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SCOTTISH BORDERS COUNCIL THURSDAY, 28 MARCH, 2019

A SPECIAL MEETING of the SCOTTISH BORDERS COUNCIL will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST. BOSWELLS on THURSDAY, 28 MARCH, 2019 at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,
21 March 2019

BUSINESS		
1.	Apologies for Absence.	
2.	Declarations of Interest.	
3.	Community Council Scheme Review (Pages 3 - 10) Consider report by Service Director Customer and Communities. (Copy attached.)	10 mins
4.	Any Other Items Previously Circulated	
5.	Any Other Items Which the Convener Decides Are Urgent	

NOTES

1. **Timings given above are only indicative and not intended to inhibit Members' discussions.**
2. **Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.**

Please direct any enquiries to Louise McGeoch Tel 01835 825005
email lmcgeoch@scotborders.gov.uk

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REVIEW OF COMMUNITY COUNCIL SCHEME

Report by Service Director Customer & Communities

SCOTTISH BORDERS COUNCIL

28 March 2019

1 PURPOSE AND SUMMARY

- 1.1 This report seeks authority to undertake a review of the current Community Council Scheme, the governing document for Community Councils in the Scottish Borders.**
- 1.2 At its meeting on 26 June 2014, Scottish Borders Council adopted a revised Scheme for the Establishment of Community Councils in the Scottish Borders. In order to remain current and reflect good practice, it is important that the Scheme is reviewed every few years.
- 1.3 It is proposed that a Working Group is formed to undertake the review of the current Scheme for Community Councils, and reports back to Council in due course on its findings. The Working Group will lead, facilitate and monitor the review, and its composition, objective and proposed remit form the Appendix to this report.
- 1.4 In order to ensure all Community Councils, as well as any other interested parties, are kept informed and able to feed into the Review, it is suggested that copies of all papers for meetings of the Working Group are sent out electronically to Community Councils and made available on the Council website. It is further suggested that meetings of the Working Group will be open for interested parties to attend to observe proceedings.

2 RECOMMENDATIONS

- 2.1 **I recommend that the Council agrees:-**
 - (a) to the establishment of a Working Group to undertake a review of the current Community Council Scheme;**
 - (b) that the membership of the Working Group comprises the Chairman or other nominated Elected Member from each of the Area Partnerships, a Community Council representative from each of the Area Partnership localities, and the Executive Member for Neighbourhoods & Locality Services;**

- (c) to appoint the Executive Member for Neighbourhoods & Locality Services as Chairman of the Working Group;**
- (d) to approve the Terms of Reference for the Working Group as detailed in the Appendix to this report;**
- (e) to delegate authority to the Service Director Customer & Communities to arrange for appropriate officers to support the Working Group; and**
- (f) that the papers for the Working Group are sent to all Community Councils to allow them to provide input either to their representative on the Working Group or directly to the Chairman of the Working Group, and also that the papers for the Working Group are made publicly available, with meetings of the Working Group open for interested parties to observe proceedings.**

3 BACKGROUND

- 3.1 At its meeting on 26 June 2014, Scottish Borders Council adopted a revised Scheme for the Establishment of Community Councils in the Scottish Borders. This revoked the previous Scheme adopted in 1997.
- 3.2 In order to remain current and reflect good practice, it is important that the Scheme is reviewed every few years. In terms of section 53(1) of the Local Government (Scotland) Act 1973, as amended, requires the Council to give public notice of their proposals to review the Scheme, inviting any Community Council concerned and the public to make representations with regard to such proposals. The decision to review the Scheme needs to be made at a specially convened meeting of the Council and requires a two-thirds majority of the members voting.

4 REVIEW OF THE SCHEME

- 4.1 It is proposed that a Working Group is formed to undertake the review of the current Scheme for Community Councils, and reports back to Council in due course on its findings. The Working Group will lead, facilitate and monitor the review, and its composition, objective and proposed remit form the Appendix to this report.
- 4.2 It is anticipated that the Review will include the following areas, although the Scheme in its entirety will be considered:
 - The composition of Community Councils – including rules for co-option.
 - Community Council seats, including sub-divisions where they exist.
 - Community Council boundaries.
 - Term of office.
 - Standing Orders including voting arrangements.
 - Constitutions.
 - Code of Conduct.
 - Complaints process.
- 4.3 In order to ensure all Community Councils, as well as any other interested parties, are kept informed and able to feed into the Review, it is suggested that copies of all papers for meetings of the Working Group are sent out electronically to Community Councils and made available on the Council website. This will allow any Community Council to provide input either to their Community Council representative on the Working Group or to the Chairman. It is further suggested that meetings of the Working Group will be open for interested parties to attend to observe proceedings.

5 IMPLICATIONS

5.1 Financial

There are no costs attached to any of the recommendations contained in this report.

5.2 Risk and Mitigations

Not reviewing the Community Council Scheme in line with the local situation and current good practice could result in a Scheme which is no longer fit for purpose. By including Community Council representatives on the Working Group and making papers publicly available, interested parties will be able to input to the Review, as well as attend meetings to observe proceedings.

5.3 Equalities

An Equality Impact Assessment check has been carried out on this proposal and it is anticipated that there will be no discrimination on the basis of age, disability, gender, race, sexual orientation, pregnancy and maternity or religion and belief.

5.4 Acting Sustainably

There are no direct economic, social or environmental impacts arising from the Review.

5.5 Carbon Management

There are no known effects on the Council's carbon emissions associated with the Review.

5.6 Rural Proofing

The Review will cover all Community Councils, both urban and rural.

5.7 Changes to Scheme of Administration or Scheme of Delegation

No changes are required to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals in this report.

6 CONSULTATION

- 6.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR and the Communications Manager have been consulted and any comments received are incorporated in the report.

Approved by

Jenni Craig

Service Director Customer & Communities

Signature

Author(s)

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

Background Papers: Nil

Previous Minute Reference: Scottish Borders Council, 26 June 2014

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

Contact us at Jenny Wilkinson, Scottish Borders Council, Council HQ, Newtown St Boswells, Melrose, TD6 0SA. Tel: 01835 825004 Email: jjwilkinson@scotborders.gov.uk

**COMMUNITY COUNCIL SCHEME REVIEW
WORKING GROUP
PROPOSED TERMS OF REFERENCE**

Working Group Objectives

- To review the current Scheme for Community Councils taking account representations received and draft proposals for any amendments or additions for further consideration by Council.

Method of Approach

The Working Group will carry out a review by:

- (a) seeking representations from Community Councils and others on the existing Scheme and any changes;
- (b) examining relevant documents, including legislation, the national model scheme, other Local Authority Schemes, etc.;
- (c) analysing the information collected to reach robust conclusions, examining options and putting forward recommendations.

Membership of Working Group

- Councillor Sandy Aitchison (Chairman)
- Eildon Area Partnership – Chair or nominated Elected Member
- Berwickshire Area Partnership – Chair or nominated Elected Member
- Cheviot Area Partnership – Chair or nominated Elected Member
- Tweeddale Area Partnership - Chair or nominated Elected Member
- Teviot & Liddesdale Area Partnership - Chair or nominated Elected Member
- 5 x Community Councillor representatives (1 from each Area Partnership locality)

Officers in Support: To be confirmed

Scope

The review will examine the current Scheme in its entirety, including:

1. The composition of Community Councils – including rules for co-option.
2. Community Council seats, including sub-divisions where they exist.
3. Community Council boundaries.
4. Term of office.
5. Standing Orders including voting arrangements.
6. Constitutions.
7. Code of Conduct.
8. Complaints process.

Expectations

- In light of their work, the Working Group is to draft a final report with appropriate recommendations for consideration by the Council.
- The report will have clearly presented findings based on sound information and research, with practical and realistic outcomes, and SMART recommendations.
- It is anticipated that the final report will be available by the end of 2019

Assumptions

It is assumed that:

- The information required for the review will be available timeously.
- People will be available to attend meetings, otherwise the timescale for the final report may be affected.

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