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, 21 January 2021 at 6.00 pm

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Present:-	SBC Councillor R. Tatler (Chairman)
	<u>Berwickshire</u>
	SBC Councillor H. Laing
	Community Councillor L. Inglis
	<u>Cheviot</u>
	SBC Councillors E. Robson
	Community Councillor M. Ladds
	<u>Eildon</u>
	SBC Councillor G. Edgar
	<u>Teviot & Liddesdale</u>
	SBC Councillor W. McAteer
	Community Councillor C. Knox
	Community Councillor P. Kerr (sub)
	<u>Tweeddale</u>
	SBC Councillor S. Haslam
	Community Councillor J. Taylor

Apologies:-	Community Councillor J. Cleghorn.
In Attendance:-	Chief Legal Officer and Clerk to the Council.

1. **WELCOME AND INTRODUCTIONS**

    The Chairman, Councillor Tatler, welcomed everyone to the meeting and explained that as there had been a change of Portfolio holders in the Council since the last meeting, he had now replaced Councillor Aitchison as Chair of the Working Group, being the Portfolio holder for Community Development and Localities.

2. **MINUTE**

    Copies of the Minute of the last meeting of the Working Group, held on 19 September 2019, had been circulated. The work of the Group had been delayed due to the Covid pandemic. Councillor Robson asked for clarification of the membership of the Working Group, referring to a request from the Scottish Borders Community Council Network (SBCCN) to have a representative join the Working Group, and asking whether this request would need to be considered by full Council. The Chairman confirmed his understanding was that the report to Council in March 2019 had agreed to the establishment of the Working Group and its membership. The Community Councils in each Area Partnership locality had been asked to agree a representative and a substitute representative for the Working Group. The Clerk to the Council confirmed that any change in membership would need to be referred back to Council as a recommendation by the Working Group. The papers for the Working Group were circulated to every Community Council, including the SBCCN, and the meetings were livestreamed to allow anyone to make comment. The Community Council representatives would feed back to the Community Councils in their particular area. Comm. Councillor Kerr confirmed that he was a member of the core group of the SBCCN. No member of the Working Group proposed any change to membership.

DECISION

AGREED to approve the Minute of 19 September 2019, including confirming the Terms of Reference for the Working Group.

3.   **SCOTTISH BORDERS COMMUNITY COUNCIL SCHEME 2014**

3.1   With reference to paragraph 4 of the Minute of 19 September 2019, copies of the current Scottish Borders Community Council Scheme of Establishment, along with the Scottish Government Model Scheme for the Establishment of Community Councils, Model Constitution and Model Standing Orders. The Clerk to the Council advised that there was no statutory timeline for the review of the Scheme but hoped that a new Scheme would be approved by Council by the end of 2021. This would depend on the amount of work required, resources available and the deployment of staff to aid in Covid recovery. In response to a question about the lack of a substitute representative for Community Councils in the Tweeddale area, it was explained that at the time the Working Group was set up only one nomination had been received from the Tweeddale Area. Mr Peter Maudsley had volunteered to be the substitute member, and the Chairman confirmed that a substitute representative from Tweeddale could be included in the Working Group with the agreement of all Tweeddale Community Councils. With regard to how the Community Council representatives communicated with the Community Councils in their area, this was a matter for each area. Some areas already had a network set up of Community Council Chairs/representatives where information could be cascaded. The Clerk then referred to other local authorities Schemes for Community Councils and how best these may be reviewed by the members of the Group.

DECISION
AGREED:
(a)   the Clerk to the Council would send the contact details of Mr Taylor to the Tweeddale Community Councils so they could liaise with him on any matters for consideration by the Working Group;

(b)   the Clerk to the Council would put each of the other local authority Community Council Schemes onto Modern.gov and provide members of the Group with the link to these; and

(c)   members of the Working Group would look at the other Schemes – in particular those from rural areas - to see what should be considered for inclusion in the new Scottish Borders Scheme.

3.2   Members of the Group then gave a first look at the Scottish Borders Community Council Scheme:

(a)   **Purpose**
        In response to a question about whether other local authority Schemes mentioned the Community Empowerment (Scotland) Act 2015, the Clerk to the Council advised that from memory, some Schemes did but not all.

        DECISION
        AGREED that when reviewing other local authority Community Council Schemes, members of the Group would check on any mention of the Community Empowerment (Scotland) Act 2015.

(b)   **Procedure for Establishment**
        Cllr Tatler referred to the number of electors in Community Council areas and the Clerk to the Council advised that some other areas had formulae for calculating numbers that members of the Group may wish to consider. Some flexibility for numbers would be needed to take account of the rural diversity of the Borders. In response to a question about the inclusion of Bowden Village Committee within the

Scheme, the Clerk to the Council advised that there had been correspondence from the Village Committee some time ago suggesting that a Community Council may be formed which could take the place of the Village Committee within the Scheme. The Clerk would write to the Village Committee asking them to confirm what they wished to do.

(c) **Composition**
The Group considered the various membership options within Community Councils, including SBC Elected Members and co-opted members. There was discussion on diversity and equalities and how best to increase representation on Community Councils while taking account of elections being free and fair to all. There were also difficulties in rural communities with people on a number of groups such as village hall committees, out of school clubs, etc. so if these functions and funding were brought together under a Community Council it may help as the number of hours people could volunteer their time was limited. Consideration may also be given to communities of interest. Consideration should also be given to allowing more people being co-opted onto a Community Council towards the end of a term of office. One of the reasons for co-opting was to give people experience of the Community Council. While co-option may be a way to be more inclusive, care would need to be taken that competition cliques did not form between different community groups. As Community Councils took on more tasks and responsibilities they needed an expansion of skills. However, as volunteers, there was a question of available time which unfortunately tended to mean that many Community Councillors were retired, although young people were being encouraged onto Community Councils in some areas. There was the option of co-opting people with relevant skills to help a Community Council without that person becoming a full Community Council member with voting rights.

(d) **Method of Co-option**
Some further detail was needed on this, as there needed to be some justification as to why someone was being co-opted and not simply approached "to make up numbers". An expression of interest by the individual could allow the Community Council to demonstrate why they were being co-opted.

(e) **Casual vacancies**
The Clerk to the Council advised that further detail was required here which could be picked up from other local authority Schemes.

(f) **Term of Office**
The Group considered the length of term of office and that election dates/terms of office were different, varying at the moment between 3 and 4 year terms. A 3 year term may not seem as daunting for people and encourage them to stand for election to the Community Council.

DECISION
AGREED that the term of office of a Community Council should change to 3 years.

(g) **Nominations**
In response to a question about disqualification from standing for election not having served a prison sentence (including a suspended sentence) of 3 months or more in the five years before an election, the Chief Legal Officer confirmed that that mirrored the requirement for local authority elections but was not a legal requirement. In relation to bankruptcy restriction orders, the Chief Legal Officer confirmed that this could also be added in but again there was no legal requirement. The requirement for having a proposer and seconder on the nomination form for Community Council elections was also discussed, with concern expressed if someone could

propose/second more than one candidate which could potentially lead to cliques forming.

DECISION
AGREED that officers would provide details of the nomination requirements for local authority elections to the next meeting of the Group.

(h) **Returning Officer**
It was noted that further details would need to be added about the Returning Officer once the Community Council had been established.

3.3 There followed discussion on also using the Scottish Government model Scheme as well as looking at those of other local authorities.

4. **DATES OF FUTURE MEETINGS**
The Group considered potential dates and timing of future meetings, agreeing that at least 6 weeks should be allowed to give the Community Council representatives time to speak with the other Community Councils in their area.

DECISION
AGREED that the next meetings of the Group would be at 6:00 p.m. via MS Teams on Thursday 18 March and Thursday 27 May 2021.

5. **ANY OTHER BUSINESS**
No other items of business were raised. Cllr Tatler thanked everyone for their contributions and the meeting drew to a close.

The meeting concluded at 7.05 pm