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SCOTTISH BORDERS COUNCIL BERWICKSHIRE AREA PARTNERSHIP

MINUTES of Meeting of the
BERWICKSHIRE AREA PARTNERSHIP
held via MS Teams on Thursday, 10 June
2021 at 6.00 pm

- Present:- SBC Councillors: J. A. Fullarton (Chairman), C. Hamilton, H. Laing, D. Moffat and M. Rowley.
Other organisations attendees: Ms J. Amaral (BAVS), Mr J. Brown (Swinton & Ladykirk CC), Mr L. Inglis (Reston & Auchencrow CC), Ms A. McNeill (A Heart for Duns), Mr A. Mitchell (Duns CC), Ms J. Sutton (Cockburnspath Community).
- Apologies:- SBC Councillors J. Greenwell and D. Moffat; Comm. Cllr K. Dickinson (Gavinton, Fogo & Polwarth CC).
- In Attendance:- Locality Development Co-ordinator, Strategic Community Engagement Officer, Communities and Partnership Manager and Clerk to the Council.

1. **WELCOME**

The Chair welcomed everyone to the special meeting of the Berwickshire Area Partnership which was due to consider a report on the proposed appointment process and procedural rules for the Berwickshire Community Fund Assessment Panel. The meeting was held via Microsoft Teams and the Chair outlined how the meeting would be conducted and how those both in the meeting and watching via the Live Stream could take part.

2. **BERWICKSHIRE COMMUNITY FUND ASSESSMENT PANEL**

- 2.1 With reference to paragraph 10 of the Minute of 20 May 2021, copies of a report by the Service Director, Customer and Communities, on the Berwickshire Community Fund Assessment Panel had been circulated. The Clerk to the Council, Ms Wilkinson, presented the report which proposed details on how members would be appointed to the Panel and how the Panel would operate with regarding to meetings. The recruitment process for membership of the Assessment Panel from people living in Berwickshire began on 24 May, with a closing date for applications of 14 June 2021. It had originally been proposed that all members of the Assessment Panel, including the 3 SBC Councillors, would have equal voting rights. However, that had given rise to a potential conflict of interest when recommendations from the Assessment Panel were considered by the Area Partnership. It was now proposed that the 3 SBC Councillors would be non-voting members of the Assessment Panel. Ms Wilkinson further advised that reference to these SBC Councillors being ex-officio members was incorrect and they would be non-voting members. With regard to the appointment of applicants from the Berwickshire area public to the Assessment Panel, it was proposed that this decision should be delegated to the Service Director, Customer & Communities, in consultation with the Chair of the Berwickshire Area Partnership and the Executive Member for Community Development and Localities. Suitable training would be provided to all members of the Assessment Panel. Details of the proposed constitution and procedural rules for the Assessment Panel were given in the Appendix to the report.

- 2.2 The Chief Legal Officer, Mrs McKinlay, explained that the reason for the proposed change to SBC Councillors having voting rights at the Assessment Panel was that the award of a grant would fall within Section 7 of the Local Authority Councillors Code of Conduct and in that respect was a quasi-judicial matter. The Code of Conduct stated that local authority

Councillors could express a provisional view but could not form a final view until they had all information before them so any Councillor who was to vote at the Assessment Panel and then vote again at a subsequent Area Partnership meeting (should consensus not be reached on a recommendation from the Assessment Panel) would find themselves at risk of being in breach of the Code of Conduct. Members of the Area Partnership queried the role of the SBC Councillors on the Assessment Panel and expressed disappointment that all members of the Panel would not have equal voting rights. Mrs McKinlay confirmed that SBC Councillors could still participate in the questioning and debating at the Assessment Panel meetings but the key for them was this did not form a final view as if they were to advocate for or against a particular application then they would have to declare an interest at the meeting of the Area Partnership and not take part. This restriction only applied to SBC Councillors. Ms Wilkinson confirmed that any recommendations from the Assessment Panel would be considered by the Area Partnership meeting and it would only be if consensus could not be reached then the final decision would be taken by the SBC Elected Members on the Area Partnership, as was the case currently. In response to a question about consensus, Ms Wilkinson further confirmed that this did not mean 100% agreement but 1 or 2 people in dissent, with much depending on the numbers at the Area Partnership meeting on the day.

- 2.3 Mr Keith Dickinson, the Chair of the Area Partnership Review Sub-Group, had not been able to be present at the meeting, and Ms Wilkinson summarised an email he had sent to her with his concerns. A fundamental aspect of the plan from the Sub-Group was that all members of the Panel would be equal. As the Assessment Panel would be making recommendations to the Area Partnership, that is where the decision would be made. Mr Dickinson expressed further concern about the possibility of the SBC Elected Members at an Area Partnership meeting rejecting the recommendations of the Assessment Panel and what position this would leave the voting members of the Assessment Panel. There was further debate and it was suggested that the proposals should be tried and reviewed if necessary if it was found they were not working.
- 2.4 The Area Partnership then considered the quorum for meetings of the Assessment Panel but, after consideration, decided to leave this at the proposed five. There followed further consideration of how far in advance of meetings the papers for the Assessment Panel would be issued, with the 3 clear working days being thought insufficient. Agreement was reached on papers being issued 14 calendar days prior to meetings of the Assessment Panel. Consideration was then given to the nomination of SBC Councillors to the Panel to ensure representation from across Berwickshire. It was confirmed that should any member of the Panel drop out then the same recruitment and appointment process would be used for a replacement.

DECISION AGREED to:

- (a) delegate authority to the Service Director Customer and Communities, in consultation with the Chair of the Area Partnership and the Executive Member for Community Development and Localities, to appoint members of the Berwickshire community to the Berwickshire Community Fund Assessment Panel, following a suitable recruitment process;**
 - (b) approve the constitution and procedural rules for the Assessment Panel as detailed in the Appendix to this Minute; and**
 - (c) appoint SBC Councillors Greenwell, Laing and Rowley as non-voting members of the Assessment Panel.**
3. **ANY OTHER BUSINESS**
No other items of business were raised.

4. **DATE OF NEXT MEETING**

The next meeting of the Area Partnership was scheduled to take place on 1 July 2021 at 6:30pm.

The meeting concluded at 6.55 pm

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**BERWICKSHIRE AREA PARTNERSHIP
10 JUNE 2021
APPENDIX**

Berwickshire Community Grant Assessment Panel

Membership

Up to eight members of the Berwickshire community (appointed through a recruitment process) with, in addition, three SBC Elected Members. The term of office for Berwickshire public members of the Assessment Panel is 3 years.

Chairman

The Chairman of the Panel shall be a member of the Berwickshire community and shall be elected by the Panel.

Quorum

Five members of the Panel (excluding the SBC Elected Members) shall constitute a quorum.

Meetings

Meetings of the Panel shall take place online via Microsoft Teams or some other such suitable online platform. Meetings will be held in private.

Voting

Decisions of the Panel should be reached by consensus where possible. Otherwise, each member of the Panel shall have equal voting rights, with the Chair having a casting vote if required. SBC Elected Members on the Panel have no voting rights.

Remit and powers

1. To assess applications for grants from the Berwickshire Community Fund in line with current criteria.
2. To question as necessary applicants and officers on the details of specific applications.
3. To complete a scoring matrix on the suitability or otherwise of an application for grant funding.
4. To make recommendations to the Area Partnership on applications to the Berwickshire Community Fund.
5. The Chair or other Member of the Panel shall present the Panel's recommendations, with appropriate, supporting paperwork to the Area Partnership meeting for decision.
6. An annual report shall be provided to the Area Partnership by the Panel with details of its work throughout the year.
7. Any such other matters, as delegated by the Area Partnership.

Procedural rules

1. All members of the Assessment Panel must behave respectfully at any meeting, and should not behave in a manner that is improper or offensive, or disruptive to the business of the meeting.
2. Meetings of the Panel shall be held online, hosted by SBC if MS Teams is the chosen platform, and likely quarterly.
3. An agenda and papers for each meeting shall be provided by SBC Officers.
4. The agenda and papers for the meeting will be issued by electronic means to members of the Panel 14 calendar days in advance of any meeting.

5. Meetings of the Panel will be held in private to ensure a free and frank exchange of views.
6. A special meeting of the Panel may be called to deal with urgent business if necessary.
7. Members will be required to declare an interest in any application in which they have an interest (financial or otherwise) and not participate in any debate or decision around that particular application.
8. If the Chair is not present at a meeting, the meeting will be chaired by another member of the Panel appointed at the meeting.
9. No business will be carried out at a meeting unless a quorum of members is present.
10. No substitute members are allowed.
11. If a member fails to attend more than 3 meetings in any one calendar year, without suitable reason, then he/she will be deemed to have resigned from the Panel. The same recruitment process will be followed at any interim stage.
12. It is the duty of the Chair to ensure that meetings are held in accordance with these Procedural Rules and that a fair hearing is given to all participants.
13. The Chair shall have discretion to determine all questions of procedure where no specific provision is made under these Procedural Rules. The Chair may seek guidance for an SBC Officer. The Chair's decision in these matters shall be final.
14. Where one or more options for decision are before a meeting of the Panel, each of these options shall be proposed and seconded, and then voted on by individual members of the Panel (no SBC Elected Member shall propose or second any option). An SBC Officer will record the final decision.
15. Any member who has declared an interest in an application may not vote on the item concerned.
16. A note of the decisions of the Panel about each application will be taken by an SBC Officer.
17. Only the Area Partnership may amend any of the above Procedural Rules.