
AREA PARTNERSHIPS - PROPOSALS

Report by Service Director Customer and Communities

SCOTTISH BORDERS COUNCIL

2 November 2017

1 PURPOSE AND SUMMARY

- 1.1 This report brings forward for Members' consideration proposals on the functions, framework and initial core membership, and future operation of Area Partnerships.**
- 1.2 At its meeting on 28 September 2017, the Council considered proposals to amend the current Locality Committees to become Area Partnerships as part of the review of the Council's Scheme of Administration. Members agreed to defer a decision on changes to the Locality Committees until there had been further political discussion. Subsequently the Members Sounding Board: Political Management Arrangements met on 3 occasions: 3 October, 18 October and 25 October 2017, to consider proposals for the new Area Partnerships.
- 1.3 To reflect the new statutory duties under the Community Empowerment (Scotland) Act 2015, it is proposed that the Locality Committees change their constitution, remit and focus to one of community engagement and involvement; at the same time it is proposed that they change their name to that of Area Partnerships to reflect this. With the greater emphasis on community empowerment, participative budgeting, and locality planning – not just for the Council, but for other public authorities/services - their main aim will be to form a community engagement platform to develop priorities and outcomes for the area. They will act as a community consultation body, not just for the Council but other service providers in the area, becoming a strong voice for their own area.
- 1.4 A number of options were considered in terms of core membership for the new Area Partnerships, with proposals being recommended to have the relevant SBC Ward members (voting) and 4 Community Council representatives (non-voting) as core members, with invitations to wider representatives – including the Community Planning partners and representatives from communities of interest - to attend and consider matters on a meeting by meeting basis. Each Area Partnership can increase its core membership up to a maximum of 20. It is also suggested that locality Community Council networks are set up in each of the 5 areas, but this would be for the Community Councils themselves to agree and manage.

- 1.5 It is important that any change to the focus of Area Partnerships should be reflected in their future operation. The basis and format of these meetings will need to change to move away from the report-driven/officer presentation style of current meetings. Meetings of Area Partnerships would be structured around the Locality Plan, with an open forum section, a themed section (from the Locality Plan), a progress update on the Locality Plan, and the final section on any decisions required by Councillors on Small Schemes, Quality of Life, or Pay Parking funding.
- 1.6 The membership framework and functions of Area Partnerships are detailed in the Appendix to this report. There are 2 functions from Locality Committees which will be considered in future by the Executive Committee, after consultation with local Members, and 2 functions which will be delegated to the Service Director Assets & Infrastructure in the Scheme of Delegation, and these are detailed in section 7 of this report. It is further proposed that Area Partnerships are reviewed after 18 months in operation.

2 RECOMMENDATIONS

2.1 I recommend that the Council agrees:

- (a) to amend the Scheme of Administration and replace Locality Committees with Area Partnerships, as detailed in the Appendix to this report, with effect from 1 January 2018; and**
- (b) to include within the Executive Committee functions in the Scheme of Administration "Approve all matters relating to street naming and numbering (where not already delegated to officers), after consultation with the relevant local Members";**
ing:
- (c) to include within the Scottish Borders Council functions in the Scheme of Administration "Consider and make recommendations for Local Byelaws and Management Rules, after consultation with the relevant local Members";**
- (d) to include in the Scheme of Delegation the following authority to the Service Director Assets & Infrastructure:**
 - (i) Approve local traffic management schemes after consultation with local Members, or consultation with Area Partnerships for major changes;**
 - (ii) Approve the making of temporary, permanent or experimental orders for the regulation of traffic, including stopping-up orders, after consultation with local Members, or consultation with Area Partnerships for major changes; and**
- (e) to review Area Partnerships after 18 months in operation.**

3 BACKGROUND INFORMATION

- 3.1 At its meeting on 28 September 2017, the Council considered proposals to amend the current Locality Committees to become Area Partnerships as part of the review of the Council's Scheme of Administration. Members agreed to defer a decision on changes to the Locality Committees until there had been further political discussion. Subsequently the Members Sounding Board: Political Management Arrangements met on 3 occasions: 3 October, 18 October and 25 October 2017, to consider proposals for the new Area Partnerships.
- 3.2 The Council has had a number of iterations of Locality Committees over the years, as Area Committee, Area Forums, and latterly Locality Committees. At various points from 2002, each Area Committee remit included planning and building control matters, civic government licensing, and Common Good Funds; matters that now rest with other Committees and Groups. In August 2010, following a review, the Council disbanded 3 of the Area Committees (Berwickshire, Eildon and Tweeddale) with a Members Working Group on 'Engaging with the Borders Community' set up in October 2010, reporting to Council in February 2012, with the recommendation that these Area Committees be re-introduced.
- 3.3 The report of the Christie Commission in June 2011 noted that key objectives of the Scottish Public Service reform programme "must be to ensure that public services are built around people and communities, their needs, aspirations, capacities and skills, and work to build up their autonomy and resilience." It is important therefore that the role, function and operation of local committees or partnerships should take account of:
- The need identified through the Household Survey or other means to increase public awareness of local services and priorities, and for wider public involvement in decision making.
 - The need for regular community engagement in all localities.
 - Local opinions on priorities for their own area.
- 3.4 The Community Empowerment (Scotland) Act 2015 names 5 lead statutory partners (Scottish Borders Council, NHS Borders, Police Scotland, Scottish Fire and Rescue Service, and Scottish Enterprise), along with the named partners in Schedule 1 of the Act (Scottish Borders Joint Integration Board, Borders College, Scottish Environment Protection Agency, Scottish Natural Heritage, Scottish Sports Council, Skills Development Scotland, SESTRANS, and Visit Scotland) for community planning. These partners have a duty to carry out planning for the area of the local authority as a Community Planning Partnership, working together for the "improvement in the achievement of outcomes resulting from, or contributed to by, the provision of services delivered by or on behalf of the local authority or the persons (organisations) listed in Schedule 1". These 'local' outcomes must be consistent with the national outcomes, which are determined by Scottish Ministers having regard to the reduction of inequalities of outcome which result from socio-economic disadvantage.
- 3.5 The business currently conducted at Locality Committees has remained virtually unchanged for a number of years. Agendas have standing items

such as reports from Police and Fire Services, Community Council spotlight, and Open Questions from the public. However, these have concentrated on retrospective information provision and local community events. There has been little strategic discussion and the focus has been on the Council and its service provision.

4 FUNCTIONS

4.1 To reflect the new statutory duties under the Community Empowerment (Scotland) Act 2015, it is proposed that the Locality Committees change their constitution, remit and focus to one of community engagement and involvement; at the same time it is proposed that they change their name to that of Area Partnerships to reflect this. With the greater emphasis on community empowerment, participative budgeting, and locality planning – not just for the Council, but for other public authorities/services - their main aim will be to form a community engagement platform to develop priorities and outcomes for the area. They will act as a community consultation body, not just for the Council but other service providers in the area, becoming a strong voice for their own area. They will thus have the following functions:

1. Champion/lead the preparation and publication of a Locality Plan for the area, while taking account of the Scottish Borders Community Plan.
2. Inform the Locality Plan by involving local communities in establishing:
 - (a) a shared understanding of need in the area;
 - (b) the outcomes and priorities for the area;
 - (c) the proposed outcomes to be achieved.
3. Approve the Locality Plan and recommend final approval by the Community Planning Strategic Board.
4. Review and monitor the progress of the Locality Plan, including approval of an annual progress report for publication, and receive progress and performance reports on local services, making recommendations to the relevant body/committee, as appropriate..
5. Where there is a local dimension to a Borders-wide plan, or a specific locality plan, act as a community consultation body.
6. Consider applications for financial assistance from the Council, through:
 - (a) Small Schemes;
 - (b) Quality of Life Funding; and
 - (c) Pay Parking Income (where available).

Note: Only SBC Councillors have decision-making powers for the above funds.
7. Promote and support the Localities Bid Fund, and encourage communities to get involved and participate.

- 4.2 The Locality Plan thus becomes the major focus for the community. The production and publication of this Locality Plan is a statutory requirement for the five lead statutory partners in the Community Planning Partnership – Scottish Borders Council, NHS Borders, Scottish Enterprise, Police Scotland, and the Scottish Fire and Rescue Service. All of the Community Planning partners are the main providers of public and other services throughout the Scottish Borders. It is envisaged that any of these partners will also be encouraged to bring their own specific locality plans to the Area Partnership to allow engagement with, and input from, local communities, and in the longer term, these separate plans should become part of the Community Planning Locality Plan, thus having a joined up plan for the local area.
- 4.3 At the moment, Locality Committees agree funding of projects through the Small Schemes Fund, Quality of Life Fund, and from Pay Parking income (where available). This will continue, but while there may be discussion with other partners, the final decision on this funding will be made only by SBC Councillors. The Localities Bid Fund, a pilot for participatory budgeting, has a different process, whereby proposed project bids will be subject to a public vote for the award of funding.

5 MEMBERSHIP FRAMEWORK– INTERIM AND LONGER TERM

- 5.1 While it is possible to appoint members, other than Councillors, to a local authority committee, there are some restrictions. Section 57(3) of the Local Government (Scotland) Act 1973, as amended, states that: “a committee, other than a committee for regulating or controlling the finance of their local authority or of their area....may include persons who are not members of the appointing authority”. Section 14(1) of the Local Government and Housing Act 1989, as amended, states that: “members of a local authority committee who are not local authority members shall be appointed as non-voting members”. It is anticipated that, as the focus of the Area Partnerships changes to that of a community engagement platform, agreement by consensus will be the way forward. There may be times when agreement is not required as a variety of community views are being sought. However, should consensus not be achieved (and one is required), then the final decision will need to rest with SBC Members to ensure compliance with legislation.
- 5.2 At its meetings held on 3, 18 and 25 October 2017, the Members Sounding Board considered future membership and attendance at Area Partnerships, including representatives from Community Councils, Community Planning partners, local bodies and organisations, and also those from communities of interest.
- 5.3 In terms of Community Council representation, there are currently 69 Community Councils across the Scottish Borders: Berwickshire – 21, Cheviot – 16, Eildon – 12, Teviot & Liddesdale – 8, and Tweeddale – 12. At the moment, each Community Council has a non-voting representative on their Locality Committee, although not all attend. There is a wide variation in the size of Community Councils, with constituencies varying from a few hundred electors to several thousand, and also between urban and rural locations. The original proposal presented to Council on 28 September 2017 was to have Community Council representation on Area Partnerships at a ratio of 1:6 (i.e. Berwickshire - 4, Cheviot – 3, Eildon – 2, Teviot &

Liddesdale – 2, and Tweeddale 2). However, while this could be helpful in Berwickshire, members did not feel this gave enough representation between urban and rural areas. A further proposal was discussed, whereby a maximum of 4 Community Council representatives would be appointed to each Area Partnership. It would be up to the Community Councils in each Locality to decide who would represent them. A further suggestion related to the Scottish Borders Community Council Network, and whether it would be more practical to have a separate Community Council network in each Locality area, given the difficulties of travel distance, number of meetings, etc. The Chairs of these local Community Council Locality networks could form the Scottish Borders Community Council Network, should there be a wish for that to continue. Discussion at local network as well as Borders-wide level could also take place electronically to ensure information and viewpoints were being circulated widely. However, it would be for Community Councils to take this forward and manage these local networks.

- 5.4 As the focus for Area Partnerships changes to that of Community Planning and the Locality Plan, consideration was given to appointing some of the lead statutory partners as members e.g. NHS Borders, Police Scotland and Scottish Fire & Rescue Service. Other Community Planning partners, along with local bodies or organisations, could be invited to send representatives to meetings where there was a specific interest. Representatives from 'communities of interest' were also discussed. These could match to some of the Council's Champions i.e. Armed Forces & Veterans, Children & Young People, Equalities, Learning Disabilities, Older People, and the Voluntary Sector, and would allow a local network of representatives to develop which could also assist the Council's Champions in their work.
- 5.5 However, this membership proposal could potentially cause difficulties in terms of total numbers for Area Partnerships. An example for Berwickshire could be:
- 6 SBC Councillors;
 - up to 21 Community Council representatives;
 - 4 statutory Community Planning partners;
 - up to 9 further Community Planning partners;
 - up to 6 representatives from communities of interest;
 - up to 6 representatives from other local groups/bodies.

This could mean a variation in number of members of the Area Partnership of between 6 and 52. The practicalities of having a large number of members of a committee need to be taken into account. By restricting the number of core members of the Area Partnership, representatives of other interested parties can be invited on a meeting by meeting basis initially. It is proposed that a cap of 20 is put on core membership. The meetings could be themed to match the outcomes of the Community Plan and Locality Plans, and representatives could be invited to reflect these particular themes.

- 5.6 A number of options were considered in terms of core membership in taking this forward, with all options including invitations to wider representatives to attend and consider matters on a meeting by meeting basis. The main point is to ensure the various communities feel involved and able to engage in any discussions. This can be achieved, not necessarily through

membership of the Area Partnerships, but through inclusion in their business. There could also be an incremental change to membership, once the Area Partnerships have been in operation for a time. It will then be for each Area Partnership to decide which core members to have, taking into consideration the service providers/customers within their own particular area, and the priorities within their individual Locality Plan, up to the maximum core membership of 20. In this regard, there will be an expectation that invitations to meetings would be issued to those not specifically core members of the Area Partnership but who are likely to have an interest in the business at any given meeting.

6 OPERATION OF AREA PARTNERSHIPS

- 6.1 It is important that any change to the focus of Area Partnerships should be reflected in their future operation. The basis and format of these meetings will need to change to move away from the report-driven/officer presentation style of current meetings. The Scottish Borders Community Plan has a number of themes – Our Economy & Skills; Our Health & Wellbeing; Our Children & Young People; Our Vulnerable Adults & Families; and Our Ageing Population – which are likely to be mirrored by the Locality Plans, as well as any locally agreed themes/priorities. These Locality Plans must describe the local priorities, what improvements are planned, when these improvements will be made, and must meet the needs and ambitions of local people so voices of local people are especially important. Participation with communities lies at the heart of community planning, and Community Partnerships must support community bodies to participate in all parts of the process; in the development, design and delivery of the Locality Plan; in reviewing and reporting on progress; and increasing community capacity where appropriate. In developing Locality Plans, the Area Partnerships must take account of existing Council or Community Planning partner policies, legislative requirements and decisions concerning service provision. The Area Partnerships will not have the power to direct or change or reinstate Council or partner services. However, the Area Partnerships and communities will be able to input into service planning through consultations and where communities wished to undertake services through the Localities Bid Fund, this could be considered, bearing in mind that some services are statutory and could not be delivered by communities themselves.
- 6.2 In future, once the Locality Plans have been developed and agreed, it is proposed that meetings of Area Partnerships will be based on each of the themes within the Locality Plan. Again, to move away from the more traditional committee meeting style, it is proposed that formal committee reports will not be considered by Area Partnerships, but briefing information will be sent out with the agenda with questions or areas for open debate at the meeting. If papers for meetings are issued 2 weeks prior to each meeting, then members of the public and others could be invited to submit comments in advance which could be circulated and taken into account in any debate at the meeting. A programme of business will be set up for each Area Partnership which will likely meet about 5 times per year, given the nature of the strategic business being considered (potentially Aug/Sep; Nov/Dec; Jan/Feb; March and June). Having more meetings than this may not be feasible as there would need to be enough time between meetings

for actions to be carried out and progress made. In a similar way, it would not be possible to include any "old style" meetings in the programme.

- 6.3 Greater officer support will be required to enable these changes to take place and for the Area Partnerships to be successful. There will be a requirement for officer time - working with Chairs - on agenda development; different styles of briefing information to go out with agendas; officers presenting information in a different way and facilitating debate and discussion; publicity/ marketing of the meetings; training on chairing this type of meeting. A locality lead officer could be put in place on a temporary secondment basis for each locality to enable the new structure to be set up and running. It is further proposed that the Area Partnerships are reviewed after 18 months of operation.

7 CHANGES TO THE SCHEMES OF ADMINISTRATION AND DELEGATION

- 7.1 With the focus of Area Partnerships moving to community planning, there are a number of existing functions of Locality Committees which will need to be either deleted or moved. These functions are:
- (a) *Determine local holiday dates* – this function is to be deleted as the Council has no locus to approved these dates.
 - (b) *Consider and make recommendations for Local Byelaws and Management Rules* – in future this will be decided by the Council after consultation with the relevant local Members.
 - (c) *Approve all matters relating to street naming and numbering, where not delegated to officers* – in future this will be decided by the Executive Committee after consultation with the relevant local Members.
 - (d) *Approve local traffic management schemes* – in future authority will be delegated to the Service Director Assets and Infrastructure, after consultation with local Members, or consultation with Area Partnerships for major changes.
 - (e) *Approve the making of temporary, permanent or experimental orders for the regulation of traffic, including stopping-up orders* – in future authority will be delegated to the Service Director Assets and Infrastructure, after consultation with local Members, or consultation with Area Partnerships for major changes.

8 IMPLICATIONS

8.1 Financial

There is currently no budget for the operation of Locality Committees. Any marketing and advertising costs would need to be factored in to the budget, along with the costs associated with any seconded officer posts to support Locality Committee chairs.

8.2 Risk and Mitigations

There is a risk the Council and the wider Community Planning partners will be perceived as being remote from the people it serves unless opportunities

to engage with, involve, and consult local communities on any future service planning. This could be mitigated by addressing the membership of Locality Committees; inviting a variety of representatives to meetings to participate in debate and put forward views from the community; and changing the style of meetings in general so they are less report-driven.

8.3 Equalities

It is anticipated that opening up Locality Committee meetings to wider community representation should have no adverse impact due to race, disability, gender, age, sexual orientation or religion/belief.

8.4 Acting Sustainably

There are no economic, social or environmental effects of the changes proposed to Locality Committees.

8.5 Carbon Management

Changes to Locality Committees should have no effect on the Council's carbon emissions.

8.6 Rural Proofing

There should be a positive effect on the rural population of the Borders in terms of providing an opportunity for rural community representatives to either be members of Locality Committees, or be invited to attend and participate in meetings.

8.7 Changes to Scheme of Administration and Scheme of Delegation

The changes from Locality Committees to Area Partnerships in the Scheme of Administration are detailed in the Appendix to this report; and the changes to the Scheme of Delegation are detailed in Section 7 of the report.

9 CONSULTATION

9.1 The Members Sounding Board: Political Management Arrangements has been consulted, along with the Chairs of Locality Committees, on the options for changes to Locality Committees.

9.2 *The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, and the Service Director HR will be consulted on any draft report to Council and any comments received will be incorporated into the final report.*

Approved by

Jenni Craig

Service Director Customer and Communities

Signature

Author(s)

| Name | Designation and Contact Number |
|-----------------|--|
| Jenny Wilkinson | Clerk to the Council Tel: 01835 825004 |

Background Papers: Nil

Previous Minute Reference: Scottish Borders Council, 28 September 2017

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jenny Wilkinson can also give information on other language translations as well as providing additional copies.

Contact us at Jenny Wilkinson, Clerk to the Council, Council Headquarters, Newtown St Boswells, TD6 0SA. Tel: 01835 825004 Email: jjwilkinson@scotborders.gov.uk

AREA PARTNERSHIPS

Constitution

1. Each Area Partnership will comprise –
 - (a) **Core Members:**
 - (i) The elected Scottish Borders Councillors representing –
 - **Berwickshire Area Partnership:** the six Elected Members for the Wards of East Berwickshire and Mid-Berwickshire;
 - **Cheviot Area Partnership:** the six Elected Members for the Wards of Kelso & District and Jedburgh and District;
 - **Eildon Area Partnership:** the ten Elected Members for the Wards of Galashiels & District, Leaderdale & Melrose, and Selkirkshire;
 - **Teviot & Liddesdale Area Partnership:** the six Elected Members for the Wards of Hawick & Denholm and Hawick & Hermitage;
 - **Tweeddale Area Partnership:** the six Elected Members for the Wards of Tweeddale East and Tweeddale West;
 - (ii) One representative from each of four different Community Councils in the Area Partnership area as non-voting members;
 - (iii) Any other non-voting member appointed by the Area Partnership up to a total core membership maximum of 20.
 - (b) **Additional Invited members:**
 Invitations to attend and participate as non-voting members in meetings where there are relevant agenda items:
 - (i) appropriate representative(s) from the Community Planning partners (NHS Borders, Scottish Police, Scottish Fire & Rescue Service, Scottish Enterprise, Live Borders, RSLs, Borders College, Health & Social Care Integration Board, SEPA, SNH, Skills Development Scotland, SESTRAN, Third Sector, Visit Scotland);
 - (ii) a representative from any other Community Group or Local body, as appropriate; and
 - (iii) a representative from any other community of interest group, as appropriate.

Chairman/Vice Chairman

The Chairman and Vice Chairman of each Area Partnership shall be a Member of Scottish Borders Council.

Quorum

Three of the Scottish Borders Council Members of each Locality Committee, including at least one representative from each Ward, shall constitute a quorum, except for the Eildon Area Partnership where five shall constitute a Quorum.

Functions Referred

The following functions of the Council shall stand referred to each Area Partnership, in compliance with any statute and regulations governing those public, private and voluntary sector organisations involved:-

1. Champion/lead the preparation and publication of a Locality Plan for the area, while taking account of the Scottish Borders Community Plan.
2. Inform the Locality Plan, by involving local communities in establishing:
 - (a) a shared understanding of need in the area;
 - (b) the outcomes and priorities for the area;
 - (c) the proposed improvement(s) to be achieved.
3. Approve the Locality Plan and recommend final approval by the Community Planning Strategic Board.
- *4. Review and monitor the progress of the Locality Plan, including approval of an annual progress report for publication, and receive progress and performance reports on local services, making recommendations to the relevant body/committee, as appropriate.
- *5. Where there is a local dimension to a Borders-wide plan, or a specific locality plan, act as a community consultation body.
6. Consider applications for financial assistance from the Council, through:
 - (a) Small Schemes;
 - (b) Quality of Life Funding; and
 - (c) Pay Parking Income (where available).

Note: Only SBC Councillors have decision-making powers for the above funds.
7. Promote and support the Localities Bid Fund, and encourage communities to get involved and participate.

Functions Delegated

All functions above NOT marked *. Those functions marked * are referred to the Committee for consideration and recommendation only and must receive approval of the relevant other Council committee.

General

In addition to the functions referred and delegated to the Area Partnerships, the Council or other Organisations may from time to time seek the views of Area Partnerships on specific matters or applications out-with their normal remit.