Community Councils

Training Handbook

SCOTTISH BORDERS COUNCIL

COMMUNITY COUNCILS TRAINING HANDBOOK

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Background

The Scottish Borders Community Council training handbook and its appendices aims to provide its Community Councils with useful information and guidance to support Community Councils in their role. The handbook will be reviewed on a regular basis to ensure it remains relevant and useful to Community Councils.

1. Introduction to Community Councils

1.1　This training handbook is aimed to provide guidance, training resources and an overview of Community Councils.

1.2　Community Councils were introduced through the Local Government (Scotland) Act 1973. The Act defined the purpose of a Community Council as:

"to ascertain, co-ordinate and express to the local authorities for its area, and to public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible, and to take such action in the interests of that community as appears to it to be expedient and practicable."

1.2　There are currently approximately 1,200 active Community councils in Scotland, 69 of which are spread across the Scottish Borders, covering small rural communities as well as the larger urban areas.

1.3　Community councils can get involved in a wide variety of issues for example, youth projects, environmental initiatives, upgrading of amenities and community improvements. Community Councils can work on their own, with other community councils or in partnership with other agencies.

1.4　The boundaries of communities are usually defined naturally, hence the name 'Community Council'. The features and rules that describe these boundaries, including the number of Community Council representatives, the populations they represent, and their election procedures are determined by the [Scottish Borders Council Scheme for the Establishment of Community Councils](#) .

1.5　Community Councils can act as a campaigning body in raising awareness of specific local issues. They can be particularly useful in co-ordinating smaller, local organisations to ensure that resources are being used efficiently and effectively. Community Councils also have an important role to play in ensuring that their local authority and other public bodies are as informed as possible about the views, needs and wishes of their communities and in helping to keep the local community informed.

1.6 In order to represent the whole community and encourage the involvement of people regardless of gender, race, age, disability, nationality or sexual orientation, Community Councils should be non-party political. They should seek, and be seen to seek, the views of the local community.

1.7 Scottish Borders Council has a duty to consult Community Councils on how local services are delivered and other issues affecting their neighbourhoods. Community Councils have the right to be consulted on planning applications in their areas and are also kept informed about licensing applications.

1.8 The Community Empowerment (Scotland) Act 2015 also provides new statutory rights for Community Councils along with other community organisations. This includes Part 3 Participation Requests and Part 8 Common Good. The Planning (Scotland) Act 2019 has also strengthened Community Council's engagement with the planning system.

Other Examples of Community Council Activities can include:

- writing letters following a meeting of the Community Council in order to highlight an issue
- attending meetings with public officials
- holding a public meeting either at regular intervals or in response to a specific issue, or to find out what are the areas of concern within the community
- carrying out surveys in the area, typically by using questionnaires
- meeting with other Community Councils or other community groups
- writing in response to a draft policy report or consultation document

- receiving and responding to enquiries and problems raised by members of the public
- sending representatives to attend a meeting of a council area committee, advisory group or regeneration partnership
- producing a newsletter and distributing it to all homes in the area, or electronically via social media or the Community Council's own website
- arranging for public officials or others to attend future meetings of the Community Council
- negotiating codes of practice with local authorities
- arranging community events such as gala days, fetes, Christmas Lights, or clean up days

2.   The Role of a Community Councillor

2.1   The role of a Community Councillor is to represent the views of the community. It is not the role of a Community Councillor to offer personal views and opinions on local issues or take decisions that are based on self-interest (as set out in the Community Councillor Code of Conduct).

2.2   The Community Councillor role involves discussing issues with people in the community to clarify their views and assess the strength of feeling on different topics. Community Councillors should also encourage people to bring issues to them. When representing the community on a particular interest, a Community Councillor must check the facts before taking matters to the Community Council and ensure that both sides of the topic are given equal representation. By doing this, Community Councillors will ensure that the Community Councils are making best use of their meeting, and, in turn, this will be supporting the Community Councils ability to prioritise the right issues and make effective decisions for the Community.

2.3   At some point Community Councillors may find some conflict between their personal views and interests and those of the community they are representing. If such a situation does arise, the views of the community need to take precedence. Experience shows that if the view of individuals on the Community Council are allowed to take priority, then the community will very quickly lose confidence in the Community Council and its work may subsequently be devalued.

2.4   In some instances, it may therefore be necessary and appropriate for a Community Councillor to declare an interest in a matter under discussion and to withdraw from that debate and decision making. Every Community Councillor must comply with the Code of Conduct.

2.5   The task of any Community Council is to identify the needs and aspirations of its community and to take decisions that will lead to appropriate action in that community. At some point this might involve setting priorities on the competing or conflicting needs of different sections of the community. Competition and conflict are normal in any community, so you shouldn't think of them as something that can be altogether avoided. What is important is that you approach competition or conflict in a fair and reasonable

manner. This means taking a balanced view of your community's needs and aspirations and giving a fair hearing to representatives from different interest groups in your community. Community Councillors should not be influenced by prejudice or bias, whether in the sphere of race, religion, gender or any other of the "labels" which get attached to people and to local issues.

2.6   All members of the Community Council are equally responsible for the Community Council's decisions, the office bearers' and other Community Councillors should ensure that they are **aware of the content of any documents they sign, the reason for any money being received or spent, and that authority has been granted by the Community Council.**

3.   The Role of Office Bearers

3.1   Each Community Council must have a **Chairperson, a Treasurer and a Secretary** – the office bearers – and these roles carry the most responsibility. The office bearers, as elected members representing their local communities, are responsible for the efficient and effective operation of the Community Council working within the **local authority's Scheme of Establishment for Community Councils**. In some cases, particularly with smaller Community Councils, a single person may perform one of these roles. However, a single person must only perform a maximum of two roles.

3.2   The Office Bearer roles are described below:

The Chairperson

3.3   The Chair is elected in accordance with the rules set out in the Community Council's own Constitution. The chairperson is responsible for ensuring that discussions are productive whilst adhering to the agenda, that meeting runs to time and that clear action points are set. In regular meetings the role of the Chair is a formal one, all speakers will be expected to address their comments to the Chair. This helps the Chair to keep control of the discussion. In Committee meetings, where proceedings need not be so formal, the Chair may be content simply to steer the general direction of the discussion – this may be described as an enabling role. The extent to which a Chair adopts one or the other of these will be dependent upon the circumstances at a particular time or occasion. Set out in Annex A are some of the characteristics of the two approaches. Perhaps most importantly of all, the Chair is expected to know the rules by which the Community Council functions and ensure that at all stages of its work the Community Council is operating in accordance with any procedures that are set down. In this context the Chair may be called upon to act as an arbiter when there is a disagreement about how the rules should be interpreted. It is important to recognise that the Chair's role extends out with the meeting itself. The Chair may be called upon to act on behalf of the Community Council between meetings, or to represent the Community Council in dealing with outside bodies. This role may also be delegated by the Community Council to other office bearers or members.

The Treasurer

3.4   The Treasurer is responsible for maintaining the Community Council's financial records, making payments on behalf of the Community Council and any charities and/or other funds dispersed by the Council. This includes managing the bank account, ensuring money is only spent in a manner approved by the Community Council members as recorded in the minutes.

3.5   The Treasurer ensures that any financial transactions are signed off by two persons authorised by the Community Council members as recorded in the minutes. It is good practice to have more than two authorised signatories, in the event of someone being unavailable at short notice. The Treasurer must keep proper accounts of all receipts and expenditure and prepare an Annual Statement of Accounts. Community Councils should use an independent, external examiner to approve the accounts. This need not be a professional accountant but should be someone who has some relevant knowledge and experience of finance. Another key role for the Treasurer is reporting and answering any questions raised by members of the Community Council or the public on the Statement, which must be formally approved at the next AGM. When the Statement is certified and approved, it should be sent to the local authority as part of the process of applying for the annual administration grant. The standard form of words for the Treasurer's Certificate is: "I certify that the above accounts have been prepared by me and accurately reflect the financial provisions relating to the period.

The Secretary

3.6   The Secretary ensures the smooth running of the Community Council by organising online or in person meetings, booking venues, setting the agenda and keeping minutes and records. The secretary also ensures effective communication between the Community Council and members of the public, the media and local authority officers.

4. Other Community Council Roles

Community Councillor (Elected)

4.1   A Community Councillor is elected at a full or by-election. A Community Councillor has full voting rights at meetings of the Community Council. The tenure of a Community Councillor is up until the next full election (every 3 to 4 years) and subject to compliance with the Community Councils Code of Conduct and the other key policies and procedures.

The Vice Chair

4.2   Some Community Councils may decide to appoint a Vice Chair to deputise for the Chair or assist in their duties. The Role of the Vice Chair is to stand in for the Chair when unable to attend a meeting and often the Vice Chair is the next "Chair in waiting".

Co-Opted Members - Knowledge and Experience

4.3   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 sixteen 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. For example, the Secretary and Treasurer (but no other office-bearers) may be appointed from out with 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 out with the membership shall be entitled to speak only on matters relating to their function as office-bearers and shall have no voting rights (as set out in the SBC Scheme of Establishment).

Co-opted Members - Casual Vacancy

4.4   Community Councils may co-opt people who would be eligible for election to the Community Council as members in order to make up that numbers (subject to the SBC Community Council Scheme). Members who are co-opted for casual vacancies can 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 (subject to the requirements set out in the SBC Scheme of Establishment).

Ex Officio Membership

4.5   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. (SBC Scheme of Establishment, paragraph 4.1 (b)). Further guidance regarding the roles of Office Bearer Appendix 1

5. Community Council Remit - Consult and Communicate with the Community

5.1   In order to fulfil its remit; to ascertain, co-ordinate and express to the local authorities for its area, and to public authorities, the views of the community which it represents, Community Councils need to make every effort to communicate with all the residents living in the community.

5.2   There are two parts to this duty: firstly, to seek their views; and secondly to keep them informed of the Community Council's work as their elected representatives.

5.3   **A key duty** is to ensure that a notice of each Community Council meeting is communicated to its community at least 7 days before the meeting and provide access to the meeting agenda, minutes and actions.

5.4   Where there is a particularly important or contentious matter to be discussed, the Community Council may wish to consider more extensive publicity for its meetings, perhaps by putting up notices in relevant extra venues or contacting Scottish Borders Council to put a notice on the Council's social media platforms. It is up to each Community Council to find the best means of involving their local community and balance this with good financial management of a limited budget. Here are some further examples of how Community Councils can consult with the Community:

- Include main contact details in all correspondence issued from your Community Council. Always invite contact and encourage feedback.
- Whenever possible, restate the ways constituents can contact you. Make this as easy as possible for them by offering multiple contact routes e.g. email, telephone, social media or a suggestion box in a key community location.
- Create a website or ensure your details are included on the Local Authority website. List contact details and show the date, time and venue of meetings, and the agenda. Include the minutes of all previous meetings.
- Look into using social media channels to publicise the work of the Community Council and to share information about upcoming meetings. You can use the #FollowMe social media

- guide for Community Councils to help you decide which channel is best for you.
- Collate a database of e-mail addresses for constituents. Ask for permission to send them e-mail bulletins seeking their views and reporting your actions.
- Display Community Council contact details in all public buildings. Include information on what you do, when your meetings are and how you can help.
- Secure space in any local newsletters, including local authority publications. You might want to do this collectively among all the Community Councils in your area. Invite and encourage the local press to attend meetings.
- Issue press releases on matters of local interest and communicate with the local media through your social media

channels. Consider appointing an individual to handle social media channels and media relations.

- Whenever you have a change of office bearers, let the local press know and contact any local organisations you have worked with. This communication should indicate the new bearers and reinforce the status, work and approachability of your Community Council. Do the same after every Community Council election.

- Hold surgeries for the community in public venues. For example, these could be community premises, local supermarkets or libraries. Advertise these in the local press and online well in advance and again closer to the time. Experiment with times, days and venues, and with the format of the surgery. Always have at least two community councillors present.

- Create and issue surveys at least once per year. Ask questions about the community's perceptions of you, of their community and their quality of life. Ask what you can do to improve the community. Find out what their priorities are. Be sure to include questions on the issues that will be important to your constituents in the future even if the details are not fully known.

- These surveys can be issued via email, social media and your website, as well as via printed papers in libraries or community centres in your area. Consider shorter, faster surveys on individual issues of significant local importance as they arise. The responses will be very important in helping you demonstrate how you speak for the community.

- Hold public meetings (**in the true sense – all meetings of Community Councils are by law open to the public**) whenever there is an issue of sufficient local importance. Monitor the attendance in terms of whether it representatively

reflects the community – age, sex, area of residence, overall numbers and so on.

- Place suggestion boxes in prominent, busy local venues, as well as inviting online suggestions via email, social media and the website. Always respond to comments left when the person gives contact details. Regularly report comments at full Community Council meetings.

- If possible, deliver flyers or leaflets door to door. This is also an excellent way for community councillors to get to know their constituents, and vice versa. If there is a local community radio station, consider using it to promote the work of the Community Council.

- Word of mouth and informal personal contact is a common practice and has its place. However, it is the least objective method of discovering the community's views and should not be relied upon wholly when the Community Council make important decisions.
- Use Plain English and explain any professional terminology or "jargon" used in all Community Council publications and correspondence to ensure that information is easy to understand.
- Ensure your local authority is giving you the support you need to fulfil your duty through regular engagement with your Community Council Liaison Officer (CCLO)

5.6   The Scottish Community Development Centre (SCDC) has developed a number of resources to help with community engagement, including the National Standards for Community Good Practice Guidance which outline good-practice principles designed to improve and guide the process of community engagement.

Remember:

- Widely publicise when meetings are taking place.
- Make meeting agendas and minutes accessible.
- Always make it easy for the public to contact you
- Always seek comments and opinions from the community
- Evaluate your effectiveness regularly
- Never let the personal opinions of individual community councillors replace the views of your community
- Always adhere to the principles of the Community Councillors

6. Community Council Remit – Consultation and Campaigning on issues

Consultation

6.1 Community Councils will be sent a number of consultations from different sources, requesting a response. The types of consultations include planning applications, Local Development Plans, place planning, NHS Borders health plans, police plans, and where there is a geographic link to a physical or policy development likely to impact on people who live in the Community Council area.

6.2 The Community Council written response to consultations should reflect the balance of community interest and that the views expressed. Community Councils should participate in and respond to relevant consultations to ensure their community is represented in matters of interest.

6.3 In cases where the Community Council has been asked to respond to a consultation on a particularly contentious issue, it lends credibility and authority to the Community Council's submission if it can be demonstrated that an effort has been made to consult the local community. This might entail questionnaires targeted at relevant sectors of the community and/or canvassing the views of local households. At the meeting, the Chair may also call for an informal show of hands from the members of the public present, although care needs to be taken that people are not intimidated if they are in the minority view. For issues covering more than one Community Council area, consideration might be given to working in partnership or collaborating with a neighbouring Community Council to pool expertise and resources in terms of consulting with the affected communities.

6.4 Community Councils have a formal, statutory role in the planning system and must be consulted on a variety of issues. Advice on Community Councils and Planning is given in PAN 47 ([COMMUNITY COUNCILS AND PLANNING REVIEW OF THE TOWN AND COUNTRY PLANNING SYSTEM IN SCOTLAND Planning Advice Note 47 - Planning Advice Note 47: community councils and planning: planning system review - gov.scot (www.gov.scot)](#)). A separate briefing note from Scottish Borders Council on planning guidance for Community Councils is also available. Each Community Council is given a point of contact within the Planning and Regulatory Services Division. This point of contact will be a Planning Officer with responsibilities in the Community Council area who will be able to give advice on the planning process to Community Councillors.

6.5 It is the statutory duty of a Community Council to find out what people in the community feel about planning applications and other planning matters and to express these feelings to Scottish Borders Council. Any individual or organisation has the right to submit comments on a planning application (known as representations). Many Community Councils submit comments in

support of or objection to an application after viewing the application details. The representation method is generally used when the Community Council has a clear understanding of local opinion on the proposal, or where the proposal is relatively minor but nevertheless raises a wider local issue. Representations are accepted on the understanding that the views contained therein are the views of the Community Council.   Appendix 11 provides further guidance on Community Councils and the Planning System.

Campaigning on Issues

How does a Community Council decide which issues it will consider and how to pursue them?

6.6   You will be presented with a large variety of issues and problems. Some will affect a single member of the community, others the entire community and beyond. Your Community Council must try its best to make a balanced decision on what issues it will tackle and how. Start by applying the "community benefit" test. Your actions should be directed towards securing the most positive results for the greatest number of local people, so long as the minority is not adversely affected When faced with a number of issues, give first and most attention to those that affect the most people and on which you can realistically have a positive effect.

- Begin by gathering information. Decisions made without information, by prejudging the issue or by making assumptions, are bad for your community and your reputation. Find out the key points and then find out what local people feel about it.
- Base your Community Council's position on the views of or benefit to the majority of citizens. The Community Council can play a role in making sure local people have access to balanced information and discussions to inform their views
- Be honest and realistic about whether you can do something about the issue. What influence can you have on the issue and those involved and what action can you take to bring about change? Can you secure professional advice on technical aspects that would help you make your case? Research the person/ organisation you want to influence – how can you engage with them to reach the desired outcome for the community?
- Decide what results you want. Be specific. Know why you want each of these results and exactly how they will meet the conditions above about benefit to the community.

- Figure out how to reach these objectives and monitor your activity. Assess how you can tell when you have achieved your objectives.
- An issue does not need to have only two opposing sides. Could your Community Council be an independent mediator bringing opposing factions together?
- Avoid allowing the Community Council to become the vehicle for any campaign that is not the evident will of the majority of community. When and if that is established, maintain that position and do not let your Community Council become the venue for constant debate about the issue's merits. Nor should any single issue overwhelm your meetings.
- When you have determined the official position of your Community Council on an issue, you should not alter it unless there is a material change in evidence or circumstances.
- A community councillor who becomes publicly associated with a particular position in a way that may be seen to prejudice the Community Council on an issue must declare their interest to the Community Council and not take part in any activity associated with it.

- You may choose to appoint a special committee to co-ordinate your action on a particular issue with appropriate delegated authority. Make sure the committee has a clear remit and set clear instructions on what it may do or not do without the prior approval of the whole Community Council

6.7 Consultation and campaigning require significant effort and commitment from Community Councillors. However, the rewards, in terms of raising the profile of the Community Council and lending credibility and authority to the views it expresses, are also considerable.

Remember:

- Widely publicise when meetings are taking place.
- Make meeting agendas and minutes accessible.
- Always make it easy for the public to contact you
- Always seek comments and opinions from the community
- Evaluate your effectiveness regularly
- Never let the personal opinions of individual community councillors replace the views of your community
- Always adhere to the principles of the Community Councillors

7. Community Council Elections

7.1 The elections to the Community Council falls into two categories:

(a) Full elections

These must be held every 3 or 4 years and they end any existing Community Council memberships, and Community Councillors who wish to continue in that role are required to seek re-election and submit nomination papers along with any other member of the local community who wishes to become involved.

(b)   By-elections
A by-election is held when vacancies occur in the Community Council or the number of members of the Community Council falls below the minimum required. In the latter case, if it is less than 6 months before the next full election is due, it is recommended that a full election rather than a by-election is held. While the by-election will not bring to an end the membership of any elected members of the Community Council, it will bring to an end any co-opted memberships.

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

Appendix 2, the Community Council Election Handbook provides the election regulations and procedures in detail.

8. The Constitution and Standing Orders

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

The Constitution

8.2   The Constitution is the governing document of a Community Council and must be formally agreed and retained by the Community Council, with a copy sent on to Scottish Borders Council for their records. It gives details of the membership, term of office, election, etc. for the Community Council and is based on the information contained in the Scottish Borders Community Council Scheme. Appendix 3 of this handbook provides a Community Council Constitution template.

Standing Orders

8.3   The Standing Orders are the rules and meeting protocol a Community Council agrees will apply to the conduct of its meetings is based on information contained in the Scottish Borders Community Council Scheme. A copy of Standing Orders should be sent to Scottish Borders Council for their records. Appendix 4 of this handbook provides a Community Council Standing Orders template.

8.4   Both these documents (appendix 3 and appendix 4) can be changed to suit the requirements of a particular Community Council but these must conform to the Scottish Borders Community Council Scheme. If the Community Council wishes to discuss such changes, they must first provide notice at one of their meetings that such as discussion is to take place at the following meeting. This provides notice to both the members of the Community Council, and to the community, that such as change is to be considered. Any changes approved by the Community Council at that subsequent meeting will also need to be approved by Scottish Borders Council before they come into effect.

9. Meetings of the Community Council

9.1   Community Councils hold 3 different types of meetings – ordinary meetings, special meetings, and the Annual General Meeting (AGM). Meetings are where the decisions of the Community Council are made, and where the community gets to witness the decision-making process in action.

9.2   The Secretary must provide notice of meetings, including the date, time and venue, to all members of the Community Council (including *Ex-officio* members) at least 7 days prior to the date fixed for the meeting. The agenda should be available to the public online and on any public notice board in the area of the Community Council. If it is impractical to place every agenda onto notice boards then at the very least a list of dates for Community Council meetings and a contact Telephone Number and Email address should be placed there so members of the public know who to contact to get further details including the papers for the meeting.

9.3   Generally, all meetings of a Community Council are open to members of the public to attend. When choosing a venue for such meetings, the Community Council should ensure there is sufficient space to accommodate members of the public. Members of the public can be invited to speak at meetings at the invitation of the Chair. A Community Council can consider an item of business in private where it considers it appropriate to do so, but the basis by which the Community Council considers it appropriate must be made clear to the public. Private items (and the reasons for these being held in private) must be on the agenda for a meeting. Dealing with items of business or meetings in private should be seen very much as the exception and not the rule. Where too many matters are treated as private, the transparency and accountability of the Community Council is undermined, which may result in a loss of confidence by the community in the work of the Community Council.

9.4   Following an election forming a Community Council, an ordinary meeting will be called by the Returning Officer and that will take place within 21 days on the date of the election or as soon as practicable thereafter. The frequency and timing of ordinary meetings will be determined by the Community Council, subject to a minimum of three ordinary meetings and one AGM being held each year. The majority of the business of the Community Council will be dealt with at such ordinary meetings.

9.5   Special meetings of the Community Council may be called at any time on the instructions of the Chair of the Community Council or as agreed at a Community Council meeting. These special meetings may be considered appropriate either where a particular matter requires urgent consideration out-with the cycle of ordinary meetings, or where the importance or complexity of an issue is such that it merits devoting the full attentions of the Community Council and attending public for a whole meeting. Although not a requirement, special meetings may also be considered appropriate if there is to be a guest speaker or presentation.

9.6   Community Councils are required to hold an Annual General Meeting (AGM) each year and should allow sufficient time for the completion and verification of the annual accounts. One of the purposes of the AGM is to update the members of the Community Council and members of the public of the work of the Community Council in the preceding year. It would also be

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

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

(i)   A report on the Community Council's activities for the previous year;

(ii)   The scrutinised/approved Annual Statement of Accounts

(iii)   Proposals for the amendment of that Community Council's Constitution, where appropriate

(iv)   Chair's Annual Report

(v)   Secretary's Annual Report

(vi)   A timetable of ordinary meetings

(vii)   All Community Councillors to agree to abide by the Code of Conduct

(viii)   Appointment of new Office Bearers

10. Agendas

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

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

- Open Forum – this allows members of the public to raise matters of local interest or concern

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

11. Decisions and Voting at Community Council Meetings

11.1 Most decisions at Community Council meetings are reached by consensus. It should be noted that *ex officio* members can take part in the discussion and debate but not any decision or vote. However, where it is clear that more than one view persists, the Chair will call for a formal motion to be put before the meeting. Any Community Councillor may put forward a motion, which needs to be seconded by another Community Councillor. Amendments to this motion need to be proposed by a different Community Councillor and seconded by a different Community Councillor. Any motion or amendment which fails to be seconded automatically falls. A member of the public or an *ex* officio member present at the meeting are not entitled to propose or second either a motion or any amendment.

11.2 Decisions of the Community Council shall be by majority vote of the Community Councillors present, eligible to vote and voting. When voting on decisions, the Chair shall have a casting as well as a deliberative vote. Voting on decisions shall be by show of hands, with the exception of the election of office bearers which may be by secret ballot. The Chair shall ensure that decisions are reached in a democratic manner.

11.4 Beyond this, it is very much up to the individual Community Council and the Chair how they wish to conduct voting at their meetings, as long as it is conducted in a democratic manner, and is fair and transparent.

12. Minutes of Meetings

12.1 It is the responsibility of the Community Council to retain Minutes of all meetings for future reference and passed on to each new Secretary for safe keeping, so a full record of the work of the Community Council is kept. These Minutes should also be available to members of the community who wish to view them. Community Councils with websites or social media pages may wish to make them available online.

12.2 Minutes must be taken of all meetings, be they ordinary, special or Annual General meetings. These Minutes should be in a consistent format and record:

- The date of the meeting
- Time and location of the meeting
- Those present
- Apologies received
- Who was in the Chair
- All decisions including any votes and also who is responsible for actioning the decisions
- Any agreed expenditure
- Details of all the items discussed.

12.3 It is not necessary to take a verbatim minute where every word is recorded, except for any motion or amendment where there is a vote, but a summary of the discussion and the decisions/actions taken. Good minute taking is a skill, so that neither too little nor too much detail is included. Minutes of meetings should be an accurate record of the whole proceedings and business should not be deliberately omitted, so that there is a clear and proper record of the entire proceedings and decisions. A summary of the discussion, highlighting the main points may be included, but the minute is a record of the <u>decisions</u> of the Community Council. If a liability is to be taken on, then the amount of money involved, and the purpose should be clearly minuted. Important decisions cannot and should not be taken at informal meetings or by email correspondence or in unrecorded meetings amongst only some of the Community Councillors. If some authority is to be given to one or more Community Councillors to do something on behalf of the whole Community Council, then that authority should be given at a formal Community Council meeting, and it should be clearly recorded exactly what they are being authorised to do. Any action taken under that sort of authority should be reported back to a Community Council meeting and minuted.

12.4 Someone reading the minute who was not at the meeting should be able to follow what happened. As a permanent record of the Community Council's business, Minutes are a very important document with both historical and legal implications. Responsibility for Minutes lies with the Secretary, although a separate Minute Secretary can be appointed if that is more convenient. The format of Minutes closely follows that of the agenda with each item separately numbered. Draft Minutes of any meetings should be available at a reasonable time after the meeting and sent out to all Community Councillors, on the understanding that these will be considered for approval as a correct record at the next meeting of the Community Council. A Minute can only be altered if it is factually inaccurate and not to reflect subsequent actions which happened after the meeting. Such alterations need to be

approved at the next meeting by a majority of members of the Community Council who were in attendance at that original meeting. Appendix 9, the retention schedule that sets out retention timescales for Community Council meeting papers.

13. Meetings Protocol

13.1   It is the role of the Chair to run the meeting of the Community Council in accordance with the Community Council Standing Orders (as set out in paragraph 6.3). Any change to the order of business on the agenda should be notified at the beginning of the meeting and then each item shall be taken in order. The Chair should ensure each Community Councillor has sufficient time to participate and put forward their views at each item, without there being repetition or interruption. Care needs to be taken that no one person dominates proceedings, and it is usual that someone would speak only once during a debate unless asking for clarification or to answer a particular point. It may be helpful to have an item on the agenda "Any Other Business" to raise any matters not on the agenda but care needs to be taken that a major issue for the community is not raised here and a conclusion reached within the one meeting unless there is a timing issue or the matter requires an urgent decision.

13.2   While members of the public are entitled to attend meetings of the Community Council to listen to the proceedings, it is at the discretion of the Chair as to how much they are included in any of the discussions. However, it is considered good practice that, where appropriate, once the Community Councillors have spoken that the Chair asks whether any members of the public present wish to ask a question or raise a point. It is helpful if the Chair explains this at the beginning of the meeting.

13.3   Members of the public who wish to speak on a specific item must notify the Chairman in advance of the meeting and will be given the opportunity to speak after all Community Council members have spoken on the matter.

13.4   It may also be prudent to include an "Open Forum" or "Open Questions" item on the agenda for members of the public to ask about specific issues affecting the community. It may not be possible to answer these at the meeting so responses should be issued or included at the next meeting of the Community Council.

13.5   In the event that any Community Councillor or member of the public is disregarding the authority of the Chair or any other person present at the meeting, or conducts themselves in a disruptive, obstructive or offensive manner, a suitable warning about their behaviour should be issued by the Chair. If that has no effect then a motion may be moved and seconded to remove the individual(s) from the meeting. If that motion is supported by the majority of the Community Councillors present and voting, then the motion will be declared carried and the individual(s) will be required to leave the meeting immediately.

13.6   It is hoped that decisions of the Community Council will be reached by consensus, but if not, then a vote will be required. A motion needs to be proposed and seconded, and any amendments similarly proposed and seconded. A Community Councillor may propose or second only one Motion or Amendment per item. The Chair then takes the vote via a show of hands and that vote is recorded in the minute. Should there be more than one amendment then, depending on the nature of the amendments, they can either be taken against each other and the winning amendment taken against the motion, or they can be taken one after the other against the motion.

13.7   The Chair decides all questions of order, relevancy and competency arising at meetings of the Community Council and their ruling shall be final and shall not be open to discussion. In deciding these areas, the Chair shall have particular regard to the relevance of the issue to the community and ensure that the discussion and proceedings are conducted in such a manner that decisions are reached in a democratic manner.   Appendix 4 provides a Community Council Standing Orders template.

14. Membership of the Community Council

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

Membership levels

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

Eligibility criteria for voting members and disqualification

14.6 The Scottish Borders Community Council Scheme sets out the eligibility criteria that voting members (elected or co-opted) must meet, which are:

- They must reside in and be named on the electoral register for that Community Council area;
- They must be a least sixteen years of age; and
- They must not be elected to serve on Scottish Borders Council, the Scottish Parliament or the UK Parliament.

14.7 Voting members must meet these criteria to qualify for election or co-option. They must also continue to meet these criteria throughout their membership. Should the circumstances of a member change during the term of their membership so they no longer meet the above criteria, then they will be disqualified and their membership automatically ceases.

14.8 Where a voting member of a Community Council fails to attend any of the meetings of that Community Council for a period of 6 months or more, then the Community Council has powers within the Scheme to remove that member. This is an option for the Community Council and not a requirement; it is open to the Community Council not to remove such a member if it is felt that there are facts and circumstances which reasonably justify such an absence.

Record of Membership

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

15. Community Council Finances

15.1 Scottish Borders Council provides each Community Council with an administrative grant to assist with their operating costs. The level of this grant is set by Scottish Borders Council and, at the moment, is based on population in the Community Council area. The purpose of the grant is to cover the running costs of the Community Council, such as:

- Insurance
- Independent Examiner/Inspector fees
- Production and circulation of agendas, reports and minutes
- Maintenance of a website
- Stationery
- Photocopying
- Postage
- Travel costs
- Telephone costs
- Venue costs for meetings
- Honoraria Fees

15.2 Community Councils may generate further income from other sources such as SBC's neighbourhood fund, wind farm benefits, other external grant funds, etc. The accounts of the Community Council should still disclose all income, from whatever source it is obtained, and all expenditure. A Treasurer seeking additional funding on behalf of the Community Council should seek formal, Minuted approval of the Community Council before making any application.

15.3 Each Community Council should have a cash book and all income and expenditure should be recorded in it. The date, description, amount and receipt number should also be recorded. The Community Council should nominate three unrelated office bearers to act as authorised signatories to

the Community Council bank account with the requirement of two signatories per cheque disbursed. Any changes to the authorised signatories should be approved by the Community Council.

15.4   The level of cash held by the Community Council should not be excessive and should be in proportion to the monthly expenditure. The best practice is that all income received should be banked and should not be used to meet expenditure. If funds are required for incurred expenditure, they should either be paid by cheque or bank transfer so that the bank statement will more accurately reflect specific items of income or expenditure.

15.5   All expenditure must be authorised in advance by the Community Council. All expenditure must be accompanied by proof of purchase i.e. receipt and such receipts should be given a sequential number and filed accordingly. Details of the expenditure should be recorded in the cash book as soon as the expenditure has incurred. Where a receipt is not available then the person making the purchase should give full details of what was purchased, when and where, and for what reason. The Treasurer should carry out a bank reconciliation once each bank statement becomes available to ensure that the bank balance agrees with the balance recorded in the cash book.

15.6   A Community Council should also retain an inventory detailing any assets it holds and this should be updated on an ongoing basis for additions and deletions, with an annual check as a minimum. Appendix 10 of this handbook provides further Financial Management Best Practice Guidance.

16. Insurance

16.1   Scottish Borders Council arranges and meets the cost of insurance covering a number of risks for all Community Councils in the region; these risks being public liability, money cover, employers' liability and personal accident (standard & employees). It is the responsibility of the Community Council to ensure that the cover provided is adequate for their purposes and they could carefully check the terms of the policy. This check should be carried out each year to ensure that there has been no change to the risks covered, limits of cover or terms of the policy. Any specific questions on the policy should be addressed to the Community and Partnerships team at Scottish Borders Council.

16.2   Community Councils should also ensure that the standard cover is adequate for any activity/activities they undertake. In particular, while the policy will ordinarily cover the normal business activities of a Community Council, such as their regular meetings open to the public, it may not cover special events either organised by the Community Council or in which the Community Council participates. Advice can be sought from the Community and Partnerships team. If it is determined that an

activity is not covered by the policy, it may be possible to arrange additional cover, there is likely to be an additional cost for this. A Community Council may also make its own arrangements for such additional cover.

17. Data Protection

17.1   Community Councils act in a variety of roles and will handle personal information in terms of the Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR) while doing so. Examples include maintaining contact lists, minuting proceedings, and publishing correspondence, agendas, minutes, etc. They may also retain details of members of their community who have written to them or have spoken at meetings on a matter, or in connection with matters which they are taking up on behalf of a member(s) of the community.

17.2   Personal information means data which relates to a living individual who can be identified:
- From that data; or
- From data and other information, which is in the possession of, or is likely to come into the possession of, the data controller.

Personal information also includes any expression of opinion about the individual.
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17.3   When processing personal information as Community Council must comply with the provisions of the DPA and the GDPR. A Briefing Note on those principles has been prepared and appears as an Appendix to this Handbook

17.4   Community Councils must register with the Information Commissioner as "data controllers". Scottish Borders Council undertakes this task and pays the renewal fee on behalf of each Community Council.

Further detail is provided in appendix 8 Data Protection Briefing Document for Community Councils and appendix 9 provides a Privacy Statement Template that can be used by Community Council.

18. Equality, Discrimination and Unconscious Bias

18.1   It is important that Community Councils ensure that they comply with Equalities legislation. They must promote equal opportunities for participation and do all they can to prevent unlawful and unfair discrimination, harassment or victimisation on the grounds of age, race, sex, disability, sexual orientation, religion or belief, gender reassignment/ trans/ transgender identity, marriage or civil partnership, or pregnancy or maternity.

18.2   In doing so, Community Council members should be aware of unconscious bias. When we meet or are told about people, we often judge them based on what we see or hear, like their age, weight and attractiveness. But we may also judge them on their accent, the colour of their skin, where they studied or their socio-economic status. Rapid processing occurs when our brains make quick judgements of people and situations around us, often without realising it. This can sometimes lead to unconscious bias. Our biases are likely influenced by our own background, culture and personal experiences. However, these biases can also lead to some people or groups being treated less favourably and discriminated against. Unintended bias is more likely to happen when we make fast decisions or off the cuff remarks on the spur of the moment, so we need to take a step back and think. We need to deal with bias and admit when we have made a mistake and apologise, but it is better not to have made the mistake in the first place.

18.3   Equality means protecting everyone and anyone from discrimination or unfair judgement. It is preventing people being treated differently or unfairly by others on any basis such as gender, race, age or beliefs. Diversity means that all differences are respected. Individual rights and self-identification is to be encouraged. Discrimination is when someone is treated differently either negatively or positively because of factors like social class, gender, sexual orientation, or age. For the target of the discrimination, the impact of being subjected to unfavourable treatment, just because of who they are, can be degrading, hurtful and devastating.

18.4   If discrimination is not dealt with, the knock on effect can lead to a loss of trust and confidence in the Community Council. Any allegations or complaints about discrimination must be treated seriously. As a Community Councillor, you must keep an open mind at all times. It is extremely important that all Community Councillors, and indeed any members of the public attending Community Council meetings, are very aware of the language they use and treat all members of the community equally. In particular, be very careful of making any throw away or off the cuff remarks or asides in meetings. You may think these are harmless but for others than may not be the case, therefore this is unacceptable. It is not what you say, but how it is received by others that matters.

18.5 Where to take care –
- Gender assumptions – never assume a person's gender identify based on their name or their appearance or dress; instead use gender inclusive language such as "they, them, theirs".
- Don't use labels – lassie, laddie, menopausal, dear, honey, fat, tubby, crinklies, etc.
- The "just banter" defence – does not work and is no defence against harassment or discrimination!
- Do not be patronising so avoid condescending language e.g. someone is confined to a wheelchair
- Be very aware of ethnicity, cultural and religious diversity – we live in a multi-cultural society with a rich variety of traditions, cultures and values. Unintentional racism is when the views, values and attitudes of the dominant group (in the UK, white) are exclusively presented.
- Avoid stereotyping – this is the attribution of particular characteristics (appearance, temperament, potential, etc.) to all members of an assumed group or 'race'. Race is a social and political construct rather than a biological one.
- Terminology – avoid irrelevant modifiers e.g. male nurse. Some words may have different connotations when used of women and men e.g. 'ambitious' could mean approval of a man, but is often disparaging when said of a women. Men "talk" but women "gossip", is another example.

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

Appendix 6 provides a Community Council Equalities Statement that can be adopted by each Community Council and signed by the Chair.

19. Contacts in Scottish Borders Council

19.1 For all enquiries regarding elections or governance, please contact the Council's Democratic Services team – communitycouncils@scotborders.gov.uk

19.2 For all enquiries regarding insurance, data protection and grant funding, please contact the Council's Community & Partnerships team – communitygrants@scotborders.gov.uk

20   Training Resources

20.1   In addition to this handbook and its appendices further training and resources can be found via the following links:

- The Community Councils website provides a variety of resources and information
  https://www.communitycouncils.scot/help-and-support/skills-and-learning
- The Open Learn skills provides modules on relevant topics such as cyber security and finance
  https://www.open.edu/openlearn/skills-supportOU-CC
- The ICO has created some helpful modules that provide further information and support in regard to GDPR
  https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/training-videos/