ITEM 3

COMMUNITY COUNCIL SCHEME REVIEW – FINAL RECOMMENDATIONS

Report by Service Director of Strategy & Policy

SPECIAL SCOTTISH BORDERS COUNCIL

26 JUNE 2014

1 PURPOSE AND SUMMARY

1.1 This report presents the final recommendations of the Community Council Scheme Review Group, following consultation on proposed amendments, to the Scottish Borders Community Council Scheme.

1.2 In 2007 Scottish Borders Council adopted a revised Scheme for the establishment of community councils within the Scottish Borders Council area. This revoked the previous Scheme adopted in 1997, with effect from midnight on 13 December 2007.

1.3 In October 2012 Scottish Borders Council approved a review of the existing Community Council Scheme and established a Working Group chaired by Cllr Frances Renton. Group membership comprised a Scottish Borders Councillor and Community Councillor from each Area Forum area. Nominations for membership were sought from Area Forums meetings in November/December 2012. The Group met throughout 2013 to discuss the Community Council Scheme and agree the recommendations for change.

1.4 On 30 January 2014 Scottish Borders Council agreed that the amendments to the Community Council Scheme, proposed by the Community Council Scheme Working Group, could be released for a 12 week consultation period.

1.5 Scottish Borders Council agreed one additional area for consultation, this being: “Elected members of a Community Council may serve as either Chair, Secretary or Treasurer for a maximum of two terms of office but may take up a different office bearing position on conclusion of this term”.

1.6 The consultation period ran from 4 February to 30 April 2014 and generated 130 responses which were considered by the Community Council Scheme Review Group on 8 May 2014.

1.7 A copy of the revised Community Council Scheme, should all recommendations be agreed, is attached in Appendix One with amendments highlighted.
2 RECOMMENDATIONS

2.1 The Working Group recommends that Scottish Borders Council:-

(a) agree the amendments to be made to the Scottish Borders Community Council Scheme

(b) consider and determine the boundary alteration between Newtown & Eildon and St Boswells Parish Community Councils

(c) consider and decide the establishment of a community council in the Tweedsmuir area and the consequential amendment to the boundary of Upper Tweed Community Council

(d) consider and decide the establishment of a community council in the Upper Liddesdale & Hermitage area and the consequential amendment to the boundary of Newcastleton & District Community Council
3 CONSULTATION PROCESS

3.1 The recommendations for amendment to the Community Council Scheme were available for comment during a 12 week consultation period (4 February – 30 April 2014). During this time consultees could respond via email, letter or through a web based questionnaire.

3.2 All those that responded were asked to complete a Respondent Information Form which indicated whether their response could be made public and if so whether their name and address could also be published. As not all respondents permitted their responses to be shared the number of published responses will be less that those received. Some respondents requested that their comments were not published but agreed that they could be shared with the Community Council Scheme Review Group. Where permission has been given the responses will be published on the Scottish Borders Council website.

3.3 Responses to the consultation are attached in Appendix Two.

4 CONSULTATION RESPONSES - NUMBER

4.1 A total of 130 responses were received, of these 28 were made via the online questionnaire.

4.2 26 community councils responded to the consultation.

4.3 Upper Tweed Community Council held a public meeting to discuss the proposal to establish a community council for the Tweedsmuir area. The group proposing the establishment of a community council area for Upper Liddesdale & Hermitage area published a newsletter and held a public meeting to discuss the proposal. Both groups encouraged local residents to respond to the consultation specifically regarding the establishment of new community council areas.

4.4 32 respondents replied specifically regarding the establishment of a community council for Tweedsmuir.

4.5 46 respondents replied specifically regarding the establishment of a community council for Upper Liddesdale & Hermitage.

5 FINAL RECOMMENDATIONS FOR AMENDMENT

5.1 The Community Council Scheme Review Group met on 8 May 2014 to consider the responses to the consultation resulting in the following final recommendations being put forward to Scottish Borders Council for approval:

5.2 Scheme Title
Change to read: Scheme for the Establishment of Community Councils

5.3 Nomination of Candidates – qualifying criteria (a)
Amend the qualifying eligibility criteria to include:

A person seeking election to a community council must not have served a prison sentence (including a suspended sentence) of three months or more in the five years before the election.
5.4 Nomination of Candidates – qualifying criteria (b)
Following an Equalities Impact Assessment it has been identified that the minimum age for candidates cannot be set at 18 years of age as it is discriminatory and there is no legal reason to support this. The minimum age adopted by the Scottish Government's Model Scheme for the Establishment of Community Councils in Scotland is 16 years of age. It is recommended that the minimum age of 16 years be adopted in the Scottish Borders.

5.5 Nomination of Candidates – periods of abeyance
a) Reduce the time that must elapse following an unsuccessful nomination period, prior to nominations being invited again, from six to three months
b) Reduce the time that must elapse following a second unsuccessful nomination period, prior to nominations being invited again, from 12 to six months

5.6 Voting Arrangements
Give the Returning Officer the authority to use a combination of using both ballot box and postal voting in a community council election.

5.7 Permitted Variations
Remove the ‘Permitted Variations’ clause

5.8 Community Council Seats – numbers
Amend the seats on community councils as follows:
a) Chirnside – 10 to 8
b) Cockburnspath – 8 to 10
c) Gavinton, Fogo & Polwarth – 12 to 10
d) Leitholm, Eccles & Birgham – 9 to 10 (Leitholm 4, Eccles 2, Birgham 4)
e) Reston & Auchencrow – 8 to 10 (Reston 7, Auchencrow 3)
f) Sprouston – 6 to 7

5.9 Community Council Seats - names
Amend community council names as follows:
a) Cockburnspath Community Council to Cockburnspath & Cove Community Council
b) Cranshaws, Ellemford & Longformacus Community Council to Lammermuir Community Council
c) Eyemouth Town Council to Eyemouth Town Community Council
d) Galashiels & Langlee Community Council to Galashiels Community Council
e) Innerleithen, Traquir & Glen Community Council to Innerleithen & District Community Council
f) Stow & Fountainhall Community Council to Parish of Stow Community Council

5.10 Community Council Seats - subdivisions
a) Remove the sub-divisions for Swinton & Ladykirk Community Council and Gavinton, Fogo & Polwarth Community Councils.
b) Confirm that the sub-divisions for Upper Tweed Community Council should be 2 from Tweedsmuir, 2 from Drumelzier and 6 from Broughton.
c) Create a sub-division for Bannerfield within Selkirk Community Council, should Selkirk Community Council wish this to happen.
5.11 **Code of Conduct**
Amend the Code of Conduct inline with proposals consulted on with the following additions:
a) Clause 2.3 to include reference to the use of internet and website links.
b) Clause 14.2 to be included in main body of the Scheme ‘Community Councils should take proactive steps to engage with all members of the community fairly. All community council meetings should be held in accessible venues.’

5.12 **Boundary Changes – four community councils**
Amend the boundaries of the following community councils in line with the proposals consulted on:
a) Foulden, Mordington & Lamberton
b) Kelso
c) Selkirk
d) Upper Tweed – Change separate from request to establish a Tweedsmuir Community council; alter boundary to include Dreva Road (Muirburn) and Craigend (move from MSLCC to UTCC)

5.13 **Boundary Change – Kelso Community Council**
A consultation response put forward that the Kelso Community Council boundary should be amended to include the area to the west of the Yetholm Road, opposite Sainsbury’s, which is currently in agricultural use. The Community Council Scheme Review Group tasked the Strategic Community Engagement Officer to contact both Kelso and Heiton & Roxburgh Community Councils and if they are both in agreement request that this boundary amendment be made.

5.14 **Communication**
Reference to be included in Section 12 (Constitutions) of the Community Council Scheme promoting the publication of minutes on the internet where practical.

5.15 **Accountable Officer**
Reference is made throughout the Community Council Scheme to the senior officer with responsibility for community councils as the Head of the Business Improvement Unit, this should be amended to read Service Director for Strategy & Policy.

6 **UNSUPPORTED AMENDMENT**
6.1 **Term of Office**
At its meeting on 30 January 2014 Scottish Borders Council proposed the following amendment:
Elected members of a community council may serve as either Chair, Secretary or Treasurer for a maximum of two terms of office but may take up a different office bearing position on conclusion of this term.

6.2 After considering consultation responses the Group agreed that the term of office for office bearing positions should not be restricted. Members of the Working Group were concerned that should the term of office be limited, a Community Council may fold if no new members were coming forward for election/appointment. Also, the term of office varied from one Community Council to another. Members also considered whether a restriction could be introduced with some caveats should it not be possible to appoint new office bearers but this was considered impractical.
NEWTOWN & EILDON AND ST BOSWELLS PARISH COMMUNITY COUNCILS’ BOUNDARY AMENDMENT

7.1 A proposal was received from Newtown & Eildon Community Council to adjust the boundary with St Boswells Parish Community Council to include the proposed housing development area in the former. St Boswells Parish community council does not support this proposal and has asked that any amendment wait until any development has been completed.

7.2 Many responding to the consultation felt unable to give an opinion either way while eight respondents did express a view, seven of which supported the amendment with four of those living within the area. One respondent did not support the amendment.

7.3 Responses can be seen in Appendix Two (page 9).

7.4 The Community Council Scheme Review Group supports the boundary amendment.

PROPOSAL FOR THE ESTABLISHMENT OF TWEEDSMUIR COMMUNITY COUNCIL AREA

8.1 The Community Council Scheme Review Group was informed of the proposal to establish a community council in the Tweedsmuir area at its meeting on 12 June 2013.

8.2 Justification for the Establishment of a New Community Council Area

The Chair of the Review Group and Scottish Borders Council’s Strategic Community Engagement Officer met with seven representatives from the Tweedsmuir area on 10 October to hear the reasons behind the proposal. The supporting information below has been prepared by that group.

8.2i Tweedsmuir has many problems distinct to the village, which are not experienced by the rest of the Upper Tweed Community Council (UTCC) region. A 100% focus that only a separate community council can bring is needed to both address and, potentially, solve these issues. The problems include:

(a) The Crook Inn – the Tweedsmuir Community Company purchased the Inn earlier in the year, a massive effort is now required to refurbish it.

(b) Carlowse Bridge/Forestry Issues – the bridge is in need of major repair if it is to continue to take its present loading; the village is being used as a thoroughfare by forestry traffic.

(c) Lack of public transport – Only public transport from village is a one journey service to Edinburgh on Sundays.

(d) Windfarm development – concern that wind farm issues are diluted by the larger community council area as those directly affected live in and around Tweedsmuir.

8.2ii The current Upper Tweed Community Council area is too large and disparate to ensure purposeful dialogue with residents. It is envisaged that a new community council would be made up of organisations already active in the village.

8.3 Consultation with Upper Tweed Community Council

The Chair of the Review Group and Scottish Borders Council’s Strategic Community Engagement Officer met with representatives from Upper
Tweed Community Council on 24 September 2013 to hear their views on the proposal.

8.3i The feeling from the meeting was that the Community Council representatives were disappointed with the proposal and raised the following concerns:

(a) There is a danger that the Tweedsmuir community may shut themselves off from things happening in the UTCC area but which still affects them, e.g. planning applications.

(b) There are financial implications for Scottish Borders Council.

(c) There may be a withdrawal of support for the Crook Inn from Broughton residents.

(d) The breadth of knowledge currently within the UTCC area would be lost to Tweedsmuir.

(e) Concern that those who would become involved in a Tweedsmuir Community Council would also be involved in other groups and may be spreading themselves too thin.

(f) Would splitting the community council area split the community as well?

(g) There are no services in Tweedsmuir and residents rely on Broughton and Biggar, this highlights the connectivity through the current area.

8.4 Consultation with the Community
In order to ascertain the views of those living in the Upper Tweed Community Council area a letter, voting slip and proposed boundary map was sent to every household listed on the Electoral Register (the unedited Electoral Register can only be used for election purposes so letters were addressed to ‘the Household’ rather than a named individual). Information was obtained on the number of registered electors at each address to ensure the correct numbers of voting slips were enclosed.

8.4i 47% of those living in the proposed new community council area returned their voting slip, of these 66% supported the establishment of the new community council.

8.4ii 35% of those living in the remaining Upper Tweed Community Council area returned their voting slip, of these 24% supported the establishment of the new community council.

8.4iii In total 37% of those contacted returned their voting slip, of these 33% supported the establishment of the new community council.

8.5 Consultation Responses
Of those that responded to the consultation 55 expressed an opinion regarding the establishment of a Tweedsmuir Community Council, these can be broken down as follows:

Support – 26
Live in the area: 8 Do not live in the area: 18

Do not support – 29
Live in the area: 1 Do not live in the area: 28

8.6 Consultation responses can be seen in Appendix Two (page 16)

8.7 The implications of establishing Tweedsmuir Community Council are covered in section 11 of this report.
8.8 The Community Council Scheme Review Group supports the establishment of Tweedsmuir Community Council and the consequential change to the boundary of Upper Tweed Community Council.

9 PROPOSAL FOR THE ESTABLISHMENT OF UPPER LIDDESDALE & HERMITAGE COMMUNITY COUNCIL AREA

9.1 The Community Council Scheme Review Group was informed of the proposal to establish a community council in the Upper Liddesdale & Hermitage area at its meeting on 25 February 2013.

9.2 Justification for the Establishment of a New Community Council Area
The following information has been provided by the Upper Liddesdale & Hermitage Group (UL&H Group), the group that have submitted the proposal.

9.2i A strong sense of community exists in the rural area to the north of Newcastleton village, this is grounded in the shared issues that are part of rural life.

9.2ii There are a number of issues specific to the area, specifically:
(a) Infinis Windy Edge Wind Turbines – primary issue is impact on rural life/heritage
(b) Revitalisation of the Hermitage Hall
(c) First Responders – lack of services from Newcastleton (distance/journey time)
(d) Development of community activities
(e) Funding initiatives – rural opportunities need to be realised
(f) Tourism/business improvement – fresh approach to tourism needed
(g) Isolation – presents issues very specific to the area, e.g. power outages, mobile phone coverage
(h) Rural roads and associated problems
(i) Public transport
(j) Broadband
(k) Impact of traffic/forestry work
(l) Rural preservation
(m) Zero waste agenda

9.2iii The UL&H Group is committed to the creation of a proactive community council that would represent the community living in the area through the use of existing mechanisms e.g. Area Forums, and the development of new ones suited to local needs.

9.2iv The geographical area covered by Newcastleton & District Community Council is one of the largest in the Borders which creates challenges regarding travel and communication.

9.3 Consultation with Newcastleton & District Community Council
The Vice Chair of the Review Group, two Ward Councillors and the Scottish Borders Council’s Strategic Community Engagement Officer met with representatives from Newcastleton & District Community Council on 24 April 2013 to hear their views on the proposal.
9.3i The feeling from the meeting was that the Community Council representatives were disappointed with the proposal and raised the following concerns:

(a) the creation of a new community council area may result in poor communication between the two

(b) links with Hermitage Hall would be lost

(c) there could potentially be a split in the community

(d) the current sense of community may be lost

9.4 Consultation with the Community

In order to ascertain the views of those living in the Newcastleton & District Community Council area a letter, voting slip and proposed boundary map was sent to every household listed on the Electoral Register (the unedited Electoral Register can only be used for election purposes so letters were addressed to ‘the Household’ rather than a named individual). Information was obtained on the number of registered electors at each address to ensure the correct numbers of voting slips were enclosed.

9.4i 70% of those living in the proposed new community council area returned their voting slip, of these 59% supported the establishment of the new community council.

9.4ii 48% of those living in the remaining Newcastleton & District Community Council area returned their voting slip, of these 17% supported the establishment of the new community council.

9.4iii In total 51% of those contacted returned their voting slip, of these 25% supported the establishment of the new community council.

9.5 Consultation Responses

Of those that responded to the consultation 71 expressed an opinion regarding the establishment of an Upper Liddesdale & Hermitage Community Council, these can be broken down as follows:

Support – 47

Live in the area: 30  Do not live in the area: 17

Do not support – 24

Live in the area: 20  Do not live in the area: 4

9.6 Petition Response

A petition type response was received from 47 residents in the current Newcastleton & District Community Council area opposed to the establishment of a community council area for Upper Liddesdale and Hermitage. The justification for the opposition is included in Appendix One. The petition responses can be broken down as follows:

Do not support –

Live in the area: 13  Do not live in the area: 34

9.6i These numbers have not been included in the total shown in section 4 of this report.

9.7 Consultation responses can be seen in Appendix Two (page 30)
9.8 The implications of establishing Upper Liddesdale & Hermitage Community Council are covered in section 11 of this report.

9.9 The Community Council Scheme Review Group supports the establishment of Upper Liddesdale & Hermitage Community Council and the consequential change to the boundary of Newcastleton & District Community Council.

10 TIMESCALE FOR AMENDMENT TO COMMUNITY COUNCIL CONSTITUTIONS
Some of the proposals listed above will require community councils to amend their constitutions. It is proposed that community councils have until 31 December 2014 to amend their constitutions accordingly.

11 IMPLICATIONS

11.1 Financial
The following financial implications have been identified:

(a) The current budget allocation to support community councils is £62,728 broken down as follows:
   - Annual support grants: £49,870
   - Meeting room hire (if no SBC premises available): c£5,600*
   - Data Protection Act annual renewal: £2,345
   - Insurance: £6,742

   *The cost of reimbursing meeting room hire can only be estimated as it is paid a year in arrears.

Based on the above figures the total, estimated, commitment for 2014/15 is £64,557.

(b) In order to fund two new community councils at the same level as other community councils an additional budget allocation of approximately £1,750 would be required. This is broken down as follows:
   - Annual support grants: £1,080
   - Meeting room hire (if no SBC premises available): c£400
   - Data Protection Act annual renewal: £70
   - Insurance: £201

(c) The attendance of Elected Members at the meetings of two new community councils will generate additional mileage expenses. The cost of this will be dependent on the frequency of meetings and the number of Elected Members attending each meeting.

11.2 Risk and Mitigations
(a) Reviewing the Community Council Scheme on a regular basis is a statutory requirement and required in order to ensure that it is fit for purpose, is relevant to community councils in the Scottish Borders and reflects local need. Failure to do so may hinder the operation of community councils in their work.

(b) The views of those that responded to the consultation should be taken on board when agreeing any amendments to the Scheme. Not to do so could lead to the opinion that decisions regarding the Scheme had already been made and it was not a genuine consultation. This may dissuade members of the public from participating in other Council engagement activity. In order to mitigate against responses received to the consultation should be
11.3 **Equalities**
An Equalities Impact Assessment has been undertaken and it has been identified that the following protected characteristics may be negatively impacted upon as a result of the Community Council Scheme:

Race groups – It is recognised that some of those from minority ethnic groups may face disadvantage due to the criteria set in order to participate.

In order to mitigate any disadvantage faced SBC will ensure that in circumstances in which an individual does not meet the criteria set and would like to participate, alternative qualifying criteria will be sought in it is recognised that some of those from minority ethnic groups may face disadvantage due to the criteria set in order to participate.

11.4 **Acting Sustainably**
A sustainability assessment has been completed and there are no economic, social or environmental aspects, other than those listed regarding carbon management, directly associated with this report.

11.5 **Carbon Management**
The attendance of Elected Members at the meetings of two new community councils will add to the Council’s carbon footprint. However this may, generally, be off set through the reduction in miles travelled by community councillors and members of the public attending more locally based community council meetings, through the establishment of two community councils in more rural areas of the Borders.

11.6 **Rural Proofing**
Rural proofing has been carried out for this report and while no negative implications have been identified it has been highlighted that access to local democracy, physical access to meetings and travel times would be improved with the establishment of two new community councils.

11.7 **Changes to Scheme of Administration or Scheme of Delegation**
No changes are required to either the Scheme of Administration or Scheme of Delegation.

12 **CONSULTATION**

12.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Service Director Strategy and Policy, the Chief Officer Audit and Risk, the Chief Officer HR, and the Clerk to the Council have been consulted and any comments received have been incorporated in this report.

12.2 Others consulted were – Corporate Equalities and Diversity Officer and Corporate Communications

Approved by

**Service Director of Strategy & Policy**  
Signature  

Scottish Borders Council, 26 June 2014  
11
Author(s)

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Previous Minute Reference: 30 January 2014

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Contact us at Clare Malster, Scottish Borders Council Headquarters, Newtown St Boswells, Melrose TD6 0SA. 01835 826626. cmalster@scotborders.gov.uk
Appendix One – Proposed Amended Community Council Scheme

LOCAL GOVERNMENT ETC. (SCOTLAND) ACT 1994
SCOTTISH BORDERS COUNCIL

SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

1.0 Introduction

1.1 Community Councils were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government etc. (Scotland) Act, 1994, which produced the current system of unitary local authorities, made provision for the continuation of community councils.

Scottish Borders Council, in accordance with the terms of Section 22 of the Local Government etc. (Scotland) Act 1994 has adopted the following Community Council Scheme for the operation of Community Councils within the Scottish Borders Council area, and has revoked the previous Scheme adopted by Scottish Borders Council in 2007, with effect from midnight on 26 June 2014.

2.0 Purpose of Community Councils

2.1 In addition to any other purpose which a Community Council may pursue, the general purpose of a Community Council shall be to ascertain, co-ordinate and express to the Local Authority for its area, and to 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.

3.0 Procedure for Establishment of Community Councils

3.1 In the event of not less than 20 electors in any one of the community council areas listed in Schedule 1 to this Scheme, and shown delineated on the maps (numbered 1 - 67) attached to the principal copy of this Scheme, with the exception of Bowden, for the reasons stated in Clause 3.2 below, making written application for the establishment of a Community Council for that area in accordance with this Scheme, the Scottish Borders Council shall, within six weeks from the date of the petition, invite nominations and thereafter, if necessary, organise an election for the establishment of a Community Council for that area.

3.2 Bowden Village Committee having requested that it be accepted by Scottish Borders Council in its present title and existing form of Constitution to act instead of a Community Council for the area No. 22 on the attached Map, comprising Bowden Village and its surrounding district, being part of Bowden Parish, Scottish Borders Council has determined that no Community Council is necessary for that area for the following reasons, namely:-

a) that the Committee, being composed of members duly elected at a public meeting, is truly representative of the community which it serves;
b) that the Committee has shown Scottish Borders Council sufficient proof of its involvement with and activities on behalf of the community to indicate that the establishment of a Community Council in addition to that Committee is unnecessary;

c) that the Committee holds considerable funds and other property, including Bowden Common Land extending to 26 acres or thereby, in trust for the benefit of the community; and

d) that the Committee gains certain advantages from its charitable status not presently enjoyed by Community Councils.

4.0 Composition of Community Councils

4.1 Community Councils shall be composed of:

(a) the number of Members specified for that Community Council as detailed in Schedule 1 who have been elected in the manner detailed below;

(b) the Scottish Borders Councillors for the area covered by the Community Council or part of it, who shall have \textit{ex officio} membership of that Community Council during their period of office for the Authority but shall have no entitlement to vote or hold office in the Community Council. No Member of the Scottish Borders Council may simultaneously be a member of a Community Council other than in an \textit{ex officio} capacity; and

(c) may include co-opted members in the following circumstances:-

(i) Community Councils may co-opt further members with skills or knowledge which the Community Council consider would be of assistance to the Community Council in carrying out its functions. Such co-opted members shall not have voting rights and shall not hold office, and may be under eighteen years of age. Members co-opted for this purpose will serve for such time as decided by the Community Council at the time of their co-option or until the Community Council decide that their services are no longer required; and

(ii) When the elected membership is less than the maximum number of elected members (specified in Schedule 1) but is equal to, or more than one-half of that number, or where casual vacancies arise during a term of office, Community Councils may co-opt people who would be eligible for election to the Community Council as members in order to make up that number. However, the number of co-opted members cannot at any one time be more than one quarter of the maximum number of elected members (specified in Schedule 1). Members so co-opted may serve until the next ordinary election to the Community Council, qualifying for full voting rights after attending 3 meetings or 6 months after co-option (whichever is shorter).
5.0 Method of Co-option of Members

5.1 A proposal to co-opt a person or persons to a Community Council under paragraph 4.1 (c)(ii) requires to be included on the Agenda for the appropriate meeting of the Community Council, this shall include the name and address of the person proposed to be co-opted, together with (where appropriate) that person’s number on the current Electoral Register, and the names of the proposer and seconder who shall be elected Members of the Community Council.

6.0 Casual Vacancies

6.1 A casual vacancy shall be deemed to arise in any of the following circumstances:

(a) on the day when a member ceases to be entered in the Electoral Roll for the area covered by the Community Council;
(b) on the expiry of a period of six calendar months during which a member of a Community Council has failed to attend a meeting of that Community Council, or of any Committee or other body constituted by such Community Council, unless leave of absence has been granted or other reason accepted by that Community Council; or
(c) upon the receipt by a Community Council of a written notice of resignation from a member.

7.0 Term of Office

7.1 Elected members of a Community Council shall serve for a term of office specified in the Constitution of that Community Council, subject to that term of office being a minimum of two years and a maximum of four years, and shall be eligible for re-election.

8.0 Nomination of Candidates

8.1 A person seeking election to a Community Council must be aged 16 years or over and appear on the Electoral Roll for that Community Council area at the date of being proposed for membership of the Community Council or be able to provide proof of eligibility as advised by the Returning Officer. Each candidate must be nominated by a Proposer (who may be the candidate) and a Seconder, both being persons whose names appear on the Electoral Roll for the respective Community Council’s area, or sub-division of that area, where applicable.

8.2 A person seeking election to a community council must not have served a prison sentence (including a suspended sentence) of three months or more in the five years before the election.

8.3 No person shall be entitled to propose or second more than one candidate.

8.4 When instructed to do so by the Scottish Borders Council in the case of initial elections, and by the Community Councils themselves once established, the Returning Officer shall give public notice of an invitation to submit nominations
for membership of Community Councils, using the nomination form agreed by Scottish Borders Council, attached in Schedule 2. The nomination period shall not be less than 14 and not more than 28 days, 7 days will be allowed following this period for withdrawals.

8.5 Where the number of valid nominations, after any withdrawals, is more than the number of Community Council members specified in Schedule 1, a contested election shall be held in accordance with the procedure prescribed in this Scheme.

8.6 Where the number of valid nominations, after any withdrawals, is equal to, or more than half, the number of Community Council members specified in Schedule 1, the Returning Officer shall give public notice that the candidates validly nominated have been elected to the Community Council.

8.7 Where the number of valid nominations, after any withdrawals, is less than half the number of Community Council members specified in Schedule 1, no Community Council will be established and the Returning Officer shall give public notice that no Community Council shall be formed at that time. In such event, no further application for the establishment of a Community Council for that area shall be considered until the expiry of a period of at least three months after the nomination period started. In the event of such an application being received after that period, the Returning Officer shall issue a further invitation to submit nominations and the electoral process shall be repeated. If, after this second invitation, the number of valid nominations is still less than half the number of Community Council members specified in Schedule 1, no further applications for the establishment of a Community Council for that area shall be considered until the expiry of a period of at least six months after the date of public notice of that second invitation.

8.8 When a contested election takes place the Returning Officer shall publish, at least seven days before the election details of the election procedure to be employed, including the names and addresses of candidates and the place, dates and times fixed for the conduct of the poll and the count.

9.0 Returning Officer

9.1 The Returning Officer for the first election to a Community Council shall be the Service Director for Strategy & Policy of the Scottish Borders Council, or their appointed nominee and, for all elections after the establishment of a Community Council, shall be the person appointed by the Community Council concerned, subject to approval by the Service Director for Strategy & Policy. The Returning Officer for a Community Council election shall not be an elected member of that Community Council or a candidate in that election to that Community Council.

10.0 Voting Arrangements

10.1 People included in the section(s) of the Electoral Roll for the Community Council and who would be entitled to vote in a Local Government election at the date of the Community Council election shall be entitled to vote in Community Council elections for that area.
10.2 Voting in a Community Council election shall take place by way of a secret procedure. The method of election shall be determined by the Returning Officer in consultation with the Community Council where applicable as:-

(a) by ballot box, at a designated polling place or places using a simplified version of the prescribed procedure for Local Authority elections; or

(b) by post in accordance with Scottish Borders Council guidelines.

An alternative of postal voting in connection with method a) above, shall be available at the discretion of the Returning Officer. There will no be no provision for the issuing of poll cards or voting by proxy for either method of election.

10.3 The ballot papers to be used in Community Council elections shall be laid out in a style approved by the Scottish Borders Council.

10.4 Each eligible elector shall have available to him a number of votes equal to the aggregate number of seats being contested at that election, subject to the proviso that where a Community Council area is divided into sub-divisions, each eligible elector shall, unless the Constitution to be adopted by the Community Council determines otherwise, be entitled to vote only for candidates standing for seats within the sub-division in which the eligible elector resides, the number of votes available to each eligible elector in that event being equal to the number of seats being contested within that sub-division; and no elector shall cast more than one vote for any one candidate.

10.5 The hours of polling for ballot elections shall be determined for each Community Council area by the Returning Officer, taking account of local circumstances for the first election to a Community Council. The ballot shall be open for a minimum of four hours in total between 8 a.m. and 8 p.m, unless where voting is by post, in which case the period shall be determined by the Returning Officer. The number of vacant seats available shall be filled by the corresponding number of candidates receiving the highest number of votes. In the event of more than one candidate receiving the same number of votes for the last available seat or seats on the Community Council, the successful candidate(s) will be decided by lot.

10.6 A returned ballot paper shall contain only such information as is requested to identify the candidates chosen by the elector. Any ballot paper which at the counting of the votes is found to:-

(a) contain any mark or other writing implying that the number of votes being cast is more than the designated number available to the elector; or

(b) contain any mark or other writing implying that more than one vote for any one candidate is being cast; or

(c) identify the elector,

shall be deemed to be a spoilt paper, and shall be disregarded in the count.

10.7 The Returning Officer shall appoint and instruct persons to supervise the ballot or open the postal votes as appropriate and to conduct the count.
10.8 The Returning Officer, immediately after the counting of votes, shall complete a return to the Scottish Borders Council and the Community Council concerned, containing the names and addresses of members elected, details of the number of votes cast for each candidate, the number of ballot papers issued and returned, the number of spoilt ballot papers and any other information as to the conduct of the election which may be required by Scottish Borders Council.

10.9 The Returning Officer shall, as soon as possible after the election, give public notice of the names and addresses of members elected.

11.0 General Provisions

11.1 Within twenty-one days of the election of a Community Council where possible, the Returning Officer shall hold the first public meeting of the Community Council. At this meeting, which shall be chaired, until a Chairperson has been elected, by the Returning Officer or his nominee (who shall normally be an ex officio member, if available) the Community Council shall elect from its eligible members a Chairperson, to be known by such title as the Community Council decide, subject to approval of that title by the Scottish Borders Council, and such other office-bearers as the Community Council shall deem necessary. Office-bearers that are eligible for re-election, shall be elected or re-elected at the Annual General Meeting of the Community Council, or otherwise in accordance with the Constitution to be prepared in line with this Scheme.

11.2 Every Community Council may appoint a Secretary and a Treasurer (the offices may be combined) who shall hold office and may be eligible for re-appointment in accordance with the provisions of the Constitution to be prepared in line with this Scheme. The Secretary and Treasurer (but no other office-bearers) may be appointed from outwith the membership of the Community Council and may receive such remuneration as the Community Council may determine from the resources available to them, there being no extra funding available from the Scottish Borders Council for this purpose. Such appointees from outwith the membership shall be entitled to speak only on matters relating to their function as office-bearers and shall have no voting rights.

11.3 Following the first meeting after every election, each Community Council will lodge with the Service Director for Strategy & Policy of the Scottish Borders Council a return specifying the full names, designations and addresses of the Community Council’s office-bearers and Examiner(s) of their Accounts and subsequently advise, in writing, of all changes thereof.

11.4 Meetings of each Community Council shall be convened at intervals of not more than six months and at least three meetings shall be held annually, one of which shall be the Annual General Meeting. All meetings of the Community Council shall be open to members of the public. Community Councils shall comply with the principles of the Local Government (Access to Information) Act 1985 and any amending legislation, particularly in regard to the conduct of business in public unless permitted to be taken in private in terms of the Act, and also in regard to allowing sight of agenda papers and Minutes. A summary of its main provisions shall be provided to each Community Council.
11.5 Community Council members shall comply with the Scottish Borders Code of Conduct for Community Councillors, Schedule 3 of this document.

(a) Members shall be required, in advance, to declare pecuniary and non pecuniary interests relating to matters which might be under discussion and after doing so shall take no part in their consideration. Failure to observe this may lead to suspension and repeated failure to observe may lead to expulsion.

(b) Members shall be required to sign a declaration that they agree to abide by the Code of Conduct for Community Councillors. This shall be by way of the nomination form for elected Community Councillors and a separate declaration for those co-opted during the term of office of the Community Council.

(c) The Community Council shall annually submit in writing its agreement to abide by the aforementioned Code of Conduct.

11.6 Only elected Community Council Members and those co-opted with full voting rights may vote at Community Council Meetings, including Annual General Meetings, the only exception being votes on the proposed contents of the Constitution and any proposed amendments, in which case all persons eligible to vote in local government elections, on the Electoral Roll for the Community Council area and in attendance at the meeting are entitled to vote.

11.7 The quorum for each Community Council shall be one third of the maximum number of elected members, subject to a minimum of three.

11.8 Every Community Council shall be able to convene special meetings in line with this Scheme, within the Community Council area for the purpose of considering matters of interest and importance, and for the purpose of agreeing or amending their Constitution.

11.9 Every Community Council shall, upon receipt of a requisition signed by twenty electors, convene a special meeting, to be held within twenty-one days of receipt of that requisition. This meeting should consider the business which must be specified in the requisition and in the notice calling the meeting. A shorter period for convening such a meeting may be specified in the Community Council Constitution.

12.0 Constitutions

12.1 Within three months of the date of its first meeting, each Community Council shall draw up and submit to the Scottish Borders Council for approval, a Constitution for the regulation and management of its affairs. Each Constitution shall contain provision for the following:-

(a) Name of the Community Council;

(b) Size, composition, purpose, functions and quorum (as defined in paragraph 11.7 above) of the Community Council and of any Committees appointed by the Community Council;
(c) Frequency of holding meetings, of which there shall be at least three in any twelve month period, to be convened at intervals of not more than 6 months, including provision for an Annual General Meeting, which shall be held not later than 60 days after the end of the Community Council’s financial year recognising the common election month set by Scottish Borders Council;

(d) The Agenda for the Annual General Meeting shall include items for receiving the following, namely:-

(i) a report on the Council’s activities for the previous year;
(ii) the scrutinised/approved Annual Statement of Accounts; and
(iii) proposals for the amendment of that Council’s Constitution, where appropriate;

(e) Rules whereby Community Council members shall be advised of the place, date and time of any meetings of the Community Council, Committees or Sub-Committees by means of written agendas, specifying the business to be conducted and sent either to their normal residence or place of work at least seven days before the due date of such meeting. Public notice shall be given by a copy of the agenda being affixed in a prominent and clearly visible position at the normal place where meetings of that Council are held and/or in such other manner or locations as may be prescribed in the Constitution. Community Councils should take proactive steps to engage with all members of the community fairly. All Community Council meetings should be held in accessible venues.

(f) Rules for the keeping of Minutes which shall also provide that such Minutes shall be circulated to members of the Community Council not later than with the issue of the agenda for the next meeting, and that adequate arrangements shall be made for Minutes of any meeting to be available for inspection by members of the public within the Community Council’s area not later than seven clear days prior to the next meeting of the Community Council;

(g) Method and procedure for the nomination of candidates;

(h) Term of office of members of the Community Council, recognising the common election month set by Scottish Borders Council;

(i) Arrangements governing the election and/or appointment of office bearers and their term of office;

(j) Appointment of ex officio (Scottish Borders Council) and co-opted members;

(k) Procedure for filling of casual vacancies;

(l) Holding of heritable property;
(m) Rules or Standing Orders for the conduct of the business of the Community Council;

(n) Provisions regulating the Finance and Accounts, including a provision specifying the financial year as running from 1 April to 31 March;

(o) Rules to ensure that each member of the Community Council is given a copy of this Scheme at the commencement of membership, together with a copy of the Community Council’s Constitution and Rules, and where applicable, Standing Orders;

(p) Calling of extraordinary public meetings;

(q) Rules governing alteration to the Constitution, including provision for agreement by the electors of the area at an Annual General Meeting or at a meeting convened for that purpose, prior to submission to the Scottish Borders Council for approval; and

(r) A dissolution clause.

12.2 The Constitution to be adopted shall not conflict with the terms of this Scheme.

13.0 Financial Provisions

13.1 Scottish Borders Council may provide grants for the purpose of assisting and promoting the interests of Community Councils within its area. The amount to be made available to each Community Council and the form of grant shall be at the sole discretion of the Scottish Borders Council and shall be intimated to each Community Council prior to 1st April each year. The payment of any such grant will be dependent on the receipt of annual accounts in line with paragraph 13.6 below. Any payment will be made in line with the Following the Public Pound Code of Practice once the Scottish Borders Council is content that the conditions below have been met:

(a) The Community Council should not hold more than the equivalent of two years annual grant by way of reserves, excluding money ring fenced for specific initiatives.

(b) The Community Council must submit in writing annually its agreement to abide with the Code of Conduct for Community Councillors in line with paragraph 11.5(c).

13.2 Community Councils may be eligible for other grants funded by Scottish Borders Council to carry out specific activities and initiatives.

13.3 In the event of any Community Council not being established, being in abeyance or becoming disestablished or dissolved, its share of any grant shall be retained by the Scottish Borders Council until such time as the Community Council is formed or re-formed, when a proportion of the grant appropriate to the portion of the Scottish Borders Council’s financial year remaining shall be awarded.
13.4 Community Councils shall be empowered to raise funds for schemes, projects and other purposes within their stated objects.

13.5 All monies received by a Community Council, whether by way of grant, gift or loan, shall be applied to maintain its administrative structure and/or to further the objects of such Council.

13.6 Each Community Council shall keep an accurate record of its receipts and payments and the Treasurer or other nominated office-bearer shall prepare annually an Abstract of Accounts. The books and Abstract of each Community Council shall be scrutinised by an independent examiner, duly appointed for that purpose, who shall not be a member of that Community Council. A copy of the approved Abstract for each Community Council shall be submitted to the Service Director for Strategy & Policy of Scottish Borders Council, or other designated Scottish Borders Council official, within seven days of the Annual General Meeting.

13.7 The Scottish Borders Council may, so far as is reasonably and financially practicable, provide, free of charge, accommodation to Community Councils within premises under the ownership and control of the Scottish Borders Council for the purposes of holding Community Council meetings, or, where such accommodation is not available, contribute towards the hire charges incurred.

13.8 In the event of the disestablishment or dissolution of a Community Council for any reason, such property and funds as are vested or under the control of said Community Council at the date of disestablishment or dissolution, shall be transferred to and vested in Scottish Borders Council and shall be administered and applied by them in such manner as the Scottish Borders Council, in line with the wishes of the Community Council in the aftermentioned asset register, may determine to be for the benefit of all or part of the Community Council area, said discretion including the power of sale.

13.9 A Community Council may lease or acquire heritable property, the title to which shall be taken in the names of such office-bearers as may be specified in the Constitution for that purpose, as Trustees for such Community Council and their respective successors in office.

13.10 Each Community Council shall keep an accurate record of any assets held and where they are kept indicating its wishes for the dispersement of these assets in the event of the Community Council being disestablished or dissolved. A copy of the register, and any subsequent changes, must be submitted to the Service Director for Strategy & Policy of Scottish Borders Council within twenty one days of it being agreed by the Community Council.

14.0 Common Election Date

14.1 Scottish Borders Council reserves the right, if they in their sole discretion so determine, to establish a common election date in each year for Community Council elections and undertake to give to the Secretary of each Community Council appropriate prior written notice of their intention to exercise this right.
15.0 Mutual Exchange of Information

15.1 The Scottish Borders Council will electronically send at least seven days prior to a meeting, where possible, to each Community Council within its area:-

(a) Agendas of full Council and Committee Meetings, including relevant Area Forum Meetings;
(b) Copies of the Minutes of the appropriate Area Forum; and
(c) Copies of such consultative documents as the Authority may from time to time decide.

15.2 Each Community Council shall submit to the Scottish Borders Council’s Service Director for Strategy & Policy draft copies of the Minutes of its meetings no later than within 21 days after each meeting and copies of the agenda for the subsequent meeting of the Community Council when being issued.
### Schedule 1

#### Community Council Seats

<table>
<thead>
<tr>
<th>Community Council Area</th>
<th>Number of Elected Members</th>
<th>Allocation of Seats on Community Council and Sub-Division of Areas as on Map where appropriate</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Berwickshire</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Abbey St. Bathans, Bonkyl and Preston</td>
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<td>---</td>
</tr>
<tr>
<td>2 Ayton</td>
<td>12</td>
<td>---</td>
</tr>
<tr>
<td>3 Burnmouth</td>
<td>8</td>
<td>---</td>
</tr>
<tr>
<td>4 Chirnside</td>
<td>8</td>
<td>---</td>
</tr>
<tr>
<td>5 Cockburnspath and Cove</td>
<td>10</td>
<td>---</td>
</tr>
<tr>
<td>6 Coldstream</td>
<td>10</td>
<td>---</td>
</tr>
<tr>
<td>7 Coldstream</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>8 Lammermuir Community Council</td>
<td>10</td>
<td>Cranshaws - 3 Seats Longformacus - 7 Seats</td>
</tr>
<tr>
<td>9 Duns</td>
<td>12</td>
<td>---</td>
</tr>
<tr>
<td>10 Edrom, Allanton and Whitsome</td>
<td>9</td>
<td>---</td>
</tr>
<tr>
<td>11 Eyemouth Town</td>
<td>12</td>
<td>---</td>
</tr>
<tr>
<td>12 Foulden, Mordington and Lamberton</td>
<td>11</td>
<td>Foulden - 5 Seats Mordington - 3 Seats Lamberton - 3 Seats</td>
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<tr>
<td>13 Gavinton, Fogo and Polwarth</td>
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</tr>
<tr>
<td>14 Gordon and Westruther</td>
<td>9</td>
<td>Gordon - 5 Seats Westruther - 4 Seats</td>
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<td>15 Grantshouse</td>
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<td>---</td>
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<tr>
<td>16 Greenlaw and Hume</td>
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<td>Greenlaw - 9 Seats Hume - 3 Seats</td>
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<tr>
<td>17 Leitholm, Eccles and Birgham</td>
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<td>Leitholm - 4 Seats Eccles - 2 Seats Birgham - 4 Seats</td>
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<tr>
<td>No.</td>
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<td>Seats</td>
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</tr>
<tr>
<td>18</td>
<td>Hutton and Paxton</td>
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<tr>
<td>19</td>
<td>Reston and Auchencrow</td>
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<tr>
<td></td>
<td>Paxton</td>
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<td></td>
<td>Hutton</td>
<td>- 4 Seats</td>
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<tr>
<td>20</td>
<td>St. Abbs</td>
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</tr>
<tr>
<td>21</td>
<td>Swinton and Ladykirk</td>
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**Ettrick and Lauderdale**

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<tr>
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<td>Ettrick and Yarrow</td>
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<td>Galashiels</td>
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<td>Heriot</td>
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<td>Lauderdale</td>
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<td>29</td>
<td>Lilliesleaf, Ashkirk and Midlem</td>
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<tr>
<td>30</td>
<td>Maxton and Mertoun</td>
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</tr>
<tr>
<td>31</td>
<td>Melrose and District</td>
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<tr>
<td>32</td>
<td>Newtown and Eildon</td>
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<tr>
<td>33</td>
<td>Oxton and Channelkirk</td>
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<tr>
<td>34</td>
<td>Royal Burgh of Selkirk and District</td>
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<td>35</td>
<td>St. Boswells Parish</td>
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<td>Parish of Stow</td>
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<tr>
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<td>Stow Fountainhall</td>
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<td>Fountainhall</td>
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<tr>
<td>37</td>
<td>Tweedbank</td>
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**Roxburgh**

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<td>Ancrum</td>
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<td>Burnfoot</td>
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<td>40</td>
<td>Crailing, Eckford and Nisbet</td>
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<tr>
<td>41</td>
<td>Denholm and District</td>
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<tr>
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<td>Location</td>
<td>Value</td>
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<tr>
<td>42</td>
<td>Ednam, Stichill and Berrymoss</td>
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<tr>
<td>43</td>
<td>Floors, Makerstoun, Nenthorn and Smailholm</td>
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<tr>
<td>44</td>
<td>Hawick</td>
<td>15</td>
</tr>
<tr>
<td>45</td>
<td>Heiton and Roxburgh</td>
<td>12</td>
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<tr>
<td>46</td>
<td>Hobkirk</td>
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<tr>
<td>47</td>
<td>Jedburgh</td>
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<tr>
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<td>Jed Valley</td>
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<td>Kalewater</td>
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<td>Kelso</td>
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<td>Lanton</td>
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<td>Southdean</td>
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<td>Sprouston</td>
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<td>56</td>
<td>Upper Teviotdale and Borthwick Water</td>
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<tr>
<td>57</td>
<td>Yetholm and District</td>
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**Tweeddale**

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<tr>
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<tr>
<td>58</td>
<td>Carllops</td>
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<td>Clovenfords and District</td>
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<td>Eddleston</td>
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<td>Innerleithen and District</td>
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<td>61</td>
<td>Lamancha, Newlands and Kirkurd</td>
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<td>62</td>
<td>Manor, Stobo and Lyne</td>
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<td>Royal Burgh of Peebles and District</td>
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<td>Skirling</td>
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</tr>
<tr>
<td>65</td>
<td>Upper Tweed</td>
<td>10</td>
</tr>
<tr>
<td>66</td>
<td>Walkerburn</td>
<td>9</td>
</tr>
<tr>
<td>67</td>
<td>West Linton</td>
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</tr>
</tbody>
</table>
Schedule 2
SCOTTISH BORDERS COUNCIL
COMMUNITY COUNCIL ELECTIONS 20XX

-------------------------------------------------------------COMMUNITY COUNCIL (note 1)

NOMINATION FORM

Please read notes overleaf and then complete Sections 1 and 2 in typescript or BLOCK CAPITALS

SECTION 1 - CANDIDATE

<table>
<thead>
<tr>
<th>SURNAME (AS IN ELECTORAL REGISTER)</th>
<th>OTHER NAMES (AS IN ELECTORAL REGISTER)</th>
<th>MR/MRS/MS/MISS</th>
<th>ELECTORAL NUMBER (NOTE 2)</th>
<th>ADDRESS (AS IN ELECTORAL REGISTER)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td>Letter or Number</td>
<td>Electoral Number</td>
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SECTION 2 - PROPOSER AND SECONDER

<table>
<thead>
<tr>
<th>SURNAME (AS IN ELECTORAL REGISTER)</th>
<th>OTHER NAMES</th>
<th>MR/MRS/MS/MISS</th>
<th>ELECTORAL NUMBER (NOTE 2)</th>
<th>ADDRESS (AS IN ELECTORAL REGISTER)</th>
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</thead>
<tbody>
<tr>
<td>Proposer</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seconder</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

WE hereby nominate as a candidate for election the person named in Section 1 above, who, to the best of our knowledge and belief is eligible for such election, as a member of

................................................................................................ Community Council (Note 1)

in the ....................................................................................... Sub-Division. (Note 3)

PLEASE NOTE THAT YOU MAY ONLY PROPOSE OR SECOND ONE PERSON

Signature of Proposer .................................................................

Signature of Seconder .................................................................
ACCEPTANCE OF NOMINATION

I, the nominee for election, named in Section 1 above, consent to be nominated as a candidate for the abovementioned Community Council and, if elected, will accept office as a member of the said Community Council and agree to comply with the Code of Conduct for Community Councillors.

I confirm that I have not served a prison sentence (including suspended sentence) of three months or more in the five years before the election.

Signature of Candidate

................................................................Date.............................

NOTES

1. Please insert the name of the Community Council
2. Please insert in the first column the distinctive number and letter if any, from the Register of Electors (e.g.) 21A. The number will be found next to “Polling District”). Please insert in the second column the elector number which can be found next to the elector’s name in the Register of Electors. These numbers will be provided by the Returning Officer, on receipt of the nomination form, if left blank.
3. Where, in terms of the new Scheme for the Establishment of Community Councils, a Community Council area consists of a number of sub-divisions the name of the sub-division should be given.

QUALIFICATIONS FOR ELECTION

A person seeking election to a Community Council must be aged 16 or over and appear on the Electoral Register for the Community Council area at the date of being proposed for membership of the Community Council, or provide proof of eligibility as advised by the Returning Officers. Each Candidate shall be nominated by a Proposer (who may be the candidate) and a Seconder, both being persons whose names appear in the said Electoral Register for the respective Community Council area, or sub-division of that area, where applicable.

COMPLETED NOMINATION FORMS SHOULD BE LODGED WITH

........................................................................................................

........................................................................................................

By no later than..................................................
CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

1 GENERAL

1.1 Community Councillors are expected to show the highest standards of personal conduct in the performance of their duties at all times.

1.2 Their duty is to the whole community served by their Community Council. This Code should be used to guide their conduct as a Community Councillor. It is their responsibility to make sure that they are familiar with this Code and that their conduct meets it.

1.3 Community Councillors should promote and support these principles by leadership and example, always acting in such a way as to protect public confidence in the Community Council.

2 SERVICE TO THE COMMUNITY

2.1 Community Councillors have a duty to act in the interests of the local community which they have been elected to represent. They also have a duty to act in accordance with the remit of Scottish Borders Council’s Scheme for the Establishment of Community Councils as set out under the terms of the Local Government (Scotland) Act 1973.

2.2 They have a duty to establish and reflect, through the Community Council, the views of the community as a whole, on any issue, irrespective of personal opinion.

2.3 They should make sure that they are, within reason, accessible to their local community. Various mechanisms to allow the general community to express their views, i.e. internet, social media, suggestion boxes, community surveys and opinion polls should, where possible, be made available.

3 DUTY TO UPHOLD THE LAW

3.1 Community Councillors must uphold the law and act on all occasions in line with the public trust placed in them.

3.2 Community Councillors have a responsibility to play their part in ensuring that the Community Council uses its resources prudently and in accordance with the law.

4 COMMUNITY INTEREST

4.1 Community Councillors should act to assist the Community Council, as far as possible, in the interests of the whole community that it serves.
5 SELFLESSNESS

5.1 Community Councillors should act only in the public interest. They should never use their position as a Community Councillor to gain for themselves, their family or friends, any financial benefits, preferential treatment or other advantage, or to grant such benefits, treatment or advantage improperly to others.

6 INTEGRITY AND PROPRIETY

6.1 Community Councillors should not put themselves in a position where their integrity is called into question by any financial or other obligations. As well as avoiding actual impropriety they should avoid any appearance of it.

7 HOSPITALITY

7.1 Community Councillors should record all gifts and hospitality, with a monetary value above £50, received in connection with membership of the Community Council. They should not accept gifts or hospitality that might reasonably be thought to influence, or be intended to influence, their judgement; or where to do so could bring discredit upon the Community Council.

8 DECISIONS

8.1 Whilst Community Councillors may be influenced by the views of others, including particular interest groups, it is their responsibility to decide what view to take, and how to vote, on any question which Community Councillors have to decide.

9 ACCOUNTABILITY AND STEWARDSHIP

9.1 Community Councillors are accountable through the community they serve for their actions and their part in reaching decisions and must submit themselves to whatever scrutiny is appropriate to their office.

9.2 Community Councillors should individually and collectively make sure that annual accounts are produced showing the financial undertakings of the Community Council. They must also make sure that all resources are used efficiently, effectively and fairly.

10 OPENNESS

10.1 Community Councillors should be as open as possible about all their actions and their part in reaching decisions. They should seek to ensure that reasons are given for decisions of their Community Council.
10.2 When dealing with the media, members of the public, or other not directly involved in the Community Council all Community Councillors should make sure that an explicit distinction is made between the expression of their personal views and opinions from any views or statement made about or on behalf of the Community Council.

11 CONFIDENTIALITY

11.1 Community Councillors should ensure that confidential material, including material about individuals, is handled appropriately with regard to the public interests and is not used for private purposes.

12 PARTICIPATION

12.1 Community Councillors may take part in the consideration of questions which come before the Community Council unless they have a private interest, which would cause their participation to raise questions as to their impartiality.

13 DECLARATIONS

13.1 Community Councillors must declare any private interests relating to their Community Council duties and should take steps to resolve any conflicts arising in a way that protects the public interest. They should make relevant declarations of interest at meetings of the Community Council, Sub-Committees or Working Groups to which they are appointed, and in all circumstances where they are active in their role as a Community Councillor.

13.2 If Community Councillors have a private interest in a matter before their Community Council, they should consider whether it is appropriate for them to declare this interest and withdraw from discussion and decision making on that matter. In considering this they should have regard to the following criteria:

13.2.1 That members of the public might reasonably think the private interest could influence them; and

13.2.2 That members of the public might reasonably think the private interest creates a real danger of bias on the part of the Community Councillor because it affects them or someone connected with them, more than any other person or more than the generality of other persons affected by the matter.

13.3 In the case of a private interest that meets neither of these criteria, there may be no reason to declare the interest or to take any further action.
13.4 In the case of a private interest which meets criteria 1, Community Councillors should declare their interest but they may decide to participate in the discussion and decision making on the matter.

13.5 In the case of a private interest which meets criteria 2, Community Councillors should declare their interest and withdraw from the discussion and decision making on the matter.

13.6 In the case of a private interest which meets both criteria 1 & 2 and if this private interest is of a continuing nature, it may be that it would cause a Community Councillor to withdraw from the consideration of business on such a frequent basis that they would be of little value to their Community Council. In this case, they should not seek to serve as a Community Councillor.

13.7 Private financial interests may be more likely to be of a nature that meet the above criteria however private non-financial interests may also meet the criteria. The fundamental principle to bear in mind is that Community Councillors should not do anything that they cannot justify to the public in terms of this code.

14 RESPECT

14.1 Community councillors must respect their fellow Community Councillors and those that they represent, treating them with courtesy, respect and in a non-discriminatory manner at all times.

15 RELATIONS WITH SCOTTISH BORDERS COUNCIL COUNCILLORS

15.1 Community Councillors should respect the role of Scottish Borders Council Elected Members and treat them in a way that engenders mutual respect at all times.

16 RELATIONS WITH SCOTTISH BORDERS COUNCIL EMPLOYEES

16.1 Community Councillors should respect the role of officers of Scottish Borders Council who are directly responsible to Scottish Borders Council and treat them in a way that engenders mutual respect at all times.

17 POLITICAL AFFILIATIONS

17.1 Whilst Community Councillors are free to have political affiliations, the Community Council itself is not a political body but exists to represent the interests of the whole community. Therefore, in participating in the business of the Community Council, the concern of Community Councillors must be to represent the interests of their community and not those of a particular political party or group.
18 PERSONAL CONDUCT

18.1 Community Councillors' personal conduct should be such as not to bring the Council into disrepute. They should act courteously to fellow Community Councillors, Scottish Borders Council Elected Members and Officers, members of the public and other bodies.
### Scheme Title
**Do you agree that the name of the Scheme be changed to the Community Council Scheme of Establishment?**

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Comments</th>
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</table>
| 30  | 5  | 1. "Community Council Scheme" is sufficient  
2. Title should be "Scheme for the Establishment of Community Councils", which is what is given by the Local Government (Scotland) Acts of 1973 and 1994.  
3. We prefer the title "scheme for the establishment of community councils" as stated in the Local Government Acts.  
4. The proposed title is unnecessarily pedantic. The document text makes it obvious that it applies to the establishment, running and, where required, the re-establishment of a CC.  
5. It must be in Plain English and self explanatory |

### Term of Office
**Agreement with proposal to limit the period that an elected member can hold an office bearing position to two terms of office**

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<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Comments</th>
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</table>
| 21  | 18 | 1. The constitution should be such that this does not lead to a small coterie excluding other interested local residents.  
2. Yes  
3. While it's never a good idea to have office-bearers in posts that others fear to challenge, the time-dependent 'forced' removal can be counter productive. My experience is that it's often difficult to get experienced people to take on the sometimes onerous task of being a community council secretary - someone with good IT, communication and administration skills (as well as the time it takes to carry out this job properly!). So while I've agreed with the proposal I feel there must be a caveat that takes cognisance of the potential loss of the best candidate for any of the positions.  
4. Office bearer can hold that office for maximum of 2 terms. We felt that it may be difficult to get people to be secretary (we are already seeing that following my resignation, with the role being split between 3 people) and chair, and would comment that if nobody else is interested in resuming office after a 2 term period, and if the current office bearers are willing to continue, then they should be allowed to. The default would be that they stood down after 2 terms, but if no volunteers for these roles come forward, the CC could effectively grind to a halt, and we felt there should be a plan B. We also have a vice chair who chairs meetings in the Chairs absence.  
5. If, as stated the Secretary or Treasurer, is an elected member of the Council it may prove difficult to
get a replacement from the members so there should be no limit. A limit for the Chairman is OK in my view.

6. In many Community Councils it is difficult enough to obtain office-bearers without limiting the time they are allowed to serve.

7. This sounds democratic in principle, but may see community councils fall into abeyance because no one else is willing to take on the roles. If the proposal for maximum terms of office goes ahead, it should be for chair and vice chair only, as these are more "political" roles, whereas secretary and treasurer are "administrative" roles equivalent to Clerk to the Council and Chief Financial Officer at SBC.

8. We feel as a Community Council that this would not be a good idea due to the problems many CC's have trying to recruit new members, and not many want to take on an office position, also having a longer term period helps with continuity and also most of the office bearers have knowledge of what has happened previously.

9. No, but there should be limits on the period which an officer can serve without being challenged or re-elected.

10. Could wording be changed to say "may serve.... for no more than 8 years...." Hawick Community Council has an election every 2 years and has voted not to increase that to 4. This means current Chair, Secretary, Treasurer can only serve for 4 years.

11. We feel that Vice-Chair needs recognition as a valued Office Bearer. If there is no Vice-Chair recognised then who chairs a meeting in the absence of a Chair being present. Although we agree that the term of Office for Office Bearers positions be restricted to 2 terms, we do however feel that this be flexible in the case of: should no one come forward for a certain Office Bearers Position after the 2 terms, then the Office Bearer previously in that position be re-offered the position subject to previous active recruitment for the position.

12. We agree in principle but would want to see safeguards preventing the abeyance of community councils, for example where no one is prepared to take over the role of treasurer.

13. We tend to support the recommendation that office bearers serve for a maximum of two terms of office, but may take on a different office on conclusion of this term, something we have had in place for a number of years.

14. Jedburgh Community Council consider it would be difficult for smaller communities if there were restrictions on the term an officer can serve and note that Scottish Borders council do not adhere to this ruling themselves. Councillors know how difficult it can be to get anyone to serve on community
<table>
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<th>Appendix two</th>
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<tbody>
<tr>
<td>Consultation Responses</td>
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</table>

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<tr>
<th>15. Ancrum Community Council disagree with proposals to restrict members holding office for a maximum two terms and ask that it be considered that this be removed from the scheme before confirmation. Ancrum are concerned this point may be difficult to adhere to where the number of volunteers to come on to Community Councils are low.</th>
</tr>
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<tbody>
<tr>
<td>16. As a council who has difficulties finding members it would be detrimental if those volunteering were unable to serve for more than two terms. Heiton and Roxburgh Community council would find this point restricting.</td>
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<td>17. While it is desirable that the Chair changes from time to time a more flexible form of wording is recommended to reflect the real difficulty in getting people to take on the role (&quot;should where practicable/possible&quot; rather than &quot;may&quot;). The same is NOT so desirable for treasurer and secretary where these roles act as the local repository of CC history, precedent, etc. Experience is valuable to a CC's operation.</td>
</tr>
<tr>
<td>18. I am not sure this is particularly helpful for small communities. This forces an unnatural turn over. It would be better not to be so prescriptive.</td>
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<td>19. What about the 'vice chair' who is also an office bearer?</td>
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<tr>
<td>20. Although generally supportive of job rotation in Community Councils, the feeling was that an office holder should only be required to resign from his for her position at the end of the second term of office if another member of the Council is prepared to take over.</td>
</tr>
<tr>
<td>21. Every CC has the opportunity to elect their office bearers at the AGM. There should not be a restriction as this could force other members to take on posts that they are not comfortable with or experience in accounts or minute taken / letter writing. It works as it is so should be kept as status quo. This was the unanimous decision by all at Burnfoot CC.</td>
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<tr>
<td>22. Our experience has been that even though Office Bearers want to step down there is no one willing to take up the post. Provision should be made for this situation otherwise how can the CC function?</td>
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<td>23. It is too restrictive and may hamper how the community council can operate. We understand the possible issues that it attempts to resolve but the reality is that any community council can change its chair at its AGM.</td>
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<tr>
<td>24. Agreed that there should be some restriction, however believed with experience that this can be difficult to maintain. Propose that wording should reflect that it is a requirement but not mandatory.</td>
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## Nomination of Candidates (a)
Agreement with the introduction of clause re non-eligibility if a prison sentence has been served within 5 years prior to CC election

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<th>Yes</th>
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<td>7</td>
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1. We agree that a person may not be nominated as a CC member if they have served a prison sentence, of 3 months or more including suspended sentence, in the last 5 years. However, unless some form of check takes place, how will this be monitored? Is it proposed that some sort of disclosure/PVG scheme be undertaken? Obviously, the Code of Conduct covers much of this area, and CC nominees should be trusted members of the community, but not everyone (rightly) knows everyone else’s business and it is perfectly possible that someone with a current or recent criminal record may not disclose this when seeking nomination.

2. No. This should be in line with the Rehabilitation of Offenders Act 1974, which differentiates between prison sentences of shorter or longer than 6 months. There is no differentiation in the Act between sentences of shorter and longer than 3 months, so the council should not introduce this distinction. The criteria should include the nature of the crime. Financial crimes, sexual and violent crimes, inter alia, should prevent qualification.

3. We would like to add that the candidate only appear on one electoral role for one town, being the one that he/she be nominating for. Also we feel that stronger guidelines be put in place for questioning a members right to remain on a Community Council if the persons behaviour is cause for concern and is jeopardising the good name of the Community Council whereby the person sits.

4. We agree with the proposals and take this opportunity to suggest the age restriction for community council membership is lowered to 16, in line with the Scottish Government's model scheme and the national trend towards lowering the voting age to 16.

5. Jedburgh Community Council would like the removal of point 8.2 as this goes against the UK policy of rehabilitees and inclusion of offenders back into the Community.

6. When the sentence has been served SBC rules should not add to it. Let the community decide if the person should serve on its CC.

7. In principle yes – but what may the candidate also be the proposer? A person currently – or recently – placed on the police sex offenders list should be excluded, as community council work involves potential direct contact with schools, children and women.

8. The meeting was not in favour of debarring someone who has served a prison sentence (including suspended sentence) in the previous five years, as they have paid their debt to society. However, a serving Councillor who receives a prison sentence should be required to resign and should not be
eligible again until the sentence has been served.

9. Regarding a prison sentence. The community councillors are seen as pillars of the communities and as such are often requested to carry out additional security duties, i.e. passports and gun licences signatories. To have served a prison sentence at all reflects a poor character or judgement and as such it is felt that no member of a community council should have served a prison sentence.

<table>
<thead>
<tr>
<th>Nomination of Candidates (b)</th>
<th>Agreement with proposal that the time that must elapse following an unsuccessful nomination period, prior to nominations being invited again, be reduced from six to three months</th>
</tr>
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<tbody>
<tr>
<td>Yes</td>
<td>No</td>
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</table>
| 32                         | 1                                  | 1. A good move as the disappointment of failure to attract sufficient nominees can result in more immediately coming forward but the long time delay provides too long a 'cooling off' period.  
                                     2. The proposal takes it from a total of eighteen months to only nine, so I would recommend nine months after the second unsuccessful nomination period to bring the total to twelve months (one year).  
                                     3. Reducing the time scale should improve democracy but what about the cost implications? |

<table>
<thead>
<tr>
<th>Nomination of Candidates (c)</th>
<th>Agreement with proposal that the time that must elapse following a second unsuccessful nomination period, prior to nominations being invited again, be reduced from 12 to six months</th>
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<td>Yes</td>
<td>No</td>
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</table>
| 32                         | 1                                  | 1. A good move as the disappointment of failure to attract sufficient nominees can result in more immediately coming forward but the long time delay provides too long a 'cooling off' period.  
                                     2. The proposal takes it from a total of eighteen months to only nine, so I would recommend nine months after the second unsuccessful nomination period to bring the total to twelve months (one year).  
                                     3. Reducing the time scale should improve democracy but what about the cost implications? |

<table>
<thead>
<tr>
<th>Voting Arrangements</th>
<th>Agreement that a combination of two voting methods can be used at the discretion of the Returning Officer</th>
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<tr>
<td>Yes</td>
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<td>34</td>
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</table>
2. I am in favour of online voting systems (i.e. for national elections). However, any online voting system will need to be robust and may not be practical to set up on a small scale (i.e. a community council election). Still, it may be worth giving CCs the option to use this if it is within their capabilities.

3. Candidates should be encouraged /obliged to submit a brief personal statement regarding their wish to become a community councillor and how they would try to benefit the community if elected. Under section 9 (returning officer) we suggest that the SBC chief executive, the most senior employee in the council who has ultimate responsibility, should be the named official – with the additional rider that he/she may delegate to an approved nominee as circumstances require. It should also be stipulated that the returning officer should not be related to any candidate who is standing for election.

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<tr>
<th>Permitted Variations</th>
<th>Agreement with the removal of the permitted variations clause</th>
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<td>Yes</td>
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<td>27</td>
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<tr>
<th>Community Council Seats (a)</th>
<th>Agreement to change the name and/or number of elected members for some community councils</th>
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<td>Yes</td>
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<td>23</td>
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</table>
Appendix two  
Consultation Responses

3. Eyemouth (Eyemouth Town)  
I disagree with the inclusion of “town” as Eyemouth Community Council’s area includes small outlying areas. The word “town” may also lead to confusion with the community council being a “town council”, which it is not.

4. I am uncomfortable with the term “Royal Burgh” in the names of some community councils. Royal burghs were abolished in 1975, making the continued use of the term something of a historical anomaly.

5. There should be a clear policy on whether community council names use the word “and” or an ampersand. The consultation uses both in different places, even for the same community council.

6. Birgham has always had 4 members of LBE CC rather than the 3 listed. Please amend the table.

7. We would like the number of elected members of the GFPCC to be reduced from 12 to 10 as we feel that this is an adequate number to represent our electorate, currently just over 400.

Community Council Seats (b)  
Agreement that the sub divisions remain unchanged

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<tr>
<th>Yes</th>
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| 23  | 5  | 1. Swinton & Ladykirk Community Council having again looked at their sub-divisions wish this to be completely removed.
2. We are unanimous in our view that the subdivisions in the GFPCC area should be scrapped and that all CC members should represent the whole CC electorate.
3. It was noted that the table at the top of the page does not show our existing sub-divisions, even though they are included in our constitution (i.e. 2 from Tweedsmuir, 2 from Drumelzier and 6 from Broughton). We regard these as essential “long stop” safeguards and are please that subdivisions are to be retained. |

Code of Conduct  
Agreement to make proposed changes to the Code of Conduct

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<th>Yes</th>
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<td>28</td>
<td>1</td>
<td>1. 2.3 Carrying out surveys or the like is not practicable for most Councils because of cost and time. In any case SBC Councillors, MSPs or MPs do not do this so why should CCs?</td>
</tr>
</tbody>
</table>
2. Amendment 14.2 ("Community councils should take proactive steps to engage with all members of the community fairly. All community council meetings should be held in accessible venues") should form part of the main scheme rather than the code of conduct for individual community councillors.

3. £50 may be too high a limit for recording gifts and hospitality. Community councillors are unpaid volunteers, and gifts worth £49 given to all members of a community council (e.g. from someone who has submitted a planning application) would total almost as much as the community council’s annual support grant from Scottish Borders Council, and call into doubt members’ impartiality, but not need to be reported. The limit should be set lower, and community councillors should be advised to use their discretion in recording gifts with values below this (e.g. when the gift is received by someone who has submitted a planning application or is involved in a public dispute). It should also be stated where gifts should be reported (e.g. in minutes, on website).

4. All gifts and hospitality with any monetary value should be recorded, not just those above £50. (For people with limited income, gifts of £50 could easily be sufficient to influence their position on a motion)

5. With regard to ‘Code of Conduct’ and therefore the constitution, there needs to be a section saying something along the lines of Removing a Community Councillor/Office Bearer. ‘Any CC member bringing their position or that of the CC into disrepute by virtue of their actions, may be removed from office subject to a vote of no confidence being carried out by members of the Community Council.’ Obviously this needs a proper legal input.

6. Proposal 14.2 should be in the main scheme rather than the code of conduct for community councillors as it relates to CCs as a whole rather than individual members. 14.2 Community councils should take proactive steps to engage with all members of the community fairly. All community council meetings should be held in accessible venues.

7. Ref. 1.3 - please explain clearly who will monitor how councillors will “promote and support these principles by leadership and example”
Ref 2.3 – suggest including the internet and website links
Ref 7.1 – recording of gifts and hospitality should be a matter of principle through openness and transparency. We suggest the monetary value be lowered to £20 to encourage this!
Ref 10.2 – media interviews can be distorted and manipulated. Councillors within each cc should arrange how this will work in practice perhaps by appointing an appropriate spokesperson
## Appendix two
Consultation Responses

### Boundary Changes (a)
Agreement with the proposal to amend the boundaries of Foulden, Mordington & Lamberton CC; Kelso CC; Selkirk CC; Upper Tweed CC

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<tr>
<th>Yes</th>
<th>No</th>
<th>Comments</th>
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<tr>
<td>24</td>
<td></td>
<td>1. Providing that an amicable agreement between the community councils has been reached.</td>
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<td>2. in accordance with these CC area wishes</td>
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<td>3. KCC area should also be extended to include the area to the West of the Yetholm Road opposite Sainsburys.</td>
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<td>4. Providing the Community Councils that this affects agree we do no see any problem with this.</td>
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<td>5. The changes to the Selkirk community council area are agreed – whilst noting that this is only an adjustment to correct a previous mapping error</td>
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<td>6. Proviso; Very aware that one does not live in any of the areas mentioned.</td>
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### Boundary Changes (b)
Agreement with proposal to include development area in Newtown St Boswells CC area.

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<tr>
<td>7</td>
<td></td>
<td>1. I have no opinion here but I hope that any change can be agreed by negotiation.</td>
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<tr>
<td>4 respondents live in area*</td>
<td>1</td>
<td>2. no comments</td>
</tr>
<tr>
<td>3 respondents do not live in area*</td>
<td></td>
<td>3. Do not wish to comment</td>
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<tr>
<td></td>
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<td>4. I would like to express my opposition to the annexation of land at Whitehill Farm by Newtown St Boswells Community Council. The land is not suitable for development for a wide range of reasons, not least the urbanisation of a rural part of the Borders and the certainty that the vastly increased traffic will turn an already dangerous junction, especially for pedestrians and cyclists, into a lethal one. The actions of St Boswells Community Council in standing against the development should be welcomed; they are not bowing to the greed of developers and the profit-motive that always instigates such developments, and as such I fully support St Boswells Community Council retaining guardianship over the land at Whitehill Farm. In summary, the land boundaries of St Boswells and Newtown St Boswells should remain as they currently are.</td>
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<td>5. I live in the Newtown &amp; Eildon community council area. I support the proposed adjustment to the CC boundary between Newtown &amp; Eildon CC and St Boswells parish CC for the following reasons. The new boundary would the fully correspond with the agreed limit of the proposed housing development for Newtown.</td>
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</tbody>
</table>
It would make no sense for one small corner of the Newtown development to be represented by St Boswells Cc this would lead to confusion at the planning and developer stage consultations stages.

Should the development take place the area in question may be housing, roads, open space, or play area, who knows? The residents of that small area would be obliged to consult St Boswells CC and Councillors from the adjacent Electoral Area of Cheviot, not Eildon on matters related to that area. Their wishes may be in complete contrast to that of their neighbours in the Newtown CC area who may use the came space/facilities.

The situation above would not support the agreement to fully integrate the housing development into Newtown and establish close links with, and opportunities to regenerate the present village.

I understand at present no person lives within the proposed boundary change area therefore the change would have no short term impact.

I assume St Boswells CC wish to maintain a clear green belt between the villages I would consider this is more likely to be achieved if the boundary, as already clearly defined for development, matches the Newtown CC boundary.

From time to time boundaries heed to be changes and this is the obvious opportunity for this alteration, avoiding future complications in the proposed development.
6. Selkirk CC agrees in principle but suggests the change is not put in place until the proposed Newtown housing development is established – but with both affected CCs working closely together throughout the predevelopment stages.
7. As a part of the Community Council Review consultation I have been asked by the Newtown St Boswells Community Council to reconfirm the reason for the request for a Community Council boundary change which is as follows :-

SBC Local Plan proposes a large scale 600 house development for our village but whilst the new houses will be attached to Newtown St Boswells the land currently falls under the jurisdiction of the adjacent village St Boswells Community Council area, see below diagram.
From the start there was a clear intention by SBC for the new house development to be an integrated part of Newtown St Boswells which was confirmed by SBC development planning briefs, the SBC submissions to the Public Inquiry and its findings, the Local Plan and the SBC Development Framework etc.

The large scale development of Newtown St Boswells has not been generally welcome by the residents however the only possible benefit that is seen could come from the enlarged community would only occur with a fully integrated community sustaining a new village centre, job creation etc. However at this advanced stage of the development planning process it was a shock for the village to discover that without the small boundary change requested the 600 houses would not be covered by the village Community Council but by another Council some two miles away.

The boundary change is requested will allow the new residents from the 600 houses to be under the jurisdiction of the existing Community Council. It is stressed that physically the 600 housing development will be 'attached' to Newtown St Boswell village which is some 1.5 to 2 miles away from St Boswells village and the boundary change requested would not reduce, interfere with the 'gap' between the two village centres which will remain as separate identities.

The SBC Development Framework document proposes to position the new Newtown St Boswells Primary School and village playing field on this land and this is another strong reason why the boundary should be adjusted so that it is covered by Newtown St Boswells Community Council.

In summary it is considered a community split in the middle by two separate Community Councils is not conducive to achieving the objective intended by all to create an integrated, harmonious community. This will only be achieved with the boundary change requested to bring the new development into a single Newtown St Boswells community.

Lastly, it must be said that it is unclear why St Boswells Community Council are unwilling to agree to our request since with the same population their Community Council area is in fact three times greater than Newtown St Boswells and, until the new houses are built, the requested change involves no existing houses or residents which need to be considered. Also before it was decided in
the Local Plan to position the house developments in Newtown St Boswells great opposition was made by St Boswells to a previous proposal to position the houses in their village.

8. I write in connection with the review of the Community Council Scheme and in particular the proposal to change the Community Council boundary at Whitehill Farm. The intention of the proposed change is to include a development site for the Newtown village expansion within the
Newtown St. Boswells & Eildon Community Council boundary.

You will be familiar with the sites earmarked for new housing to the North, West and South West of the present settlement. Some of those already lie within the Newtown St. Boswells & Eildon Community Council boundary but the large site at Whitehill does not.

I am sure you will agree it is important that the village expansion should be fully included within Newtown if the aim of building a single enlarged village is to be achieved.

Indeed, it has always been clear, right from when former Director of Planning Ian Lindley first introduced the village expansion at a public meeting I attended in July 2005, that the intention of the expansion was to build on, enlarge and enhance Newtown St. Boswells. It is vital for the success of the proposed village expansion that there should be a single clear vision to aim for and that the expansion should not be allowed to fall between two village communities with possibly more muddled consultation arrangements. The eventual aim must be for a coherent enlarged community, in all senses of that word.

### The Establishment of Two New Community Council Areas (a)

**Support for the establishment of a Tweedsmuir Community Council**

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>26</td>
<td>28</td>
<td>Appended below</td>
</tr>
<tr>
<td>8 respondents live in area*</td>
<td>1 respondents live in area*</td>
<td></td>
</tr>
<tr>
<td>18 respondents do not live in area*</td>
<td>27 respondents do not live in area*</td>
<td></td>
</tr>
</tbody>
</table>

### The Establishment of Two New Community Council Areas (b)
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Consultation Responses

| Support for the establishment of an Upper Liddesdale & Hermitage Community Council |
|---------------------------------|---|---|
| **Yes** | **No** | **Comments** |
| 47 | 24 | Appended below |
| 30 respondents live in area* | 20 respondents live in area* | Petition responses: |
| 17 respondents do not live in area* | 4 respondents do not live in area* | No – 47 |
| | | 13 respondents live in area |
| | | 34 respondents do not live in area |

Additional comments

1. Community councils could be given the power to ‘vote of confidence’ a community councillor off the community council. This would help the community council address the situation where non-constructive/destructive members are a hindrance to the organisation but are not willing to resign from the community council. Should this go forward a strict process would have to be put in place in order to ensure that the power to remove a community councillor could not be abused.

2. The national model scheme sets the minimum age for membership of community councils at 16, but the Scottish Borders scheme has gone with 18 for no apparent reason. Elected members of SBC must be over 18, but there is a substantially greater commitment and responsibility, whereas community councillors are unpaid local volunteers. The council should consider lowering the age limit to 16 to encourage young people to participate in democracy and local decision making. 16 and 17 year olds can certainly make a meaningful contribution to their CC.

The requirement for candidates to be on the electoral register may be overly restrictive. Potential candidates may live in a community council’s area but not be registered to vote (e.g. just moved to the area). Community councils rarely have contested elections, so there should be no need to be registered to vote.

3. Candidates should not have to be formally proposed and seconded.

4. We Galashiels and Langlee Community Council would like the Directors to consider our application to change our name to Galashiels Community Council. We would like to include Langlee as being a full part of Galashiels instead of a separate entity. This has been approved by our Community Council and also by consultation with various residents of Langlee.

5. We believe the scheme could benefit from adding an explicit requirement for community councils to publicise minutes of their meetings on the internet. The scheme currently requires CCs to comply with the principles of the *Local Government (Access to Information) Act*...
1985 and make adequate arrangements for minutes to be available for inspection by members of the public within the CC’s area not later than seven clear days prior to their next meeting.

Terminology used by Scottish Borders Council has changed since 2007 so the following references may need to be updated:
- Head of Corporate Administration
- Area Committee
- Head of the Business Improvement Unit

6. Given the number of recent reviews and consultations which have referred to the role and place of Community Councils, we strongly urge Scottish Borders Council to establish a Working Group with a remit to investigate possible future roles and the capacity for Community Councils in the Scottish Borders to operate within the findings of the recent Audit on the Borders Community Planning Partnership, responses to the Empowerment Bill and the findings of the National Review of Community Councils.

7. It would be beneficial to the democratic process and the future of the community if ways could be found to encourage younger people to become involved. It should also be noted that, under present nomination arrangements, if the number of candidates for a proposed community council are within the max number stated then no election is required and thus the democratic process is circumvented. All the more reason that a screening process of potential candidates should clearly define eligibility.

8. The CC wishes to consider the possibility of creating a sub-division for Bannerfield which has its own distinct character within the Selkirk community. However this proposal requires further consultation and dialogue

* Not all respondents stated whether they live in the area or not
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Comments regarding the proposal to establishment of a Tweedsmuir Community Council

Supportive

1. Change brings in new blood and new ideas to the area and stops stagnant movement of old and argumentative committees
2. We can understand the reasoning
3. I have been a resident in Tweedsmuir for 30 years and in that time have seen many changes to our community in particular the community have lost services which are still available in Broughton. The community regularly meets to deal with issues specific to their needs and have been successful in raising funds to purchase The Crook Inn. There are ongoing discussions with councillors and businesses about the problems around access to Tweedsmuir village via Carlows Bridge, forestry plantations and proposed Wind farm developments. There is an unrivalled sense of community which is demonstrated by the many community events held in Tweedsmuir – an all age community spirit! If Tweedsmuir were to have their own community council with members elected from the various community groups – we would be able to ascertain, co-ordinate and express our views to the local authority and to public authorities – matters specific to this area.

I would like to comments on the concerns of UTCC detailed in the document – I reply:-

(a) Tweedsmuir residents are already actively involved in many organisations in the Upper Tweed area and this is proved by presence on committees, organisation of local clubs and events and support at community events.
(b) A separate community council will represent good value in relation to the extra expense to the council as we have demonstrated by an open vote to all residents in Tweedsmuir that we are willing to set up a separate community council to address the views which are particular to this area. These views will pt be diluted by opinions from people who do not have these issues and have access to more services.
(c) We would be disappointed of Broughton community withdrew their support The Crook Inn as this is seen as a whole Upper Tweed project for the long term viability of the region.
(d) Tweedsmuir community have already proved to have a good breadth of knowledge and if required we would ask for specific help. Tweedsmuir residents are always willing to help other community members and have proved this by holding office bearer positions in many local organisations.
(e) A separate community council would be able to specifically address local needs and not spread themselves thin by addressing issues not relevant to Tweedsmuir.
(f) I do not agree that this would split the community as I have family members that support a separate community council living in Broughton. Skirling and Stobo have separate community councils and do not feel “split”. The “split” would better enable “local” issues to be properly dealt with.
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(g) Tweedsmuir has no services and I see this as a particular reason for a separate Community council. Tweedsmuir will remain to be “connected” due to the community spirit and are happy to support local businesses and groups in Upper Tweed.

A plus point for having a separate Community council for Tweedsmuir would be that we would be better able to communicate within a smaller group of residents, building resilient connected community for all ages.

Tweedsmuir is the western gateway to Scottish Borders council and I would like to promote the area for tourism an employment through the Crook inn project and I feel that we would have a stronger voice with our own community council.

4. There are specific issues relevant to Tweedsmuir that are not applicable to Broughton and other parts of the Upper Tweed Valley. A separate community council in Tweedsmuir would ensure that local residents receive better communication on issues which directly affect them. Better communication would engage residents and encourage them to contribute to community council discussion and decision making.

Some of the specific issues pertaining to Tweedsmuir are as follows:

- Slow rural broadband – an issue which has not be addressed by Upper Tweed Community Council
- The adverse affects of the forestry industry on the infrastructure of the village including the ongoing deterioration of local roads and bridges.
- The adverse affects of timber lorries on village life such as noisy vehicles early in the morning, dirty roads, road safety issues, dust clouds from timber lorries on dry days.
- The visual impacts of wind farm developments. There are now two wind farms visible from Tweedsmuir village with a third (even closer to the village) in the planning pipeline. There are no wind farms visible from Broughton or Drumelzier.
- Wind farm construction and the affect on local traffic.
- Lack of public transport. There is currently NO public transport available in Tweedsmuir. As such residents have to own and use a car otherwise they would not be able to survive in the village.
- The Crook Inn project which is a vital development for local residents as well as attracting tourism.
- A701 traffic speed issues. There are no traffic calming measures or speed restrictions on the A701 Edinburgh – Carlisle road through the village. This results in excessive speeds of both light and HGV vehicles through the centre of the community.

Finally, you will of course be ware that Scottish Borders Council have already been given a mandate by 60% of residents who voted in Tweedsmuir for the establishment of a separate CC.
5. I am fully in support of the village having its own Community Council. The main reason I say this is because I feel that a more locally based CC will be better placed to ensure purposeful dialogue with local residents over local issues which are particular to Tweedsmuir people. Such issues are as follows:
   - The fact we still have a very slow broadband in the village
   - The save the Crook inn campaign which is particular to Tweedsmuir
   - The Carlowse Bridge refurbishment issue which is particular to Tweedsmuir
   - The issue of there still being no teal public transport to/from the village
   - The fact that most of the wind farm development along this stretch to the A701 is directly on the doorstep of Tweedsmuir residents (more so than any other residents coming under the current UTCC umbrella).
   - The fact that there is currently no formal route by which the UTCC communicates directly with Tweedsmuir residents (and vice versa) on any of the above issues.

Finally, you will of course be aware that (as in understand it) Scottish Borders Council have already been given a mandate by 60% of residents who voted in Tweedsmuir for the establishment of a separate CC.

6. I believe that Tweedsmuir has a very different agenda from Broughton, but too often our views aren’t heard or we can be outvoted by the inbuilt Broughton majority. We are specifically affected by issues connected with forestry, and in particular timber transport; the associated problems with continuing forestry traffic over Carlowse Bridge; the Crook Inn and lack of public transport.

   I also believe that there has been a serious undermining of the principle of true democracy both in the disinterest of Broughton community councillors and also within Scottish Borders Council itself (which I have witnessed first-hand at council meetings about Carlowse Bridge). The UK has the highest density of population per local municipality in Europe, and I believe that it is time for local people to take back control. A separate Tweedsmuir Community Council would encourage greater participation in local decisions by local people, and would ideally be working in partnership with its neighbouring Councils rather than in competition with them.

7. I write to support the proposal for the establishment for Tweedsmuir area to have it’s own Community Council – the reasons for this are:-
   Tweedsmuir is a very dispersed community with, I believe, very different problems to Broughton i.e. windfarms, forestry and water problems that the rest of the upper tweed Community council do not currently experience. There is a distinct lack of public transport and no amenities of any kind.

   The results of the ballot show that Tweedsmuir residents are keen to forma separate Community Council so that theses problems can be addressed. The success of the Save The Crook campaign is witness to the community spirit and passion.
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The Upper Tweed Community council as it is at present does not engage well with the community and have problems getting involved, they are not as approachable as I would like and I feel that if Tweedsmuir had its own council – communication would be easier and could be greatly improved.

I am willing to be involved and to represent Tweedsmuir Community council and I would like to improve and encourage communication with local residents and neighbouring community councils such as Upper Tweed, Skirling, Stobo and Moffat, sharing our concerns and experiences to improve our rural life.

There are a number of local people who are keen to be involved and I hope that we will be given the chance during this consultation on the Scottish borders Community Council Scheme.

8. In response to your call for final views on the establishment of a separate Community Council for Tweedsmuir, I fully support this proposal.

Tweedsmuir has a very different dynamic from the rest of the Upper Tweeds area; more often than not our views and needs are not considered or heard by the current community council. Tweedsmuir can be easily outvoted the Broughton majority.

Available funding is usually used to enhance Broughton’s needs not ours, we are affected by forestry operations which show no consideration for our community, any more than Borders council listen to any of our concerns or views.
   - The problems associated with continuing forestry traffic over Carlowse Bridge and the surrounding infrastructure; which is being destroyed by it.
   - The Crook Inn – the way in which planning consent was given for unneeded housing directly against the wishes of the majority of the community in closed sessions not allowing public opinion to be heard or considered.
   - The complete absence of public transport and services.

True democracy has been seriously undermined in Tweedsmuir following the complete disinterest of Broughton community councillors and also within Scottish Borders Council itself (which I have witnessed first-hand at council meetings about Carlowse Bridge).

The UK has the highest number of people per local municipality in Europe, and I hope that in the event of Scotland becoming independent local people may be able to take back control from a bureaucracy that no longer cares what happened to the people it is purported to serve.

A separate Tweedsmuir Community council would encourage greater participation in local decisions by local people, and would ideally be working in partnership with its neighbouring Councils rather than in competition with them.
9. In principle I have no objections to Tweedsmuir forming a new Community Council, however the reasoning and practicalities are, I believe, misunderstood and flawed. A strong case for a separate Community council area has been put forward on the basis of problems that are stated to be unique to Tweedsmuir. This to a large extent is misleading. The following is stated in the case for a separate Community Council:

**Disruption/damage from timber traffic**
This is not unique to Tweedsmuir, problems, albeit to a lesser extent, arise from timber lorries on the main A701 and more particularly on the Stobo road.

**Impact of Windfarms:**
Windfarms are barely visible form Tweedsmuir itself, it is someway south of Tweedsmuir before a visual impact is made. The Windfarms may be “in” Tweedsmuir, and bordering it, yet it is the Glenholm and Tweed valley towards Peebles that have received the greater intrusion of the power lines taking the generated power to market.

Tweedsmuir residents suggest that they are not properly represented on the upper Tweed Community council by virtue of the Councillors not being able to make meetings. The community is small, and if the Councillors are unable to make present meeting, they are likely to find more local based meetings – which are likely to at the same level or more equally difficult. The further question arises, if the present Community councillors are not representing the communities interest why do they not select someone who will.

Tweedsmuir has a relatively small population. May Community Council areas with a larger population find they do not have the capacity to be able to deal with more than a couple of issues at a time. I cannot see how a small community can increase their capacity by forming another forum.

The Crook Inn is a major project which will stretch the community somewhat to gain fruition. No doubt the same individuals will be involved in the Crook Inn, which again questions the capacity of the community when present Councillors have difficulty in attending UTCC meetings.

The representation of the Community is likely to diminish in that they will not have the breadth and depth of experience and expertise from a larger Community council. With a new Community Council experience and skills will become more restricted, which is to no-ones benefit.

Other models should be considered before forming a new Community Council. May be a “Locality” Group which is given access to the UTCC. The same could apply to Drumelzier and Broughton.
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In short, my concerns are that the model proposed by the interested parties within Tweedsmuir are based on an ideal rather than a pragmatic and sustainable model.

10. I am writing to comment upon the Consultation document on the Scottish Borders Community Council Scheme, specifically in relation to the proposal for the establishment of Tweedsmuir community council area.

I have been a Tweedsmuir resident for thirteen years, I run a business based in the village, I have a young family who attend Peebles High, Broughton Primary and Broughton Bananas playgroup. I have previously held the position of Vice Chairman of the Upper Tweed Community Council (UTCC).

I have considerable experience of working with the numerous and varied clubs and organisations in Tweedsmuir and Broughton. It is my opinion that Tweedsmuir would benefit greatly from having its own Community Council.

In recent years the residents of Tweedsmuir have become extremely organised as a community and have achieved considerable and dramatic results through their battle to save the Crook Inn and related community projects. It has become apparent to the Tweedsmuir residents that they are more than capable of running their own community affairs, and this along with their increasing frustration with the service provided by UTCC has led to their request for their own Community Council.

With regard to the points made by UTCC against the proposal, I suggest they reflect the opinions of a small number of Broughton councillors who prefer the status quo and the ‘status’ they currently feel they hold. The main concern seems to be that some sort of rift or division will be caused by a change in the Community Council, and that Tweedsmuir will become isolated and out of touch with the neighbouring area.

Perhaps these fears are borne from lack of understanding of the true nature of the Upper Tweed community which is made up of the bonds of family, friendship and working life, I am sure these bonds will remain intact despite Tweedsmuir residents being allowed to make a few more decisions about local issues.

11. The case for a separate community council for Tweedsmuir:

1 – Tweedsmuir has many problems distinct to the village, which are not experienced by the rest of the UTCC region. A 100 per cent focus that only a separate Cc can bring is needed to both address and, potentially, solves these issues. The problems include:

THE CROOK INN: The Tweedsmuir Community company purchased the inn earlier this year, but a massive effort is now required to refurbish it. A separate CC working in tandem with the community company, and with a full knowledge of the refurbishment plan’s needs and requirements, is vital for the ultimate success of the Crook.

CARLOWSE BRIDGE/FORESTRY ISSUES: After nearly 20 years of use by forestry logging lorries, Carlowse is in need of major repair if it is to continue to take its present loading. The village is also being used as a thoroughfare by forestry traffic, damaging road infrastructure, in particular the Menzion road, and endangering pedestrians and other road users. A way must be found to take this traffic off village roads altogether, both for the sake of villagers and the SBC, which, without an alternative
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plan, will face mounting road and bridge maintenance costs in future. This is a massive undertaking, however, and only a separate CC, without the distraction of issues beyond the village, can hope to achieve this.

LACK OF PUBLIC TRANSPORT: Although this is a problem face by the entire UTCC area, it is at its most acute in Tweedsmuir. There is NO public transport from the village. This has already caused one resident to sell up and leave the village, and is a problem that has to be addressed. The UTCC is at present attempting to improve services in the region, and a second CC, in Tweedsmuir, with much the same aims, would only help this cause.

WINDFARM DEVELOPMENT: Most of the windfarm development has been in the Tweedsmuir area, with residents most recently concerned by a proposed new windfarm at Whitelaw Brae, which is just two miles from the centre of the village and in an area designated as one of Great Landscape Value. This is particularly worrying for residents living closest to the proposal, and they will look to the community council for help. At the moment, the danger is that the windfarm issue will be diluted by a UTCC dealing, for the most part, by issues beyond Tweedsmuir. Also, some residents fear that the UTCC sees only the benefits of windfarm development through the introduction of community funds without experiencing its negative impact.

2 – Communication
The new CC would endeavour to keep all Tweedsmuir residents informed of its business, with the possibility of its own website, email database and using the postal service for residents not online. The UTCC area is far too large and disparate to ensure a purposeful dialogue with residents, and Tweedsmuir, with only two members from the village on the CC, both with full-time jobs, suffers as a consequence. With a separate CC, and with fewer people in Tweedsmuir compared to the UTCC area in total, communication with residents would be much easier to achieve.

3 - Greater involvement of local organisations
It is envisaged that the CC would be made up of organisations active in the village – Tweedsmuir Community Company, Tweedsmuir Bridge Advisory Group, Tweedsmuir Hall committee, KKK – Kids Kool Klub, Forestry Group – campaigning against Oliver plantation, Tweedsmuir Kirk Elders, Christmas Party committee, who also organise the Halloween party, Loose Women. This would give them direct involvement in local government, with ease of access to all grants and SBC help available to them.

4 – A mandate
In the recent poll run by SBC, sixty per cent of residents who voted in Tweedsmuir did so in favour of a separate CC. This gives a mandate for the establishment of such a body, but, more importantly, it shows a group of people willing to take a greater part in local government.

Finally, Tweedsmuir is an active and vibrant community. The two long-running organisations in the village, the community company and Bridge Advisory group, prove beyond doubt that there is an energy to enact change, and that the villagers are willing to commit long term an in numbers to achieve their aims. There is nothing to indicate that this commitment would not also be the hallmark of a separate CC. all villagers are now asking for is that they be given the chance to look after their own affairs in
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an effort to improve a village that has seen a marked deterioration over the past 25 years. With apathy towards the political system, both local and national, at an all-time high, the SBC must surely embrace and encourage this participation.

Comments regarding the proposal to establishment of a Tweedsmuir Community Council

Unsupportive

1. I do NOT think it is a good idea to create a separate Tweedsmuir Community Council. I do not think this will being anything more than marginal change to the sense of enfranchisement in the Tweedsmuir community and I do not think it will have any real effect on day to day life. Results that are likely to be achieved by a Tweedsmuir Community Council are already comfortably within the remit and powers of the Upper Tweed Community Council. Representation of Tweedsmuir’s interests, large and small, can be accomplished by attending the existing community council meetings.

2. I find it very upsetting that Tweedsmuir are wanting to form a separate council. I am also concerned as the viability of running two councils – at the beginning there may be great interest but at the risk of sounding cynical I think one would find it very difficult nowadays get enough volunteers to keep two councils in operation.

   There is also the financial aspect - Councils ate trying to SAVE money, but if there is another community council it will mean more expenditure. Remember their Regional Councillors attend these meetings and will no doubt be putting in their expenses.

   Tweedsmuir and Broughton have always enjoyed a “friendly rivalry” but I feel that the move to form two CCs could end this – we are after all one Church parish and work together in this manner.

3. I am not in favour of a separate CC for Tweedsmuir.
4. We do not agree with the proposal for the following reasons:
   (a) It is obvious from the response in last years preliminary consultation i.e. only 47% of those living in the proposed new community council area returned their voting slip, of which 38 voted in favour, 20 against and 66 did not respond, that there is little appetite for such a change in the proposed area.
   (b) This proposal is being driven by a small group who have certain defined projects about which they feel strongly – not everyone agrees.
   (c) The Upper Tweed community council is experience in handling local issues, as far as it is possible to do so, and we cannot see how a separate community council for Tweedsmuir will be able to achieve more.
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(d) The number of residents in the proposed new area is approximately 124, of which over 50% appear not to be interested or disagree with this proposal, which infers that the small interested group will push a somewhat limited agenda, and may well be spreading themselves too thin.

(e) The current community is served by Broughton & Biggar, not by Tweedsmuir where there are no services.

(f) We are against further costs to SBC, which we consider unnecessary.

(g) In our opinion the UTCC has been unable to influence the following important problems –
   - The proliferation of wind farms in our area
   - The continuing excessive speed of HDV’s on the A701 in our area
   - The condition of the road surfaces and markings in the local area

   - and we are therefore of the opinion that dividing the community’s areas of representation will make it even more difficult to influence outcomes.

5. We agree largely with the concerns raised by the current Upper Tweed Community council, with one additional comment:
   At the moment Tweedsmuir is blessed with a high population of interested, hardworking and committed representatives, but, taking the long view, this may not always be the case in the years to come and Tweedsmuir might find it itself without representation; unable we imagine, to ‘drop back in’ to the Upper Tweed Community Council.

6. I do not agree with the proposal to establish a separate community council for Tweedsmuir. I agree with all the concerns expressed by Community council representatives at the Upper Tweed Community council meeting on 24th September 2013; items (a) through to (g).

7. I would not be in favour of a separate Community Council for Tweedsmuir for the following reasons:-
   - It would split the community
   - It would dilute the pool of people who are willing to take responsible roles within the community
   - The services in our local Tweed valley are limited as they are and any dilution of this would lead to even more difficulty for these services ie shop/garage/tea room etc.
   - In our opinion the Crook Inn will require all the support it can get and any separation of the community will effect the support given to the crook from Broughton area.
   - There would be extra financial strain on the Scottish Borders Council if the area was separated
   - It would fragment the ability, resources and strength of the one community council

8. After due consideration, I find I am against Tweedsmuir splitting off from Upper Tweed Community Council, and setting up their own council.
   - I think the population is too small to fulfil all the purposes of a community council, without a risk of spreading themselves too thin
   - I doubt if Broughton residents would remove support for the Crook Inn project,
   - It seems to me that the Tweedsmuir residents would still need to use the services in Broughton.
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From speaking to Tweedsmuir residents, it seems to me that they feel their needs are swamped by those of Broughton, for example, and not sufficiently taken account of. It may be that this problem could be addressed by a different management style in UTCC, to take more account of Tweedsmuir needs.

9. I am absolutely flabbergasted that this issue has not yet died a death. Quite apart from the financial issue – the cost of a new CC stipend, the expenses of Councillors attending meetings, the administration burden on the council. I find that entertaining a separatist agenda within one of the least populated Community Council and parish districts ridiculous. Upper Tweed is one of the least populated but larger Community Council districts, Tweedsmuir is a hamlet of fewer than 150 adult residents. Upper Tweed Community Council has served Tweedsmuir well over the years, indeed it has been difficult to find people to join the CC to represent Tweedsmuir. Upper Tweed Community Council has devoted a great deal of time to looking after Tweedsmuir when topics such as the Oliver Field forestry and Carlowse Bridge were brought to the fore, yes there are issues that affect Tweedsmuir particularly but in the same vein there are issues that affect Hawdene in Broughton particularly. The 60+ residents of Hawdene are not seeking their own CC ….yet.

If SBC permits this separation from Upper Tweed Community Council, then you should expect applications from Manor, Lyne and Stobo to form three separate Community Councils and over on the Eastern side of the Borders I can see many other possible splits too. Where exactly will you draw the line? The £270 stipend plus other costs detailed above would be better used to provide care for the aged, support Additional needs kids in the inclusive school policy, fix potholes, clean out gulleys around the extensive road network and a myriad of more deserving avenues other than enabling a small number of prickly individuals to run things their way.

As a tax payer and a council tax payer I am incredulous that a) this idea has even been entertained b) the consultation has been done twice over the period of a year using public funds.

I sat through a meeting about council budgets and the deficit we were due to face in 2015/16 – we all agreed that services may have to be trimmed and belts tightened in order to survive. This consultation running for 12months at public expense for the will of 38, yes 38, individuals makes a mockery of the good work of the council and the sacrifices that public servants are making. Some of your employees are doing the work of 2 other colleagues as job vacancies have not been filled. Numbers have decreased “through natural wastage” but the work must continue to be done. Whomsoever sanctioned this idiotic, money wasting consultation needs to think again. Very hard.

10. I am totally against the proposal for Tweedsmuir to break away from the UTCC for the following reasons:
   - Tweedsmuir is far too small an area, only 124 electors, to have its own council.
   - Of these electors only 38 (just 30 per cent) voted for separation. Over 50 per cent were not sufficiently interested to cast a vote and therefore must be reasonably happy with the status quo.
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- In spite of strong local enthusiasm by the leaders of these 38 individuals 20 electors felt sufficiently strongly to vote against separation. I understand there is a feeling that a small clique are trying to run everything in the village.
- There are so many activities in which members of Tweedsmuir and Broughton co-operate effectively. We share a Minister and elders from Broughton take services in Tweedsmuir regularly when the Minister is preaching elsewhere. The Broughton shop and garage/Post office are the only local facilities and are used by both communities. There are many clubs and activities in which both communities take part as Tweedsmuir is just too small on its own to run such activities.
- The Upper Tweed area is itself on the extremity of Scottish Borders Council area and the residents of Tweedsmuir and Broughton need to work together on matters of interest whether it be planning, bus services, mobile library services, transport to hospital and schools.
- There is an excellent and popular Community Newsletter covering the whole area of which the Editor lives in Tweedsmuir and sub-editor in Broughton.
- The cost of a separate Community Council is simply not justifiable.

11. The problem: issues affecting Tweedsmuir are not given adequate consideration at UTCC meeting. Should Tweedsmuir therefore have its own community council?

My view is that there are better ways of addressing the problem than by splitting the UTCC. We must not lose sight of the fact that we are, in effect, just one community, sharing with Broughton, Stobo & Drumelzier the school, shop, garage, public transport etc.

Tweedsmuir residents need to be involved in issues affecting the wider community, a fact that may have been forgotten owing to the current pressure on a number of major issues.

The chairman of the UTCC should be able to ensure that adequate consideration is given at the monthly meetings to issues specific to Tweedsmuir, perhaps by the way of sub-committees to deal with individual issues, and to report back to the meeting.

12. Reasons for not diving the council:
Present Community Council works well
Funding is shared
No need for Scottish Borders Council to have to provide funds for an extra Community Council
A second Upper Tweed Community council would add to the Administration costs.
Present Council does not always find it easy to find office bearers – a second Council would add to the problem.
A larger Council (as at present) has a wider variety of membership and more expertise
A larger Council is likely to have more influence.
Many things are shared between the Communities – the shop, road issues (timber lorries), church and minister, a local choir, school buses and the farming community. Dividing the Community Council would not improve any of these.

The community council meetings have discussed Tweedsmuir at length during the last year. At a Public meeting in Broughton to discuss the matter of division only two members from Tweedsmuir were present. Not a true commitment to the proposal by Tweedsmuir to separate.

13. I write in response to the proposal that a separate community council be setup for the residents of Tweedsmuir. The justifications given on page 16 of the consultation document are very weak. In response to the four points:

a) The whole community helped to raise funds to purchase The Crook Inn whilst recognising that the purchase is just a minor part of the whole picture. The Tweedsmuir Community Company, set up for the purchase, acknowledges that ‘a massive effort’ is now needed to get the business up and running. It has however issued very little (if any) communication to the wider community on progress made or future plans for the establishment. The Company need to engage the wider community in order to get the support – they will not and cannot achieve this on their own.

b) Affects everyone in UTCC not just Tweedsmuir. Logging lorries are a constant hazard on all local roads, often travelling too fast and often causing damage to roadside verges that leave Scottish Borders Council with expensive repair costs.

c) Affects everyone in UTCC not just Tweedsmuir. Public Transport across the whole UTCC area is poor.

d) Affects everyone in UTCC not just Tweedsmuir. There will be proposals for wind farms in the wider UTCC community and the whole community should be involved in any consultations. Road users are affected (as in b) above) whilst the turbines are erected; any benefit from funds brought in from new developments should be shared across the wider community, not just a small part of it.

The UTCC area is a large area and local sub-committees that are run as part of any community council are common and good practice. It is my understanding that representatives from Tweedsmuir attend the UTCC meetings and I fail to see what ‘extras’ they would achieve by being a community council on their own.

Local issues should be resolved at a local level, the wider issues brought to the UTCC to include the wider audience. As only 33% of the whole of the UTCC area and only 38 of the 124 registered electors in Tweedsmuir are in support of a new community council, it is clearly not a widely supported view. In addition, given the additional financial and administrative burden that would be placed upon the Scottish Borders Council, especially at a time when the council are looking to meet a shortfall of £27M, it is an irresponsible request. I strongly urge Scott to do the responsible thing and reject the proposal.

14. With reference to the proposal to have a separate Community council for Tweedsmuir, I would object strongly as it is a huge waste of money and there would be no real benefit in terms of representation for the residents. There is ample representation of the community from UTCC and I can only imagine that some of the residents in Tweedsmuir are hoping for a larger share of potential windfarm benefits
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if the Eskdalemuir embargo ends. It is a pity that so much effort and time has been wasted on such a fruitless proposal. There is no need so it should not happen.

15. I am against the proposal, which is divisive and could split the community, for example in the allocation of wind farm monies and in the willingness of everyone to work for the successful development of the Crook Inn.

Both community councils would have a smaller pool of active people who are motivated to give the necessary time to the work. There would be a fragmentation of expertise and both community councils would probably be less effective, and carry less weight, than the present single council.

Tweedsmuir and Broughton share many common facilities and interests, such as education, school buses, road maintenance and gritting, community policing and prevention of rural theft, promotion of tourism, development of the railway paths network, wind farm construction issues, shop, post office garage, bistro/pub, tennis courts, bowling green, a common parish, and the choral society. There is the need for a single council to make sure, as far as practicable, that all the facilities continue to be maintained for the benefit of the community as a whole, including Tweedsmuir residents.

There are doubts about the ability of Tweedsmuir, with only 62 households, to sustain a community council with regular monthly meetings once the initial period has worn off. Other small community councils have reverted to less frequent meetings, which has made it difficult to discuss items in a timely way.

The present Community Council, which constitutionally has two seats dedicated to Tweedsmuir representatives, spends a great deal of time on Tweedsmuir issues and no-one believes that more could have been done on those issues if Tweedsmuir had its own community council. This suggests that the proposed separation is unnecessary, and unlikely to achieve better results for Tweedsmuir. The present council can provide an objective view on the efforts of Tweedsmuir residents on particular issues and this will sometimes help SBC in future. Also I believe that spending money on this proposal would send the wrong message at a time of austerity. In the whole UTCC area, two-thirds of those who voted in 2013 were against the proposal, and so am I.

16. I would like to respond to the consultation specifically in relation to the proposal for Tweedsmuir to form a separate community council. On 28th March 2014 the Upper Tweed community council held a public meeting to discuss the proposal for a separate community council for Tweedsmuir.
   - It was acknowledged at that meeting by the two Tweedsmuir residents who were present that the existing UTCC had spent around 60% of total business time in the last three years on all the issues mentioned in the report as reasons why Tweedsmuir wanted a separate Community Council and there was no evidence of what added value a separate Community Council could achieve.
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- There was a great deal spoken about shared work between the two communities and the fear that this might stop if Tweedsmuir went their own way.
- The number of residents in Tweedsmuir (124 residents) meant that there might be difficulty in supporting and sustaining an independent Community Council. It was noted that only 38 individual Tweedsmuir residents voted for the separate community council but it was unclear how many would wish to serve on the Community Council.
- It seemed that the main reason for a separate community council was based on opportunism (the recent review of community councils) and desire for better communication with Upper Tweed Community Council area.

_I feel that the case for have a separate Community council for Tweedsmuir has not been made and that there is more to unite the two communities than split them._

17. This would make very small areas from CC's that are already small. We are concerned that this may be driven by eligibility for wind farm funding. We feel that the splintering of small community councils is a dangerous precedent to set.

General

1. It's disappointing to hear that these two areas feel, to some degree, unsupported by the current community councils. There is no reason that small communities cannot work as effectively as larger ones, indeed, when a number of people are involved in several groups communications are much enhanced. On the other hand it's possible to run out of time to dedicate to several groups.

2. Inappropriate to comment as do not know the areas nor live nearby.
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Comments regarding the establishment of an Upper Liddesdale & Hermitage Community Council

Supportive

1. The Newcastleton and District Council area is too large and diverse. As a consequence the current CC has been extremely unresponsive, indeed hostile, to the concerns of the Upper Liddesdale and Hermitage Community. This is not in the interests of either the Newcastleton group nor the UL&H group. There is an active and lively community in UL&H which is able and willing to sustain an effective and lively CC which is in local interest and in the interest of the whole of the Borders.

2. Change brings in new blood and new ideas to the area and stops stagnant movement of old and argumentative committees.

3. We are keen walkers and love the area but the roads are not good and there are definitely some improvements to be made in this area. Being a part of a bigger area does not get things done for North Liddesdale. They need their own CC.

4. I am eager to see the establishment of a new community council for the Upper Liddesdale and Hermitage area.

It is time for enthusiastic and energetic residents, who are committed to serve this community’s needs, to be given the opportunity to participate in the responsible guidance of matters of importance to our lives.

I whole heartedly believe that an Upper Liddesdale and Hermitage Community Council can work cooperatively with the Newcastleton Community Council, when necessary and appropriate, and indeed may be of positive support to the Newcastleton Community Council in their future endeavours.

There is a perception by some that progress may cause division between Newcastleton and the out- reach district. However those of us who want to steer a new way forward for our region are sincere in our belief that clear communication and shared issues can create friendly partnership in the future.

Undoubtedly this initiative to form a new community council meets the Scottish Governments and the Scottish Borders Councils expectation and encouragement of broadened community engagement.

I very much hope to be nominated to serve on the new community council.

I will be happy to represent residents, to help resolve their problems and work proactively for the good of Upper Liddesdale and Hermitage within the Scottish Borders.

5. We would be informed much quicker about information relating to our area. As it would cover a much smaller area we would know the members on the community council. We wouldn’t need to travel so far to attend meetings.
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6. An excellent idea! Our rural community needs the representation! Devolving power & self determination to people in our area; addressing our needs, concerns, ideas. People here really care for each other; it is about time they were given a voice – the village of N is entirely self-absorbed, totally concentrated on its own agenda! We outside do not matter; we are not heard!

7. I am totally in favour of an Upper Liddesdale & Hermitage CC because as a previous resident I am aware of how the area is ignored by Newcastleton CC

8. I feel that we need our own Community Council here in Upper Liddesdale & Hermitage because our needs are totally different to those of the Newcastleton Community. Our isolation presents issues very specific to the area which we are very committed to.

9. As has been proven at several Newcastleton Community council meetings, the outlying district is often ‘forgotten’. I feel a separate community council for the Upper Liddesdale & Hermitage district could only be of benefit to that area.

10. I have in the past been Chairman of the Newcastleton Community Council and it was always my concern that the focus of the community council was centred very much on the village of Newcastleton to the detriment of the surrounding area.

I think there is a need for a separate community council for Hermitage and Upper Liddesdale precisely because there is poor communication and representation of this area within the Newcastleton Community Council and this has always been the case.

11. Since the application was submitted for the UL&H community to have its own CC there has been a lot more co-operation between the residents of the rural area.

For many years the Hermitage Hall had not been used very often but now functions are regularly held there. It gives the opportunity for us to meet neighbours from the rural area who we had not even known or spoken to before.

A new UL&HCC will enable a greater focus on the issues that affect our very rural area, leaving the NCC to focus on village issues which are so different.

12. (1) Lack of interest in anyone living out of the village of Newcastleton. (2) The N&DCC expects local SBC councillors to do all the work – no one is prepared to come in on a regular basis to events such as the Area Forum. (3) My own frustration in the CC. I served on the Council following its re-establishment – I resigned along with two other fellow councillors when we were repeatedly stopped engaging in a discussion over such issues as the Windy edge wind farm proposal, maintenance and renewal of Hermitage Hall infrastructure. (4) Opposition to holding any meeting outwith the village e.g. Saughtree Church or Hermitage Hall.

13. There is a need for a separate community council. – Newcastleton doesn’t seem able to support the area effectively even though they do a good job in their village. The wind farm proposals are awful & must not happen. They are nothing to do with ‘saving the planet’ – just greed.
14. There is an obvious need to form a separate community council and to protect those most affected in the area. Newcastleton do a good job looking after their specific area but cannot apparently energise themselves in the wider area. The wind farms must be stopped before the spectacular upper Liddesdale landscape is ruined.

15. A new Upper Liddesdale & hermitage Community council would ease the workload of Newcastleton Community council. Both councils can then share issues if required making the community of the village and the rural area better supported.

16. The formation of a Upper Liddesdale & hermitage community council will provide service/support to the rural area which the Newcastleton community council may not have the time or resources to go into issues arising in the rural part.

17. I feel utterly unrepresented and isolated from local democracy and this has been highlighted recently regarding Hermitage area wind turbine proposals. I feel that our concerns are neglected and ignored.

18. Residents of “the valley” have no voice on the Newcastleton CC. We are two totally separate communities with completely different priorities. We need autonomy.

19. The needs of the Upper Liddesdale community are different to the needs of those living in Newcastleton. The inhabitants of Newcastleton greatly outnumber those living in Upper Liddesdale. This means that where the interests of the two communities differ, the inhabitants of Newcastleton can always outvote the inhabitants of Upper Liddesdale, which is clearly unfair. The establishment of a new community council for Upper Liddesdale will allow the views of Upper Liddesdale to have a proper hearing and for those views to have appropriate weight when matters concerning them are being discussed by the Borders Council.

20. I am a regular visitor to Hermitage who will be moving to the area and fully support the formation of UL&HCC. There is a strong community spirit existing in the Hermitage/Upper Liddesdale area which deals with rural aspects of the areas and is making a lot more use of the Hermitage Hall which is a good central meeting point for us all.

21. I strongly support the establishment of the Upper Liddesdale & Hermitage Community Council (UL&HCC) and I endorse the 10 December 2013 recommendation of the Review Group to that effect.

There are overwhelming positive reasons for creating the UL&HCC and there have been significant and persuasive submissions made in favour of the UL&HCC to the Review Group. I will not repeat them...however, I do want to emphasize some important points and make some specific comments:

1. The initiative for a new UL&HCC began in 2011 and has been formally before the Review Group since February 2013. Throughout the entire process the UL&H community has been fully involved and has expressed strong support, including by a definitive vote result in May/June 2013 when there was a 70% voter turnout and almost 60% in favour of a new UL&HCC. This is a community based and driven request to provide stronger representation and response to local community concerns, and to establish a proactive community council actively engaged with the Scottish Borders Council.
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2. The arguments and submissions in favour of the establishment of a new UL&HCC are clear and succinct and have thoroughly addressed all issues for the Review Group to properly and rightly assess the application, namely: (1) a comprehensive resident/business demographic analysis; (2) the rural issues very specific to the UL&H area which have not been dealt with by the current Newcastleton Community Council; (3) historic and on-going irreconcilable differences with the Newcastleton Community Council; (4) a well thought-through and workable structure for the UL&HCC as a sustainable and contributing community council within the Scottish Borders; and, (5) detailed justification for the creation, and value add, of a new UL&HCC.

3. The Newcastleton Community Council's submissions during the Review Group process against the creation of the UL&HCC were made at a meeting with Review Group representatives and Ward Councillors in April 2013. Those comments failed to address any of the arguments and submissions made in favour of the UL&HCC application and filed with the Review Group in February 2013, but merely expressed disappointment about a potential sense of loss of community togetherness and communication among neighbours. That has never been an apprehension of the Upper Liddesdale & Hermitage community...in fact, the Upper Liddesdale & Hermitage residents have always been, and will continue to be, good neighbours with everyone. It is hoped, and to be assumed that, the NCC will promote the same reciprocal collegiality.

An equally important consideration is how the two community councils can be stronger when they are each able to focus their attention and strengths for their respective rural and village constituents, and there is no reason at all to think they will not also work together cooperatively on issues of common concern. As an example, if Hawick, Denholm & District and Burnfoot community councils can each work strongly for their own residents and also bring collective wisdom and input to broader issues of concern for the greater Hawick area, so can, likewise, UL&HCC and Newcastleton Community Council be independent, yet strong partners, within Liddesdale.

4. The consultation paper refers to financial and other resource implications related to the creation of the new UL&HCC. I endorse the statement in the paper that consideration should be given to the benefits that may arise from the establishment of the new community council against any possible pressure on resources. I am confident the Scottish Borders Council will get significant value for its investment in the UL&HCC and would hope that a monetary cost of less than £900 will not be a determining factor. In addition, I am sure every consideration will be given by the UL&HCC to be sensitive to the current demands on Hawick and Hermitage Councillors and SBC officers and staff.

5. Finally, I must make comments about a document entitled “The Case Against the Establishment of a New Community Council Area for Upper Liddesdale and Hermitage” which, I believe, has been recently filed by the Newcastleton Community Council in response to the consultation:
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(1) That document was not prepared by or on behalf of the Newcastleton Community Council. It was first referred to by the Newcastleton Community Council at its March 2014 meeting as a document received from a “Hermitage resident”. Notwithstanding the document was being considered at a public meeting of the community council, it was treated as a strictly confidential document and there was no public discussion then or later about the document. It was subsequently adopted by the Newcastleton Community Council at its April 2014 meeting without amendment and, again, without any opportunity for community input.
(2) Only after it had been adopted at the Newcastleton Community Council April 2014 meeting was the document made public and provided to those attending the meeting. One has to wonder about this unilateral, opaque procedure by the community council. And one has to also wonder why the document has been filed at the last moment into a 15-month review process when the Newcastleton Community Council was given every opportunity during the review process to make its own “case” against the UL&HCC proposal for consideration by the Review Group well before the Review Group’s final Report of 10 December/13.
(3) Perhaps the answer is that it was subsequently determined that the document was provided to the Newcastleton Community Council by an owner of land in the Hermitage Valley on part of which the wind energy company Infinis plans to develop the Windy Edge wind turbine project, a project currently with the SBC Planning Department for consideration. The document, right from the beginning, casts unwarranted aspersions on those supporting the new UL&HCC based solely on a their perceived opposition to the Windy Edge project. I suggest the land owner who provided the document adopted by the Newcastleton Community Council has an overriding personal vested interest, linked to the Windy Edge project, which colours all the objections to the UL&HCC proposal in that document. This appears to be merely a thinly disguised facade by a proposed wind farm land owner to rally pro-wind farm supporters, directly or by petition, into the Review Group’s separate and distinct consultation on the community council scheme within the Scottish Borders. Accordingly, I submit that the document, as adopted by the Newcastleton Community Council, should be discounted and given no weight at all in the Review Group’s determination on the recommendation about the UL&HCC proposal going forward to full SBC Council.
(4) It is also crucial, with respect to this document, to remember and apply a governing principle adopted by the Review Group, namely, differing opinions within a community on wind farms or any other contentious local issue are not relevant to the assessment of the merits of the application for a new community council. All such opinions or issues must not be considered when making a recommendation for the establishment of the UL&HCC. The Review Group adopted this principle at its meeting on 12 June 2013 when it agreed with Review Group Chair, Councillor Frances Renton’s clear statement that the Review Group must not take wind farm issues into account in considering whether an application for a new community council should proceed, and any such issues are of no concern to the Review Group.
In conclusion, the final recommendation to the SBC full Council from the Review Group must be based on the overall merit of the application for a new UL&HCC, guided by the proactive policy adopted by the Scottish government and the SBC to encourage, promote and support local community engagement and empowerment intended to strengthen community participation, renew communities and unlock enterprising community development.

This has been a very thorough process in which the Upper Liddesdale & Hermitage community has committed itself wholeheartedly and with serious, meaningful input.

On every point of assessment of merit the UL&HCC application deserves, and should be recommended for, approval by the Review Group to the SBC full Council.

Our community is enthused about this opportunity...we are raring to go. Please support us and give us a chance to take our place, and be a very positive contributor, within the Borders community council network.

22. My wife and I moved away from Hermitage Water last year. We are living in Cyprus temporarily to dispose of our property here but we fully intend to return to Liddesdale as soon as we achieve this. Whilst resident, I was Chair of Liddesdale Heritage Association and Secretary of Hermitage Hall. The challenges and opportunities facing Hermitage and Upper Liddesdale (H&UL) are substantially different from those encountered in Newcastleton and its immediate environs, a fact that is neither sufficiently appreciated nor addressed under the current Community Council arrangements. It is evident from the SBC consultation process that there is overwhelming support within the H&UL area for the proposed new arrangements. Strong leadership exists and this, combined with the high motivation of residents, will enable a new H&UL Community Council to maintain the traditional strengths and attractions of the area whilst bringing initiative and imagination to future developments. Although the population is small, it is committed and there will be no problem filling the six elected seats should the new arrangements be approved by SBC. We strongly urge Councillors to endorse the proposal.

23. It is long overdue that people who reside outwith the “village” of Newcastleton are represented by its own CC that has a proactive and positive view on rural issues that are specific to their needs. Indeed a CC that does not have such a narrow and tunnel visioned view of what their role is. It is not a matter of sitting around a table “one a month for a few hours” and not actively engaging in all matters that are necessary to help make a contribution to the quality of life of its residents.

24. **Supportive Comment**: Establishment of an Upper Liddesdale and Hermitage Community Council.

I wish to support the above and give my rationale below for this:
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Since its re-establishment in August 2011 and as a past member of Newcastleton & District Community Council – N&DCC, (2004 – 2008), I have attended all but 3 of the CC’s monthly meetings in the public audience. It is my view that over this period N&DCC has not served the community of Upper Liddesdale well and there have been instances wherein their behaviour has not been consistent with the SBC Community Council Code of Conduct, nor with their Constitution. Over this 3 year period, when necessary, I have expressed my concerns to the officers of N&DCC. When these have been ignored, I have also consulted with the 3 SBC councillor representatives, also ex-officio members of N&DCC, as well as with the SBC Community Engagement officer, who has a comprehensive record of my concerns.

I attended, (in the public gallery), the SBC Community Council Scheme Review Group meeting on the 10th December 2013. At the stage in the proceedings before the Review Group unanimously supported the creation of the new UL&HCC, one of the CC/SBC councillor representatives made the comment that he would have preferred to have been supplied with some detail of how the UL&H community felt let down by N&DCC. Obviously I could not speak at this meeting. Therefore, the following references are illustrative and offer a snapshot of the concerns I have raised over the past 3 year period and are not exhaustive by any means:

- **Decisions taken during a meeting, recorded in minutes, agreed as a true record at next meeting AND then,............. not complied with, OR ignored completely.**
  
  **Eg1.** 6th December 2011 - Decision to vary monthly venue and hold CC meetings outwith the village of Newcastleton, (March, June & September of each year), – at this time, (2011), there were 3 CC members from Upper Liddesdale. This was surprisingly to be a controversial issue and decision – 4 to 3 in favour with 2 abstensions. One member who voted against stated he would never attend a CC meeting outwith the village and he has since been true to his word. Outcome: 2012 – 2 meetings in March and August only, 2013 – 1 meeting only, (August), 2014 – none to date.

  **Eg2.** 12th March 2013 – Decision: “Treasurer to make the accounts available on the village website and to have an updated accounts available monthly as a receipts and payment account”. This has never happened, (the community council receives from the treasurer a verbal statement of balance each month and what receipts have been received/payments made). I understand that the original idea was that a cumulative written statement should be made available monthly, if required by a member of the public.

- **Decisions taken by N&DCC on a course of action and then NOT recorded in the meeting minutes, NOR raised at next meeting wrt to accuracy of those minutes, illustrating poor administrative processes and disregard for Upper Liddesdale residents.**
Eg. (The following concerns the 14th January 2014 monthly meeting) – Apparent decision that: “Newcastleton & District Community Council agreed in the January meeting to await further detailed information regarding the scoping proposal for Highlee Hill Wind Farm before committing to a response” – source = email from N&DCC Secretary sent to me on 4th March 2014. There is NO record of this decision in the 14th Jan minutes.

Background to this: N&DCC on 14th Jan/14 received from Scottish Government Energy Consents and Development Unit, (ECDU), information and the request for a scoping response on this proposed Section 36 industrial development which would impact upon residents in the SingDean area of Upper Liddesdale, i.e. the northern upper locality of the N&DCC ward. On 11th Feb/14, at N&DCC monthly meeting, I requested a copy of N&DCC consultation response from the Chairman, who agreed it would be sent to me. (note: end date for consultee responses to ECDU was 12th Feb/14). After receiving nothing over the course of the next fortnight I contacted the Secretary on 27th Feb,….. No response. Finally, after emailing the Chairman, I received the above comment from the Secretary on 4th March, as well as a comment from the Chairman.

Outcome: concerns and worries of the residents in that locality, (who also run a successful B&B business), – ignored by N&DCC, because:

“Having sent those of us on email your request and asked for their thoughts it would appear there is a complete lack of interest in a response to Highlee Wind Farm”.

(email from N&DCC Chairman to me on 8th March 2014).

Failures in communication leading to constituent’s concerns/queries not being responded to.

On 27th March 2013 I wrote to N&DCC expressing my concern over a number of local issues, amongst which was a financial matter that had been raised by a member of the Newcastleton Business Group, (NBG), at the January 2013 monthly meeting. I received a very short reply from the Chairman on 28th March/13 stating he had asked the SBC Community Engagement Officer to investigate the points I had made. Clearly, I expected the Chairman would then contact me again when he had received the information required from SBC. After 7 weeks had elapsed and having received NO further response from the N&DCC Chairman or Secretary, I contacted SBC directly to try and gain a resolution to my earlier queries.

The issue the Newcastleton Business Group representative had raised concerned an amount of money, (£900), N&DCC had inherited with the other funds from the previous community council. This amount was raised annually by the NBG for the purpose of a Newcastleton and District community November fireworks display and looked after by N&DCC in a
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special projects account as the CC was the only organisation who could obtain the necessary public liability insurance for such an event via SBC.

At the monthly meeting of 11th October 2011, N&DCC had been forewarned by an officer of NBG that this money would be a constituent part of the inherited finance yet to be received from SBC. An obligation was made and recorded in the minutes that this £900 amount would be safeguarded and 'ring-fenced' for a future fireworks event in 2012.

**Outcome:** November 2012 no fireworks event and hence NBG query at Jan/13 meeting and my subsequent query. It later transpired that during the course of 2012 this money had been spent by N&DCC on other things – no doubt worthy community endeavours, but never-the-less a failure to honour a commitment made earlier and there has been no community fireworks event to date.

- **Failure to adhere to requirements of N&DCC Constitution.**
  
  Eg1. Holding ‘private’ meetings, which are not advertised, not minuted and at which the public are not allowed to attend - e.g. 30th October 2012 – a ‘house –keeping’ meeting following the resignation of the N&DCC Chairman, e.g September 2013, following 27th August/13 Public Meeting concerned with the proposed Windy Edge Wind Farm. (Such meetings, as well as contravening the N&DCC Constitution, also do not comply with the terms of the Local Government Act 1985 ).
  
  Eg2. Failure to hold election of Officers at AGM, i.e. May 2013., failure to appoint Auditor, i.e. May 2012 etc….

  Ironically, although the N&DCC Constitution is dated in the body of the document as adopted on 15/05/12, there is no minuted record anywhere of it being approved and adopted by N&DCC.

- **Failure to accurately represent views of majority attendees at 27th August 2013 Public Meeting.**

  The above meeting was fully advertised by N&DCC and its purpose was to obtain the views of residents of the ward concerning the Windy Edge Wind Farm application, so that N&DCC could formulate a representative response. The majority of attendees at this meeting turned out to be from the Upper Liddesdale area, – probably because residents in this locality would be most impacted by this development. The final document which N&DCC submitted to SBC as a consultee, was so devoid of detail and inaccurate that it prompted a formal letter of complaint, signed by 21 signatories, including residents from Newcastleton village itself, to be submitted to the October/13 monthly meeting. 
  
  This letter was eventually forwarded by N&DCC to SBC planning dept. as an addendum to their original submission.

In conclusion, I believe that a future Upper Liddesdale and Hermitage Community Council would engage with and serve the needs of the residents of this rural community in a much more pro-active and responsive manner which will fully reflect the SBC Community Council Scheme and the integrity inherent in the SBC Community Councillor Code of Conduct.
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25. It would be far better if one council could cover the full area rather than split the resources. I understand however that this is not feasible & therefore, if not a workable solution, then the only answer appears to be two councils?

Comments regarding the to establishment of an Upper Liddesdale & Hermitage Community Council

Unsupportive

1. The ULH group are interested in one thing only WINDY EDGE WIND FARM they are not interested in the area as a whole only their self
2. we do not think this split is necessary
3. This is divisive to a close community. We share the same problems and despite being invited to stand as Newcastleston Community Councillors to represent their area, they insist that they want to start a new one. We need to work together for the common
4. Despite not living in the areas concerned I serve on a Community Council and I think the areas to be represented are too small and should be encouraged to work closely with the existing CCs.
5. A number of issues are given as “specific to the area” of the proposed new Upper Liddesdale and Hermitage Community Council. Many of these issues apply to most of the Scottish Borders, and cannot be used as justification for the establishment of a new community council:
   a. Development of community activities
   b. Funding initiatives
   c. Tourism/business improvement
   d. Rural roads and associated problems
   e. Public transport
   f. Broadband
   g. Rural preservation
   h. Zero waste agenda
6. The Newcastleton & District Community Council serves the entire area well with good representation. The proposed Upper Liddesdale & Hermitage Community Council will only serve approximately 130 people and may well struggle to get enough council members in time. This UL&HCC will only be there to serve the very personal agenda of a few people who do not care what is good for the wider population and this is an opinion shared by almost everyone in Upper Liddesdale I speak to. Perhaps they should just make it a Hermitage & Steel Road Community Council as the majority of people that were canvassed come from that area. This is a really bad idea.
7. The present representation is satisfactory
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8. I see no point in this process
9. This is splitting a community rather than bringing one together and there is no long term failure for this because most of the people who want this are near retirement or over it and most of the young people in the valley have to move out of the valley to find work, entertainment etc and have little or no interest in the politics. The population of the area is likely to drop with the proposed new forestry in the area.
10. As far as I was aware, there had already been a vote on this matter and a decision made. I am upset that public funds are now being wasted on another vote. I strongly object to a new community council as the areas covered is to small and long term there is no younger generation to continue this.
11. This is a waste of time and money.
12. This is a total waste of council money. We have a very good and listening community council in Newcastleton
13. Complete waste of money
14. A) waste of money; B) creating a minority group when Newcastleton provides access to all services and support services; C) creating another level of bureaucracy; D) creating something ‘bigger’ than hermitage is; not the people or community to support this.
15. There is a perfectly functional Community Council in Newcastleton. The secretary lives at the top of Liddesdale and a member also lives in Upper Liddesdale. The member and Secretary are both very approachable and active. I do not think there would be a suitable number of people to serve on a new Council in this small Community.
16. This would make very small areas from CC’s that are already small. We are concerned that this may be driven by eligibility for wind farm funding. We feel that the splintering of small community councils is a dangerous precedent to set.
THE CASE AGAINST THE ESTABLISHMENT OF A NEW COMMUNITY COUNCIL AREA FOR UPPER LIDDESDALE AND HERMITAGE.

Background to Submission

On 13th February 2013 a meeting was held to discuss the proposal for a new Community Council in Upper Liddesdale and Hermitage CC (UL&HCC); and how this could be taken forward.

This was put forward by a group calling themselves the UL&H group.

They presented various suggestions for an artificially altered Boundary for this new entity, how it would function to deal with ‘specific’ issues to this new area and presented proposals for how the CC would function in terms of meetings and structure. The justification for needing and setting up a new Community Council was also presented.

Most of the proposals and suggestions above have been refined and presented in the Consultation document as the final presentation of the case for a new Community Council. Thereafter a timetable was discussed and the matter was progressed through the SBC Community Council Scheme Review (CCSRG) until it reached the SBC Full Council Meeting on 30th January 2014.

It is interesting to note that although none of the SBC Councillors remained on the CCSRG (George Turnbull having resigned from this earlier in 2013) the full Council which included the three Ward Councillors Turnbull, Paterson and Smith, approved the proposal from the CCSRG for a UL&HCC (along with the Review of the CC Scheme in the Borders and also another new CC in Tweeddale). The CCSRG could not make a recommendation for a new community council given that a financial element was involved which required further decision-making technicalities, but all were ‘minded to support the proposal’ for a new Community Council although a 12 week consultation would prevail before final decisions made.

Further, it could be said that one perception which has arisen is because those Ward Councillors might be seen to have tacitly agreed that a new CC should be established in Hermitage and thus might be seen to indirectly be supporting the Hermitage Action against Windyedge Windfarm group given that the leading ‘activists’ for both groups are largely one and the same give or take a few members.
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An added spur to this is the written support from Buccleuch Estates for a new CC which also
is a main objector to the Windfarm and whose company of solicitors is also acting for the
HAGroup in their formal objections to the planning Application for the windfarm.
Thus, the level of ‘conflict’ has a pecuniary element and becomes more serious
when a Planning Application is involved.
This is a concern that may not have been identified which relates to both the current and
proposed amended Scheme for Community Councils in Scottish Borders in terms of the
Declarations required for those seeking election as Community Councillors. vis.

Extract.
Page 42. of the Scheme Item 13. ‘Declarations’
13.1 Community Councillors must declare any private interests relating to their
Community Council duties and should take steps to resolve any conflicts
arising in a way that protects the public interest. They should make relevant
declarations of interest at meetings of the Community Council, Sub-
Committees or Working Groups to which they are appointed, and in all
circumstances where they are active in their role as a Community Councillor.
13.2 If Community Councillors have a private interest in a matter before their
Community Council, they should consider whether it is appropriate for them to
declare this interest and withdraw from discussion and decision making on
that matter. In considering this they should have regard to the following
criteria:-
13.2.1 That members of the public might reasonably think the private interest
could influence them; and
13.2.2 That members of the public might reasonably think the private interest
creates a real danger of bias on the part of the Community Councillor
because it affects them or someone connected with them, more than any
other person or more than the generality of other persons affected by the
matter.
13.3 In the case of a private interest that meets neither of these criteria, there may
be no reason to declare the interest or to take any further action.
13.4 In the case of a private interest which meets criteria 1, Community Councillors
should declare their interest but they may decide to participate in the
discussion and decision making on the matter.
13.5 In the case of a private interest which meets criteria 2, Community Councillors should declare their interest and withdraw from the discussion and decision making on the matter.

13.6 In the case of a private interest which meets both criteria 1 & 2 and if this private interest is of a continuing nature, it may be that it would cause a Community Councillor to withdraw from the consideration of business on such a frequent basis that they would be of little value to their Community Council. In this case, they should not seek to serve as a Community Councillor.

13.7 Private financial interests may be more likely to be of a nature that meet the above criteria however private non-financial interests may also meet the criteria. The fundamental principle to bear in mind is that Community Councillors should not do anything that they cannot justify to the public in terms of this code

This makes it very clear that Community Councillors cannot use their positions as ‘hobby horses’, and must declare so.

The proposals originally put forward by the UL&H group and (as stated in SBC Council reports) ‘Minded’ to be ‘Supported’ by both the Review Group and subsequently the full Council (on 30.1.2014) are generally those set out in the Consultation document as it relates to the Proposal for ‘The Establishment of Upper Liddesdale and Hermitage Community Council Area’

These are our comments to put the case against the establishment of an Upper Liddesdale and Hermitage Community Council Area
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Justification against the establishment of a New Community Council Area

References used are extracted from the Consultation Paper.

P.18. There is a statement on P.18 under ‘Justification…..’ which has been put forward by the ‘Upper Liddesdale and Hermitage Group’, which says as a cover-all to the following so-called ‘specific’ issues.

‘A strong sense of community exists in the rural area to the north of Newcastleton Village that is grounded in the shared issues that are part of rural life’

We question how this area differs to the larger sense of Community, Heritage and History which has grown and changed over the centuries and which encompasses all areas of Liddesdale District with its Central Village Hub of Newcastleton as it includes Hermitage. A chip off that holistic Block, would be divisive and destructive, would lessen the voice for the area and the relationships forged over the years with the public authorities and other agencies. It would effectively render Hermitage and its newly proposed ‘cosmetic’ boundary an island which would be, not as envisaged, beneficial for Hermitage residents, but could cut them off from being able to have a say on the larger part of Liddesdale, in the future.

If this proposal succeeded, whether a good relationship would develop to allow good links with Newcastleton CC is doubtful given the implied criticisms underlying and within this whole proposal. The statements made therein that a community requires a wide ‘skill-set’ of experience and qualifications to function properly is insulting and borders on being socially exclusive and discriminatory. A Community is a Community whosoever might constitute its population.

The fact that the current Hermitage section as delineated and defined in the Electoral Register (F) for Hawick and Hermitage contained less than a satisfactory number to perhaps merit even consideration of such a proposal and had to be artificially extended somewhat alters the understanding of that statement. It begs another question and that being ‘where do the differences lie between the ‘sense of community’ in Hermitage with or without the additional annexation of a few more houses for proposal viability and the sense of community of the area it has broken away from?’ i.e. the remainder of
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Liddesdale. There is no logic to the argument and therefore no 'need' for another Community Council for this area.

Page 18. (a) Infinis Windy Edge Wind Turbines – primary issue is impact on rural life/heritage. (falls under the UL&H group’s 'short-term' issue heading)

Certainly the issue is a transient one and the outcomes have to be considered in terms of its 'impact on rural life and heritage'. But, when?

- if it becomes a reality then there will be the initial upheavals of development and building. There will be probably be longer term financial benefits for the community and these will have an impact on some of the other issues stated (a) to (m), much of which could improve life for the community in terms of some of these stated 'specific' issues, although it is likely that this finance would be spread across Liddesdale in any event for the wider community even allowing for a separate Hermitage area. Any other scenario would be unfair.

- if it doesn’t emerge – then there is always the likelihood that creeping afforestation will continue to further erode rural life as many in that area have known it for centuries. Whatever, Windfarm impact or not, this does not really contribute to the 'reasons for the establishment of a Community Council area (and Community Council.)

However, as mentioned earlier, it could be perceived to be (as a 'primary issue') the guiding influence in this case and reflects the interest, views and objectives of its 'steering' group whose dominant members are the promoters of action against the windfarm.

The perceived effects of the windfarm on rural life and heritage require to be quantified and qualified in order for arguments to flow. Although, in an earlier comment on this issue the UL&H group have referred to 'having an open-mind approach, but far more active participation in testing submissions/premises in (Windfarm) application. How do they or anyone know that this is what a new Community Council will want to do? Presumption does not make the case.

It is case that when there is a lack of consensus or majority opinion on any contentious issue in Community Council business there can be a decision to allow members to either take a neutral stance or pursue their own opinions. What they must do whatever the situation is to articulate the views of the community whether they agree upon issues of concern or not. Also any group, Community Council or not or individual can be
just as if not more active in testing and analysing planning applications. Community Councils have a right to be consulted on Planning Apps but should, like anyone else, object, support, remain neutral, on sound planning policy bases – as per Structure and Local plans and Scottish Govt guidance.

Thus, in the context of a new Community Council Area and Council, how is this issue to be measured as it stands, to justify this proposal?

Is the establishment of a Windfarm a good thing? a bad thing? or is it really unquantifiable within the desire for a new Community Council? Whatever it might be, it is not really a 'primary issue' in the formation of a long-term body such as a Community Council. It is a transient matter.

Practically, it could be unlikely for any new Community Council to become established to make comment, given the timing of any windfarm (or any other) development and also according to their initial status as a community consulting body.

Therefore whether the windfarm does or does not develop, in either situation the 'impact' of same it would become a redundant issue. Whatever happens – Windfarm or none, again it has to be said, there is sufficient opportunity for input of all and any opinion on this issue and all its related matters within the rules of Planning, as will have to be the case whether a new CC manages to emerge prior to the Planning Application being processed.

(b) Revitalisation of the Hermitage Hall

Village Halls are not generally the responsibility of a Community Council (unless having been a main project to develop)...albeit they will be a link for activities and projects. In the Borders they generally come under the guidance and protocols of the Village Hall Federation unless they have chosen not to affiliate. As far as Hermitage Hall is concerned it seems already to be in the process of 'revitalisation' (whatever this means) having a fairly new governing committee or Trust. The UL&H group moving for a new Community Council Area and Council will be aware of this given that one or two of their members are also Trustees of Hermitage Village Hall and as such it is their responsibility in this case to put new life into the Hall as primary decision-makers.

This Hall has always relied on participation in events and special 'nights' from the village and surrounding population. It should not however be regarded as the Hermitage 'focal'
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point, given that the current (and indeed the proposed area) is a settlement with no focal point other than that of the village of Newcastleton.

The focal point for Saughtree and the area towards the boundary with Northumberland relies on Newcastleton as the focal point – not Hermitage which has none.

(c) First Responders – lack of services from Newcastleton (distance/journey time)
(d) Development of community activities
(e) Funding initiatives – rural opportunities need to be realised
(f) Tourism/business improvement – fresh approach to tourism needed
(g) Isolation – presents issues very specific to the area, e.g. power outages, mobile phone coverage
(h) Rural roads and associated problems
(i) Public transport
(j) Broadband
(k) Impact of traffic/forestry work
(l) Rural preservation
(m) Zero waste agenda

Re (c) to (m) above

We would hesitate to make much comment on these issues which are not ‘specific’ as defined within this proposal, but which relate to nothing different in terms of issues common to the whole area and nothing different to that which could be and are addressed by Newcastleton and District CC – or indeed any active rural Community Council.

Page 18. The UL&H Group is committed to the creation of a proactive community council that would represent the community living in the area through the use of existing mechanisms e.g. Area Forums, and the development of new ones suited to local needs.

A proposal such as this should not be based on disagreement that relates to the ‘non-proacti-y’ of its community council which would appear to be the case and which is in fact recorded in a public document. There are sufficient fora available for local comment. Further, if there is a lack of representation on the Area Forum from Newcastleton, this is not insurmountable whatever the reasons, and also given that there are three Scottish Borders Councillors – they are also in a position to articulate (and ‘spotlight’ community concerns and issues when they are raised, whether from a community council or any other source.
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Page 18/19. The Geographical area covered by Newcastleton & District Community Council is one of the largest in the Borders which creates challenges regarding travel and communication. The diverse skill set of local residents would support an active and effective community council.

We do not consider this to be a problem any more than it affects the rest of the village outlying areas and the village itself. The new artificial boundary proposed does not change this area into something entirely different from other ‘tertiary’ areas of the village (and the village). Transport issues and those of roads, as only two examples, remain the same and the linkages in communication with other matters could become seriously confused with two bodies talking about the same issues. It could, in fact, create breakdowns in the current long standing relationships between the area and local authority officers and agencies (and their budgets) which would not benefit the community.

Page 19. ‘Diverse Skill set of local residents would support a diverse and effective community council.’

This has already been mentioned briefly in terms of the presumption that the proposing group could become the membership of the new body, or that they know who would occupy the positions from this new Area. However, what if the new Community Council membership elected was comprised of 6 agricultural workers with not an academic qualification in sight and unrepresentative of the envisaged so-called ‘skill-set’ stated....would this be seen as unsupportive of an ‘active’ and effective’ community council. Not a sensible comment or ‘plan’. There is a certain arrogance in the preconceived presumption on the likely make-up of the new Community Council.

Page 19. Draft Boundary

Serious consideration requires to be made on any potential change and we have already referred to the need for greater clarification on this if required. In our opposition to the whole proposal for a new Community Council Area and Council we would reiterate that this is a meaningless boundary; it is artificially created for the sole purpose of attempting to create a viable population to fit the numbers criteria for the establishment of a community council area, and a very small one at that at 123 souls.
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Page 19 Consultation with Newcastleton and District Community Council

They have already said that poor communication may result between the two groups
This is highly likely since this proposal has emanated from poor communication and
disagreement.

Page 19. Links with Hermitage Hall would be lost.

Not necessarily, if, as this Group maintain they are going to revitalise it and would
supposedly need Newcastleton and District population to support any ventures.

There could be a split in the community

There is an indication of that already, resulting from the existence of this proposal.

The current sense of community could be lost

Hermitage would become an island in many respects and would possibly lose out in being
able to share in the wider community voice on local issues. Given that there is no focal
point, its ‘voice’ would be weaker, and not stronger as suggested in the proposal.

Page 19. Consultation with the Community

It is noted that that the ballot produced a percentage of those who supported the notion of
a new Community Council Area and Council. However it was also the case for concern that
letters were sent to the ‘Householder’. This is always a problem as such an address does
lend itself to ‘discard action’ by recipients. Given the numbers involved it should not have
been a problem to personalise these letters to avoid their similarity to junk mail.

Page 20. Financial Implications:

The Benefits against Resources required are cited here. Although the costs of running a
new Community Council appear to be negligible no mention is made of costs of the
additional (3) Councillors’ attendance and travel. This is fairly trivial but is an added cost of
‘democracy’ which is unnecessary.
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To Conclude:

Although it has been mentioned in related background papers to this matter, by the Council and the promoting group that development of such a new area for a future UL&HCC is in line with the objectives of Scottish Government as it progresses its Bill on Community Empowerment – one being to give opportunities to ‘community voice’s to be heard - logically this is a departure from the ‘District’ part of Newcastleton and District as it dilutes the opportunity for a District voice, and fragments the capacity to achieve a stronger voice for the area. The fact that spurious differences have been cited between public services and various community needs in Hermitage and those ‘in Newcastleton’ is entirely wrong.

Irrespective of the gap in the life of Newcastleton & DCC, this body over time has been a respected and valued contributor to the rural issues in the Borders, since its inception in the 1970s particularly as one of the few designated ‘remote’ landward areas a (If a new Community Council area emerges, how will this be designated in the current Local Plan ?)

Further – when ‘history’ and ‘heritage’ and ‘community’ are being used as reasons for the dilution of the existing CC – its history requires to be told along with that of the people who have contributed over many many years to achieve a strong voice for the area which can still be called upon to support the whole of Liddesdale. It is up to those who would break up the union to begin to act in accordance with the democratic requirements of this organisation and its rules, which has not been the case in the past.

Finally, it is noticeable that Buccleuch Estates have given written support for a new CC, which really should hold no greater sway than any other commentator. It is noticeable that as Buccleuch also object to the Windfarm, it, in conjunction with the promoting group might just be seen to have ‘hijacked’ the Planning Application away from it proper locus from Newcastleton and District Community Council. but time will dictate much.

The Ward members – the elected Scottish Borders Council councillors should also question what they have ‘had a mind to support’ and that while putting the topic out for consultation have abnegated their responsibilities by failing to consult properly themselves as the documentation shows.

Basically the concept of a separate Community Council Area for the establishment of another Community Council in Liddesdale is lacking in strategic direction to the benefit of
the wider community of Liddesdale as it now sits within the Hawick and Hermitage Ward of Scottish Borders.

_Beware the Law of unintended consequences._

We do not support this Proposal and would wish our views to be considered.
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General
  1. It's disappointing to hear that these two areas feel, to some degree, unsupported by the current community councils. There is no reason that small communities cannot work as effectively as larger ones, indeed, when a number of people are involved in several groups communications are much enhanced. On the other hand it's possible to run out of time to dedicate to several groups.
  2. Inappropriate to comment as do not know the areas nor live nearby.