

[REDACTED]  
Selkirk Regeneration Company  
[REDACTED]

*Please ask for:*

Clare Malster

*Our Ref:*

JC/CM/AW

*Your Ref:*

*E-Mail:*

Communityengagement@scotborders.gov.uk

*Date:*

1 April 2019

Dear [REDACTED]

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

This Decision Notice relates to the participation request made by Selkirk Regeneration Company which was validated on 21 February 2019 in relation to Selkirk Common Good.

Scottish Borders Council has considered the request in line with Part 3 of the Community Empowerment (Scotland) Act 2015 and has decided to refuse the request.

The reasons for this decision are as follows:

- There is already a system in place for community participation through the Royal Burgh of Selkirk & District Community Council whose representative is a non-voting member of the Selkirk Common Good Fund Sub-Committee and regularly attends meetings.
- By making use of the existing system Selkirk Regeneration Company can pass on the combined local knowledge and experience of its members either through the existing community representative or to any of the three Scottish Borders Councillors. Concerns, comments and queries on any items to be considered by the Selkirk Common Good Fund Sub-Committee can therefore be fed into the Sub-Committee in advance of any meeting through the Selkirk Common Good members.
- Meetings are held in public with the exception of matters that are commercially sensitive or concern individuals.
- The meeting papers are readily available to the public on the Council's website 3 clear working days before a meeting.
- The assets of the Scottish Borders Common Good Funds are owned by the Councillors of The Scottish Borders Council, as trustees. Trustees are subject to legal duties to protect trust assets (in this case the assets of the Common Good) for the beneficiaries (in this case, the people of Selkirk). It is for that reason that the voting members of the Common Good Fund Sub-Committees are Councillors, who as trustees are legally responsible to act in the best interests of those beneficiaries and to account for their decisions. Scottish Borders Council does not consider it appropriate to place voting rights on a third party who is not subject to these duties.

I understand that you already receive the Selkirk Common Good Fund Sub-Committee meeting papers but please do let us know if you would like any other members of Selkirk Regeneration Company to be added to the distribution list.



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

Yours sincerely



**Jenni Craig**  
**Service Director Customer & Communities**