons residing, working or having an interest in the Community Council area, to serve on the Community Council or any Committee or other body formed by the Community Council, on which the Community Council is entitled to be represented.	
12.2	Elected Members of the local authority, Scottish, UK and European Parliaments are not entitled to be co-opted members of Community Councils.	
12.3	<i>Persons of any age may be co-opted.</i>	
12.4	Co-opted members shall have no voting powers at meetings of the full Community Council	

Ref	Item	Note
12.5	Members may be co-opted either for a specific purpose or for a specific period, provided that all co-opted members shall retire along with elected Community Councillors at the end of the term of office.	
13.0	MEETINGS	
13.1	The Community Council shall hold at least one Ordinary Meeting every three months <i>to consider Community Council business. Ordinary Meetings shall be conducted so as to allow the public and press to observe proceedings.</i>	Appendix 1 Standing Orders
13.2	<i>The Community Council shall hold an Annual General Meeting to receive annual reports on the business of the Community Council. Role bearers will be elected at an AGM. The AGM shall be conducted so as to allow the public and press to observe proceedings.</i>	Appendix 1 Standing Orders
13.3	<i>The Community Council may hold an Extraordinary Meeting to consider any matter of particular concern or interest to the community. The meeting shall be conducted so as to allow the public and press to observe proceedings.</i>	Appendix 1 Standing Orders
13.4	<i>The Community Council may meet in Private Session to consider any matter which a majority of members consider to be confidential.</i>	Appendix 1 Standing Orders
13.5	<i>The Community Council may elect to hold a Public Meeting at any time. Public meetings will generally be convened with the purpose of engaging with the community in information-sharing and open discussion.</i>	Appendix 1 Standing Orders
13.6	<i>The Community Council may elect to meet informally at any time to allow members to consider, develop and plan their community work as volunteers. No business decisions will be taken at informal meetings.</i>	Appendix 1 Standing Orders
13.7	<i>The Community Council may form sub-committees to deal with specific items. Sub-committees will report to the Community Council at an Ordinary Meeting.</i>	
13.8	<i>In the event of disruptive behaviour by any person(s) during any meeting, the (acting Chair may adjourn and/or take any reasonable steps to bring order to the meeting, including removal of the person(s) from the meeting.</i>	
14.0	FIRST MEETING	
14.1	The first meeting of a newly elected Community Council must take place within 28 days of results of the election being announced. At such first meeting, an appropriate person should be appointed to call the roll and preside over the election of office bearers as per the constitution of the relevant Community Council.	
15.0	CONSTITUTION	
15.1	This constitution will govern the conduct of the Community Council's business and proceedings. The constitution will be valid only after its adoption at a public meeting convened by the Community Council for this purpose and subsequent ratification by East Lothian Council officers.	
16.0	MEETING PLACES	
16.1	East Lothian Council shall make available East Lothian Council premises for the purpose of Community Council Meetings. Where East Lothian Council premises are unavailable for a particular meeting then the Community Council may hire a suitable venue for that meeting.	
17.0	FINANCIAL ASSISTANCE TO COMMUNITY COUNCILS	

Ref	Item	Note
17.1	<p>Administrative Expenses</p> <p>The Community Council will arrange and organise its own services. Basic office services, however, shall be available, wherever possible and on such terms as East Lothian Council may decide, within the nearest Council office, if the Community Council so requires.</p> <p>No allowances shall be payable to Community Councillors by East Lothian Council.</p> <p>Community Councillors/ Secretaries should submit to their Community Council, any claims for reimbursement of expenses, with receipts where possible. This should NOT be included in any honoraria/payment for secretarial services.</p> <p>Honoraria may be paid to office bearers/for secretarial services, at a level agreed with guidance from East Lothian Council.</p>	
17.2	<p>Financial Contribution</p> <p>East Lothian Council will contribute annually to the administrative expenses of each Community Council, a fixed sum plus a grant per head of the estimated electorate of the Community Council area.</p> <p>These sums will be reviewed annually by East Lothian Council.</p>	
17.2	<p>Accommodation Costs</p> <p>East Lothian Council will meet the full accommodation costs of the Community Councils when it has to hire premises for meetings.</p>	
17.3	<p>Assistance with Local Priority Projects</p> <p>East Lothian Council shall provide financial assistance to the Community Council to enable the Community Council to support local, community projects. The fund will be administered at the discretion of the Community Council.</p>	
18.0	ACCOUNTS AND AUDIT	
18.1	The Community Council shall keep proper accounts of all funds handled by it and such accounts shall be made up annually and shall be checked and signed off by an independent qualified accountant, before being submitted to East Lothian Council.	
19.0	DISSOLUTION	
19.1	In the event of the Community Council being dissolved, East Lothian Council shall take custody of any papers, minutes and other assets, together with all funds, until a new Community Council is set up, whereby all of the foregoing shall be delivered to the safekeeping of the new Community Council.	
20.0	LIAISON AND INFORMATION	
20.1	<p>As a basis for keeping each other informed on matters of mutual interest within their control, East Lothian Council shall supply, or otherwise make available, all public agendas and Minutes of East Lothian Council and Committees to the Community Council.</p> <p>The Community Council shall supply notices of their meetings and Minutes, or other records of their proceedings to East Lothian Council.</p>	
20.2	The Chief Executive shall be responsible for continuing and developing contact with Community Councils.	

Ref	Item	Note
20.3	<p>East Lothian Council -</p> <p>(i) shall seek the views of a community through the Community Council on matters of significant local interest, including matters arising under the Town and Country Planning (Scotland) Acts and the Licensing (Scotland) Act affecting that community and for these purposes East Lothian Council shall provide appropriate information and reports to enable a Community Council to ascertain the views of the community which it represents.</p> <p>(ii) may hold joint meetings between representatives of East Lothian Council and the Community Council to discuss matters of mutual interest.</p> <p>(iii) may request the Community Council to carry out functions or duties on behalf of East Lothian Council on such terms as might be agreed.</p> <p>(iv) is committed to supplying the Community Council with the support and training necessary to carry out their duties effectively.</p>	
21.0	CODE OF CONDUCT FOR COMMUNITY COUNCILLORS	
21.1	<i>Members of the Community Council must abide by the Code of Conduct for the Community Council.</i>	Appendix 2 Code of Conduct
22.0	COMPLAINTS PROCEDURE	
22.1	<i>Any complaint made against any member of the Community Council will be addressed in accordance with the Community Council's Complaints Procedure.</i>	Appendix 3 Complaints Procedure

Date of Adoption of Constitution

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Chair

Name.....

Signed

Member 1

Name.....

Signed

Member 2

Name.....

Signed

APPENDIX 2



CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

2025

The **Code of Conduct** is founded on the Seven Principles of Public Life (also known as the Nolan Principles), which apply to anyone who works as a public office-holder.

Community Councillors have a responsibility to work collegiately within the remit of the Constitution and to ensure that their actions comply with the principles set out in this Code of Conduct. As holders of public office, the Code of Conduct and its principles shall apply to all Community Councillors and those representing the Community Council.

Principle 1 - Selflessness

Holders of public office should act solely in terms of the public interest.

Principle 2 - Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain political, financial or other material benefits or advantage for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Principle 3 - Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Principle 4 - Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Principle 5 - Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear reasons for so doing.

Principle 6 - Honesty

Holders of public office should be truthful.

Principle 7 - Leadership

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support these principles and challenge poor behaviour wherever it occurs.

APPENDIX 3



COMPLAINTS PROCEDURE

2025

Dunbar Community Council (DCC) is authorised under the East Lothian Scheme for Community Councils to arrange its own business and proceedings. This includes the management of complaints.

Community Councillors are elected, or come to post, first and foremost because they have an ambition to serve their community. In so doing they have agreed to abide by Dunbar Community Council's Constitution, Standing Orders and to comport themselves, at all times, in accordance with the Code of Conduct.

Making a Complaint

Any person may make a complaint to Dunbar Community Council (DCC) if there is a perceived breach of the Code of Conduct for Dunbar Community Councillors, by one or more Community Councillor, or persons appointed to act in the name of the Community Council.

The complaint must be made and recorded in writing, or by email, within 3 months of an alleged breach of the Code of Conduct.

The complaint should include the name, address and contact details of the complainant.

The complaint must be specific, identifying the Community Councillor(s) or appointee(s) and the action(s) or inaction(s) that have warranted the complaint. The information may include reference to the Code of Conduct but need not necessarily do so. Additional detail, including any impacts of the alleged breach, should be included.

The complaint should be addressed to the Chair, Vice Chair, Secretary or Treasurer of Dunbar Community Council.

Chair@dunbarcommunitycouncil.org.uk

Vice-Chair@dunbarcommunitycouncil.org.uk

Secretary@dunbarcommunitycouncil.org.uk

Treasurer@dunbarcommunitycouncil.org.uk

DCC will endeavour to acknowledge the complaint in writing with minimum delay.

Consideration of the Complaint

In the first instance, the complaint will be considered by a panel ('the Panel') consisting of the four role bearers only (Chair, Vice Chair, Secretary, Treasurer). If the complaint concerns a role bearer, he/she may not form part of the initial consideration of the complaint.

They will, in the first instance, determine whether or not there has been a breach of the Code of Conduct.

No Breach of the Code of Conduct

If it is considered that no breach of the Code of Conduct has been made, a role bearer will write to the complainant, on behalf of DCC, to explain why this determination has been made.

Breach of the Code of Conduct

If it is considered that a breach of the Code of Conduct has been made, the Panel will have absolute discretion to decide how best to handle the complaint.

The Panel may choose, but is not restricted to, the following options:

- The Panel may nominate one or more of its members, or another DCC member to speak directly with the Councillor complained against, to discuss the complaint and agree a remedy.

The complainant, the Councillor complained against and all members of the Community Council will receive a report on the process adopted and remedy agreed and executed, once the complaint has been fully addressed.

The statement recording the complaint and outcome(s) will be recorded in the first Ordinary Meeting following resolution of the complaint.

- The Panel may elect to convene a meeting, or meetings, in Private Session to determine the complaint.

Determination of a Complaint in Private Session

If the Panel determines that a complaint should be determined in Private Session, all members will be invited to attend. A quorum will be four.

The Panel may, at its absolute discretion, elect to invite the attendance of an independent observer and/or to appoint an independent Chairperson to lead a private session.

The Councillor complained against, together with a supporter and, where required, a translator, will be invited to take part. The supporter may not take part in any discussion. If the Councillor complained against declines an invitation to take part and/or does not attend the private session without giving notice to the Community Council, the Community Council may, without challenge, proceed to determination of the complaint.

The determination will either uphold the complaint or dismiss the complaint.

Should the complaint be upheld, the Community Council will make a decision in respect of remedy.

Any breach of the Code of Conduct will be deemed to be serious and the remedy will reflect this, including the possibility of a decision to suspend or expel an individual from the position of Community Council member.

All decisions taken by the Community Council will be carried by a simple majority of votes from those members in attendance at the session.

The Community Council will keep a reasonable record of the proceedings in each case.

The grounds for convening the Private Session and the outcome(s) of the determination will be recorded, as soon as practicable, within the formal business of the Community Council.

The Councillor complained against will be entitled to copies of all records and will receive a written copy of the final determination of the complaint.

Request for Review of Determination of the Complaint

Decisions taken in respect of the complaint and any remedy or remedies will be final.

A request for a review of the determination of a complaint will only be considered if tendered by the Councillor complained against to one or more role bearer and, importantly, will only be considered if it is shown that new, material evidence has come to light since determination of the complaint.

The decision on any review of the determination of a complaint will be final and communicated to the Councillor complained against in writing.

Should a decision be taken that a review is appropriate, the process will follow that for 'The Determination of a Review in Private Session', outlined above.

The outcome of any review will be final with no further recourse to review by any party.

End

APPENDIX 4



DUNBAR
COMMUNITY
COUNCIL

COMMUNITY COUNCIL AREA

2025

