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SCOTTISH BORDERS COMMUNITY COUNCIL SCHEME REVIEW WORKING GROUP TUESDAY, 23 NOVEMBER 2021

A MEETING of the SCOTTISH BORDERS COMMUNITY COUNCIL SCHEME REVIEW

WORKING GROUP will be held VIA MS TEAMS on TUESDAY, 23 NOVEMBER 2021 at 6.00 pm

J. J. WILKINSON,
Clerk to the Council,

19 November 2021

BUSINESS	
1.	Welcome
2.	Apologies for Absence
3.	Order of Business
4.	Minute (Pages 3 - 6) Consider Minute of Meeting held on 27 May 2021. (Attached)
5.	Responses from Community Councils on Informal Consultation (Pages 7 - 28) Consider responses attached from: (a) Abbey St Bathans, Bonkyl & Preston CC (b) Ancrum CC (c) Clovenfords CC (d) Duns CC (e) Eyemouth CC (f) Jed Valley CC (g) Reston & Auchencrow CC (h) Skirling CC
6.	Scottish Borders Community Council Scheme Consider amended Scottish Borders Council Community Council Scheme. (TO FOLLOW)
7.	Timeline for Consultation (Pages 29 - 30) Consider timeline for informal and then formal consultation on amended Scheme. (Extract from Local Government etc. (Scotland) Act 1994 attached)
8.	Next Meeting

	Consider date for next meeting of the Working Group.	
9.	Any Other Business	

NOTES

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.

Membership of Committee:-

SBC Councillor R. Tatler (Chairman)

Berwickshire

SBC Councillor H. Laing

Community Councillor L. Inglis

Community Councillor D. Russell (sub)

Cheviot

SBC Councillors E. Robson

Community Councillor M. Ladds

Community Councillor S. Turnbull (sub)

Eildon

SBC Councillor G. Edgar

Community Councillor J. Cleghorn

Village Committee Member J. Calvert (sub)

Teviot & Liddesdale

SBC Councillor W. McAteer

Community Councillor C. Knox

Community Councillor P. Kerr (sub)

Tweeddale

SBC Councillor S. Haslam

Community Councillor J. Taylor

Community Councillor A. Wilson (sub)

Please direct any enquiries to Jenny Wilkinson, Clerk to Council

Tel: 01835 825004 Email: jjwilkinson@scotborders.gov.uk

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

MINUTE of Meeting of the SCOTTISH
BORDERS COMMUNITY COUNCIL
SCHEME REVIEW WORKING GROUP held
Via MS Teams on Thursday, 27 May 2021 at
6.00 pm

Present:- SBC Councillor R. Tatler (Chairman)
Berwickshire
SBC Councillor H. Laing
Community Councillor L. Inglis
Cheviot
Community Councillor M. Ladds
Eildon
SBC Councillor G. Edgar
Teviot & Liddesdale
SBC Councillor W. McAteer
Community Councillor C. Knox
Tweeddale
SBC Councillor S. Haslam

Apologies:- SBC Councillor E. Robson; Community Councillors P. Kerr, S. Turnbull, and
A. Wilson.

In Attendance:- Chief Legal Officer, Clerk to the Council.

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, subject to the sederunt being amended to show that Community Councillor M. Ladds was in attendance.

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 had now appointed a substitute member to the Working Group. Unfortunately Community Councillor A. Wilson had been unable to be present at this meeting but looked forward to attending in future.

**DECISION
NOTED.**

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

With reference to paragraph 3 of the Minute of 18 March 2021, Councillor Tatler asked members of the Working Group if they had any further information from other Local Authority Schemes for Community Councils which should be considered for inclusion in

the Scheme for the Scottish Borders. Members of the Group highlighted areas for further consideration, including some which had been discussed previously by the Group:

- The Community Empowerment (Scotland) Act 2015 was referenced in 6 other authorities' schemes and should be included
- The Renfrewshire scheme including a summary of expectations of Community Councils which could be adopted
- The promotion of equality and inclusion in Community Councils to make them more relevant
- Funding for Community Councils
- Term of office to be 3 years, with Councillors eligible for re-election
- Bowden Village Committee to be contacted to check whether they still wished to be included in the Scheme
- Add information regarding a Returning Officer for Community Council elections
- Exclusions from standing for election to a Community Council
- Amend wording for requisitions for special meetings
- Consider fixed and rolling elections
- Consider CGI support for Community Councils' IT and publication of agendas/minutes – the link to such publication to be included on the SBC Website for each Community Council; SBC Digital Strategy may be helpful
- Allocation of seats for each Community Council
- Elections Handbook
- SBC Code of Conduct
- Plain English/easy read version of the Scheme
- Job description and role profile for Community Councillors would be useful to add as an annex to the Scheme
- An annual event/survey by each Community Council to ascertain community views on what were the important issues in the area
- Missing from current Scheme – complaints; sanctions; support; training; Community Council Network.

4. **NEXT STEPS**

The Clerk to the Council suggested that an informal questionnaire could now be issued to each Community Council, giving details of specific amendments the Working Group had discussed and asking for comment on these, as well as requesting any comments on the current Scheme. The Clerk and the Chief Legal Officer could start to amend the current Scheme and bring a copy of that, along with any responses from Community Councils, to the next meeting of the Working Group. A statutory consultation process for the amended version of the Scheme would be required.

DECISION

AGREED:

- (a) the Clerk to the Council would draft an informal consultation letter to go out to all Community Councils asking for comments on amendments to the current Scheme and this would be approved by the Working Group before issue;**
- (b) copies of all comments received from Community Councils would be considered at the next meeting of the Working Group;**
- (c) the Clerk to the Council and the Chief Legal Officer would start to amend the current Scheme for consideration at the next meeting of the Working Group; and**
- (d) the Clerk to the Council would provide details of the statutory consultation process to the next meeting of the Working Group.**

5. **DATE OF NEXT MEETING**

The Group agreed that the next meeting would be held on Tuesday 31 August at 6:00pm, and would be held online via MS Teams with the meeting also being livestreamed.

6. **ANY OTHER BUSINESS**

No other items of business were raised.

The meeting concluded at 6.20 pm

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Response from Victoria Dobie, Abbey St Bathans, Bonkly and Preston Community Council

I am replying on behalf of the Abbey St Bathans, Bonkyl and Preston Community Council to your consultation regarding the review of the Community Council Scheme in the Borders. I realise it is long past the deadline for replies.

However our CC did want to let you know that they had no changes to suggest, and were keen not to have any restrictions set on the time served as an office bearer for the Community Council. When there are few volunteers for the CC, as in our area, we would be in trouble if our kind long serving Treasurer had been prevented from continuing to hold that post.

22/9/21

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Response from Kate Macinnes, Ancrum Community Council

I am on Ancrum Community Council. I know when we get a chance to meet properly we will be putting together a group response, but I want to comment on the consultation as an individual member as well.

First, I completely support anything that can improve our diversity, equality of access and reach within the community. However, I don't think that increasing the administrative burden on small community councils can achieve this. Any barrier, additional responsibility or administrative burden potentially puts people off being part of the council. We rely wholly on members being willing to give up their spare time to work on behalf of the village - most of us would love not to do it, but we do it out of a sense of social responsibility. I don't think we have a single office bearer who hasn't been begged by the rest of us to continue because we don't know how we would replace them. Burdens like limited tenure, compulsory elections etc would just incrementally make it harder for our tired, busy members to carry on working on behalf of the community.

I realise that this may be very different for some of the larger community councils, but our villages need a voice just as much as the larger towns - if not more so.

I hope this is useful - sorry to sound negative!

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Response from various members, Clovenfords Community Council

1. How your Community Council can ensure it considers equality and inclusion as part of its work
 - Let common sense prevail.
 - I don't think this is a significant issue for our CC but certainly could be for others.
 - Anyone who resides within the borders of Clovenfords & District CC are welcome at any CC meeting.
 - Unsure

2. Reference to the Community Empowerment (Scotland) Act 2015
 - A brief guidance (link) to the Act should be included.
 - Yes – CCs have an important role to play in strengthening local democracy and giving people a bigger voice in decisions which affect them.
 - Not sure I need empowerment thank you every much!!
 - Unsure

3. Reference to Sub-Committees of Community Councils
 - No response
 - Yes, some guidance would be helpful.
 - Has not been relevant to date but should a sub-committee need to be formed it would be useful to have guidelines.
 - Unsure

4. Should there be reference to wider localities/Area Partnerships?
 - No response
 - Yes, CC members need to know about these, and when and how to get involved.
 - Not sure
 - Yes, collaboration and co-operation across Community Councils should be encouraged.

5. Should there be a formula for determining the number of members of a Community Council (based on population and geography)?
 - The existing table works, so why change it.
 - No – local conditions should govern the numbers and, to be effective, the CC should have minimum 6, and no more than 12 members.
 - I'm not sure how it is worked out now. We have 12 and I would have thought that was adequate bearing in mind the difficulty in enrolling anyone. The number of members ought to reflect the size of the residents in that area
 - Yes

6. Should there be reference to the ability to hold on-line meetings as well as physical meetings?
 - On-line meetings already take place. It would be more useful to state who is responsible for arranging these (i.e. SBC).
 - Yes, but only if absolutely necessary. On-line meetings are not satisfactory and should be a last resort.
 - I think this is necessary now, given the recent lockdowns. There is no clear guidance.

- Yes
7. The Working Group considers that the term of office for a Community Council should be 3 years (with options for Community Councillors to stand for re-election). Should the term be fixed or should there be rolling elections (i.e. an annual election with 1/3 of members standing down each year)?
 - Fixed.
 - A good idea in theory but, in practice, there should be no constraints. Otherwise there could be real difficulties getting effective CCs established.
 - We struggle to get people ever 3 years, it would be a waste of time holding yearly elections. If a third stood down, we'd not have enough left or are we talking about Office Bearers? Three years is about right but maybe have a maximum of 3 years as an office bearer.
 - 3 yearly elections would be fine, but there should be no requirement for members to compulsorily stand down/not stand for re-election as this would risk losing expertise and potentially not having enough members for the community council to continue.
 8. Should there be a limit on the number of times someone can be an office bearer?
 - No, why discourage anyone from remaining on the CC?
 - No, same argument as 7 above.
 - Yes, I think so. They can still sit on the committee but just rotate the roles.
 - No
 9. Should training for Community Councillors be compulsory and who should provide that training?
 - Definitely not. It should be offered. It is difficult enough to find sufficient people for CCs. Encourage not Discourage.
 - No – but should be made available and councillors encouraged to take advantage of training opportunities. This could be done online. CCs would be more effective with trained and knowledgeable members.
 - No, I'm not sure what the training would involve, unless for Treasurer or Secretary.
 - Yes, SBC should provide training.
 10. Should Community Councils be required to hold an annual survey/event to gather local views on a number of different issues relevant to their particular area?
 - If people have opinions they should advise the CC members. My experience is that people let me know about their concerns!
 - This is a very good idea.
 - No. I think a survey could be conducted as and when necessary. I've been on the committee c.5 years and we've only done 2 surveys. How would we decide what the survey would be about every year. How wonderful we all are on the CC?
 - Yes
 11. Should a complaints procedure be included in the Scheme?
 - No. People are put off by procedures.
 - No, there are other ways dissatisfaction can be registered.

- Yes
- Yes

12. Should there be any changes to the co-option of members to Community Councils?

- No. It works so don't change it.
- No
- My understanding is that co-opted members should be allowed to serve for a particular role. It has been suggested that we co-opt people to increase the numbers but don't think that is the original idea!! Hazy on this one.
- No

13. Should the Code of Conduct for Community Councillors involve sanctions should these be broken?

- CCs are volunteers. How do you threaten a volunteer? If sanctions/punishments are employed they can just leave.
- Loss of office should be enough.
- If CC Code of Conduct is broken I think members should be asked to stand down. That should be sufficient as I assume it will be minuted.
- Yes

14. Should Scottish Borders Council's website include links to where Community Councils publish their agendas and minutes?

- If people are interested they will find out themselves.
- Yes
- That would be useful. We publish them on the website. Not sure how a link would show that they are published on the noticeboard
- Yes

15. What funding should be available for Community Councils and for what purpose?

- As much as possible! Let CCs decide how the funds are spent. SBC receive a copy of the CC accounts annually. If SBC are not happy with the CC spends then SBC can withhold further funding until any problems are resolved.
- Difficult question! CCs need funds to function, and the ability to claim funding for ad hoc events and needs. Difficult to predict ahead. A formal system for claiming and getting funding should be in place.
- This depends on what services SBC provide. Discussion over strimming is an example. Why did we need to buy a strimmer? Should SBC not be strimming the areas we are? Funding should be to augment things for residents, ie, Christmas, wreath, flowers, surveys. Are we going to have to provide any maintenance for Caddonfoot Road?
- Funding should be available for facilitating local engagement, holding local events, floral enhancements, and other activities for the benefit of the area.

16. Should on-line banking be included?

- No comment.
- Yes

- Yes. CCs don't need to do it but rules ought to be set out, ie, 2 out of 3 signatories for all transactions
- Yes

17. Should there be job description/role profiles for Community Councillors and office bearers?

- No. Outgoing OBs normally give a handover to their replacement. That is sufficient.
- Yes, if properly done.
- Yes. I had notes given to me but nothing formal. It would be of great help to outline the responsibilities of each office bearer. Also as roles change year on year the responsibilities are verbally changed – bit like Chinese whispers. Or things are not mentioned as they don't happen every year.
- Yes

18. Should details of the Scottish Borders Community Council network be included in the Scheme?

- No response
- Yes
- No opinion either way – not sure what they do.
- Yes

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General comment

Please do not lose sight of the fact that CC members are volunteers. Anything that creates complications or difficulties is likely to deter people. Keep It Simple.

PS: Your efforts are appreciated.

Response from Jim Carnie, Duns Community Council

1. How your Community Council can ensure it considers equality and inclusion as part of its work
Difficult to call but every CC member has agreed to the Code of Conduct.
2. Reference to the Community Empowerment (Scotland) Act 2015
This would be useful.
3. Reference to Sub-Committees of Community Councils
I don't believe this is necessary.
4. Should there be reference to wider localities/Area Partnerships?
This would be useful.
5. Should there be a formula for determining the number of members of a Community Council (based on population and geography)?
Yes, it means there will be a consistent system throughout the council area.
6. Should there be reference to the ability to hold on-line meetings as well as physical meetings?
No harm as it would reflect the current reality.
7. The Working Group considers that the term of office for a Community Council should be 3 years (with options for Community Councillors to stand for re-election). Should the term be fixed or should there be rolling elections (i.e. an annual election with 1/3 of members standing down each year)?
Seems reasonable but who would administer this.
8. Should there be a limit on the number of times someone can be an office bearer?
No, as it might reduce the number of volunteers.
9. Should training for Community Councillors be compulsory and who should provide that training?
This would put off a lot of volunteers and how would pay (travel, loss of earnings, etc.)?
10. Should Community Councils be required to hold an annual survey/event to gather local views on a number of different issues relevant to their particular area?
This could prove a step too far for CC members as they are all volunteers.
11. Should a complaints procedure be included in the Scheme?
It should be consistent with modern practices.
12. Should there be any changes to the co-option of members to Community Councils?
Current application is complicated and who keeps this information?
13. Should the Code of Conduct for Community Councillors involve sanctions should these be broken?
It should be consistent with modern practices.

14. Should Scottish Borders Council's website include links to where Community Councils publish their agendas and minutes?

Yes, it is important we can find out what is topical in other areas. Each CC should send their agendas & minutes to a SBC contact who would add them to the appropriate webpage.

15. What funding should be available for Community Councils and for what purpose?

Funding sources can change so this information will become incorrect so regular updates will be required.

16. Should on-line banking be included?

Again this is a modern practice.

17. Should there be job description/role profiles for Community Councillors and office bearers?

It would help.

18. Should details of the Scottish Borders Community Council network be included in the Scheme?

This network is part of the way we do business so it should be.

Response from James Anderson, Eyemouth Community Council

1. How your Community Council can ensure it considers equality and inclusion as part of its work
[We have this but it needs added in as standard.](#)
2. Reference to the Community Empowerment (Scotland) Act 2015
[Absolutely it MUST be part of the fundamental bed rock of a community council.](#)
3. Reference to Sub-Committees of Community Councils
[A structure of governance for sub groups should be adopted to ensure continuity across the borders.](#)
4. Should there be reference to wider localities/Area Partnerships?
[No, however Community Councils should be named in the structure of area partnerships as relevant bodies and planning partners.](#)
5. Should there be a formula for determining the number of members of a Community Council (based on population and geography)?
[The system for CC member number allocation works fine to my knowledge.](#)
6. Should there be reference to the ability to hold on-line meetings as well as physical meetings?
[A clause must be added to allow CCs to stream and record meetings without a delay unless SBC offers equipment necessary.](#)
7. The Working Group considers that the term of office for a Community Council should be 3 years (with options for Community Councillors to stand for re-election). Should the term be fixed or should there be rolling elections (i.e. an annual election with 1/3 of members standing down each year)?
[Every three years would simplify the process for newcomers.](#)
8. Should there be a limit on the number of times someone can be an office bearer?
[No, this would cause CCs to stop functioning as it is a specific type of person who comes forward. Normally the same reliable people do the hard work of running CCs.](#)
9. Should training for Community Councillors be compulsory and who should provide that training?
[SBC should provide training \(as it is supposed to\) and run it with the Community council network.](#)
10. Should Community Councils be required to hold an annual survey/event to gather local views on a number of different issues relevant to their particular area?
[If support to do so is given by SBC.](#)
11. Should a complaints procedure be included in the Scheme?
[Yes.](#)
12. Should there be any changes to the co-option of members to Community Councils?

The wording should be made simpler as the current wording leads to less capable people misunderstanding it.

13. Should the Code of Conduct for Community Councillors involve sanctions should these be broken?
CC members should face removal in exceptional circumstances however keep in mind CC members are volunteers.
14. Should Scottish Borders Council's website include links to where Community Councils publish their agendas and minutes?
Yes.
15. What funding should be available for Community Councils and for what purpose?
After 20 years a rise in the CC allocation should be given. Not all members are retired and able to spare fuel for travel to meetings.
16. Should on-line banking be included?
Absolutely! It is a must in today's world.
17. Should there be job description/role profiles for Community Councillors and office bearers?
Yes! This would stop a lot of problems with the people who take the role and fail to do the work.
18. Should details of the Scottish Borders Community Council network be included in the Scheme?
Yes absolutely! The SBCCN was established to back up and support CCs and that is what it now does.

Response from Peter Hincks, Jed Valley Community Council

1. How your Community Council can ensure it considers equality and inclusion as part of its work
We would look for guidance from SBC in the form of an appendix contained within the Scheme document.
2. Reference to the Community Empowerment (Scotland) Act 2015
A resume of any Act such as that above that is relevant to the operational ability of a community council should be attached as an appendix to the Scheme. Alternatively, such a resume could be made available to CCs on the SBC website.
3. Reference to Sub-Committees of Community Councils
Sub-committees may be necessary for a specific purpose (eg a planning subcommittee or a special events) but they should be at the general consensus of that CC and perhaps have a limited role within the subject matter.
4. Should there be reference to wider localities/Area Partnerships?
-
5. Should there be a formula for determining the number of members of a Community Council (based on population and geography)?
To have a community council in a rural area is somewhat different from that of a town area. In rural areas it is often very difficult to encourage and find volunteers willing to serve on a community council so it would be beneficial to determine the membership by both geography and population. Both these elements are important within rural communities but most particularly due to the spread of population and travelling distances to meetings.
6. Should there be reference to the ability to hold on-line meetings as well as physical meetings?
Providing that the on-line element is of a suitable high speed and all members & general public are able to connect and that the meeting can be controlled and if necessary edited on the spot. It would be a good idea to give the individual community council the right to choose which way to hold any one meeting. It must be borne in mind that not all members have access to the internet.
7. The Working Group considers that the term of office for a Community Council should be 3 years (with options for Community Councillors to stand for re-election). Should the term be fixed or should there be rolling elections (i.e. an annual election with 1/3 of members standing down each year)?
An elected term of three years for each community councillor would be good with a portion of members standing down at the end of each term. However, in rural areas it might be prudent to allow those standing down to be re-elected if new candidate numbers do not meet with the vacancy. It should be mandatory that the officers may only serve two consecutive terms in an officers position (ie after 6 years they relinquish the position but could be elected as a general member for the next term)
8. Should there be a limit on the number of times someone can be an office bearer?

There would be no need for such a requirement if the term an officer's position were limited as per previous answer.

9. Should training for Community Councillors be compulsory and who should provide that training?

Training is always advantageous to all but it must be borne in mind that community councillors are volunteers and are therefore giving of their free time so it should not be mandatory. Perhaps at the first formal meeting of a newly constituted community council the general public should be excluded to allow a training session to be conducted by a qualified individual who could be a representative of the SBC.

10. Should Community Councils be required to hold an annual survey/event to gather local views on a number of different issues relevant to their particular area?

Rural communities often prefer to go direct to their respective SBC ward councillors to have a problem resolved. An annual event seeking various views could be informative. At the same time the SBC ward councillor should keep the CC informed of the enquiry to give the CC a chance to take note of the subject matter.

11. Should a complaints procedure be included in the Scheme?

It would be beneficial in many instances to have a formal complaints procedure administered by an independent body (ie one not attached to the community council in question)

12. Should there be any changes to the co-option of members to Community Councils?

It may not be appropriate to publicly announce the details of the proposed co-opted member, as proposed in the scheme, if GDPR suggests otherwise. That information should be made available to a responsible individual within SBC for approval prior to a CC meeting. This would obviate any anomalies and ensure excluded individuals are not proposed as per section 8.2 of the Scheme for establishment. The CC may not have knowledge of excluded individuals.

13. Should the Code of Conduct for Community Councillors involve sanctions should these be broken?

Yes! In the case of a minor infringement it could simply be being banned from one meeting. In the case of a very serious breach there could be a mandatory exclusion from some meetings or perhaps a complete ban on ever being elected again to a community council. Such matters would best be dealt with by a disciplinary committee.

14. Should Scottish Borders Council's website include links to where Community Councils publish their agendas and minutes?

An excellent idea as some community councils seem reluctant to publish their meetings on the internet. Even if there were to be a coded access to the site for community councils common problems could be aired and dealt with either between councils or further advice sought for the benefit of all.

15. What funding should be available for Community Councils and for what purpose?

Specific funds should be made available to each CC to reimburse its officers for general expenses (ie postage, paper and printer ink, travel, payment of annual audit fees, hire of halls {thus negating the need to reimburse these costs} and a sum of monies to cover other sundry expenses based on a population count but being related to the type of CC be it a town or a rural community.

16. Should on-line banking be included?

With the demise of so many high street banks on-line banking should be made available to each and every community council.

17. Should there be job description/role profiles for Community Councillors and office bearers?

At the present time role profiles are available for basically the officers and whilst specific jobs can be delegated to individual members it would be an advantage to lay down rules to prevent individual members unreasonably excusing themselves from executing a specific job. Details could be included in the training session noted above

18. Should details of the Scottish Borders Community Council network be included in the Scheme?

It would be of assistance to each community council to know what the role of the SBCCN really was and the action each community council can take to involve the SBCCN on its behalf.

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Response from Logan Inglis, Reston & Auchencrow Community Council

1. How your Community Council can ensure it considers equality and inclusion as part of its work
We have an Equalities statement, we are happy/content with the Equalities statement we have at present and do not see a need to change this.?
2. Reference to the Community Empowerment (Scotland) Act 2015
We are happy to have the example from Renfrewshire Council adopted within the scheme. *The Community Empowerment (Scotland) Act 2015 further strengthens the purpose of community councils by including voluntary bodies within the community planning framework. As voluntary bodies, community councils: 1. can participate in all parts of the community planning process to produce Local Outcome Improvement Plans, in the development, design and delivery of these plans and in the review, revision and reporting of progress; 2. can make Participation Requests; 3. can make Asset Transfer requests; 4. can be involved in forestry leasing; 5. have a right to be consulted on the disposal or change of use of common good assets; and 6. can be involved in Participatory Budgeting.*
3. Reference to Sub-Committees of Community Councils
We are happy to continue with sub-committees on the community council, e.g. Enhancement Group, Resilience Group.
4. Should there be reference to wider localities/Area Partnerships?
There should be some reference to wider groups, if only to make others aware of such groups.
5. Should there be a formula for determining the number of members of a Community Council (based on population and geography)?
Presently we have 7 members for Reston and 3 members for Auchencrow, potentially if all seats were filled. We do not see a need for change as it was thought this was population based and as such was formula based.
6. Should there be reference to the ability to hold on-line meetings as well as physical meetings?
Agreed, we think there should. To adopt the latest OSCR (SCIO) example would suit.
7. The Working Group considers that the term of office for a Community Council should be 3 years (with options for Community Councillors to stand for re-election). Should the term be fixed or should there be rolling elections (i.e. an annual election with 1/3 of members standing down each year)?
Presently we serve a four-year term, consensus is to stay with four years and All to resign after the term but to be able for re-election.
8. Should there be a limit on the number of times someone can be an office bearer?
Presently an office bearer can only serve two terms and he/she cannot be an office bearer for a third term. We are content to continue with this.
9. Should training for Community Councillors be compulsory and who should provide that training?
Consensus is YES, training should be compulsory even if it is 'in-house' training, but preferably by SBC officers. Training champions can be used to facilitate this.

10. Should Community Councils be required to hold an annual survey/event to gather local views on a number of different issues relevant to their particular area?
YES, if this is based on place making and local development plans, you may think this is too often and may be better with a more positive outcome if it was only carried out for the term of office for the community council.
11. Should a complaints procedure be included in the Scheme?
Yes, there should be a procedure to follow, with a separate body other than the community council to uphold the procedure.
12. Should there be any changes to the co-option of members to Community Councils?
Bearing in mind the co-option rule applies both to vacant members and persons co-opted to carry out a specific task, then these should be more clearly stated.
13. Should the Code of Conduct for Community Councillors involve sanctions should these be broken?
Unfortunately, we don't have a clear answer other than, 'two strikes and you're out'.
14. Should Scottish Borders Council's website include links to where Community Councils publish their agendas and minutes?
They used to do on their website, which was good to see how other community councils held their meetings and what was happening throughout. Yes, would be the answer.
15. What funding should be available for Community Councils and for what purpose?
Presently we receive £630.00 per annum, this is to cover admin duties, we are a proactive cc and tend to spend all our funds within the year. We would like to see an enhancement fund, whereas we can use the funds to further enhance the villages
16. Should on-line banking be included?
We have online banking and after eighteen months we still are having problems, for someone to start the process may prove difficult. But would encourage it.
17. Should there be job description/role profiles for Community Councillors and office bearers?
YES, the community council handbook, depicts roles and responsibilities of office bearers, this could be further enhanced and more descriptive.
18. Should details of the Scottish Borders Community Council network be included in the Scheme?
Yes, as they are made up of community councillors from each area, then they should be inclusive of the scheme.

Response from Esther Daborn, Skirling Community Council

1. How your Community Council can ensure it considers equality and inclusion as part of its work

Yes.

2. Reference to the Community Empowerment (Scotland) Act 2015

Yes – with an explanation of how a CC might enact those provisions.

3. Reference to Sub-Committees of Community Councils

Yes, to allow them to be set up.

4. Should there be reference to wider localities/Area Partnerships?

Yes – CCs should be encouraged to do so by SB Councillors attending meetings, by offering a platform to communicate with each other (through some version of the SBC CC Network, or through some channel to the TAP meeting chair).

Networking to create a meaningful exchange between community voice, knowledgeable others (SBC officers) and SB Councillors (policy developers and purse holders) needs a sustainable base to work from.

5. Should there be a formula for determining the number of members of a Community Council (based on population and geography)?

I think there already is.

6. Should there be reference to the ability to hold on-line meetings as well as physical meetings?

Yes, this should be encouraged to complement face to face meetings.

7. The Working Group considers that the term of office for a Community Council should be 3 years (with options for Community Councillors to stand for re-election). Should the term be fixed or should there be rolling elections (i.e. an annual election with 1/3 of members standing down each year)?

There should be a recommendation, but also permission for the CC to make decisions about term of office based on what is practical for that locality. SB Councillors can keep an eye on what they see and make a recommendation to the Communities Office if they consider there is a reason for a change in how a community is represented to the SBC.

8. Should there be a limit on the number of times someone can be an office bearer?

See comment above – what is practical and desirable for the community is the guiding principle.

9. Should training for Community Councillors be compulsory and who should provide that training?

The key is to a) respect the limited time that volunteers might have, b) encourage them to take advantage of support.

Training should therefore not be compulsory, but open access to resources should be offered. I understand some are already available.

A skills analysis questionnaire might be interesting. What skills do SBC officers consider desirable?

The questionnaire could ask C Councillors to consider whether they know how to do x, y, z, and offer resources to plug the gaps.

10. Should Community Councils be required to hold an annual survey/event to gather local views on a number of different issues relevant to their particular area?

Perhaps not so compulsory as 'annual' – there will be a tedium factor interfering.

But the community will be fine with an occasional survey. We did one when the first lockdown started to get an idea of needs and who could offer assistance.

Other information gathering can be done less formally.

11. Should a complaints procedure be included in the Scheme?

Yes, and included on the CC website.

12. Should there be any changes to the co-option of members to Community Councils?

No – seems to work fine.

13. Should the Code of Conduct for Community Councillors involve sanctions should these be broken?

Yes.

14. Should Scottish Borders Council's website include links to where Community Councils publish their agendas and minutes?

Yes – there should be standard websites for CCs and links to those websites on the SBC website – CC websites should be standardised. They are currently liquorice allsorts.

15. What funding should be available for Community Councils and for what purpose?

It is important that a CC has an annual amount from SBC to cover regular running costs – website maintenance, rent of Village Hall, Christmas decorations, etc.

Applications to funds such as the Community Fund should only be used for one off projects. Since Community Councillors are all volunteers, they should not have to spend time preparing applications every year for regular outgoings.

An Annual budget should be set up and agreed with the Community Council Treasurer when this new scheme is initiated.

Some CCs have considerable community funding available from Windfarms, so this income should be taken into account when the SBC is discussing the budget to be set. In subsequent years, the CC should be asked to review these outgoings and request more or less as appropriate.

16. Should on-line banking be included?

Yes, we have already set that up.

17. Should there be job description/role profiles for Community Councillors and office bearers?

I think there are. But if not, yes. But make sure you ask the CCs to edit any role profiles developed by SBC before they are finalised. They are the ones in the roles and they know what's needed.

18. Should details of the Scottish Borders Community Council network be included in the Scheme?

To be honest, that network seems to exist in one dimension only – as a series of Minutes online. What is needed is, as suggested in No 4 above, is an interactive platform for CCs to communicate with each other.

A sustainable base is needed for networking to create a meaningful exchange between

- i) community voice,
- ii) knowledgeable others (SBC officers) and
- iii) SB Councillors (policy developers and purse holders).

This would mean a thorough overhaul of how the current SBC CC Network operates.

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Local Government etc. (Scotland) Act 1994

22. Community councils.

- (1) Subject to subsection (2) below, schemes for the establishment of community councils made and approved under section 52 of the 1973 Act, including any such schemes as amended by virtue of section 53 of that Act, which are effective immediately before 1st April 1996 shall continue to have effect in respect of the area, or part of an area, to which they apply on and after that date.
- (2) Without prejudice to their duty under section 53 of the 1973 Act, on and after 1st April 1996, a local authority may revoke a scheme (or an amended scheme) such as is mentioned in subsection (1) above in so far as it relates to their area and make a new scheme in accordance with this section.
- (3) Where a local authority propose to make a new scheme such as is mentioned in subsection (2) above—
 - (a) they shall give public notice of their intention to revoke the existing scheme and make a new scheme for the establishment of community councils, and any such notice shall invite the public, within a period of not less than eight weeks from the date of the notice, to make suggestions as to the areas and composition of the community councils;
 - (b) after considering suggestions made under paragraph (a) above, the local authority shall prepare and give public notice of a draft scheme which shall contain—
 - (i) a map showing the boundaries of the proposed areas of community councils and their populations, and the boundaries of any area for which the local authority consider a community council to be unnecessary;
 - (ii) where a local authority consider that a community council is unnecessary for any area, a statement of their reasons for arriving at that conclusion;
 - (iii) provisions relating to qualifications of electors, elections or other voting arrangements, composition, meetings, financing and accounts of community councils;
 - (iv) provisions concerning the procedures to be adopted by which the community councils on the one hand and the local and public authorities with responsibilities in the areas of the community councils on the other will keep each other informed on matters of mutual interest; and

- (v) such other information as, in the opinion of the local authority, will help the public to make a reasonable appraisal of the scheme;
- (c) the notice mentioned in paragraph (b) above shall invite the public, within a period of not less than eight weeks from the date of the notice, to make representations to the local authority as respects the draft scheme;
- (d) after considering any representations made under paragraph (c) above, the local authority may, after giving public notice of the amendments to the proposals and a further invitation to make representations, amend the draft scheme to take account of those representations and adopt it;
- (e) the local authority shall give public notice of the scheme in its adopted form together with public notice of such a scheme as it applies to each proposed area, by exhibition in that area, and any such notice shall contain an invitation to electors in the area concerned to apply in writing to the authority for the establishment of a community council in accordance with the scheme.