

Consultation on the Scottish Borders Community Council Scheme



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Chapter 1 – Introduction

Community Councils were first established in Scotland following the Local Government (Scotland) Act 1973 and following that, the Local Government etc. (Scotland) Act, 1994, which produced the current system of unitary local authorities and made provision for the continuation of community councils.

As of January 2014 there are 66 community councils operating in the Scottish Borders. There are 67 defined community council areas in total.

The Scottish Borders Council Community Council Scheme sets out the rules under which community councils in the Scottish Borders must abide by.

In order to remain current, and reflect good practice, it is important that the Scheme is reviewed with a degree of frequency.

In 2007 Scottish Borders Council adopted a revised Scheme for the establishment of community councils within the Scottish Borders Council area. This revoked the previous Scheme adopted in 1997, with effect from midnight on 13 December 2007.

In October 2012 Scottish Borders Council approved a review of the existing Community Council Scheme and appointed Cllr Frances Renton as Chair.

Membership of the group comprised of a Scottish Borders Councillor and Community Councillor from each Area Forum area. Nominations for membership were sought from Area Forums meetings in November/December 2012.

The Group met throughout 2013 to discuss the Community Council Scheme and agree the recommendations for change that appear in this document.

The results of this consultation will be discussed by the Review Group before final changes are submitted to the Scottish Borders Council for approval.

A copy of the full draft Scheme, including the recommended amendments, is attached in Appendix A. The amendments are shown in blue.

How to respond

Scottish Borders Council is inviting written responses to this consultation by 30 April 2014.

For details on how to respond please see page 23

Chapter 2 – Scheme Title

It is proposed that the name of the Community Council Scheme be amended to read Community Council Scheme of Establishment to reflect that the Scheme sets out the process for (re)establishing a community council.

Consultation Questions

- 1). Do you agree with the proposed change to the name of the Scheme?**
- 2). Is there an alternative name you would like to propose?**
- 3). Are there any other comments you would like to make about the Scheme title?**

Chapter 3 – Term of Office

The following proposal relates to Clause 7.2 of the draft Scheme.

It is proposed to define the period that an elected member can hold an office bearing position:

Elected members of a Community Council may serve as either Chair, Secretary or Treasurer for a maximum of two terms of office but may take up a different office bearing position on conclusion of this term.

Consultation Questions:

- 1). Do you agree that the term of office for office bearing positions should be restricted?**
- 2). Are there any comments you would like to make about the introduction term of office for office bearers?**

Chapter 4 – Nomination of Candidates

The following proposal relates to Clause 8.2 of the draft Scheme.

Existing qualifying criteria are:

A person seeking election to a Community Council must be:

- a) aged 18 years or over
- b) appear on the Electoral Roll for that Community Council area at the date of being proposed for membership of the Community Council.
- c) nominated by a Proposer (who may be the candidate) and a Secunder, both being persons whose names appear on the Electoral Roll for the respective Community Council's area, or sub-division of that area, where applicable.

It is proposed to add the following clause regarding the qualification for eligibility to stand as a candidate in a community council election, in line with eligibility criteria for local government:

A person seeking election to a community council must not have served a prison sentence (including a suspended sentence) of three months or more in the five years before the election.

The following proposal relates to Clause 8.7 of the draft Scheme.

It is proposed that the time that must elapse following an unsuccessful nomination period, prior to nominations being invited again, be reduced from six to three months.

It is proposed that the time that must elapse following a second unsuccessful nomination period, prior to nominations being invited again, be reduced from 12 to six months

Consultation Questions:

- 1). Do you agree with this amendment to the qualifying criteria?**
- 2). Are there any additional criteria that should be added?**
- 3). Do you agree with the time between an unsuccessful nomination period and the next being reduced?**
- 4). Are there alternative periods that you think would better suit the situation?**
- 5). Are there any other areas relating to the nomination of Candidates that you think should be amended? Please tell us why.**
- 6). Are there any other comments you would like to make about the Nomination of Candidates?**

Chapter 5 – Voting Arrangements

The following proposal relates to Clause 10.2 of the draft Scheme.

The existing process for voting in a community council election is by either ballot box or post. It is proposed that a combination of the two can be used at the discretion of the Returning Officer.

Consultation Questions:

- 1). Do you agree that a combination of both voting methods be available to Returning Officers?**
- 2). Are there any other areas relating to Voting Arrangements that you think should be amended? Please tell us why.**
- 3). Are there any other comments you would like to make about the arrangements?**

Chapter 6 – Permitted Variations

It is recommended that the clause below (clause 16 in the 2007 Scheme) be removed as it is contrary to the principle of transparency and accountability allowing a community council to make changes to its constitution without reference to either the local community or Scottish Borders Council.

This clause is not shown in the appended draft Scheme as its removal is being recommended.

Notwithstanding the foregoing, the Scottish Borders Council may, following receipt of representations from a Community Council, amend the number of elected and co-opted Members of that Community Council in terms of Schedule 1 and paragraph 4.1(c)(ii) respectively either temporarily or for the purposes of the next and subsequent elections of that Community Council, may introduce or vary sub-division areas and may allow variations to nomination procedures in terms of paragraph 8.1 and to the number of votes available to each elector in terms of paragraph 10.4, in both cases to take account of any sub-divisional representation system that the Community Council wish to operate, provided that the Constitution of that Community Council shall be amended accordingly at their next Annual General Meeting.

Consultation Questions:

- 1). Do you agree that this clause should be removed?**
- 2). If you have said 'No' to the above question please explain why.**
- 3). Are there any other comments you would like to make about the removal of this clause?**

Chapter 7 – Community Council Seats

The number of seats on each community council is specified in the Scheme. During the first stage of the review process five community councils have asked that the number of seats be reviewed. The list below shows the number of seat available and any change that has been proposed in brackets.

Some community councils have asked that their name be changed to better reflect the area they serve. The list below shows the community council names as they currently stand and any change that has been proposed in brackets.

Community Council Area		Number of Elected Members	Allocation of Seats on Community Council and Sub-Division of Areas as on Map where appropriate
Berwickshire			
1	Abbey St. Bathans, Bonkyl and Preston	12	---
2	Ayton	12	---
3	Burnmouth	8	---
4	Chirnside	10 (8)	---
5	Cockburnspath (Cockburnspath and Cove)	8 (10)	---
6	Coldingham	10	---
7	Coldstream	12	---
8	Cranshaws, Ellemford & Longformacus (Lammermuir Community Council)	10	Cranshaws - 3 Seats Longformacus - 7 Seats
9	Duns	12	---
10	Edrom, Allanton and Whitsome	9	---
11	Eyemouth (Eyemouth Town)	12	---
12	Foulden, Mordington and Lamberton	11	Foulden - 5 Seats Mordington - 3 Seats Lamberton - 3 Seats
13	Gavinton, Fogo and Polwarth	12	Gavinton - 8 Seats Fogo - 3 Seats Polwarth - 1 Seat

14	Gordon and Westruther	9	Gordon - 5 Seats Weststruther - 4 Seats
15	Grantshouse	8	---
16	Greenlaw and Hume	12	Greenlaw - 9 Seats Hume - 3 Seats
17	Leitholm, Eccles and Birgham	9	Leitholm - 4 Seats Eccles - 2 Seats Birgham - 3 Seats
18	Hutton and Paxton	8	Paxton - 4 Seats Hutton - 4 Seats
19	Reston and Auchencrow	8 (10)	Reston - 6(7) Seats Auchencrow - 2(3) Seats
20	St. Abbs	7	---
21	Swinton and Ladykirk	9	Swinton - 6(8) Seats Ladykirk - 3(1) Seats
Etrick and Lauderdale			
22	Bowden Village Committee	6	
24	Earlston	12	
25	Etrick and Yarrow	12	
26	Galashiels and Langlee	15	
27	Heriot	6	
28	Lauderdale	12	
29	Lilliesleaf, Ashkirk and Midlem	8	
30	Maxton and Mertoun	8	
31	Melrose and District	12	
32	Newtown and Eildon	10	
33	Oxton and Channelkirk	6	
34	Royal Burgh of Selkirk and District	12	
35	St. Boswells Parish	10	
36	Stow and Fountainhall (Parish of Stow)	12	Stow - 10 seats Fountainhall - 2 seats
37	Tweedbank	12	

Roxburgh			
38	Ancrum	12	
39	Burnfoot	12	
40	Crailing, Eckford and Nisbet	9	
41	Denholm and District	10	
42	Ednam, Stichill and Berry Moss	9	
43	Floors, Makerstoun, Nenthorn and Smailholm	12	
44	Hawick	15	
45	Heiton and Roxburgh	12	
46	Hobkirk	9	
47	Jedburgh	12	
48	Jed Valley	12	
49	Kalewater	12	
50	Kelso	12	
51	Lanton	5	
52	Newcastleton	12	
53	Oxnam	9	
54	Southdean	10	
55	Sprouston	6 (7)	
56	Upper Teviotdale and Borthwick Water	10	
57	Yetholm and District	11	
Tweeddale			
58	Carlops	6	
23	Clovenfords and District	12	
59	Eddleston	8	

60	Innerleithen, Traquair and Glen (Innerleithen & District)	12	
61	Lamancha, Newlands and Kirkurd	12	
62	Manor, Stobo and Lyne	9	
63	Royal Burgh of Peebles and District	18	
64	Skirling	6	
65	Upper Tweed	10	
66	Walkerburn	9	
67	West Linton	9	

Of the community councils listed above ten have sub-divisions. This means that seats on the community council are reserved for members from specific parts of the community council area. This ensures that there is always at least one seat available for smaller areas to be represented. However, the situation can arise where people are not able to join the community council as their part of the area has the maximum representation even though another part of the area may be under represented.

There is no proposal to remove sub divisions.

Consultation Questions:

- 1). Please let us know if you do not agree with the proposed changes to the number of seats available.**
- 2). Are there any additional changes to the number of seats that you think should be made**
- 3). Please let us know if you do not agree with the proposed changes to the community council names.**
- 4). Are there any additional changes to community council names that you think should be made?**
- 5). Do you agree that community council sub divisions should be retained? If not please say why.**
- 6). Are there any other comments you would like to make about this section?**

Chapter 8 – Code of Conduct for Community Councillors

There are proposals to make amendments to the Code of Conduct. The additions are shown below while the proposed new clauses are shown in their entirety in the appended draft Scheme (pages 41 – 44).

General

The following proposal relates to Clause 1, of the proposed Code of Conduct in the draft Scheme:

- 1.3 Community Councillors should promote and support these principles by leadership and example, always acting in such a way as to protect public confidence in the community council.

Service to the Community

The following proposal relates to Clause 2 of the proposed Code of Conduct in the draft Scheme:

- 2.1 Community councillors have a duty to act in the interests of the local community which they have been elected to represent. They also have a duty to act in accordance with the remit of Scottish Borders Council's Scheme for the Establishment of Community Councils as set out under the terms of the Local Government (Scotland) Act 1973).
- 2.2 They have a duty to establish and reflect, through the community council, the views of the community as a whole, on any issue, irrespective of personal opinion.
- 2.3 They should make sure that they are, within reason, accessible to their local community. Various mechanisms to allow the general community to express their views, i.e. suggestion boxes, community surveys and opinion polls should, where possible, be made available.

Hospitality

The following proposal relates to Clause 7 of the proposed Code of Conduct in the draft Scheme:

- 7.1 Community councillors should record all gifts and hospitality, with a monetary value above £50, received in connection with membership of the Community Council. They should not accept gifts or hospitality that might reasonably be thought to influence, or be intended to influence, their judgement; or where to do so could bring discredit upon the community council.

Accountability and Stewardship

The following proposal relates to Clause 9 of the proposed Code of Conduct in the draft Scheme:

- 9.2 Community councillors should individually and collectively make sure that annual accounts are produced showing the financial undertakings of the community council. They must also make sure that all resources are used efficiently, effectively and fairly.

Openness

The following proposal relates to Clause 10 of the proposed Code of Conduct in the draft Scheme:

- 10.2 When dealing with the media, members of the public, or others not directly involved in the Community Council all Community Councillors should make sure that that an explicit distinction is made between the expression of their personal views and opinions from any views or statement made about or on behalf of the community council.

Respect

The following proposal relates to Clause 14 of the proposed Code of Conduct in the draft Scheme:

- 14.1 Community councillors must respect their fellow Community Councillors and those that they represent, treating them with courtesy, respect and in a non-discriminatory manner at all times.
- 14.2 Community councils should take proactive steps to engage with all members of the community fairly. All community council meetings should be held in accessible venues.

Consultation Questions:

- 1). Do you agree with the proposals to amend the Code of Conduct?**
- 2). If you do not agree with these proposals please tell us why?**
- 3). Please tell us if there additional clauses that you think should be added.**
- 4). Are there any other comments you would like to make about the Code of Conduct section?**

Chapter 9 – Boundary Changes

During the first stage of the review process four community councils have asked for amendments to be made to their boundaries to better reflect the community at this time. All those affected have been consulted and are supportive of the proposals.

The Review Group recommends that the following adjustments be made:

Foulden, Mordington & Lamberton Community Council area

It is proposed to adjust the boundary with Burnmouth Community Council to include No 24 Lamberton in the Foulden, Mordington & Lamberton Community Council area.

Kelso Community Council area

It is proposed to adjust the boundary with Sprouston Community Council to include Hunters Hall Industrial Estate in the Kelso Community Council area.

Selkirk Community Council area

It is proposed to adjust the boundary with Ettrick & Yarrow Community Council to include the Three Brethren in the Selkirk Community Council area. There will be no change to the boundaries with Clovenfords & District Community Council.

Upper Tweed Community Council area

It is proposed to adjust the boundary with Manor, Stobo & Lyne Community Council to include Dreva Muirburn, Dreva Craig and Craigend in the Upper Tweed Community Council area.

Consultation Question:

1). Please let us know if there is a reason that you think these boundary changes should not go ahead. Please let us know if you live in any of the community council areas concerned.

Newtown & Eildon Community Council area

A proposal has been received from Newtown & Eildon Community Council to adjust the boundary with St Boswells Parish Community Council to include the proposed Newtown housing development area in the former. St Boswells Parish Community Council does not support this proposal. No recommendation is being made at this stage.

Consultation Question:

1). Please let us know if you support this proposal or not. Please let us know if you live in either of the community council areas concerned

Chapter 10 – The Establishment of Two New Community Council Areas

During the process the Review Group was made aware of two communities that had approached Scottish Borders Council regarding the establishment of new community council areas, these being the communities of Upper Liddesdale & Hermitage (currently part of the Newcastleton & District Community Council area) and Tweedsmuir (currently part of the Upper Tweed Community Council area).

The proposals are set out below.

Proposal for the Establishment of Tweedsmuir Community Council Area

A group of Tweedsmuir residents met on 9 June to discuss the possibility of establishing a new community council to cover that area. The meeting addressed the pros and cons prior to a vote being taken that indicated unanimous support for the establishment of a Tweedsmuir Community Council

The Community Council Scheme Review Group was informed of the proposal to establish a community council in the Tweedsmuir area at its meeting on 12 June 2013.

Justification for the Establishment of a New Community Council Area

The Chair of the Review Group and Scottish Borders Council's Business Consultant (Community Engagement) met with seven representatives from the Tweedsmuir area on 10 October to hear the reasons behind the proposal. The supporting information below has been prepared by that group.

Tweedsmuir has many problems distinct to the village, which are not experienced by the rest of the Upper Tweed Community Council (UTCC) region. A 100% focus that only a separate community council can bring is needed to both address and, potentially, solve these issues. The problems include:

- (a) The Crook Inn – the Tweedsmuir Community Company purchased the Inn earlier in the year, a massive effort is now required to refurbish it.
- (b) Carlowse Bridge/Forestry Issues – the bridge is in need of major repair if it is to continue to take its present loading; the village is being used as a thoroughfare by forestry traffic.
- (c) Lack of public transport – Only public transport from village is a one journey service to Edinburgh on Sundays.
- (d) Windfarm development – concern that wind farm issues are diluted by the larger community council area as those directly affected live in and around Tweedsmuir.

The current Upper Tweed Community council area is too large and disparate to ensure purposeful dialogue with residents.

It is envisaged that a new community council would be made up of organisations already active in the village.

Draft Boundary

Should the proposal be supported the boundary between Upper Tweed and Tweedsmuir Community Councils would need to be firmly agreed. For the purposes of this consultation the boundary attached in Appendix B is being used.

Size of the New Community Council

The number of registered electors living in the proposed new area is approximately 124 which would give it one of the smallest population bases of all community councils in the Scottish Borders.

Whilst there is no link between the number of residents and number of seats on a community council, for a population of this size the recommendation would be for six places to be made available for community councillors if the proposal is agreed following the consultation period.

Consultation with Upper Tweed Community Council

The Chair of the Review Group and Scottish Borders Council's Business Consultant (Community Engagement) met with representatives from Upper Tweed Community Council on 24 September 2013 to hear their views on the proposal.

The feeling from the meeting was that the Community Council representatives were disappointed with the proposal and raised the following concerns:

- (a) There is a danger that the Tweedsmuir community may shut themselves off from things happening in the UTCC area but which still affects them, e.g. planning applications.
- (b) There are financial implications for Scottish Borders Council.
- (c) There may be a withdrawal of support for the Crook Inn from Broughton residents.
- (d) The breadth of knowledge currently within the UTCC area would be lost to Tweedsmuir.
- (e) Concerned that those who would become involved in a Tweedsmuir Community Council would also be involved in other groups and may be spreading themselves too thin.
- (f) Would splitting the community council area split the community as well?
- (g) There are no services in Tweedsmuir and residents rely on Broughton and Biggar, this highlights the connectivity through the current area.

Consultation with the Community

In order to ascertain the views of those living in the Upper Tweed Community Council area a letter, voting slip and boundary map was sent to every household listed on the Electoral

Register (the unedited Electoral Register can only be used for election purposes so letters were addressed to 'the Household' rather than a named individual). Information was provided on the number of registered electors at each address to ensure the correct numbers of voting slips were enclosed.

The letter, Appendix C, outlined the proposal to establish a new community council area and asked for each resident to indicate whether they supported the proposal on the enclosed voting slip. The voting slips were colour coded to differentiate those living in the proposed new community council area from those that would remain in the Upper Tweed Community Council area.

47% of those living in the proposed new community council area returned their voting slip, of these 66% supported the establishment of the new community council.

35% of those living in the remaining Upper Tweed Community Council area returned their voting slip, of these 24% supported the establishment of the new community council.

In total 37% of those contacted returned their voting slip, of these 33% supported the establishment of the new community council.

Financial Implications

Scottish Borders Council provides the following financial assistance to each community council in the Borders:

- (a) annual grant
- (b) reimbursement of meeting room costs
- (c) insurance cover
- (d) data protection registration fee

In order to fund a new Tweedsmuir Community Council to the same level as other community councils an additional budget allocation of approximately £872 would be required. This is broken down as follows:

- (a) annual grant - £540
- (b) reimbursement of meeting room costs – approx £200
- (c) insurance cover – approx £97
- (d) data protection registration fee - £35

The establishment of a new community council would have no effect on the level of funding provided to Upper Tweed Community Council which would be maintained at the current level.

Proposal for the Establishment of Upper Liddesdale & Hermitage Community Council Area

A request, and an accompanying petition, was submitted to Scottish Borders Council in late 2011/early 2012, by residents living in the rural area north of Newcastleton, for the creation of a new community council area.

At this time it was agreed that the request would be considered as part of a review of the existing Community Council Scheme. Such a review was being planned for 2012/2013.

A meeting of spokespersons from the area, Ward Councillors, Chair of the Review Group and SBC's Business Consultant (Community Engagement) took place in February 2013 where the detailed proposal was discussed.

Justification for the Establishment of a New Community Council Area

The following information has been provided by the Upper Liddesdale & Hermitage Group (UL&H Group), the group that have submitted the proposal:

A strong sense of community exists in the rural area to the north of Newcastleton village, this is grounded in the shared issues that are part of rural life.

There are a number of issues specific to the area, specifically:

- (a) Infinis Windy Edge Wind Turbines – primary issue is impact on rural life/heritage
- (b) Revitalisation of the Hermitage Hall
- (c) First Responders – lack of services from Newcastleton (distance/journey time)
- (d) Development of community activities
- (e) Funding initiatives – rural opportunities need to be realised
- (f) Tourism/business improvement – fresh approach to tourism needed
- (g) Isolation – presents issues very specific to the area, e.g. power outages, mobile phone coverage
- (h) Rural roads and associated problems
- (i) Public transport
- (j) Broadband
- (k) Impact of traffic/forestry work
- (l) Rural preservation
- (m) Zero waste agenda

The UL&H Group is committed to the creation of a proactive community council that would represent the community living in the area through the use of existing mechanisms e.g. Area Forums, and the development of new ones suited to local needs.

The geographical area covered by Newcastleton & District Community Council is one of the

largest in the Borders which creates challenges regarding travel and communication

The diverse skill set of local residents would support an active and effective community council.

Draft Boundary

Should the proposal be supported the boundary between Newcastleton & District and Upper Liddesdale & Hermitage Community Councils would need to be firmly agreed. For the purposes of this consultation the boundary attached in Appendix D which has been suggested by the UL&H Group, is being used.

Size of a new Community Council

The number of registered electors living in the proposed new area is approximately 123 which would give it one of the smallest population bases of all community councils in the Scottish Borders.

Whilst there is no link between the number of residents and number of seats on a community council, for a population of this size the recommendation would be for six places to be made available for community councillors if the proposal is agreed following the consultation period.

Consultation with Newcastleton & District Community Council

The Vice Chair of the Review Group, two Ward Councillors and the Scottish Borders Council's Business Consultant (Community Engagement) met with representatives from Newcastleton & District Community Council in April 2013 to hear their views on the proposal

The feeling from the meeting was that the Community Council representatives were disappointed with the proposal and raised the following concerns:

- (a) the creation of a new community council area may result in poor communication between the two
- (b) links with Hermitage Hall would be lost
- (c) there could potentially be a split in the community
- (d) the current sense of community may be lost

Consultation with the Community

In order to ascertain the views of those living in the Newcastleton & District Community Council area a letter, voting slip and boundary map was sent to every household listed on the Electoral Register (the unedited Electoral Register can only be used for election purposes so letters were addressed to 'the Household' rather than a named individual). Information was provided on the number of registered electors at each address to ensure the correct numbers of voting slips were enclosed.

The letter, Appendix E, outlined the proposal to establish a new community council area and asked for each resident to indicate whether they supported the proposal using the enclosed voting slip. The voting slips were colour coded to differentiate those living in the proposed new community council area from those that would remain in the Newcastleton & District Community Council area.

70% of those living in the proposed new community council area returned their voting slip, of these 59% supported the establishment of the new community council.

48% of those living in the remaining Newcastleton & District Community Council area returned their voting slip, of these 17% supported the establishment of the new community council.

In total 51% of those contacted returned their voting slip, of these 25% supported the establishment of the new community council.

Financial Implications

Scottish Borders Council provides the following financial assistance to each community council in the Borders:

- (a) annual grant
- (b) reimbursement of meeting room costs
- (c) insurance cover
- (d) data protection registration fee

In order to fund a new Upper Liddesdale & Hermitage Community Council to the same level as other community councils an additional budget allocation of approximately £872 would be required. This is broken down as follows:

- (a) annual grant - £540
- (b) reimbursement of meeting room costs – approx £200
- (c) insurance cover – approx £97
- (d) data protection registration fee - £35

The establishment of a new community council would have no effect on the level of funding provided to Newcastleton & District Community Council which would be maintained at the current level.

The following applies to both proposals:

Sustainability

All community councils in the Scottish Borders must hold an election at least once every four years to help encourage new members. It is at this time that several community councils over the past few years have failed to attract enough interest to continue. In this situation the area is without a community council for at least six months before the election process can be re-run (the Review recommends a reduction in this period).

There is no correlation between population and community councils failing to attract enough nominations at election time. In May 2009 Hawick Community Council (pop c.11,993) fell into abeyance whilst in 2012 St Abbs Community Council (pop c.215) had a contested election.

Other Resource Implications

There would be an increased demand on the time of Scottish Borders Councillors and officers to support any new community council although this may be off set against other work and is difficult to quantify. Consideration should be given to the benefits that may arise from the establishment of a new community council against any possible pressure on resources.

The Review Group is minded to support both proposals.

Consultation Questions:

- 1). Do you support the establishment of a Tweedsmuir Community Council?**
- 2). Do you support the establishment of an Upper Liddesdale & Hermitage Community Council?**
- 3). Do you have any comments you would like to make regarding either proposal? Please let us know if you live in either of the two areas concerned.**

How to respond

This paper only contains questions relating to the proposals that have been put forward by the Community Council Scheme Review Group but we would like to know if there is anything else that you think should be amended.

You do not need to answer all questions in the consultation.

All comments will be reviewed by the Group and further changes made to the draft Scheme as appropriate.

A copy of the draft Scottish Borders Community Council Scheme of Establishment is attached in Appendix A

Please send us your response by 30 April 2014

There are three ways you can respond to this consultation paper:

- 1). Use the online questionnaire at <http://www.scotborders.gov.uk/consultations>
- 2). Send your response by e-mail to communitycouncils@scotborders.gov.uk
- 3). Send your response by post to
Community Council Scheme Consultation
FREEPOST RRBU-KBCB-JBJG
Strategic Policy Unit
Scottish Borders Council Headquarters
Newtown St Boswells
MELROSE TD6 0SA

If you are responding by email or by post please make sure you include your completed Respondent Information Form, see Appendix F on page 48.

You can download or print the Respondent Information Form and a consultation questionnaire from <http://www.scotborders.gov.uk/consultations>

If you have any queries please email

communitycouncils@scotborders.gov.uk

or telephone 01835 826626

Appendix A – Proposed Amended Community Council Scheme

LOCAL GOVERNMENT ETC. (SCOTLAND) ACT 1994 **SCOTTISH BORDERS COUNCIL**

COMMUNITY COUNCIL SCHEME OF ESTABLISHMENT

1.0 Introduction

1.1

Community Councils were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government etc. (Scotland) Act, 1994, which produced the current system of unitary local authorities, made provision for the continuation of community councils.

Scottish Borders Council, in accordance with the terms of Section 22 of the Local Government etc. (Scotland) Act 1994 has adopted the following Community Council Scheme for the operation of Community Councils within the Scottish Borders Council area, and has revoked the previous Scheme adopted by Scottish Borders Council in 1997, with effect from midnight on 13 December 2007.

2.0 Purpose of Community Councils

2.1 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 Authority 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.

3.0 Procedure for Establishment of Community Councils

3.1 In the event of not less than 20 electors in any one of the community council areas listed in Schedule 1 to this Scheme, and shown delineated on the maps (numbered 1 - 67) attached to the principal copy of this Scheme, with the exception of Bowden, for the reasons stated in Clause 3.2 below, making written application for the establishment of a Community Council for that area in accordance with this Scheme, the Scottish Borders Council shall, within six weeks from the date of the petition, invite nominations and thereafter, if necessary, organise an election for the establishment of a Community Council for that area.

3.2 Bowden Village Committee having requested that it be accepted by Scottish Borders Council in its present title and existing form of Constitution to act instead of a Community Council for the area No. 22 on the attached Map, comprising Bowden Village and its surrounding district, being part of Bowden Parish, Scottish Borders Council has determined that no Community Council is necessary for that area for the following reasons, namely:-

- a) that the Committee, being composed of members duly elected at a public meeting, is truly representative of the community which it serves;
- b) that the Committee has shown Scottish Borders Council sufficient proof of its involvement with and activities on behalf of the community to indicate that the establishment of a Community Council in addition to that Committee is unnecessary;
- c) that the Committee holds considerable funds and other property, including Bowden Common Land extending to 26 acres or thereby, in trust for the benefit of the community; and
- d) that the Committee gains certain advantages from its charitable status not presently enjoyed by Community Councils.

4.0 Composition of Community Councils

4.1 Community Councils shall be composed of:

- (a) the number of Members specified for that Community Council as detailed in Schedule 1 who have been elected in the manner detailed below;
- (b) the Scottish Borders Councillors for the area covered by the Community Council or part of it, who shall have ex officio membership of that Community Council during their period of office for the Authority but shall have no entitlement to vote or hold office in the Community Council. No Member of the Scottish Borders Council may simultaneously be a member of a Community Council other than in an ex officio capacity; and
- (c) may include co-opted members in the following circumstances:-
 - (i) Community Councils may co-opt further members with skills or knowledge which the Community Council consider would be of assistance to the Community Council in carrying out its functions. Such co-opted members shall not have voting rights and shall not hold office, and may be under eighteen years of age. Members co-opted for this purpose will serve for such time as decided by the Community Council at the time of their co-option or until the Community Council decide that their services are no longer required; and
 - (ii) When the elected membership is less than the maximum number of elected members (specified in Schedule 1) but is equal to, or more than one-half of that number, or where casual vacancies arise during a term of office, Community Councils may co-opt people who would be eligible for election to the Community Council as members in order to make up that number. However, the number of co-opted members cannot at any one time be more than one quarter of the maximum number of elected members (specified in Schedule 1). Members so co-opted may serve until the next ordinary election to the Community Council, qualifying for full voting rights after attending 3 meetings or 6 months after co-option (whichever is shorter).

5.0 Method of Co-option of Members

5.1 A proposal to co-opt a person or persons to a Community Council under paragraph 4.1 (c)(ii) requires to be included on the Agenda for the appropriate meeting of the Community Council, this shall include the name and address of the person proposed to be co-opted, together with (where appropriate) that person's number on the current Electoral Register, and the names of the proposer and seconder who shall be elected Members of the Community Council.

6.0 Casual Vacancies

6.1 A casual vacancy shall be deemed to arise in any of the following circumstances:

- (a) on the day when a member ceases to be entered in the Electoral Roll for the area covered by the Community Council;
- (b) on the expiry of a period of six calendar months during which a member of a Community Council has failed to attend a meeting of that Community Council, or of any Committee or other body constituted by such Community Council, unless leave of absence has been granted or other reason accepted by that Community Council; or
- (c) upon the receipt by a Community Council of a written notice of resignation from a member.

7.0 Term of Office

7.1 Elected members of a Community Council shall serve for a term of office specified in the Constitution of that Community Council, subject to that term of office being a minimum of two years and a maximum of four years, and shall be eligible for re-election.

7.2 Elected members of a Community Council may serve as either Chair, Secretary or Treasurer for a maximum of two terms of office but may take up a different office bearing position on conclusion of this term.

8.0 Nomination of Candidates

8.1 A person seeking election to a Community Council must be aged 18 years or over and appear on the Electoral Roll for that Community Council area at the date of being proposed for membership of the Community Council. Each candidate must be nominated by a Proposer (who may be the candidate) and a Secunder, both being persons whose names appear on the Electoral Roll for the respective Community Council's area, or sub-division of that area, where applicable.

8.2 A person seeking election to a community council must not have served a prison sentence (including a suspended sentence) of three months or more in the five years before the election.

8.3 No person shall be entitled to propose or second more than one candidate.

- 8.4 When instructed to do so by the Scottish Borders Council in the case of initial elections, and by the Community Councils themselves once established, the Returning Officer shall give public notice of an invitation to submit nominations for membership of Community Councils, using the nomination form agreed by Scottish Borders Council, attached in Schedule 2. The nomination period shall not be less than 14 and not more than 28 days, 7 days will be allowed following this period for withdrawals.
- 8.5 Where the number of valid nominations, after any withdrawals, is more than the number of Community Council members specified in Schedule 1, a contested election shall be held in accordance with the procedure prescribed in this Scheme.
- 8.6 Where the number of valid nominations, after any withdrawals, is equal to, or more than half, the number of Community Council members specified in Schedule 1, the Returning Officer shall give public notice that the candidates validly nominated have been elected to the Community Council.
- 8.7 Where the number of valid nominations, after any withdrawals, is less than half the number of Community Council members specified in Schedule 1, no Community Council will be established and the Returning Officer shall give public notice that no Community Council shall be formed at that time. In such event, no further application for the establishment of a Community Council for that area shall be considered until the expiry of a period of at least three months after the nomination period started. In the event of such an application being received after that period, the Returning Officer shall issue a further invitation to submit nominations and the electoral process shall be repeated. If, after this second invitation, the number of valid nominations is still less than half the number of Community Council members specified in Schedule 1, no further applications for the establishment of a Community Council for that area shall be considered until the expiry of a period of at least six months after the date of public notice of that second invitation.
- 8.8 When a contested election takes place the Returning Officer shall publish, at least seven days before the election details of the election procedure to be employed, including the names and addresses of candidates and the place, dates and times fixed for the conduct of the poll and the count.

9.0 Returning Officer

- 9.1 The Returning Officer for the first election to a Community Council shall be the Head of the Strategic Policy Unit of the Scottish Borders Council, or their appointed nominee and, for all elections after the establishment of a Community Council, shall be the person appointed by the Community Council concerned, subject to approval by the Head of the Strategic Policy Unit. The Returning Officer for a Community Council election shall not be an elected member of that Community Council or a candidate in that election to that Community Council.

10.0 Voting Arrangements

10.1 People included in the section(s) of the Electoral Roll for the Community Council and who would be entitled to vote in a Local Government election at the date of the Community Council election shall be entitled to vote in Community Council elections for that area.

10.2 Voting in a Community Council election shall take place by way of a secret procedure. The method of election shall be determined by the Returning Officer in consultation with the Community Council where applicable as:-

- (a) by ballot box, at a designated polling place or places using a simplified version of the prescribed procedure for Local Authority elections; or
- (b) by post in accordance with Scottish Borders Council guidelines.

[An alternative of postal voting in connection with method a\) above, shall be available at the discretion of the Returning Officer.](#) There will be no provision for the issuing of poll cards or voting by proxy for either method of election.

10.3 The ballot papers to be used in Community Council elections shall be laid out in a style approved by the Scottish Borders Council.

10.4 Each eligible elector shall have available to him a number of votes equal to the aggregate number of seats being contested at that election, subject to the proviso that where a Community Council area is divided into sub-divisions, each eligible elector shall, unless the Constitution to be adopted by the Community Council determines otherwise, be entitled to vote only for candidates standing for seats within the sub-division in which the eligible elector resides, the number of votes available to each eligible elector in that event being equal to the number of seats being contested within that sub-division; and no elector shall cast more than one vote for any one candidate.

10.5 The hours of polling for ballot elections shall be determined for each Community Council area by the Returning Officer, taking account of local circumstances for the first election to a Community Council. The ballot shall be open for a minimum of four hours in total between 8 a.m. and 8 p.m, unless where voting is by post, in which case the period shall be determined by the Returning Officer. The number of vacant seats available shall be filled by the corresponding number of candidates receiving the highest number of votes. In the event of more than one candidate receiving the same number of votes for the last available seat or seats on the Community Council, the successful candidate(s) will be decided by lot.

10.6 A returned ballot paper shall contain only such information as is requested to identify the candidates chosen by the elector. Any ballot paper which at the counting of the votes is found to:-

- (a) contain any mark or other writing implying that the number of votes being cast is more than the designated number available to the elector; or
- (b) contain any mark or other writing implying that more than one vote for any one candidate is being cast; or
- (c) identify the elector,

shall be deemed to be a spoilt paper, and shall be disregarded in the count.

10.7 The Returning Officer shall appoint and instruct persons to supervise the ballot or open the postal votes as appropriate and to conduct the count.

10.8 The Returning Officer, immediately after the counting of votes, shall complete a return to the Scottish Borders Council and the Community Council concerned, containing the names and addresses of members elected, details of the number of votes cast for each candidate, the number of ballot papers issued and returned, the number of spoilt ballot papers and any other information as to the conduct of the election which may be required by Scottish Borders Council.

10.9 The Returning Officer shall, as soon as possible after the election, give public notice of the names and addresses of members elected.

11.0 General Provisions

11.1 Within twenty-one days of the election of a Community Council where possible, the Returning Officer shall hold the first public meeting of the Community Council. At this meeting, which shall be chaired, until a Chairperson has been elected, by the Returning Officer or his nominee (who shall normally be an ex officio member, if available) the Community Council shall elect from its eligible members a Chairperson, to be known by such title as the Community Council decide, subject to approval of that title by the Scottish Borders Council, and such other office-bearers as the Community Council shall deem necessary. Office-bearers that are eligible for re-election, shall be elected or re-elected at the Annual General Meeting of the Community Council, or otherwise in accordance with the Constitution to be prepared in line with this Scheme.

11.2 Every Community Council may appoint a Secretary and a Treasurer (the offices may be combined) who shall hold office and may be eligible for re-appointment in accordance with the provisions of the Constitution to be prepared in line with this Scheme. The Secretary and Treasurer (but no other office-bearers) may be appointed from outwith the membership of the Community Council and may receive such remuneration as the Community Council may determine from the resources available to them, there being no extra funding available from the Scottish Borders Council for this purpose. Such appointees from outwith the membership shall be entitled to speak only on matters relating to their function as office-bearers and shall have no voting rights.

11.3 Following the first meeting after every election, each Community Council will lodge with the Head of the Strategic Policy Unit of the Scottish Borders Council a return specifying the full names, designations and addresses of the Community Council's office-bearers and Examiner(s) of their Accounts and subsequently advise, in writing, of all changes thereof.

11.4 Meetings of each Community Council shall be convened at intervals of not more than six months and at least three meetings shall be held annually, one of which shall be the Annual General Meeting. All meetings of the Community Council shall be open to members of the public. Community Councils shall comply with the principles of the Local Government (Access to Information) Act 1985 and any amending legislation, particularly in regard to the conduct of business in public unless permitted to be taken in private in terms of the Act, and also in

regard to allowing sight of agenda papers and Minutes. A summary of its main provisions shall be provided to each Community Council.

11.5 Community Council members shall comply with the Scottish Borders Code of Conduct for Community Councillors, Schedule 3 of this document.

- (a) Members shall be required, in advance, to declare pecuniary and non pecuniary interests relating to matters which might be under discussion and after doing so shall take no part in their consideration. Failure to observe this may lead to suspension and repeated failure to observe may lead to expulsion.
- (b) Members shall be required to sign a declaration that they agree to abide by the Code of Conduct for Community Councillors. This shall be by way of the nomination form for elected Community Councillors and a separate declaration for those co-opted during the term of office of the Community Council.
- (c) The Community Council shall annually submit in writing its agreement to abide by the aforementioned Code of Conduct.

11.6 Only elected Community Council Members and those co-opted with full voting rights may vote at Community Council Meetings, including Annual General Meetings, the only exception being votes on the proposed contents of the Constitution and any proposed amendments, in which case all persons eligible to vote in local government elections, on the Electoral Roll for the Community Council area and in attendance at the meeting are entitled to vote.

11.7 The quorum for each Community Council shall be one third of the maximum number of elected members, subject to a minimum of three.

11.8 Every Community Council shall be able to convene special meetings in line with this Scheme, within the Community Council area for the purpose of considering matters of interest and importance, and for the purpose of agreeing or amending their Constitution.

11.9 Every Community Council shall, upon receipt of a requisition signed by twenty electors, convene a special meeting, to be held within twenty-one days of receipt of that requisition. This meeting should consider the business which must be specified in the requisition and in the notice calling the meeting. A shorter period for convening such a meeting may be specified in the Community Council Constitution,

12.0 Constitutions

12.1 Within three months of the date of its first meeting, each Community Council shall draw up and submit to the Scottish Borders Council for approval, a Constitution for the regulation and management of its affairs. Each Constitution shall contain provision for the following:-

- (a) Name of the Community Council;

- (b) Size, composition, purpose, functions and quorum (as defined in paragraph 11.7 above) of the Community Council and of any Committees appointed by the Community Council;
- (c) Frequency of holding meetings, of which there shall be at least three in any twelve month period, to be convened at intervals of not more than 6 months, including provision for an Annual General Meeting, which shall be held not later than 60 days after the end of the Community Council's financial year recognising the common election month set by Scottish Borders Council;
- (d) The Agenda for the Annual General Meeting shall include items for receiving the following, namely:-
 - (i) a report on the Council's activities for the previous year;
 - (ii) the scrutinised/approved Annual Statement of Accounts; and
 - (iii) proposals for the amendment of that Council's Constitution, where appropriate;
- (e) Rules whereby Community Council members shall be advised of the place, date and time of any meetings of the Community Council, Committees or Sub-Committees by means of written agendas, specifying the business to be conducted and sent either to their normal residence or place of work at least seven days before the due date of such meeting. Public notice shall be given by a copy of the agenda being affixed in a prominent and clearly visible position at the normal place where meetings of that Council are held and/or in such other manner or locations as may be prescribed in the Constitution;
- (f) Rules for the keeping of Minutes which shall also provide that such Minutes shall be circulated to members of the Community Council not later than with the issue of the agenda for the next meeting, and that adequate arrangements shall be made for Minutes of any meeting to be available for inspection by members of the public within the Community Council's area not later than seven clear days prior to the next meeting of the Community Council;
- (g) Method and procedure for the nomination of candidates;
- (h) Term of office of members of the Community Council, recognising the common election month set by Scottish Borders Council;
- (i) Arrangements governing the election and/or appointment of office bearers and their term of office;
- (j) Appointment of ex officio (Scottish Borders Council) and co-opted members;
- (k) Procedure for filling of casual vacancies;
- (l) Holding of heritable property;

- (m) Rules or Standing Orders for the conduct of the business of the Community Council;
- (n) Provisions regulating the Finance and Accounts, including a provision specifying the financial year as running from 1 April to 31 March;
- (o) Rules to ensure that each member of the Community Council is given a copy of this Scheme at the commencement of membership, together with a copy of the Community Council's Constitution and Rules, and where applicable, Standing Orders;
- (p) Calling of extraordinary public meetings;
- (q) Rules governing alteration to the Constitution, including provision for agreement by the electors of the area at an Annual General Meeting or at a meeting convened for that purpose, prior to submission to the Scottish Borders Council for approval; and
- (r) A dissolution clause.

12.2 The Constitution to be adopted shall not conflict with the terms of this Scheme.

13.0 Financial Provisions

13.1 Scottish Borders Council may provide grants for the purpose of assisting and promoting the interests of Community Councils within its area. The amount to be made available to each Community Council and the form of grant shall be at the sole discretion of the Scottish Borders Council and shall be intimated to each Community Council prior to 1st April each year. The payment of any such grant will be dependent on the receipt of annual accounts in line with paragraph 13.6 below. Any payment will be made in line with the Following the Public Pound Code of Practice once the Scottish Borders Council is content that the conditions below have been met:

- (a) The Community Council should not hold more than the equivalent of two years annual grant by way of reserves, excluding money ring fenced for specific initiatives.
- (b) The Community Council must submit in writing annually its agreement to abide with the Code of Conduct for Community Councillors in line with paragraph 11.5(c).

13.2 Community Councils may be eligible for other grants funded by Scottish Borders Council to carry out specific activities and initiatives.

13.3 In the event of any Community Council not being established, being in abeyance or becoming disestablished or dissolved, its share of any grant shall be retained by the Scottish Borders Council until such time as the Community Council is formed or re-formed, when a proportion of the grant appropriate to the portion of the Scottish Borders Council's financial year remaining shall be awarded.

- 13.4 Community Councils shall be empowered to raise funds for schemes, projects and other purposes within their stated objects.
- 13.5 All monies received by a Community Council, whether by way of grant, gift or loan, shall be applied to maintain its administrative structure and/or to further the objects of such Council.
- 13.6 Each Community Council shall keep an accurate record of its receipts and payments and the Treasurer or other nominated office-bearer shall prepare annually an Abstract of Accounts. The books and Abstract of each Community Council shall be scrutinised by an independent examiner, duly appointed for that purpose, who shall not be a member of that Community Council. A copy of the approved Abstract for each Community Council shall be submitted to the Head of the Strategic Policy Unit of Scottish Borders Council, or other designated Scottish Borders Council official, within seven days of the Annual General Meeting.
- 13.7 The Scottish Borders Council may, so far as is reasonably and financially practicable, provide, free of charge, accommodation to Community Councils within premises under the ownership and control of the Scottish Borders Council for the purposes of holding Community Council meetings, or, where such accommodation is not available, contribute towards the hire charges incurred.
- 13.8 In the event of the disestablishment or dissolution of a Community Council for any reason, such property and funds as are vested or under the control of said Community Council at the date of disestablishment or dissolution, shall be transferred to and vested in Scottish Borders Council and shall be administered and applied by them in such manner as the Scottish Borders Council, in line with the wishes of the Community Council in the aftermentioned asset register, may determine to be for the benefit of all or part of the Community Council area, said discretion including the power of sale.
- 13.9 A Community Council may lease or acquire heritable property, the title to which shall be taken in the names of such office-bearers as may be specified in the Constitution for that purpose, as Trustees for such Community Council and their respective successors in office.
- 13.10 Each Community Council shall keep an accurate record of any assets held and where they are kept indicating its wishes for the dispersment of these assets in the event of the Community Council being disestablished or dissolved. A copy of the register, and any subsequent changes, must be submitted to the Head of the Strategic Policy Unit of Scottish Borders Council within twenty one days of it being agreed by the Community Council.

14.0 Common Election Date

- 14.1 Scottish Borders Council reserves the right, if they in their sole discretion so determine, to establish a common election date in each year for Community Council elections and undertake to give to the Secretary of each Community Council appropriate prior written notice of their intention to exercise this right.

15.0 Mutual Exchange of Information

15.1 The Scottish Borders Council will electronically send at least seven days prior to a meeting, where possible, to each Community Council within its area:-

- (a) Agendas of full Council and Committee Meetings, including relevant Area Forum Meetings;
- (b) Copies of the Minutes of the appropriate Area Forum; and
- (c) Copies of such consultative documents as the Authority may from time to time decide.

15.2 Each Community Council shall submit to the Scottish Borders Council's Head of the Strategic Policy Unit draft copies of the Minutes of its meetings no later than within 21 days after each meeting and copies of the agenda for the subsequent meeting of the Community Council when being issued.

Schedule 1

Community Council Seats

Community Council Area		Number of Elected Members	Allocation of Seats on Community Council and Sub-Division of Areas as on Map where appropriate
Berwickshire			
1	Abbey St. Bathans, Bonkyl and Preston	12	---
2	Ayton	12	---
3	Burnmouth	8	---
4	Chirnside	8	---
5	Cockburnspath and Cove	10	---
6	Coldingham	10	---
7	Coldstream	12	
8	Lammermuir Community Council	10	Cranshaws - 3 Seats Longformacus - 7 Seats
9	Duns	12	---
10	Edrom, Allanton and Whitsome	9	---
11	Eyemouth Town	12	---
12	Foulden, Mordington and Lamberton	11	Foulden - 5 Seats Mordington - 3 Seats Lamberton - 3 Seats
13	Gavinton, Fogo and Polwarth	12	Gavinton - 8 Seats Fogo - 3 Seats Polwarth - 1 Seat
14	Gordon and Westruther	9	Gordon - 5 Seats Weststruther - 4 Seats
15	Grantshouse	8	---
16	Greenlaw and Hume	12	Greenlaw - 9 Seats Hume - 3 Seats
17	Leitholm, Eccles and Birgham	9	Leitholm - 4 Seats Eccles - 2 Seats Birgham - 3 Seats

18	Hutton and Paxton	8	Paxton Hutton	- 4 Seats - 4 Seats
19	Reston and Auchencrow	10	Reston Auchencrow	- 7 Seats - 3 Seats
20	St. Abbs	7	---	
21	Swinton and Ladykirk	9	Swinton Ladykirk	- 8 Seats - 1 Seats
Etrick and Lauderdale				
22	Bowden Village Committee	6		
24	Earlston	12		
25	Etrick and Yarrow	12		
26	Galashiels and Langlee	15		
27	Heriot	6		
28	Lauderdale	12		
29	Lilliesleaf, Ashkirk and Midlem	8		
30	Maxton and Mertoun	8		
31	Melrose and District	12		
32	Newtown and Eildon	10		
33	Oxton and Channelkirk	6		
34	Royal Burgh of Selkirk and District	12		
35	St. Boswells Parish	10		
36	Parish of Stow	12	Stow Fountainhall	- 10 seats - 2 seats
37	Tweedbank	12		
Roxburgh				
38	Ancrum	12		

39	Burnfoot	12	
40	Crailing, Eckford and Nisbet	9	
41	Denholm and District	10	
42	Ednam, Stichill and Berrymoss	9	
43	Floors, Makerstoun, Nenthorn and Smailholm	12	
44	Hawick	15	
45	Heiton and Roxburgh	12	
46	Hobkirk	9	
47	Jedburgh	12	
48	Jed Valley	12	
49	Kalewater	12	
50	Kelso	12	
51	Lanton	5	
52	Newcastleton	12	
53	Oxnam	9	
54	Southdean	10	
55	Sprouston	7	
56	Upper Teviotdale and Borthwick Water	10	
57	Yetholm and District	11	
Tweeddale			
58	Carlops	6	
23	Clovenfords and District	12	
59	Eddleston	8	
60	Innerleithen and District	12	
61	Lamanha, Newlands and Kirkurd	12	

62	Manor, Stobo and Lyne	9	
63	Royal Burgh of Peebles and District	18	
64	Skirling	6	
65	Upper Tweed	10	
66	Walkerburn	9	
67	West Linton	9	

Schedule 2
SCOTTISH BORDERS COUNCIL
COMMUNITY COUNCIL ELECTIONS 20XX

-----**COMMUNITY COUNCIL (note 1)**

NOMINATION FORM

Please read notes overleaf and then complete Sections 1 and 2 in typescript or BLOCK CAPITALS

SECTION 1 - CANDIDATE

SURNAME (AS IN ELECTORAL REGISTER)	OTHER NAMES (AS IN ELECTORAL REGISTER)	MR/MRS /MS/ MISS	ELECTORAL NUMBER (NOTE 2)		ADDRESS (AS IN ELECTORAL REGISTER)
			Letter or Number	Electoral Number	

SECTION 2 - PROPOSER AND SECONDER

	SURNAME (AS IN ELECTORAL REGISTER)	OTHER NAMES	MR/MRS/ MS/MISS	ELECTORAL NUMBER (NOTE 2)		ADDRESS (AS IN ELECTORAL REGISTER)
				Letter or Number	Electoral Number	
Proposer						
Secunder						

WE hereby nominate as a candidate for election the person named in Section 1 above, who, to the best of our knowledge and belief is eligible for such election, as a member of

..... Community Council
(Note 1)

in the Sub-Division.
(Note 3)

PLEASE NOTE THAT YOU MAY ONLY PROPOSE OR SECOND ONE PERSON

Signature of Proposer

Signature of Secunder

ACCEPTANCE OF NOMINATION

I, the nominee for election, named in Section 1 above, consent to be nominated as a candidate for the abovementioned Community Council and, if elected, will accept office as a member of the said Community Council and agree to comply with the Code of Conduct for Community Councillors.

Signature of Candidate

.....Date.....

NOTES

1. Please insert the name of the Community Council
2. Please insert in the first column the distinctive number and letter if any, from the Register of Electors (e.g.) 21A. The number will be found next to "Polling District").
Please insert in the second column the elector number which can be found next to the elector's name in the Register of Electors.
These numbers will be provided by the Returning Officer, on receipt of the nomination form, if left blank.
3. Where, in terms of the new Scheme for the Establishment of Community Councils, a Community Council area consists of a number of sub-divisions the name of the sub-division should be given.

QUALIFICATIONS FOR ELECTION

A person seeking election to a Community Council must be aged 18 or over and appear on the Electoral Register for the Community Council area at the date of being proposed for membership of the Community Council. Each Candidate shall be nominated by a Proposer (who may be the candidate) and a Secunder, both being persons whose names appear in the said Electoral Register for the respective Community Council area, or sub-division of that area, where applicable..

COMPLETED NOMINATION FORMS SHOULD BE LODGED WITH

.....
.....

By no later than.....

Schedule 3
Scottish Borders Council

CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

1 GENERAL

- 1.1 Community Councillors are expected to show the highest standards of personal conduct in the performance of their duties at all times.
- 1.2 Their duty is to the whole community served by their Community Council. This Code should be used to guide their conduct as a Community Councillor. It is their responsibility to make sure that they are familiar with this Code and that their conduct meets it.
- 1.3 Community Councillors should promote and support these principles by leadership and example, always acting in such a way as to protect public confidence in the Community Council.

2 SERVICE TO THE COMMUNITY

- 2.1 Community Councillors have a duty to act in the interests of the local community which they have been elected to represent. They also have a duty to act in accordance with the remit of Scottish Borders Council's Scheme for the Establishment of Community Councils as set out under the terms of the Local Government (Scotland) Act 1973).
- 2.2 They have a duty to establish and reflect, through the Community Council, the views of the community s a whole, on any issue, irrespective of personal opinion.
- 2.3 They should make sure that they are, within reason, accessible to their local community. Various mechanisms to allow the general community to express their views, i.e. suggestion boxes, community surveys and opinion polls should, where possible, be made available.

3 DUTY TO UPHOLD THE LAW

- 3.1 Community Councillors must uphold the law and act on all occasions in line with the public trust placed in them.
- 3.2 Community Councillors have a responsibility to play their part in ensuring that the Community Council uses its resources prudently and in accordance with the law.

4 COMMUNITY INTEREST

- 4.1 Community Councillors should act to assist the Community Council, as far as possible, in the interests of the whole community that it serves.

5 SELFLESSNESS

- 5.1 Community Councillors should act only in the public interest. They should never use their position as a Community Councillor to gain for themselves, their family or friends, any financial benefits, preferential treatment or other advantage, or to grant such benefits, treatment or advantage improperly to others.

6 INTEGRITY AND PROPRIETY

- 6.1 Community Councillors should not put themselves in a position where their integrity is called into question by any financial or other obligations. As well as avoiding actual impropriety they should avoid any appearance of it.

7 HOSPITALITY

- 7.1 Community Councillors should record all gifts and hospitality, [with a monetary value above £50](#), received in connection with membership of the Community Council. They should not accept gifts or hospitality that might reasonably be thought to influence, or be intended to influence, their judgement; or where to do so could bring discredit upon the Community Council.

8 DECISIONS

- 8.1 Whilst Community Councillors may be influenced by the views of others, including particular interest groups, it is their responsibility to decide what view to take, and how to vote, on any question which Community Councillors have to decide.

9 ACCOUNTABILITY AND STEWARDSHIP

- 9.1 Community Councillors are accountable through the community they serve for their actions and their part in reaching decisions and must submit themselves to whatever scrutiny is appropriate to their office.
- 9.2 [Community Councillors should individually and collectively make sure that annual accounts are produced showing the financial undertakings of the Community Council. They must also make sure that all resources are used efficiently, effectively and fairly.](#)

10 OPENNESS

- 10.1 Community Councillors should be as open as possible about all their actions and their part in reaching decisions. They should seek to ensure that reasons are given for decisions of their Community Council.
- 10.2 [When dealing with the media, members of the public, or other not directly involved in the Community Council all Community Councillors should make sure that that an explicit distinction is made between the expression of their personal views and opinions from any views or statement made about or on behalf of the Community Council.](#)

11 CONFIDENTIALITY

- 11.1 Community Councillors should ensure that confidential material, including material about individuals, is handled appropriately with regard to the public interests and is not used for private purposes.

12 PARTICIPATION

- 12.1 Community Councillors may take part in the consideration of questions which come before the Community Council unless they have a private interest, which would cause their participation to raise questions as to their impartiality.

13 DECLARATIONS

- 13.1 Community Councillors **must** declare any private interests relating to their Community Council duties and should take steps to resolve any conflicts arising in a way that protects the public interest. They should make relevant declarations of interest at meetings of the Community Council, Sub-Committees or Working Groups to which they are appointed, and in all circumstances where they are active in their role as a Community Councillor.
- 13.2 If Community Councillors have a private interest in a matter before their Community Council, they should consider whether it is appropriate for them to declare this interest and withdraw from discussion and decision making on that matter. In considering this they should have regard to the following criteria:-
- 13.2.1 That members of the public might reasonably think the private interest could influence them; and
- 13.2.2 That members of the public might reasonably think the private interest creates a real danger of bias on the part of the Community Councillor because it affects them or someone connected with them, more than any other person or more than the generality of other persons affected by the matter.
- 13.3 In the case of a private interest that meets neither of these criteria, there may be no reason to declare the interest or to take any further action.
- 13.4 In the case of a private interest which meets criteria 1, Community Councillors should declare their interest but they may decide to participate in the discussion and decision making on the matter.
- 13.5 In the case of a private interest which meets criteria 2, Community Councillors should declare their interest and withdraw from the discussion and decision making on the matter.
- 13.6 In the case of a private interest which meets both criteria 1 & 2 and if this private interest is of a continuing nature, it may be that it would cause a Community Councillor to withdraw from the consideration of business on such a frequent basis that they would be of little value to their Community Council. In this case, they should not seek to serve as a Community Councillor.

- 13.7 Private financial interests may be more likely to be of a nature that meet the above criteria however private non-financial interests may also meet the criteria. The fundamental principle to bear in mind is that Community Councillors should not do anything that they cannot justify to the public in terms of this code.

14 RESPECT

- 14.1 Community councillors must respect their fellow Community Councillors and those that they represent, treating them with courtesy, respect and in a non-discriminatory manner at all times.
- 14.2 Community Councils should take proactive steps to engage with all members of the community fairly. All Community Council meetings should be held in accessible venues.

15 RELATIONS WITH SCOTTISH BORDERS COUNCIL COUNCILLORS

- 15.1 Community Councillors should respect the role of Scottish Borders Council Elected Members and treat them in a way that engenders mutual respect at all times.

16 RELATIONS WITH SCOTTISH BORDERS COUNCIL EMPLOYEES

- 16.1 Community Councillors should respect the role of officers of Scottish Borders Council who are directly responsible to Scottish Borders Council and treat them in a way that engenders mutual respect at all times.

17 POLITICAL AFFILIATIONS

- 17.1 Whilst Community Councillors are free to have political affiliations, the Community Council itself is not a political body but exists to represent the interests of the whole community. Therefore, in participating in the business of the Community Council, the concern of Community Councillors must be to represent the interests of their community and not those of a particular political party or group.

18 PERSONAL CONDUCT

- 18.1 Community Councillors' personal conduct should be such as not to bring the Council into disrepute. They should act courteously to fellow Community Councillors, Scottish Borders Council Elected Members and Officers, members of the public and other bodies.

Appendix B

Proposed Tweedsmuir/Upper Tweed Boundary

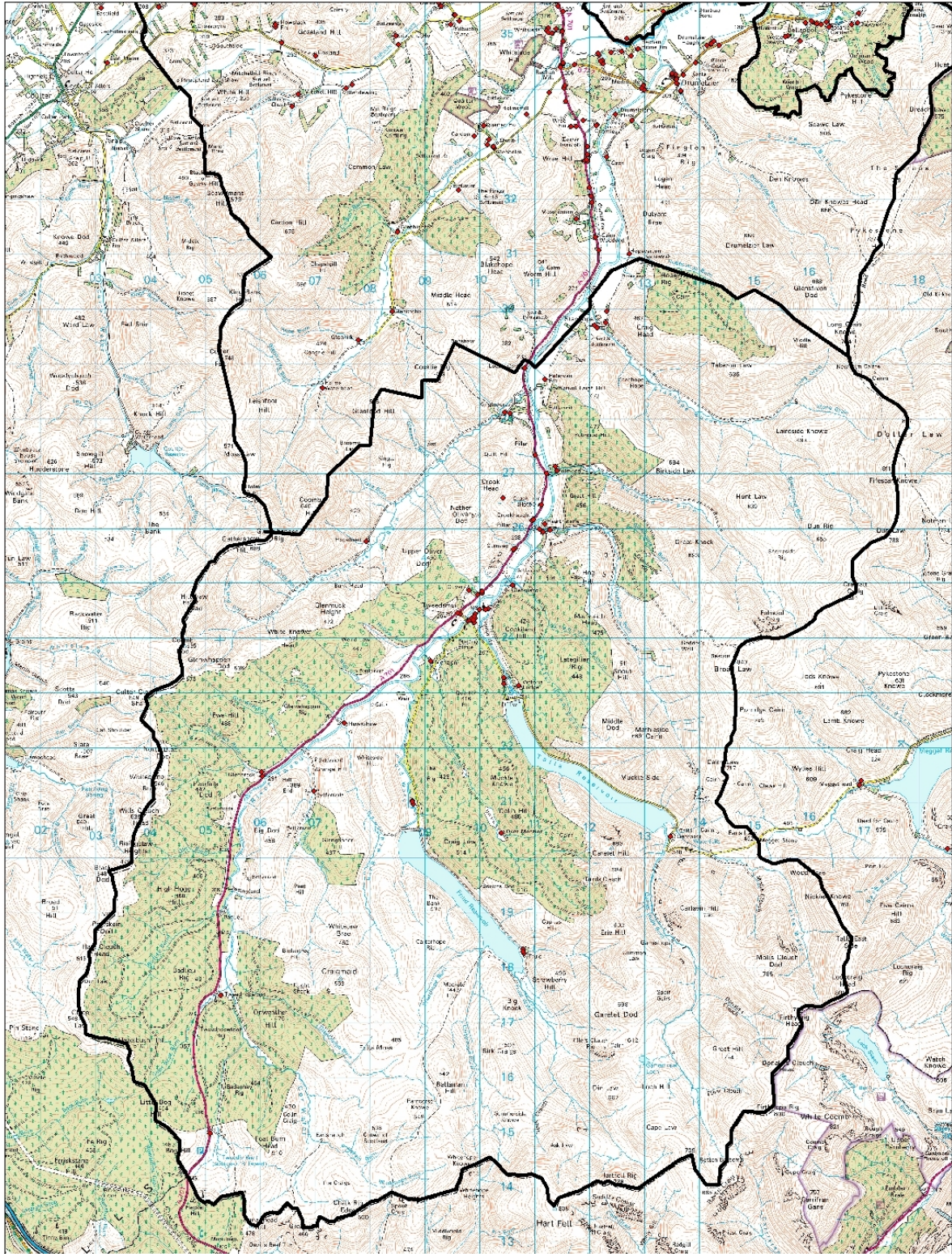


Scale: 1:60,000

This map has been prepared by Chief Executives: Strategic Policy Unit. For further details contact: hgroundsp@scottishborders.gov.uk 01836 824000 x5831

Upper Tweed Community Council area: Focus on proposed "Upper Tweedsmuir" boundary with Address-points (Amended July 2013)

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Appendix C

Consultation Ballot Letter to Householders (Upper Tweed Community Council Area)

**Strategic Policy Unit
Chief Executive's Department**

Please ask for: Clare Malster
01835 826626

Our Ref:

E-Mail: cmalster@scotborders.gov.uk

Your Ref:

Date: 10 July 2013

Dear Householder

RE: CONSULTATION – TWEEDSMUIR COMMUNITY COUNCIL

Scottish Borders Council is currently undertaking a review of its Community Council Scheme. The Scheme is the governing document for community councils operating in the Scottish Borders.

The Review Group taking this piece of work forward consists of Scottish Borders Councillors and community councillors from across the Borders.

As part of this work current community council boundaries are being looked at to make sure that they are still a good fit of the communities they cover e.g. over time new housing estates may have been built outside the community council boundary of the town that they are naturally aligned with so a slight alteration is required.

The Review Group has received a proposal from residents living in the Tweedsmuir area for the existing Upper Tweed Community Council area to be amended to form two community councils (see enclosed map). Before the Review Group makes a recommendation, that will be available for public consultation later in the year, they would like to know whether you support this proposal or not.

You have been sent a voting form for each member of your household who is registered to vote in Local Government Elections. I would be grateful if these could be completed and returned, using the enclosed FREEPOST envelope, by 1 August 2013. All responses are anonymous although the voting forms are colour coded depending on whether you live in the Tweedsmuir or outwith that area; this will enable us to gauge the feeling of not just the whole area but those in living in the proposed new areas. Your vote cannot be traced back to you.

If you have any queries please do not hesitate to contact me.

Yours sincerely

Appendix D

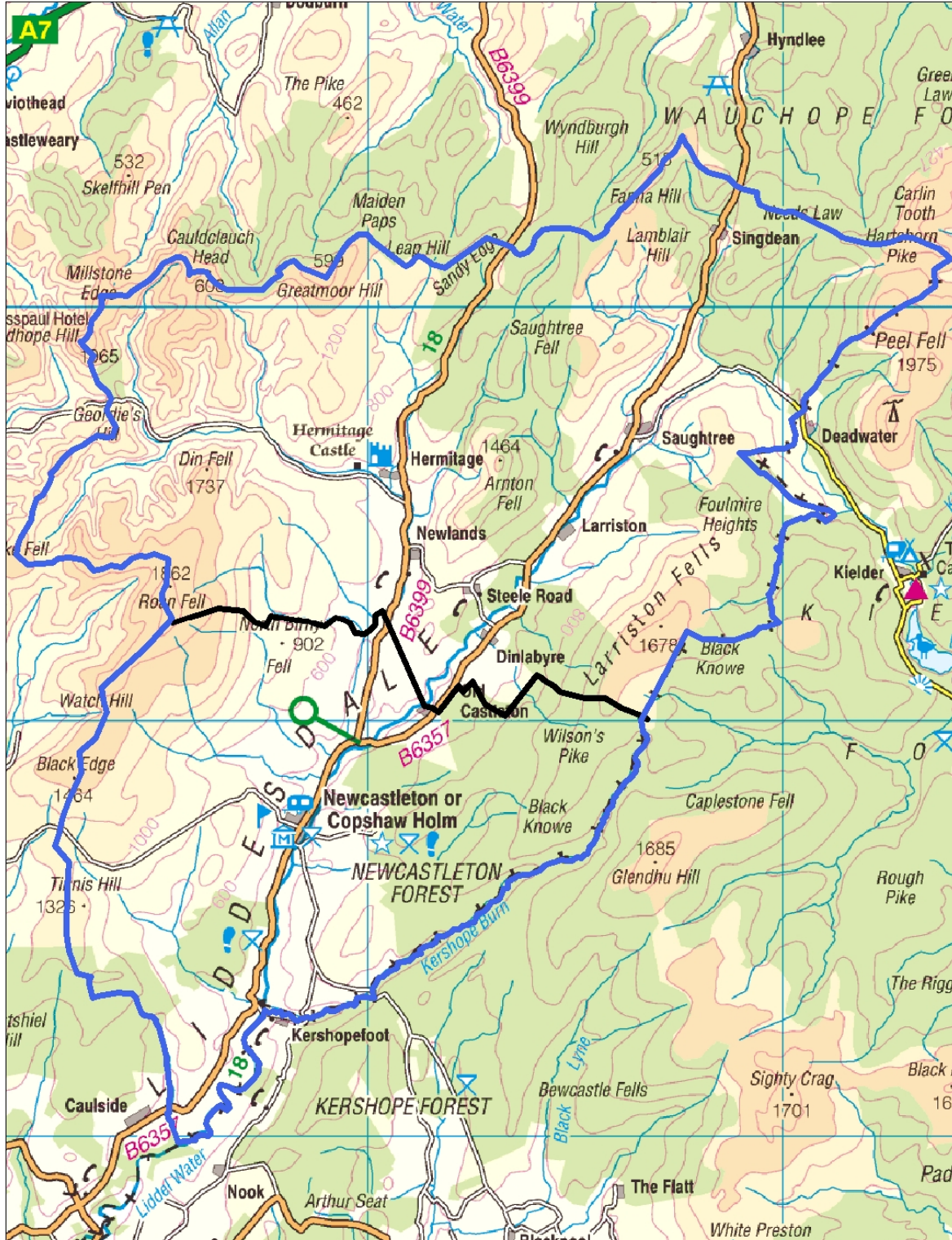
Proposed Upper Liddesdale & Hermitage/Newcastleton & District Boundary



Newcastleton & District Community Council Area, showing the "Hermitage and North Liddesdale" Proposed Boundary, April 2013



Scale: 1:80,000



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This map has been prepared by the Business
 Consultancy Unit. For further details contact:
 bgoodship@scotborders.gov.uk 01835 824000 x5831

Appendix E

Consultation Ballot Letter to Householders (Newcastleton & District Community Council Area)

**Strategic Policy Unit
Chief Executive's Department**

Please ask for: Clare Malster
01835 826626

Our Ref:

E-Mail: cmalster@scotborders.gov.uk

Your Ref:

Date: 23 May 2013

Dear Householder

RE: REFERENDUM - NEWCASTLETON & DISTRICT COMMUNITY COUNCIL

Scottish Borders Council is currently undertaking a review of its Community Council Scheme. The Scheme is the governing document for community councils operating in the Scottish Borders.

The Review Group taking this piece of work forward consists of Scottish Borders Councillors and community councillors from across the Borders.

As part of this work current community council boundaries are being looked at to make sure that they are still a good fit of the communities they cover e.g. new housing estates may be built outside the community council boundary of the town that they are naturally aligned with so a slight alteration is required.

The Review Group has received a proposal from residents living in the Hermitage and Upper Liddesdale area for the existing Newcastleton & District Community Council area to be split (see enclosed map). Meetings have taken place with representatives from Newcastleton & District Community Council and those proposing the creation of the new area. Before the Review Group makes a recommendation, that will be available for public consultation later in the year, they would like to know whether you support this proposal or not.

You have been sent a voting form for each member of your household who is registered to vote in Local Government Elections. I would be grateful if these could be completed and returned, using the enclosed FREEPOST envelope, by 7 June 2013. All responses are anonymous although the voting forms are colour coded depending on whether you live north or south of the proposed new boundary; this will enable us to gauge the feeling of not just the whole area but those in living in the proposed new areas. Your vote cannot be traced back to you.

If you have any queries please do not hesitate to contact me.

Yours sincerely

Appendix F

Consultation on the Scottish Borders Community Council Scheme

Respondent Information Form

Please note, this form must be returned with your response to ensure that we handle your response appropriately

Name/Organisation

Title Mr Ms Mrs Miss Dr

Surname

Forename

Postal Address

Postcode

Phone

Email

Permissions – I am responding as....

An individual

a). Do you agree to your response being made available to the public?

Yes No

b). Where confidentially is not requested, we will make your responses available to the public on the following basis:

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response, but not my name and address available

or

Yes, make my response and name available, but not my address

A Group/Organisation

c). The name and address of your organisation will be made available to the public.

Are you content for your response to be made available?

Please tick as appropriate

Yes No

d). We may share your response internally with other Scottish Borders Council departments who may be addressing the issues you raise. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Borders Council to contact you again in relation to this consultation?

Please tick as appropriate

Yes No

3. Please indicate which category best describes you or your organisation (tick one only). If you are a representative of an umbrella organisation, please tick the category your represent.

Community council	
Other community organisation	
Third sector organisation	
Individual	
Other, please state...	

Please return this form with your response by 30 April 2014

By post:

Community Council Scheme Consultation
FREEPOST RRBU-KBCB-JBJG
Strategic Policy Unit
Scottish Borders Council Headquarters
Newtown St Boswells
MELROSE TD6 0SA

By email:

communitycouncils@scotborders.gov.uk