
SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS – PROPOSED TEMPORARY AMENDMENTS

Report by Service Director Customer & Communities

SCOTTISH BORDERS COUNCIL

5 November 2020

1 PURPOSE AND SUMMARY

- 1.1 This report proposes temporary amendments to the current Scheme for the Establishment of Community Councils to assist with their operation during the Covid pandemic.**
- 1.2 As with other organisations, the operation of Community Councils has been impacted by Covid-19. Although some of the usual business of Community Councils will have stopped, other business will have increased and Community Council work needs to continue. In this respect, amendments are proposed to the current Scheme to facilitate this, with regards to the term of office of a Community Council and the minimum membership.
- 1.3 A number of Community Councils were due to hold elections in 2020 and, going forward, in the first part of 2021. It is not practical at the moment to hold contested elections for Community Councils, so it is proposed to extend the term of office to a maximum of 5 years on a temporary basis up until 31 August 2021.
- 1.4 When the membership of a Community Council falls to less than half the maximum membership, a by-election is held to increase the number, otherwise the Community Council is dissolved for a period of 3 months. To assist Community Councils, whose membership is close to the minimum number required to continue, it is proposed for a temporary period up until 31 August 2021, to allow a further reduction below that minimum number.

2 RECOMMENDATIONS

- 2.1 I recommend that Council agrees to temporarily amend the Scheme for the Establishment of Community Councils:-**
 - (a) to extend the term of office of a Community Council by up to 1 year until 31 August 2021 for those Community Councils which were due to hold an election in 2020 or early in 2021; and**

- (b) up until 31 August 2021, where membership of a Community Council has fallen to less than half the maximum number of members:**
- (i) for those Community Councils with 8 members or less as a maximum membership, there will be no further reduction to minimum membership requirements;**
 - (ii) for those Community Councils with a maximum membership of between 9 members up to 11 members, the minimum membership requirement will be reduced by a further one from half the maximum number; and**
 - (iii) for those Community Councils with a maximum membership of 12 or more members, the minimum membership will be reduced by a further two from half the maximum number.**

3 BACKGROUND

- 3.1 The current Scheme for the Establishment of Community Councils was approved by Scottish Borders Council at its meeting on 26 June 2014. A review of the Scheme is underway but has been delayed due to Covid-19. As with other organisations, the operation of Community Councils has been impacted by Covid-19, firstly during lockdown and subsequently through government regulations and guidance regarding public gatherings. Many Community Councils have now switched to holding remote meetings using a number of different software products e.g. Zoom, Microsoft Teams, etc. While this is not ideal, given the difference in broadband connectivity across the Borders, it is the only feasible option at the moment.
- 3.2 Although some of the usual business of Community Councils will have stopped, other business will have increased and Community Council work needs to continue. In this respect, amendments are proposed to the current Scheme to facilitate this with regards to the term of office of a Community Council and the minimum membership.

4 PROPOSED AMENDMENTS TO THE SCHEME

- 4.1 Section 7 of the Community Council Scheme states that "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." A number of Community Councils were due to hold elections in 2020 and, going forward, in the first part of 2021. It is not practical at the moment to hold contested elections for Community Councils, so it is proposed to extend the term of office to a maximum of 5 years on a temporary basis up until 31 August 2021. Any Community Council due an election after 31 August 2021 would be expected to hold an election in the normal way. The Council will provide further resources to assist Community Councils with elections at that time.
- 4.2 Each Community Council has a maximum number of members as detailed in Schedule 1 of the Community Council Scheme. These range from 6 to 18 elected members. When that number falls to less than half the maximum membership, a by-election is held to increase the number, otherwise the Community Council is dissolved for a period of 3 months. To assist Community Councils, whose membership is close to the minimum number required to continue, it is proposed for a temporary period up until 31 August 2021:
- (a) for those Community Councils with a full complement of members of 8 or less, there shall be no further reduction allowed in minimum membership;
 - (b) for those Community Councils with a maximum membership of between 9 and 11, the reduction below half membership shall be by a further one; and
 - (c) for those Community Councils with a maximum membership of 12 and above, the reduction below half membership shall be by a further two.

- 4.3 In other words, as examples, to continue as a Community Council, those whose full membership is 8 members, would still require to have a minimum of 4 members. For those with a full membership of 10 members, usually 5 would be the minimum membership, but with the proposed temporary reduction in numbers of a further one, this would now be 4. For those with a membership of 14, usually 7 would be the minimum membership, but with the proposed temporary reduction in numbers of a further two, this would now be 5. At 31 August 2021, the minimum membership required would revert back to half the full complement.
- 4.4 It is hoped that these temporary amendments to the term of office and minimum membership of Community Councils will allow Community Councils to continue to operate during these difficult, unprecedented times.

5 IMPLICATIONS

5.1 Financial

There are no costs attached to any of the recommendations contained in this report. There may be increased costs to the Council in providing support to Community Council elections from 31 August 2021 but these will be contained within existing budgets.

5.2 Risk and Mitigations

Due to current Covid19 regulations and guidance, it is not practical for Community Councils to hold contested elections at this time. There is a danger that Community Councils will dissolve and localities will suffer without their input to local communities.

5.3 Integrated Impact Assessment

No IIA has been carried out as it is considered there will be no unlawful discrimination, harassment or victimisation, or any impact on equality of opportunity for those who do or do not share a characteristic of age, disability, gender re-assignment, trans/transgender identity, marriage or civil partnership, pregnancy and maternity, race groups, religion or belief, sex-gender identity, and sexual orientation.

5.4 Acting Sustainably

There are no economic, social or environmental impacts from the recommendations in this report.

5.5 Carbon Management

There is no impact on the Council's carbon emissions arising from the recommendations in this report.

5.6 Rural Proofing

There is no impact on those living in the rural area from the recommendations in this report.

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 Executive Director (Finance & Regulatory), the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR & Communications, and Corporate Communications have been consulted and any comments received have been incorporated into the report.

Approved by

Jenni Craig

Service Director, Customer & Communities

Signature

Author(s)

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Background Papers: Scheme for the Establishment of Community Councils
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.

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