

**SCOTTISH BORDERS COUNCIL
SCOTTISH BORDERS COMMUNITY COUNCIL SCHEME REVIEW
WORKING GROUP**

MINUTES of Meeting of the SCOTTISH
BORDERS COMMUNITY COUNCIL
SCHEME REVIEW WORKING GROUP held
via MS Teams on Thursday, 18 March 2021
at 6.00 pm

Present:- SBC Councillor R. Tatler (Chairman)
Berwickshire
SBC Councillor H. Laing
Community Councillor L. Inglis
Cheviot
SBC Councillor E. Robson
Eildon
SBC Councillor G. Edgar
Teviot & Liddesdale
SBC Councillor W. McAteer
Community Councillor C. Knox
Community Councillor P. Kerr (sub)

Apologies:- SBC Councillor S. Haslam
In Attendance:- Chief Legal Officer, Clerk to the Council, Democratic Services Officer (F. Henderson).

1. **WELCOME**

The Chairman, Councillor Tatler, welcomed everyone to the meeting and explained how the meeting would be conducted both through MS Teams and via the livestream, reminding everyone that no recordings of the meeting were allowed.

2. **MINUTE**

2.1 Copies of the Minute of the meeting of the Working Group held on 21 January 2021, had been circulated.

DECISION

AGREED to approve the Minute.

2.2 With reference to paragraph 3.1 of the Minute, regarding a substitute Community Council representative for the Tweeddale area, Councillor Tatler advised that the Tweeddale Community Councils were currently looking at their representation on the Working Group and were due to meet at the end of the month to select a second representative.

DECISION

NOTED.

2.3 With reference to paragraph 3.2(g) of the Minute, details of the qualification and disqualification for candidates in local government elections had been circulated.

DECISION

NOTED.

3. **OTHER AUTHORITIES' COMMUNITY COUNCIL SCHEMES**

3.1 With reference to paragraph 3.1(b) of the Minute of 21 January 2021, copies of other Local Authority Schemes for Community Councils and the Scottish Government Model Scheme had been published on Modern.gov on 8 February 2021. Members of the Group highlighted some areas for further consideration:

(a) **East Lothian**

- Cross section of community included along with support for equalities and should include that in SB scheme
- Views of community take precedence over Community Councillors' personal interest and should include that in SB scheme
- Offer of basic office services for Community Councils through East Lothian Council offices
- Development and training for Community Councillors
- Community Council wards

(b) **Dumfries & Galloway**

- Community Council enquiry service with single point of contact for all whether there was any issue any Community Council wanted to raise with the Council and criteria around that
- Ensuring involvement/engagement with wider community and inclusivity
- Development and training
- Complaint handling procedure

(c) **Argyll and Bute**

- Community Empowerment (Scotland) Act reference
- Equalities statement
- Complaints procedure
- Co-option scheme – Scottish Borders scheme needs simplified

(d) **Moray**

- Incorporates Community Planning Partnership with reference to Community Planning partners

3.2 Further areas were then discussed.

- A question was posed about whether Community Councils committing to an event/survey on an annual basis with their community.
- The Glasgow Scheme made comment about Community Councillors being elected and, however appointed, Community Councillors should get the same status.
- In terms of the Community Councillors' Code of Conduct, this should apply to everyone within a meeting, including ex-officio members. Meeting protocols and the Code should be adhered to by everyone in attendance whether these meetings were in person, on-line or a hybrid version. There were a number of ways to manage behaviour. The Community Councillors' Code of Conduct was not enforceable by SBC. Community Councillors should renew annually their commitment to the Code of Conduct.
- The use of on-line banking should be included and encouraged. Eyemouth CC was currently piloting this.
- The numbers of members of Community Councils needed further consideration to devise a formula which could take account of geographic area, population, urban and rural.
- Associate members – these could be brought on to the Community Council to discuss specific topics but remain ex-officio and non-voting.
- Grant levels – consideration should be given to this, with some areas giving a list of what was approvable.

- The legal liability of Community Councils developing further should be considered, perhaps in terms of participatory budgeting and the potential consequences for individual Community Councillors.
- Sub-committees of Community Councils should also be added to the Scheme, although it was recognised these could be in Community Council constitutions.
- Community Councils should operate with the same financial year i.e. 1 April to 31 March
- To try to ensure equal representation, should Community Councils have wards? Some Community Councils in the Borders had split their area in two to ensure representation was equal. Some concern expressed that this could cause difficulties in getting people to stand for election to the Community Council.

4. **SCOTTISH BORDERS COMMUNITY COUNCIL SCHEME**

4.1 With reference to paragraph 3 of Minute of 21 January 2021, members of the Group continued consideration of the current Scottish Borders Community Council Scheme:

(a) **Nomination of Candidates**

Reference was made to those serving prison sentences and whether they should be prohibited from standing for election to a Community Council. The Chief Legal Officer advised that a check would need to be made on the Rehabilitation of Offenders legislation. Consideration should also be given to those who were bankrupt/sequestered.

DECISION

AGREED that the Chief Legal Officer and Clerk to the Council would bring a proposal to the next meeting on exclusions from standing for election to or being a member of a Community Council.

(b) **Voting Arrangements**

No suggestions were made for any changes.

(c) **General Provisions**

Paragraph 11.9 of the Scheme referred to special meetings of Community Councils being held on receipt of a requisition signed by 20 electors, and a meeting of the Community Council would then be held to consider the business. However, this may need reworded as a Community Council could consider business but not reach a decision, so it would be better to include a resolution/outcome to be sought within the requisition, and perhaps “consider, discuss and resolve” could be added. Assurance was also needed that this clause could not be removed in a Community Council constitution. It was felt that paragraph 12.2 (The constitution to be adopted shall not conflict with the terms of this Scheme) should cover that. There was further discussion on whether such a requisition could include giving the public the right to vote on a “no confidence” motion in the Community Council and dissolve it. This may be included as part of a complaints procedure.

DECISION

AGREED to revisit the wording in paragraph 11.9 of the Scheme regarding requisitions for special meetings of Community Councils.

(d) **Constitutions**

Paragraph 12.1(b) referred to committees of Community Councils and this needed to be expanded either here or elsewhere in the Scheme.

(e) **Financial Provisions**

No specific changes were proposed at this time.

- (f) **Common Election Date**
Councillor Robson referred to Yetholm Community Council which had a rolling set of elections to keep experienced Community Councillors and therefore maintain continuity. This should be built in to the current Scheme as an option. The Group did not favour having a common election date for Community Councils but a common date within each Area Partnership locality may be helpful in encouraging greater participation, should all Community Councils in the area agree to this.

- (g) **Mutual Exchange of Information**
Councillor McAteer asked about the role of SBC in publishing Community Council details, agendas and Minutes and the Clerk to the Council advised that while agendas and Minutes were received, read and stored by SBC, they were not published, as that was left to each Community Council. A request was made for help in this area from CGI. In response to a question about a Community Council enquiry system, the Clerk advised that the Community Council mailbox communitycouncils@scotborders.gov.uk was used for the receipt of agendas and Minutes and also any enquiries, both from Community Councils and also members of the public. This could be added to the Scheme.

DECISION

AGREED that the Clerk to the Council would check on the option of CGI providing some support to Community Councils.

- (h) **Schedule 1 – Community Council Seats**
The Group discussed the need for a formula/reason for the numbers of members of each Community Council and also to move them to Area Partnership localities rather than the old District Council areas. Any changes to the boundaries of Community Council areas would also need to be considered and Community Councils invited to submit any proposals to the Working Group.

DECISION

AGREED to consider other Schemes and how the allocation of Community Councils members was agreed.

- (i) **Schedule 2 – Community Council Elections**
The Clerk to the Council asked whether it would be helpful to produce an Elections Handbook for Community Councils, with details of the processes needed to run an election. Consideration should also be given to having this, along with any forms, available electronically.

DECISION

AGREED to consider further the development of an Elections Handbook for Community Councils.

- 4.2 The Chief Legal Officer then referred to the Local Authority Councillors' Code of Conduct which was currently under review. Some significant changes were being proposed although it would not be considered by Scottish Parliament until after the election in May 2021. Some of the key elements were around respect, including respect for the Chair. There was a suggestion that it would be good to include an equalities statement within the Code.

DECISION

AGREED to circulate a copy of the current Code of Conduct for Local Authority Councillors to members of the Group to consider what, if any, elements could be included in a Community Councillors' Code of Conduct.

5. **NEXT MEETING**

The Group noted that the next meeting would be held on Thursday 27 May at 6:00pm. The Chairman asked that the Community Council representatives encourage the Community Councils in their areas to discuss the current Scheme and any changes they would like included.

6. **ANY OTHER BUSINESS**

The Chairman advised that at the next meeting further consideration would be given to other Local Authority Schemes and what could be included in the Scottish Borders Scheme that was currently missing. The wider consultation process on changes would also be considered, along with a plain English/easy read version of a new Scheme.

The meeting concluded at 7.25 pm