

SCOTTISH BORDERS COUNCIL

TRAINING HANDBOOK FOR COMMUNITY COUNCILS

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1. WHAT IS A COMMUNITY COUNCIL?

1.1 Community Councils were established by the Local Government (Scotland) Act 1973 as a way of bridging the gap between local authorities and local communities. There are currently 69 Community Councils spread across the Scottish Borders, covering small rural communities as well as the larger urban areas. Each Community Council has a maximum and minimum number of members, who are made up of volunteers who are elected or co-opted to serve as members. The Community Council also appoints from amongst its membership a number of office bearers.

1.2 The purpose of Community Councils is set out in the 1973 Act as follows –

"In addition to any other purpose which a Community Council may pursue, the general purpose of a Community Council shall be to ascertain, co-ordinate and express to the local authorities for its area, and to public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible, and to take such action in the interests of that community as appears to it to be expedient and practicable."

So the role of the Community Council includes:

- finding out what local people think about issues affecting the local community
- making sure the local authority and other public bodies are aware of those views
- communicating information to the local community; and
- acting in the interests of the local community

1.3 Thus, Community Councils have an important role to play in ensuring that their local authority and other public bodies are as informed as possible about the views, needs and wishes of their communities and in helping to keep the local community informed. If Community Councils are to be fully representative and act in the interests of their communities as a whole, it is important that they do not favour a particular political party, ethnic group, gender or age group. They should seek, and be seen to seek, the views of the local community, and avoid any automatic assumption that the views of the Community Council or of its individual members reflect those of the wider community.

1.4 There are specific areas where public bodies will approach Community Councils directly seeking their views. For example, if they are statutory consultees on certain planning and licensing matters. Their feedback may also, from time to time, be sought on public consultations. However, should they choose to do so, Community Councils can do more. There is a great deal of scope

and flexibility for Community Councils and they can choose to do many things. However, all Community Councils should keep as their core role, acting as a voice to represent the views of their community. Areas for Community Council input could include:

- writing letters/sending emails following a meeting of the Community Council in order to highlight an issue
- attending meetings with public officials
- holding public meetings in response to a specific issue or to find out what the areas of concern are within the community
- carrying out surveys through questionnaires
- meeting with other Community Councils or other community groups
- working in partnership with other agencies on a particular project
- receiving and responding to enquiries and problems raised by members of the public
- sending representatives to attend a meeting of Scottish Borders Council or another public agency
- producing a newsletter and distributing this to all homes in the area
- using social media to send out information or raise issues
- having a website for the Community Council or providing information for a community/village website
- arranging community events such as festivals, litter picks, Christmas lights, etc.
- co-ordinating small, local groups to ensure that resources are not wasted and that several groups are not all trying to do the same thing.

2. COMMUNITY COUNCIL ELECTIONS

2.1 There is a separate handbook which covers the details of running a Community Council election. However, in summary, elections to the Community Council falls into two categories:

- (a) Full elections
These must be held every 3 or 4 years and they bring to an end any existing Community Council memberships, and Community Councillors who wish to continue in that role are required to seek re-election and submit nomination papers along with any other member of the local community who wishes to become involved.
- (b) By-elections
A by-election is held when vacancies occur in the Community Council or the number of members of the Community Council falls below the minimum required. In the latter case, if it is less than 6 months before the next full election is due, it is recommended that a full election rather than a by-election is held. While the by-election will not bring to an end the

membership of any elected members of the Community Council, it will bring to an end any co-opted memberships.

- 2.2 Elections or by-elections are held with the support of the Democratic Services team at Scottish Borders Council, who will give advice and guidance and arrange for details of the election to be publicised on the Council's website and social media. For details of running an election, please see the Election Handbook.

3. THE ROLE AND RESPONSIBILITIES OF COMMUNITY COUNCILLORS

- 3.1 It is important that Community Councillors recognise from the outset that they are required to play a role in their community. It is not a case of simply offering a personal view or opinion on local issues or taking decisions based on their own self interest. The role of the Community Councillor is to represent the view of their community. They are free to have political and/or religious affiliations, but they must ensure that they represent the interest of the community and the Community Council and not the interests of a particular political party or other group. In practice, this will involve discussing issues with people in the community to get their views and assess the strength of their feelings on different topics. Community Councillors should also encourage people to bring issues to them so they can be discussed at Community Council meetings. They should however, try to check out the facts before taking matters to the Community Council, and if there are two sides to the story, make sure that both sides are put forward.
- 3.2 At some point Community Councillors may find some conflict between their personal views and interests and those of the community they are representing. If such a situation does arise, the views of the community need to take precedence. Experience shows that if the view of individuals on the Community Council are allowed to take priority then the community will very quickly lose confidence in the Community Council and its work may subsequently be devalued. In some instances, it may therefore be necessary and appropriate for a Community Councillor to declare an interest in a matter under discussion and to withdraw from that debate and decision making. Every Community Councillor must comply with the Code of Conduct at all times.
- 3.3 In some instances, the discussion or decisions of the Community Council may also involve setting priorities on the competing or conflicting needs of different sections of the community. Competition and conflict are normal in any community, so should not be through of as something that can be avoided altogether. What is important is that competition or conflict is approached in a fair and reasonable manner. This means taking a balanced view of the community's needs and aspirations and giving a fair hearing to

representatives from different interest groups in the community. In particular, Community Councillors should avoid being influenced by any prejudice or bias, whether in the sphere of race, religion, gender or any other basis.

4. THE ROLES OF OFFICE BEARERS

- 4.1 Community Councils should appoint a Chair, Secretary and Treasurer from among their elected and co-opted members. *Ex-officio* members are not eligible to become officer bearers. In some cases, particularly with smaller Community Councils, a single person may perform one of these roles. However, a single person must only perform a maximum of two roles. In addition, some Community Councils may decide to appoint a Vice Chair to deputise for the Chair or assist in their duties. Office bearers and other Community Councillors should ensure that they are aware of the content of any documents they sign, the reason for any money being received or spent, and that authority has been granted by the Community Council for any of this.
 - 4.2 A Minute Secretary may also be appointed, whose sole function is to produce the Minutes of Community Council meetings, leaving the Secretary to perform the other tasks associated with that role. These appointments are normally made at the Annual General Meeting (AGM) and last until the following year's AGM. Interim appointments can be made should a vacancy arise.
 - 4.3 To be successful, a Community Council needs to have energetic and conscientious Office bearers, prepared to put in the necessary time and effort. It is bad policy to overload one individual, so at times it may be necessary to spread the workload either amongst the Office bearers or the wider Community Council membership.
- The Chair and Vice-Chair**
- 4.4 The Chair has the most important single role to play in making sure that Community Council meetings run smoothly. However, the Chair's role must be given the appropriate respect and support of all members of the Community Council. The Chair is elected in line with the rules set out in the Community Council's Constitution. This Constitution is very important because it provides the framework of procedures that govern the work of the Community Council.
 - 4.5 The Chair's job is to make sure that decisions are made on all items which are on the agenda at Community Council meetings. In practice, this usually means they have to make judgements about how much time to allocate to each agenda item, encourage people to make their contributions brief and to the point, and occasionally have to bring speakers back to the agenda item should they have drifted away from this.

4.6 In regular meetings, the role is a formal one, and all speakers will be expected to address their comments through the Chair. This helps the Chair to keep control of the discussion. For some items on an agenda, where proceedings do not need to be so formal, the Chair may be happy simply to steer the general direction of the discussion, giving everyone the opportunity to contribute. It is likely to be a combination of both the formal and enabling approaches which are used at the appropriate time, and these are set out below.

4.7 *General role and responsibilities*

The Formal Chair

- Encourages fair play
- Stays in charge
- Remains neutral
- Agenda and timekeeping
- Opens the meeting
- Introduces all agenda items
- Is familiar with all agenda items
- Gets through the agenda in the allotted time

The Enabling Chair

- Has an overview of the task/goals of the meeting
- Helps to clarify goals
- Helps the group to take responsibility for what it wants to accomplish
- Helps the group to carry out its tasks
- Has little emotional investment
- Runs through the agenda at the beginning and gets the meeting's approval for it
- Arranges in advance for someone to introduce each agenda item
- Updates latecomers
- Keeps track of time
- Evaluates how the meeting went at the end

4.8 *Discussion*

The Formal Chair

- Selects speakers
- Summarises discussion
- Ends discussion
- Makes sure that people keep to the subject

The Enabling Chair

- Encourages and helps everyone to participate
- Encourages the expression of various viewpoints
- Encourages people to keep to the subject
- Clarifies and summarises discussion
- Makes it safe to share feelings
- Suggests ways of handling conflict

4.9 *Decision making and voting*

The Formal Chair

- Makes sure decisions are taken and agreed
- Decides when to vote
- Conducts the vote
- Makes sure that the responsibility for action is allocated

The Enabling Chair

- Suggests structures for decision making
- Looks for areas of agreement
- Tests to see if there is agreement
- Makes sure someone will carry out decisions

4.10 During meetings, the Chair has a number of responsibilities –

- General role – ensure fair play; stay in charge; remain neutral; do not become emotional.
- Agenda and timekeeping – open the meeting on time and stick to time; introduce agenda items (although may pass over to others on the Community Council to present items); be familiar with all the papers; end the meeting at the allotted time, where possible; evaluate how the meeting went.
- Discussion – encourage members to speak and help them participate at the appropriate times; encourage expression of various views; encourage people to keep to the subject; clarify and summarise discussion.
- Decision making and voting – ensure decisions are taken and agreed; decisions will hopefully be by consensus but, if not, know when and how to conduct a vote; ensure that responsibility for actions is allocated and recorded in the Minute.
- Rules – know the rules of the meeting; be the arbiter on points of order and procedure.
- Decide if and when Members of the public will be allowed to speak.

4.11 It is important to recognise that the Chair's role extends out-with the meetings of the Community Council. They may be called upon to act on behalf of the Community Council between meetings, or to represent the Community Council in dealing with other organisations or outside bodies. Very often, the Chair is seen as the official spokesperson for the Community Council and must be seen as polite, authoritative and fair in all their dealings with outside bodies, groups, individuals and the media.

4.12 The Chair is also expected to know the terms of the Community Council's Constitution, Standing Orders and the terms of the Scottish Borders Community Council Scheme, and to make sure that at all stages of its work, the Community Council is operating in line with any formal procedures. In this context, the Chair can be

called upon to act as an arbiter when there is a disagreement about how the rules should be interpreted. The duties of the Chair include:

- Checking that a meeting has been called in accordance with the rules
- Having a thorough knowledge of the rules
- Ruling on points of order and procedure
- Acting on behalf of the Community Council between meetings
- Pursuing decisions made in meetings.

4.13 Unless detailed in the Constitution, the Vice Chair has no specific duties, other than standing in for the Chair when they are unable to be present, they will of course need to be familiar with all the duties of the Chair. The Vice Chair post can be a useful preparatory role for a future Chair, but shadowing the current Chair, supporting the Chair in their role, or taking over some of the Chair's workload when necessary or when asked to do so.

The Secretary

4.14 The Secretary is responsible for:

- Preparing and circulating the agendas of meetings
- Preparing and circulating the Minutes of meetings
- Answering all correspondence
- Writing any letters/emails
- Circulating information to Community Councillors
- Public relations, including dealing with the media
- Arranging the venue for meetings
- Liaising with officers of the local authority
- Supporting the Chair and obtaining any external specialist advice required by the Community Council

4.15 The Secretary needs to be energetic and enthusiastic, prepared to put in the necessary time and effort required. It should be considered essential that the Secretary has the necessary skills and capacity to fulfil their responsibilities e.g. access to laptop/computer, knowledge of IT software packages, familiar with the use of emails and the internet

The Treasurer

4.16 The Treasurer is responsible for the finances of the Community Council. They will make payments on behalf of the Community Council and must keep up to date the Community Council's financial records so that they disclose, with reasonable accuracy at any time, the financial position of the Community Council.

4.17 The Treasurer should:

- Manage the bank account
- Account for all funds received
- Advise the Community Council of its financial position before it commits to spending further funds

- Ensure that money is only spent in a manner approved by the Community Council members as recorded in the Minutes
- 4.18 Any cheques issued should be signed by at least two persons authorised by the Community Council members as recorded in the Minutes and notified to the bank in writing. As a general rule, Treasurers should avoid paying out money other than by check or online transfer as this makes accounting for expenditure much easier.
- 4.19 The Treasurer must keep proper account of all receipts and expenditure, prepare an annual statement of income and expenditure, and have it certified as correct by two competent and independent examiners of accounts. They should be formally appointed by the members and named in the Minutes. The annual statement must be formally approved at the next Annual General Meeting when the Treasurer must report, and answer questions raised by members of the Community Council or members of the public. A certified and approved copy of the accounts needs to be sent in to Scottish Borders Council in order to qualify for the annual grant.

5. CONSULTING WITH THE COMMUNITY

- 5.1 If Community Councils are to fulfil their core purpose, which is to ascertain, co-ordinate and express the views of the communities they represent, then they need to consult as fully as possible with their local communities and give local people the opportunity to make their views known. Advice from Scottish Government emphasises the importance of Community Councillors resisting any temptation simply to assume that their own personal views reflect those of the wider community. Instead, they need to make an active effort to represent the interests of their community as a whole.
- 5.2 Community Councils can consult with the local community in a variety of ways. Making local people aware of Community Council meetings and encouraging them to attend is a good start. As a minimum requirement, notices of meetings of the Community Council need to be posted locally at least 7 days in advance, and these notices need to give contact details on where papers for the meeting and Minutes from previous meetings can be viewed. Account should be taken of those members of the public without access to websites/social media so notices should also be placed on local noticeboards or in local shops or leisure facilities, whichever is available in the Community Council area.
- 5.3 Some Community Councils have set up their own websites or social media pages, which gives details of meetings, copies of agendas and Minutes and information on important issues. This can also be

a means by which members of the community can express their views to the Community Council. However, it cannot be the only means available. If considered practical, the issue of a newsletter from time to time can also be used.

- 5.4 Many Community Councils also have an Open Forum or Open Questions item on each meeting agenda, and this allows members of the public to raise matters of concern or interest. It is important for the Chair to manage this part of the meeting effectively, particularly to avoid discussion of personal issues or accusations. It is also a good idea to consider setting a limit on the time for such an agenda item.
- 5.5 Where there is a particularly important or contentious matter to be discussed, the Community Council may wish to consider more extensive publicity for its meetings, perhaps by putting up notices in relevant extra venues or contacting Scottish Borders Council to put a notice on the Council's social media platforms. It is up to each Community Council to find the best means of involving their local community and balance this with good financial management of a limited budget.
- 5.6 In cases where the Community Council has been asked to respond to a consultation on a particularly contentious issue, it lends credibility and authority to the Community Council's submission if it can be demonstrated that an effort has been made to consult the local community. This might entail questionnaires targeted at relevant sectors of the community and/or canvassing the views of local households. At the meeting, the Chair may also call for an informal show of hands from the members of the public present, although care needs to be taken that people are not intimidated if they are in the minority view. For issues covering more than one Community Council area, consideration might be given to working in partnership or collaborating with a neighbouring Community Council to pool expertise and resources in terms of consulting with the affected communities.
- 5.7 All of the above requires a significant effort and commitment from Community Councillors. However, the rewards, in terms of raising the profile of the Community Council and lending credibility and authority to the views it expresses, are also considerable.
- 5.8 In summary, Community Councils should consider:
 - Widely publicising meetings
 - Finding mechanisms for encouraging the public to attend meetings
 - Finding different ways to make agendas, minutes and information more accessible to the local community
 - Using community surveys, questionnaires and canvassing on important issues
 - Issuing a newsletter

- Using the internet, in particular websites and social media
- Incorporating a public “open forum” into agendas.

6. THE CONSTITUTION AND STANDING ORDERS

- 6.1 Each Community Council needs to adopt a Constitution and Standing Orders, which need to comply with the Scottish Borders Community Council Scheme. Examples of these are provided. Any changes which are subsequently made to the Constitution and Standing Orders must still conform to the Scheme itself.

The Constitution

- 6.2 The Constitution is the core governing document of a Community Council and must be formally agreed and retained by the Community Council, with a copy sent on to Scottish Borders Council for their records. It gives details of the membership, term of office, election, etc. for the Community Council and is based on the information contained in the Scottish Borders Community Council Scheme.

Standing Orders

- 6.3 The Standing Orders are the rules a Community Council agrees will apply to the conduct of its meetings, and again, is based on information contained in the Scottish Borders Community Council Scheme. A copy of Standing Orders should be sent to Scottish Borders Council for their records.
- 6.4 Both these documents can be changed to suit the requirements of a particular Community Council but these must conform to the Scottish Borders Community Council Scheme. If the Community Council wishes to discuss such changes, they must first provide notice at one of their meetings that such as discussion is to take place at the following meeting. This provides notice to both the members of the Community Council, and to the community, that such as change is to be considered. Any changes approved by the Community Council at that subsequent meeting will also need to be approved by Scottish Borders Council before they come into effect.

7. MEETINGS OF THE COMMUNITY COUNCIL

- 7.1 Community Councils hold 3 different types of meetings – ordinary meetings, special meetings, and the Annual General Meeting (AGM). Meetings are where the decisions of the Community Council are made, and where the community gets to witness the decision making process in action.
- 7.2 The Secretary must provide notice of meetings, including the date, time and venue, to all members of the Community Council (including *Ex-officio* members) at least 7 days prior to the date

fixed for the meeting. The agenda should be available to the public online and on any public notice board in the area of the Community Council. If it is impractical to place every agenda onto notice boards then at the very least a list of dates for Community Council meetings and a contact Telephone Number and Email address should be placed there so members of the public know who to contact to get further details including the papers for the meeting.

- 7.3 The norm is that all meetings of a Community Council are open to members of the public to attend. When choosing a venue for such meetings, the Community Council should ensure there is sufficient space to accommodate members of the public. Members of the public can be invited to speak at meetings at the invitation of the Chair. A Community Council can consider an item of business in private where it considers it appropriate to do so, but the basis by which the Community Council considers it appropriate must be made clear to the public. Private items (and the reasons for these being held in private) must be on the agenda for a meeting. Dealing with items of business or meetings in private should be seen very much as the exception and not the rule. Where too many matters are treated as private, the transparency and accountability of the Community Council is undermined, which may result in a loss of confidence by the community in the work of the Community Council.
- 7.4 Following an election forming a Community Council, an ordinary meeting will be called by the Returning Officer and that will take place within 21 days on the date of the election or as soon as practicable thereafter. The frequency and timing of ordinary meetings will be determined by the Community Council, subject to a minimum of 6 ordinary meetings and one AGM being held each year. The majority of the business of the Community Council will be dealt with at such ordinary meetings.
- 7.5 Special meetings of the Community Council may be called at any time on the instructions of the Chair of the Community Council or as agreed at a Community Council meeting. These special meetings may be considered appropriate either where a particular matter requires urgent consideration out-with the cycle of ordinary meetings, or where the importance or complexity of an issue is such that it merits devoting the full attentions of the Community Council and attending public for a whole meeting. Although not a requirement, special meetings may also be considered appropriate if there is to be a guest speaker or presentation.
- 7.6 Community Councils are required to hold an Annual General Meeting (AGM) each year and in the Scottish Borders this has to be within 60 days of the end of the financial year. This allows sufficient time for the completion and verification of the annual accounts. One of the purposes of the AGM is to update the members of the Community Council and members of the public of

the work of the Community Council in the preceding year. It would also be an appropriate place to document any future plans of the Community Council, be they for the forthcoming year or the longer term. Ath AGM also marks the end of the term of office for the Office bearers and is where the Office bearers for the year to come are elected, whether they are new to the role or are being re-elected.

7.7 There are certain specific items which are required to be considered at the AGM:

- Chair's Annual Report (including questions from the floor)
- Secretary's Annual Report (including questions from the floor)
- Treasurer's submission of Annual Accounts in the form of a Balance Sheet and a Statement of Income and Expenditure, duly independently examined and certified correct (including questions from the floor)
- Current office bearers stand down and election of office bearers for the coming year
- A timetable of ordinary meetings for the coming year to be agreed
- All Community Councillors to agree to abide by the Code of Conduct

Confirmation of the names of new Office bearers should be sent to Scottish Borders Council for their records.

8. AGENDAS

8.1 Preparation of agendas for meetings of the Community Council is one of the responsibilities of the Secretary, in consultation with the Chair, who would make the final decision on what items were to be considered at any particular meeting. While there is no prescribed form of agenda for such meetings (as Community Councils are involved in such a wide range of matters) there are however certain items which would be expected to appear on an agenda:

- Apologies – as a first item the Chair will call for any apologies for absence and this provides a check that those Community Councillors present are sufficient in number for the meeting to be quorate. The apologies received should be recorded in the Minutes of the meeting.
- Minutes of Previous Meeting – these need to be approved as an accurate record, subject to any amendments proposed and seconded. It is important to remember that the Minutes need to reflect what actually happened at the meeting.
- Other items which might include local issues raised with the Chair or Secretary by Community Councillors or members of the public; consideration of planning applications; consideration of any consultation; report on correspondence received; an update from the SBC Local Councillors, etc.
- Open Forum – this allows members of the public to raise matters of local interest or concern

- 8.2 There is also the possibility that agenda items may have to be continued to a future meeting where it is felt that there is not enough time, or enough information, to consider them fully.

9. DECISIONS AND VOTING AT COMMUNITY COUNCIL MEETINGS

- 9.1 Most decisions at Community Council meetings are reached by consensus. It should be noted that *ex officio* members can take part in the discussion and debate but not any decision or vote. However, where it is clear that more than one view persists, the Chair will call for a formal motion to be put before the meeting. Any Community Councillor may put forward a motion, which needs to be seconded by another Community Councillor. Amendments to this motion need to be proposed by a different Community Councillor and seconded by a different Community Councillor. Any motion or amendment which fails to be seconded automatically falls. A member of the public or an *ex officio* member present at the meeting are not entitled to propose or second either a motion or any amendment.
- 9.2 Decisions of the Community Council shall be by majority vote of the Community Councillors present, eligible to vote and voting. When voting on decisions, the Chair shall have a casting as well as a deliberative vote. Voting on decisions shall be by show of hands, with the exception of the election of office bearers which may be by secret ballot. The Chair shall ensure that decisions are reached in a democratic manner.
- 9.3 Beyond this, it is very much up to the individual Community Council and the Chair how they wish to conduct voting at their meetings, as long as it is conducted in a democratic manner, and is fair and transparent.

10. MINUTES OF MEETINGS

- 10.1 Minutes must be taken of all meetings, be they ordinary, special or Annual General meetings. These Minutes should be in a consistent format and record:
- The date of the meeting
 - Time and location of the meeting
 - Those present
 - Apologies received
 - Who was in the Chair
 - All decisions including any votes and also who is responsible for actioning the decisions
 - Any agreed expenditure
 - Details of all the items discussed.

- 10.2 It is not necessary to take a verbatim minute where every word is recorded, except for any motion or amendment where there is a vote, but a summary of the discussion and the decisions/actions taken. Good minute taking is a skill, so that neither too little nor too much detail is included. Minutes of meetings should be an accurate record of the whole proceedings and business should not be deliberately omitted, so that there is a clear and proper record of the entire proceedings and decisions. A summary of the discussion, highlighting the main points may be included, but the minute is a record of the decisions of the Community Council. If a liability is to be taken on, then the amount of money involved and the purpose should be clearly minuted. Important decisions cannot and should not be taken at informal meetings or by email correspondence or in unrecorded meetings amongst only some of the Community Councillors. If some authority is to be given to one or more Community Councillors to do something on behalf of the whole Community Council, then that authority should be given at a formal Community Council meeting and it should be clearly recorded exactly what they are being authorised to do. Any action taken under that sort of authority should be reported back to a Community Council meeting and minuted.
- 10.3 Someone reading the minute who was not at the meeting should be able to follow what happened. As a permanent record of the Community Council's business, Minutes are a very important document with both historical and legal implications. Responsibility for Minutes lies with the Secretary, although a separate Minute Secretary can be appointed if that is more convenient. The format of Minutes closely follows that of the agenda with each item separately numbered. Draft Minutes of any meetings should be available at a reasonable time after the meeting and sent out to all Community Councillors, on the understanding that these will be considered for approval as a correct record at the next meeting of the Community Council. A Minute can only be altered if it is factually inaccurate and not to reflect subsequent actions which happened after the meeting. Such alterations need to be approved at the next meeting by a majority of members of the Community Council who were in attendance at that original meeting.
- 10.4 It is the responsibility of the Community Council to retain Minutes of all meetings for future reference and passed on to each new Secretary for safe keeping, so a full record of the work of the Community Council is kept. These Minutes should also be available to members of the community who wish to view them. Community Councils with websites or social media pages may wish to make them available online.

11. MEETINGS PROTOCOL

- 11.1 It is the role of the Chair to run the meeting of the Community Council. Any change to the order of business on the agenda should be notified at the beginning of the meeting and then each item shall be taken in order. The Chair should ensure each Community Councillor has sufficient time to participate and put forward their views at each item, without there being repetition or interruption. Care needs to be taken that no one person dominates proceedings and it is usual that someone would speak only once during a debate unless asking for clarification or to answer a particular point. It may be helpful to have an item on the agenda "Any Other Business" to raise any matters not on the agenda but care needs to be taken that a major issue for the community is not raised here and a conclusion reached within the one meeting unless there is a timing issue or the matter requires an urgent decision.
- 11.2 While members of the public are entitled to attend meetings of the Community Council to listen to the proceedings, it is at the discretion of the Chair as to how much they are included in any of the discussions. However, it is considered good practice that, where appropriate, once the Community Councillors have spoken that the Chair asks whether any members of the public present wish to ask a question or raise a point. It is helpful if the Chair explains this at the beginning of the meeting.
- 11.3 Members of the public who wish to speak on a specific item must notify the Chairman in advance of the meeting and will be given the opportunity to speak after all Community Council members have spoken on the matter.
- 11.4 It may also be prudent to include an "Open Forum" or "Open Questions" item on the agenda for members of the public to ask about specific issues affecting the community. It may not be possible to answer these at the meeting so responses should be issued or included at the next meeting of the Community Council.
- 11.5 In the event that any Community Councillor or member of the public is disregarding the authority of the Chair or any other person present at the meeting, or conducts themselves in a disruptive, obstructive or offensive manner, a suitable warning about their behaviour should be issued by the Chair. If that has no effect then a motion may be moved and seconded to remove the individual(s) from the meeting. If that motion is supported by the majority of the Community Councillors present and voting, then the motion will be declared carried and the individual(s) will be required to leave the meeting immediately.
- 11.6 It is hoped that decisions of the Community Council will be reached by consensus, but if not, then a vote will be required. A motion needs to be proposed and seconded, and any amendments similarly

proposed and seconded. A Community Councillor may propose or second only one Motion or Amendment per item. The Chair then takes the vote via a show of hands and that vote is recorded in the minute. Should there be more than one amendment then, depending on the nature of the amendments, they can either be taken against each other and the winning amendment taken against the motion, or they can be taken one after the other against the motion.

- 11.7 The Chair decides all questions of order, relevancy and competency arising at meetings of the Community Council and their ruling shall be final and shall not be open to discussion. In deciding these areas, the Chair shall have particular regard to the relevance of the issue to the community and ensure that the discussion and proceedings are conducted in such a manner that decisions are reached in a democratic manner.

12. RESPONDING TO CONSULTATIONS

- 12.1 Community Councils will be sent a number of consultations from different sources, requesting a response. These consultations could be about planning applications, Local Development Plans, licensing of new premises for the sale of alcohol, place planning, NHS Borders health plans, police plans, and where there is a geographic link to a physical or policy development likely to impact on people who live in the Community Council area.
- 12.2 In providing responses, Community Councils should ensure that they reflect the balance of community interest and that the views expressed are set out in writing and relevant to the issues under discussion. Community Councils should make every effort to participate in and respond to relevant consultations to ensure their community is represented in matters of interest.
- 12.4 Community Councils have a formal, statutory role in the planning system and must be consulted on a variety of issues. Advice on Community Councils and Planning is given in PAN 47 ([COMMUNITY COUNCILS AND PLANNING REVIEW OF THE TOWN AND COUNTRY PLANNING SYSTEM IN SCOTLAND Planning Advice Note 47 - Planning Advice Note 47: community councils and planning: planning system review - gov.scot \(www.gov.scot\)](#)). A separate briefing note from Scottish Borders Council on planning guidance for Community Councils is also available. Each Community Council is given a point of contact within the Planning and Regulatory Services Division. This point of contact will be a Planning Officer with responsibilities in the Community Council area who will be able to give advice on the planning process to Community Councillors.
- 12.4 It is the statutory duty of a Community Council to find out what people in the community feel about planning applications and other

planning matters and to express these feelings to Scottish Borders Council. Any individual or organisation has the right to submit comments on a planning application (known as representations). Many Community Councils submit comments in support of or objection to an application after viewing the application details. The representation method is generally used when the Community Council has a clear understanding of local opinion on the proposal, or where the proposal is relatively minor but nevertheless raises a wider local issue. Representations are accepted on the understanding that the views contained therein are the views of the Community Council.

13. MEMBERSHIP OF THE COMMUNITY COUNCIL

13.1 The Scheme sets out the types of membership of Community Councils. For each type of member, the important questions are how they become members, how that membership comes to an end, and what voting rights they have at meetings. Elected and certain co-opted members have voting rights (co-opted members after a time) and thus make the decisions of the Community Council. *Ex officio* members have the right to be notified of, attend and participate in the meetings of the Community Council but do not have any voting rights. There are maximum and minimum numbers of such members and also a limit on the proportion of the membership that can be co-opted.

Community Councillor (Elected)

13.2 These are full members of the Community Council who are elected, be that at a full or by-election. Their membership, assuming they continue to meet the criteria for membership, runs until the next full election. They have full voting rights at meetings of the Community Council.

Co-opted Members

13.3 There are two types of co-opted members to a Community Council – the first type is those who have been co-opted for a particular projects or because they have a particular set of skills required over a specific period. They can attend meetings and participate in the debate at meetings but never have voting rights. The second type of co-opted member is someone who has been nominated, seconded and appointed by the current voting membership of the Community Council to fill a vacancy. They must be the criteria required to stand for election to a Community Council. They achieve voting rights after attending 3 meetings or after 6 months has passed, whichever is sooner. Their membership runs until either the next full election or the next by-election. There is a limit on the number of co-opted members that a Community Council can have – no more than one quarter of the number of elected Community Councillors. Should the number of elected Community

Councillors fall below the minimum membership at any time, then a by-election must be held.

Ex Officio members

- 13.4 These are automatic members of the Community Council who are members because of another elected office. These members are the Councillors from Scottish Borders Council whose wards fall wholly or partly within the geographical area of the Community Council. Their membership is linked to that other elected office so when they cease to be an SBC Councillor, their membership of the Community Council comes to an end. The Community Council has no powers to bring their membership to an end. These members are not subject to the various eligibility criteria that apply to other Community Council members and *Ex officio* members can never have voting rights.

Membership levels

- 13.5 Scottish Borders Council has agreed the Community Council Scheme which includes a maximum and minimum number of voting members of each Community Council. Where the membership falls below that minimum number then a by-election is held and if that fails to bring the Community Council up to the minimum level required then the Community Council goes into abeyance for a period of 3 months, after which a full election is held.

Eligibility criteria for voting members and disqualification

- 13.6 The Scottish Borders Community Council Scheme sets out the eligibility criteria that voting members (elected or co-opted) must meet, which are:
- They must reside in and be named on the electoral register for that Community Council area;
 - They must be a least sixteen years of age; and
 - They must not be elected to serve on Scottish Borders Council, the Scottish Parliament or the UK Parliament.
- 13.7 Voting members must meet these criteria to qualify for election or co-option. They must also continue to meet these criteria throughout their membership. Should the circumstances of a member change during the term of their membership so they no longer meet the above criteria, then they will be disqualified and their membership automatically ceases.
- 13.8 Where a voting member of a Community Council fails to attend any of the meetings of that Community Council for a period of 6 months or more, then the Community Council has powers within the Scheme to remove that member. This is an option for the Community Council and not a requirement; it is open to the Community Council not to remove such a member if it is felt that there are facts and circumstances which reasonably justify such an absence.

Record of Membership

- 13.9 Each Community Council is responsible for maintaining records of their membership. Where that membership changes, be that by way of resignation, automatic disqualification, removal for non-attendance or filling of a vacancy by co-option or by-election, then the Secretary should advise the Democratic Services Team at SBC.

14. COMMUNITY COUNCIL FINANCES

- 14.1 Scottish Borders Council provides each Community Council with an administrative grant to assist with their operating costs. The level of this grant is set by Scottish Borders Council and, at the moment, is based on population in the Community Council area. The purpose of the grant is to cover the running costs of the Community Council, such as:
- Insurance
 - Auditor's fees
 - Production and circulation of agendas, reports and minutes
 - Maintenance of a website
 - Stationery
 - Photocopying
 - Postage
 - Travel costs
 - Telephone costs
 - Venue costs for meetings
- 14.2 Community Councils may generate further income from other sources such as SBC's neighbourhood fund, wind farm benefits, other external grant funds, etc. The accounts of the Community Council should still disclose all income, from whatever source it is obtained, and all expenditure. A Treasurer seeking additional funding on behalf of the Community Council should seek formal, Minuted approval of the Community Council before making any application.
- 14.3 Each Community Council should have a cash book and all income and expenditure should be recorded in it. The date, description, amount and receipt number should also be recorded. The Community Council should nominate two unrelated office bearers to act as authorised signatories to the Community Council bank account. Any changes to the authorised signatories should be approved by the Community Council.
- 14.4 The level of cash held by the Community Council should not be excessive and should be in proportion to the monthly expenditure. The best practice is that all income received should be banked and should not be used to meet expenditure. If funds are required for incurred expenditure, they should either be paid by cheque or bank transfer so that the bank statement will more accurately reflect specific items of income or expenditure.

- 14.5 All expenditure must be approved in advance by the Community Council. All expenditure must be accompanied by proof of purchase i.e. receipt and such receipts should be given a sequential number and filed accordingly. Details of the expenditure should be recorded in the cash book as soon as the expenditure has incurred. Where a receipt is not available then the person making the purchase should give full details of what was purchased, when and where, and for what reason. The Treasurer should carry out a bank reconciliation once each bank statement becomes available to ensure that the bank balance agrees with the balance recorded in the cash book.
- 14.6 A Community Council should also retain an inventory detailing any assets it holds and this should be updated on an ongoing basis for additions and deletions, with an annual check as a minimum.

15. INSURANCE

- 15.1 Scottish Borders Council arranges and meets the cost of insurance covering a number of risks for all Community Councils in the region; these risks being public liability, money cover, employers' liability and personal accident (standard & employees). It is the responsibility of the Community Council to ensure that the cover provided is adequate for their purposes and they could carefully check the terms of the policy. This check should be carried out each year to ensure that there has been no change to the risks covered, limits of cover or terms of the policy. Any specific questions on the policy should be addressed to the Community and Partnerships team at Scottish Borders Council.
- 15.2 Community Councils should also ensure that the standard cover is adequate for any activity/activities they undertake. In particular, while the policy will ordinarily cover the normal business activities of a Community Council, such as their regular meetings open to the public, it may not cover special events either organised by the Community Council or in which the Community Council participates. Advice can be sought from the Community and Partnerships team. If it is determined that an activity is not covered by the policy, it may be possible to arrange additional cover, there is likely to be an additional cost for this. A Community Council may also make its own arrangements for such additional cover.

16. DATA PROTECTION

- 16.1 Community Councils act in a variety of roles and will handle personal information in terms of the Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR) while doing so. Examples include maintaining contact lists, minuting proceedings, and publishing correspondence, agendas, minutes, etc. They may

also retain details of members of their community who have written to them or have spoken at meetings on a matter, or in connection with matters which they are taking up on behalf of a member(s) of the community.

- 16.2 Personal information means data which relates to a living individual who can be identified:
- From that data; or
 - From data and other information which is in the possession of, or is likely to come into the possession of, the data controller.
- Personal information also includes any expression of opinion about the individual.
- 16.3 When processing personal information as Community Council must comply with the provisions of the DPA and the GDPR. A Briefing Note on those principles has been prepared and appears as an Appendix to this Handbook
- 16.4 Community Councils must register with the Information Commissioner as "data controllers". Scottish Borders Council undertakes this task and pays the renewal fee on behalf of each Community Council.

17. EQUALITY, DISCRIMINATION AND UNCONCIOUS BIAS

- 17.1 It is important that Community Councils ensure that they comply with Equalities legislation. They must promote equal opportunities for participation and do all they can to prevent unlawful and unfair discrimination, harassment or victimisation on the grounds of age, race, sex, disability, sexual orientation, religion or belief, gender reassignment/ trans/ transgender identity, marriage or civil partnership, or pregnancy or maternity.
- 17.2 In doing so, Community Council members should be aware of unconscious bias. When we meet or are told about people, we often judge them based on what we see or hear, like their age, weight and attractiveness. But we may also judge them on their accent, the colour of their skin, where they studied or their socio-economic status. Rapid processing occurs when our brains make quick judgements of people and situations around us, often without realising it. This can sometimes lead to unconscious bias. Our biases are likely influenced by our own background, culture and personal experiences. However, these biases can also lead to some people or groups being treated less favourably and discriminated against. Unintended bias is more likely to happen when we make fast decisions or off the cuff remarks on the spur of the moment, so we need to take a step back and think. We need to deal with bias and admit when we have made a mistake and apologise, but it is better not to have made the mistake in the first place.

- 17.3 Equality means protecting everyone and anyone from discrimination or unfair judgement. It is preventing people being treated differently or unfairly by others on any basis such as gender, race, age or beliefs. Diversity means that all differences are respected. Individual rights and self-identification is to be encouraged. Discrimination is when someone is treated differently either negatively or positively because of factors like social class, gender, sexual orientation, or age. For the target of the discrimination, the impact of being subjected to unfavourable treatment, just because of who they are, can be degrading, hurtful and devastating.
- 17.4 If discrimination is not dealt with, the knock on effect can lead to a loss of trust and confidence in the Community Council. Any allegations or complaints about discrimination must be treated seriously. As a Community Councillor, you must keep an open mind at all times. It is extremely important that all Community Councillors, and indeed any members of the public attending Community Council meetings, are very aware of the language they use and treat all members of the community equally. In particular, be very careful of making any throw away or off the cuff remarks or asides in meetings. You may think these are harmless but for others than may not be the case, therefore this is unacceptable. It is not what you say, but how it is received by others that matters.
- 17.5 Where to take care –
- Gender assumptions – never assume a person’s gender identify based on their name or their appearance or dress; instead use gender inclusive language such as “they, them, theirs”.
 - Don’t use labels – lassie, laddie, menopausal, dear, honey, fat, tubby, crinklies, etc.
 - The “just banter” defence – does not work and is no defence against harassment or discrimination!
 - Do not be patronising so avoid condescending language e.g. someone is confined to a wheelchair
 - Be very aware of ethnicity, cultural and religious diversity – we live in a multi-cultural society with a rich variety of traditions, cultures and values. Unintentional racism is when the views, values and attitudes of the dominant group (in the UK, white) are exclusively presented.
 - Avoid stereotyping – this is the attribution of particular characteristics (appearance, temperament, potential, etc.) to all members of an assumed group or ‘race’. Race is a social and political construct rather than a biological one.
 - Terminology – avoid irrelevant modifiers e.g. male nurse. Some words may have different connotations when used of women and men e.g. ‘ambitious’ could mean approval of a man, but is often disparaging when said of a women. Men “talk” but women “gossip”, is another example.

- 17.5 The test is, would what you have said about a person mean the same and sound right if you said it of someone of another sex, age, race. Most people at some point will have said something that they either immediately regret or look back on and cringe. They may inadvertently use a term that someone else finds offensive.

18. CONTACTS IN SCOTTISH BORDERS COUNCIL

- 18.1 For all enquiries regarding elections or governance, please contact the Council's Democratic Services team – communitycouncils@scotborders.gov.uk
- 18.2 For all enquiries regarding insurance, data protection and grant funding, please contact the Council's Community & Partnerships team – communitygrants@scotborders.gov.uk

