

## Responses from Peebles Community Council to the consultation regarding the review of the SBC Community Council Scheme.

**AS** SBC SCHEME FOR COMMUNITY COUNCILS: The 23-page documents is a summary of the following papers.

### 1. Training Handbook for Community Councils

**AS** I contacted SBC to ask for clarification of the term 'enabling chairman' and received the following reply :

*Hi Anne*

*I am collating all the responses and questions for Nuala McKinlay and they will be responded to after the deadline in mid-January*

*Many thanks*

*Caroline*

*Caroline Smith*

I passed Sections 14 and 15 to Graham to review. I have no further comments to add to this document.

**GM** Sections 14 and 15:

1. Expenditure mentions audit fees which is incorrect description.
2. Expenditure should include honoraria to paid office holders.
3. At point 14.3 it mentions 2 signatories to the bank account. This is inconsistent with the policy of not being able to sign a cheque to yourself.
4. At 14.5 it states that all expenditure should be approved in advance by the Community Council. This is totally impractical. The treasurer's job would be impossible if every single item of expenditure had to be approved in advance. The treasurer needs discretion to approve payments with the agreement of the co-signatory to the bank account.

### 2. Guide for Community Council Elections

**AS** It's good to have such clear guidance and a timeline to follow.

### 3. Constitution

**AS** I am happy with the proposed Constitution though there are several changes from our existing Constitution.

### 4. Standing Orders

**AS** I am happy with the document Standing Orders and have noted where they differ from our existing Standing Orders – Section 2.1 The Chairman must sign the Minutes when approved, and Section 4.3 "Meetings of the Community Council can be held virtually,

provided appropriate arrangements are put in place to allow virtual participation not only by all Community Councillors but also by the public.”

#### 5. Complaints procedure

FR Page 1, no.3: Anonymous complaints will not be accepted. [This is good in my opinion]

Page 2, no.5: How to make a complaint. [This information can be added to our new website. There are timeframes we ought to familiarise ourselves with, otherwise a commonsense, easy to follow, step by step process. Let's hope we never need it!]

It is very similar to the Policy already in place, slightly more robust.

#### 6. Community Council Equalities Statement

FR All good. No comments.

#### 7. Community Councils Privacy Notice

FR All standard. However, we may need to utilise the "blind" email distribution lists or seek permission from each member that their email address can be seen and shared.

#### 8. Data Protection Briefing Document

FR We will need to ensure we delete ex-councillors' information. We should agree a retention time limit. We should also regularly audit personal data and information we hold and clear it out.

Newsletter mailing lists [not sure if what constitutes a newsletter?]

They recommend using blind copy distribution lists unless we have the consent of all individuals. [as I mentioned above]

1. We should check regularly if anyone no longer wants to receive newsletters. [what about putting a "if you want to unsubscribe from this mailing list, please let the Secretary know..." on our sign off signature space?]
2. If we are publishing a newsletter, no personal info (names, adds, tels, emails, etc) should be published. They recommend we hold a list of those who have consented.

#### Minutes

Community Councillors, SBC Council Officers and the Police expect their names to be in the public domain. It is recommended, as good practice, that the Chair advises the meeting before starting that the Minutes may be published with names and should anyone have concerns these can be considered.

References to members of the public during meetings - should not put their names in the public domain. "...it should be highlighted that should a member of the public who is attending the meeting makes reference to another individual that they should be dissuaded from doing so".

I recommend adding a sentence or two, after Peter declares the Minutes will be recorded, at the start of every meeting setting down the guidance for personal information and that it should not be declared nor minuted, unless already in the public domain? That would cover us.

#### 9. Community Council Documentation Retention Schedule

**AS** I am surprised at how short a time is recommended that we keep Minutes – 5 years. Also complaints – 1 year. **PM**: I agree and think complaints should be at least 3 years.

#### 10. Financial management Best Practice Guidance

**GM** See in particular point 3

1. There are a number of references on the first page to auditing and the auditor. These comments are incorrect as community councils are not subject to an audit but an accounts examination. An audit has a specific legal meaning, being a more detailed process and the use of this terminology is misleading.
2. **Banking information.** It is suggested that a cheque signatory should not sign a cheque which is payable to them. This could cause practical problems in obtaining signatures. Surely the second signature is an adequate safeguard.
3. **Honoraria Payments.** This rule that members of the community council cannot receive honoraria would decimate the operation of our community council. Both our secretary and minute secretary receive honoraria which are a small recompense for the many hours of work they put in. To adhere to this rule either they would have to be removed as members of the community council or elsewe would have to find other non-members to take on these roles. Past experience would suggest that this would be very difficult and I am concerned that this could lead to the complete collapse of our CC.
4. **Good Practice Checklist.** Is an annual budget drawn up and approved by the Community Council? In my opinion this is impractical and unnecessary.
5. **Receipt of Funds.** Are all incoming cheques, online payments and cash recorded immediately? With online payments you often do not know of receipt until the next bank statement is received so it is impossible to record them "immediately".
6. **Controls over Expenditure.** It is implied that all expenditure should be authorised by the membership of the Community Council but it is not clear what this means. Does this require a vote of the members at meetings. If this means the whole membership then this is totally impractical. In order to ensure prompt payment of bills it is essential that the treasurer should have some discretion to make payment without running them past the whole membership. Remember there is the safeguard that payments need 2 signatures.
7. **Online Banking.** Does all online expenditure have authorisation from the Community Council membership in advance of transactions? See point 6 above. This is totally impractical and removes the benefit of online banking. Treasurers are appointed by the membership and need to have delegated authority to be able to carry out their role. Do they know how difficult it is to find office bearers? Tying one hand behind their back will only make this harder!

## 11. Following the Public Pound

**GM** No comments to make.

## 12. Community Councils and the Planning System

**PM** The document “Community Councils and the Planning system” is an excellent and extremely useful piece of work.

- It would be useful if it included a short section that detailed all the sub-fixes to the planning reference numbers, e.g., PPP, FUL, LBC, etc.
- Nowhere in the document are “Place Making” or “Town Action” Plans mentioned.
- **Local Place Plans** are a new type of plan introduced by the Planning (Scotland) Act 2019, which gives communities the opportunity to create proposals for the development and use of land in their place<sup>1234</sup>. The core focus of these plans should be on the development and use of land, such as housing land allocation or the design of new public green space<sup>1</sup>. Local Place Plans are community-led plans that set out a community's aspirations for its future development<sup>45</sup>. Once registered by the planning authority, they are taken into account in the preparation of the relevant local development plan<sup>5</sup>. The aim of these plans is to enhance engagement in development planning and empower communities to play a proactive role in defining the future of their places<sup>35</sup>. The Scottish Government is yet to provide guidance on how the development of Place Plans will be carried out<sup>4</sup>.