

Biggar Community Council
Minutes of the meeting held at 7pm on 15/11/21 via Zoom

Present: BCC Community Councillors Lesley Craise (Chair), Janet Moxley (Secretary), Bobby Colquhoun, Jerry Sumpster, Laura Shirley, Jimmy Ritchie, Roger Curtis, Peter Rae, Gillian Gardner.

BCC Associate members: Neil Ingram

Ex Officio Cllrs Ian McAllan and Alex Allison – South Lanarkshire Council (SLC).

4 members of the public

Apologies: Al Stewart, Anne Lindsay, Ben Waine, Mairi McAllan MSP

1) Minutes of the Previous Meeting (21 Oct 2021)

Proposed: Caz. Seconded: Laura

2) Matters Arising from the Previous Minutes

i) Electric Vehicle (EV) charging. The location originally intended for more EV charging points outside the Coffee Spot does not have a good enough power supply. SLC are therefore intending to install two further fast-charge points outside the Municipal Hall. While these were welcome, it was suggested that it would be good to have a spread of charging locations. The Primary School car park, the car park by Story Homes in North Back Rd and the car park behind the Coop were suggested. It was also pointed out that if additional charging points are provided at the Municipal these must not result in the loss of disabled parking spaces. Cllr Allison will take these comments back to SLC.

Cllr Allison clarified that S Lan by-laws allow EVs to park at charging points, even if they are not charging. This needs to be updated to prevent charging points being blocked by EVs which are not actually charging but could only be enforced if there were traffic wardens in the area.

Cllr Allison stated that SLC were considering introducing charging (£) for charging (kWh). It was suggested that this might deter people from leaving vehicles at charging points after charging is complete. However, once a vehicle is fully charged it will no longer be drawing power, so would incur no further monetary charge if still connected to the charging system. Some other councils already charge for charging. Falkirk charge for the electricity used rather than time spent at the charging point.

ii) High St Pavement Flooding No progress has been made, and recent flooding has caused further damage to affected properties. Work has been delayed due to difficulties obtaining materials.

Janet asked whether SLC would be paying compensation for damage incurred while waiting for the repair to be done (similar to compensation paid for damage to vehicles after a pothole has been reported), as they had originally promised to rectify the issue by the end of October.

Action: Cllr McAllan to chase SLC for an update on timescales for work and find out whether compensation might be payable.

iii) Newsletter Agreed to send out the newsletter drafted by Lesley. This will be paid for from the Admin grant in the Business account.

Action: Lesley to liaise with Gil Dunn to organise newsletter printing.

iv) Blended format meetings Janet, Peter and Gareth Kirk have checked that Peter's microphones can connect to Zoom. A trial blended format meeting had to be postponed. A new date for this will be arranged shortly. Lesley, Janet, Peter and Gareth will be present in person, and about three people will be needed to attend virtually.

The Gillespie Centre has a sound desk which could be used for this. Although the café has quite a strong echo, it was felt that this would be a better location for the physical part of a blended meeting than the computer room which was felt to be too small. Peter was confident that his microphones would be able to deal with the echo.

Action: Janet to arrange trial blended format meeting using the Gillespie café for the face to face aspect.

v) Bonfire SLC's insurers have declined to insure the Bonfire. The Bonfire Sub-committee are in contact with the company which insures Up Helly Aa and are hoping to obtain a quote from them this week.

The Bonfire Sub-committee have also sent a strong letter to the Licencing Committee on behalf of BCC which has provoked a positive political response. The content of this letter was circulated to BCC members and agreed by them.

Cllr McAllan felt that as the Bonfire this year is being organised by BCC rather than by the Cornets it should automatically be covered by BCC's insurance. Some of SLC's correspondence seems to indicate that they think it is still being organised by the Cornets, who cannot be covered by the SLC's insurance. He has sought to clarify the current situation with appropriate Council officers in the hope that understanding that the Bonfire is being organised by BCC this year will make it insurable via BCC's Public Liability Insurance,

Cllr Allison stated that David Mundell MP had been in touch with Scottish Gas Networks who have confirmed that they will not sanction a bonfire at the current location. He has asked what they would consider to be the minimum safe distance between the Bonfire and the gas main and is awaiting a reply.

Cllr Allison highlighted that it is essential that insurance is in place before the Licencing Committee can consider an application for an Events Licence. The next Licencing Committee meeting is on 7th Dec. For a licence application to be considered at this meeting, insurance would need to be in place by 19th Nov so that the application can be checked and added to the committee agenda which is circulated to the committee members in advance. The last Licencing Committee meeting of the year is on 16th Dec, which would need the insurance to be arranged by 28th Nov. If there is no insurance in place by 28th Nov, SLC will not be able to even consider granting an Events Licence. It is possible that the stand-off distances specified between the Bonfire and buildings/crowds may not leave sufficient space for a large fire.

Both Councillors strongly emphasised that time is running out, and it would be prudent to have fall-back plans in place for some alternative form of Hogmanay celebration. These should be taken forward asap in parallel with continuing attempts to get permission for a

traditional Bonfire as any alternative would also need insurance and an Events Licence. The timescales for obtaining these would be as stated above.

It is unclear whether or not it would be possible to hold a bonfire at an alternative venue e.g the Showground. Any other attractions such as beer tents or music would also need to be arranged and appropriately licenced.

Action: Lesley to contact the Farmer's Club regarding possible use of the Showground.

An alternative suggestion was a smaller fire in the traditional location. However, it seems unlikely that Scottish Gas would accept any kind of fire over the gas main. A light show at the traditional location with no flames might be an acceptable alternative.

3) Matters raised by members of the public

i) Biggar Burn Bob Brownlie felt that support for renaturalising the burn had been overstated when this was discussed at the September meeting, and that many people were unhappy about vegetation in and around the burn. He acknowledged that the perceived issue of large amounts litter in the burn had not been borne out by a litter pick carried out by SLC who only collected half a bag of litter between the town and the golf course.

Bob stated that SEPA will allow dredging where there is a good reason for it and reported that SLC are in discussions with SEPA about ways of relieving flooding on the 9th fairway and near the caravan park, although he accepted that there would always be some flooding after exceptionally heavy rain such as occurred on 28 October.

Bob suggested that Anna Griffin from SEPA should be invited to BCC's January meeting to give an introduction to the Tweed Forum's plans. This was agreed.

Action: Lesley to invite Anna Griffin to give a presentation at the January BCC meeting.

Bob felt that BCC should carry out a survey of public opinion on vegetation in the burn ahead of the public consultation which will be carried out by Tweed Reform in relation to the Biggar Burn Restoration Project. Lesley proposed that BCC should run a consultation about the burn as suggested by Bob. Janet said that SEPA had informed her that their concept designs for their Biggar Burn proposals would be available very shortly, and that they would then be working with the Tweed Forum to inform the public about them and gauge views during December and January. She felt that BCC running a separate consultation at the same time would be unnecessary duplication. Bob thought SEPA would not have their proposals ready before March and felt that a BCC consultation could focus on vegetation management specifically rather than including wider issues such as realignment of the burn. A majority of BCC members supported the idea of BCC running a survey about the burn in parallel with the one to be carried out by SEPA and the Tweed Forum

ii) Safety at the ford in the Burnbraes A member of the public felt that in the light of the recent issue with a car being washed away at the splash better lighting and a depth gauge would be helpful.

Action: Cllr McAllan to ask SLC how road safety can be improved at this location.

iii) Disabled parking at the Municipal Hall Since the parking areas by the Municipal Hall have been re-tarred the space nearest the hall has not been marked out as being for disabled people. Disabled parking spaces in the main car park are narrow, which make

them awkward for people with mobility issues and these are further from the hall. It is important that disabled parking spaces are not lost if more EV charging points are installed.

Action: Cllr Allison to contact Leisure Services.

iv) Parking behind the Coop There were some concerns that plans for a new refrigeration unit and cold store at the Coop would reduce parking at the back of their building.

Action: Janet to check planning portal to find out where these items would be located and the effect on parking

v) Health centre waiting Patients are still having to wait outside. This is not a problem to those with a car, but is difficult for those without, especially in winter. Lesley contacted the Medical Practice in August and was told that arrangements were being reviewed. She has contacted them again more recently to press for some shelter to be provided and is awaiting a reply.

vi) Lanark Bus service There have been issues with the punctuality of the 91/191 service, but this seems to have been improved since a fault with the timings of the traffic lights at Hyndford Bridge was corrected. Quothquan and Thankerton CC held a meeting with Bus Users UK about issues with this service, but no-one from BCC was able to attend. Issues with bus punctuality should be logged with the Traffic Commissioner for Scotland.

vii) Lighting on the High St Several lights are not working. SLC and BEAR are both saying that this is not their responsibility. Most lights on the High Street are not on the SLC fault reporting system, which suggests that they might be BEAR's responsibility. Jimmy has given BEAR the column numbers of faulty lights. SLC have told him that they are responsible for the lower level lights which illuminate the service road, but not the higher ones which face the A702.

Action: Jimmy to give Bob Brownlie details of his contact at SLC and chase SLC for action.

viii) Lighting at Millstone Park This was out of action, but was reported by Roger and has now been fixed. Lesley emphasised the need to report lighting faults to SLC. There is information about how to do this in the forthcoming BCC newsletter and on the website.

4) Police report

None available as officers have been working in Glasgow during the COP talks.

5) SLC Councillors' Reports

Councillors have been focussing on constituent's individual issues.

Cllrs McAllan and Allison attended the Remembrance Day ceremony at the War Memorial which was slimmed down due to COVID, but was well organised by Alan Michie.

6) Treasurer's report

Account balances

1. Business Account Final balance £435.43. £30 paid to amend name on bonfire licence application.
2. Clyde Windfarm Account Final balance £3301.32. Payment of £500 microgrant to Gillespie Centre and partial refund (£280) of microgrant to Alex Saunders.
3. Incentive Account. Final balance £3743.83. There are four active funds within this account
 - i. Glenkerie Windfarm Microgrant Fund. Final balance £985.85. Payment of microgrants to Gillespie Centre (£500) and Biggar Area Climate Care (£249.67).

- ii. BCC Incentive Fund. Final balance £544.52. No transactions since last meeting.
- iii. Clyde Extension COVID fund. Final balance £1670.27 No transactions since last meeting.
- iv. Community Action Plan fund. Final balance £543.19. £500 paid in from Clyde Extension fund grant.

Treasurer hand-over The hand-over of Treasurer duties from Jerry to Bobby is now complete. RBS are processing the change of signatories request.

7) Microgrants

i) Microgrant Awards A £300 Clyde Windfarm microgrant has been awarded to Biggar Community Action Group for Christmas meals for the old and vulnerable.

A £480 Clyde windfarm microgrant has been awarded to Braw Clan, a new Scots language theatre group to cover the cost of legal advice about setting up an appropriate legal entity.

A further two microgrant applications are in the pipeline.

ii) Clyde Extension COVID fund There have been no applications to this fund for over a year. It was suggested that it should be used for other purposes. It was agreed that if this should be used for expenses related to the Bonfire if SSE are agreeable.

Action: Lesley to contact Gareth Shields at SSE to ask whether the Clyde Extension COVID fund could be used for other purposes e.g Bonfire insurance or otherwise general purpose microgrants.

iii) Main Clyde Extension fund. Noted that this fund has not received many applications. This is a separate fund from the old Clyde Windfarm Fund with a simpler application process administered by SSE rather than SLC. The awarding panel meets quarterly, but there can be a faster turn-around for applications for under £5k.

Action: Janet to publicise the Clyde Extension fund via BCC social media.

8) Planning Matters

Arcus, the agents for the Grayside Windfarm proposal, have not yet confirmed a date for an online public meeting to update BCC on their plans.

Action: Janet to chase Arcus for a date for this meeting.

9) Proposed Change to the Constitution

Lesley proposed an amendment to the BCC Constitution as follows:

Add a clause to be numbered 17 and renumber existing clause 17 Dissolution to 18

Proposed Clause 17:

Members can be removed from the community council if

1. *They have failed to attend meetings for six consecutive months, unless there are exceptional circumstances which two thirds of the Community Council agree are acceptable*
2. *If they have been convicted in the United Kingdom, the Channel Islands, the Isle of Man or the Irish Republic of any offence and has passed on them a custodial sentence for a period of twelve months or more*
3. *Relocation which renders invalidates the residence qualification for membership*
4. *If a member of the community council is elected as a councillor in the local authority, or as an MP or MSP, they will become an ex officio member with no voting rights*
5. *If it is deemed by a two thirds majority of members present and voting at a public meeting has breached the code of conduct*

Janet pointed out that while sub-clauses 1 - 4 were included in the model constitutions for CCs in many local authority areas, sub-clause 5 of the amendment appeared to go beyond what was permitted by South Lanarkshire's Scheme of Establishment for Community Councils and also beyond the provisions of the Scottish Government's model Scheme of Establishment for Community Councils. She had contacted Elizabeth Harrison at SLC to ask whether the proposed amendment would be acceptable to SLC and was awaiting a reply. She suggested that it would be better to wait until a reply was received than to vote on an amendment which SLC might not be able to approve.

Janet had examined the model constitutions for Community Councils for a number of local authorities, and none allowed CCs to vote to remove members. Most local authorities had a Complaints Procedure for Community Councils, and these generally stated that serious complaints against CC members should be examined by an independent panel rather than be dealt with within a CC. In some areas the panel was made up of members of other CCs, in others it was made up of council officers, and in yet others it was a mix of members of other CCs and council officers. She felt that pressing SLC to adopt a similar Complaints Procedure to other local authorities would be a good way forward. Lesley stated that her discussions with SLC suggested that they would be unlikely to make any changes to Community Council governance before May at the earliest.

A member of the public noted that Community Councillors were elected by their community and if they were to be removed this should be a community decision and not one made by other Community Councillors.

Jerry proposed that the provision to remove CCs members by a 2/3 majority vote be amended to a provision to suspend members for up to six months, as was allowed in some other local authority areas. He also felt that a procedure should be set out of dealing with such a vote including ensuring that the member accused of breaching the Code of Conduct had a right to reply and that there was a procedure of appealing against such a vote.

Roger suggested that any vote for sanctions should require a 75% majority.

Lesley clarified that there would be no right of appeal to an external body if either of these motions was passed as no suitable body existed to hear the appeal. She then moved a vote on the two proposals. Approval by 2/3 of all voting members of BCC (whether present in the meeting or not) is needed to approve changes to the constitution. As BCC has 10 voting members, this means approval by 6.6 members. It is unclear whether this figure should be rounded up to 7 or down to 6.

To allow BCC to suspend a member for up to 6 months for breaching the code of conduct if this was agreed by a 2/3 majority.

In favour - 4

Votes against and abstentions not counted,
1 member had left the meeting.

The proposal did not achieve the 2/3 majority required for a change to the constitution and therefore fell.

To allow BCC to expel a member for breaching the code of conduct if this was agreed by a 2/3 majority.

In favour - 6

Votes against - 0

Abstentions - 3

1 member had left the meeting.

It is unclear whether this meets the threshold for 2/3 of voting members (6.6 people) to approve a change to the constitution, so it is uncertain whether or not this proposal was passed.

Action: Lesley to notify SLC of these results.

A member of the public noted that proposals to change the BCC constitution must be notified to the public ten days in advance, and this had not been done in this case. Lesley agreed, but stated that she would talk to SLC as a first step. The member of the public also asked whether changes needed to be made at an AGM/EGM.

Neil clarified that the vote which had been taken could only be indicative, and a further vote would have to be taken if SLC agreed that the proposed amendment to the constitution was acceptable within the statutory framework for Community Councils. Lesley agreed that a further vote would be taken, with appropriate notice, if SLC agreed to the proposed change.

10) Social Media Policy

Janet asked why the draft Social Media Policy said that messages from the public to BCC via social media would not be considered as official communications and did not have to be replied to.

Lesley explained that this came from another CC's social media policy. It was agreed that messages received via social media would be treated in the same way as emails to BCC.

When posting or commenting on topics of community interest, it was agreed that BCC members would state when they were interacting in a personal capacity.

Action: Lesley to amend the draft Social Media Policy to reflect these points.