![Scottish Borders Council logo]

	Please ask for:	*Clare Malster*
Scottish Borders Community Councils' Network	***Our Ref:***	*SBCCN/PR/02*
	Your Ref:	
	E-Mail:	*Tracey.Logan@scotborders.gov.uk*
	Date:	*20th December 2017*

Dear ████████

PARTICIPATION REQUEST UNDER THE COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015
DECISION NOTICE - REFUSED

This Decision Notice relates to the participation request made by Scottish Borders Community Councils' Network on 14th November 2017 in relation to the participation of Scottish Borders Community Councils' Network representatives as voting members on Scottish Borders Council and all its committees, Scottish Borders Council has decided to refuse the request.
The reasons for this decision are as follows:

1. The request does not amount to a request for participation under Section 22 of the Community Empowerment (Scotland) Act 2015 in that it does not specify an outcome which is contributed to by virtue of the provision of a service. In other words, you have not identified any particular service being provided in which you wish to participate in order to improve an outcome. You may find it helpful to refer to paragraphs 3.47 to 3.50 of the Scottish Government's Participation Requests Guidance.
2. In addition, I would advise that a person not elected to be a member of Scottish Borders Council cannot lawfully be appointed to act as a member of full Council. The law is clear, the full Council of Scottish Borders shall be "For every local government area there shall be a council consisting of a convener and councillors." (Section 2(1) of the Local Government etc. (Scotland) Act 1994). There is no vires for adding additional members to that body, in the way that there is a specific statutory provision enabling non-SBC members to be members of Council committees.

If you have any questions about the participation request process please contact the Communities & Partnership Team at communityengagement@scotborders.gov.uk or by telephone on 01835 826626

Yours sincerely

Tracey Logan
Chief Executive

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