

**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 Tuesday, 23 November
2021 at 6.00 pm

Present:- SBC Councillor R. Tatler (Chairman)
Berwickshire
SBC Councillor H. Laing
Cheviot
SBC Councillor E. Robson
Community Councillor M. Ladds
Eildon
SBC Councillor G. Edgar
Teviot & Liddesdale
SBC Councillor W. McAteer
Community Councillor C. Knox
Community Councillor P. Kerr
Tweeddale
Community Councillor A. Wilson

Apologies:- SBC Councillor S. Haslam; Community Councillor L. Inglis.
In Attendance:- Chief Legal Officer, Clerk to the Council.

1. **WELCOME**

The Chairman welcomed everyone to the meeting and explained how the meeting would be conducted both through Teams and via the livestream. He introduced Ms Morgan Harris, SBC Trainee Solicitor, who had joined the meeting as an observer.

2. **ORDER OF BUSINESS**

The Chairman changed the order of business, and took the item on the Timeline for Consultation before consideration of the proposed amendments to the Community Council Scheme.

3. **MINUTE**

Copies of the Minute of the meeting of the Working Group held on 27 May 2021 had been circulated.

DECISION

APPROVED the Minute.

4. **RESPONSES FROM COMMUNITY COUNCILS ON INFORMAL CONSULTATION**

With reference to paragraph 4 of the Minute of 27 May 2021, copies of responses to the informal questionnaire had been received from the following Community Councils had been received and circulated: Abbey St Bathans, Bonkyl & Preston; Ancrum; Clovenfords; Duns; Eyemouth; Jed Valley; Reston & Auchencrow; and Skirling.

DECISION

NOTED the responses.

5. TIMELINE FOR CONSULTATION

An extract from the Local Government etc. (Scotland) Act 1994 regarding the statutory process and timeline for any amendments to a Scheme for the Establishment of Community Councils had been circulated. The Clerk to the Council explained that there was a requirement to hold an eight week statutory public consultation on any amendments to the Scheme once these draft amendments had been agreed by Scottish Borders Council. It had been hoped that the Scheme could be finalised by the end of March 2022, but the delay to the review caused by the pandemic had meant this was no longer possible. It was therefore intended to consult Community Councils informally on the proposed amendments to the current Scheme and bring these to the Working Group for consideration. A copy of the amended Scheme could then be taken to a special meeting of Scottish Borders Council for approval prior to the eight week public consultation.

**DECISION
NOTED.**

6. SCOTTISH BORDERS COMMUNITY COUNCIL SCHEME

With reference to paragraph 4 of the Minute of 18 March 2021, copies of proposed amendments - which had been discussed by the Working Group, and taking account of responses from Community Councils - to the Scottish Borders Community Council Scheme had been circulated. The proposed amendments or additions to text in the Scheme were highlighted in yellow. Members of the Group considered the Scheme and made suggestions/comments as follows:

- (a) Paragraph 1.3 (reference to Community Empowerment (Scotland) Act) – it was agreed to expand this slightly to cover participation in the Community Planning process to produce Local Outcome Improvement Plans, asset transfer requests, and change of use/disposal of Common Good Assets.
- (b) Paragraph 2.1 and 2.2 (purpose of Community Council) – to add in further details of being a statutory consultee for planning and licensing.
- (c) Paragraph 3.1 – agreed to change from not less than 20 electors to not less than 12 electors requesting a Community Council to be established/re-established.
- (d) Paragraph 4.2 (survey/local event) – replace the words “may choose” with “is encouraged”.
- (e) Paragraph 12.1(c) (AGMs) – AGREED to remind Community Councils of the need to hold their AGMs within two months of the end of the financial year.
- (f) Paragraph 13.3 (bank accounts) – replace the words “office bearers” with “Community Council members”
- (g) Paragraph 16.3 (Complaints resolution) – amend “investigate such a complaint and come to a final conclusion, if necessary” to “mediate and help resolve, coming to a mutual agreement.” Also, agreed to include guidance in the Community Council Training Handbook on the role of mediators.
- (h) Paragraph 17.1 (Community Council Networks) – amend wording in second last sentence to “Any such network must make it clear in any responses whether it has sought direct input from Community Councils to the matter, and if so, the level of response received, and also which Community Councils it represents.”

**DECISION
AGREED to:**

- (a) **make the agreed changes as detailed above to the Community Council Scheme; and**
- (b) **send out the amended Scheme to Community Councils for informal consultation, with comments due back by mid-February 2022.**

7. **NEXT MEETING**

The Group agreed that the next meeting would be scheduled for the beginning of March 2022 to consider the responses to the informal consultation on the amended Scheme.

DECISION

NOTED.

8. **ANY OTHER BUSINESS**

No other items of business were raised.

The meeting concluded at 7.25 pm