

## **SCOTTISH BORDERS COUNCIL**

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST. BOSWELLS on 20 November 2014 at 10.00 a.m.

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Present:- Councillors G. Garvie (Convener), S. Aitchison, W. Archibald (from para.5), M. Ballantyne, S. Bell, C. Bhatia, J. Brown, J. Campbell, K. Cockburn, M. Cook, G. Edgar, V. Davidson (from para.5), J. Fullarton, J. Greenwell, B. Herd, G. Logan, W. McAteer, S. Marshall, J. Mitchell, D. Moffat, S. Mountford, A. Nicol, D. Parker, D. Paterson, F. Renton, S. Scott, R. Smith, R. Stewart, J. Torrance, G. Turnbull, T. Weatherston, B. White.

Apologies:- Councillor I. Gillespie.

Absent:- Councillor A. Cranston.

In Attendance:- Chief Executive, Depute Chief Executive (Place), Corporate Transformation and Services Director, Director of Public Health, Chief Financial Officer, Service Director Regulatory Services, Chief Social Work Officer, Clerk to the Council.

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### **CONVENERS REMARKS**

1. The Convener welcomed Councillor Nicol to the meeting, following his recent period of ill health.

### **DECISION NOTED.**

### **MINUTE**

2. The Minute of the Meeting held on 30 October 2014 was considered.

### **DECISION**

**AGREED that the Minute be approved and signed by the Convener.**

### **COMMITTEE MINUTES**

3. The Minutes of the following Committees had been circulated:-

Berwickshire Area Forum	4 September 2014
Health & Social Care Shadow Board	15 September 2014
Local Review Body	20 October 2014
Executive	21 October 2014
Teviot & Liddesdale Area Forum	21 October 2014
Petitions	23 October 2014
Environment & Infrastructure	23 October 2014
Selkirk Common Good Fund	29 October 2014
Planning & Building Standards	3 November 2014
Social Work & Housing	4 November 2014

### **DECISION**

**APPROVED the Minutes listed above, subject to paragraphs 4 and 12 below.**

### **BERWICKSHIRE AREA FORUM**

4. With reference to paragraph 12 of the Berwickshire Area Forum Minute of 4 September 2014, recommending that the Polling Stations at Abbey St Bathans and Cranshaws should not be closed, it was noted that this would be included in the consideration of the item 'Review of Polling Places' later in the meeting.

### **OPEN QUESTIONS**

5. The questions submitted by Councillors Mountford, Logan, Cockburn, Scott and Nicol were answered.

### **DECISION**

**NOTED the replies as detailed in Appendix I to this Minute.**

### **MEMBERS**

Councillors Archibald and Davidson joined the meeting during Open Questions.

### **TREASURY MANAGEMENT MID-YEAR REPORT**

6. With reference to paragraph 5 of the Minute of 6 February 2014, there had been circulated copies of a report by the Chief Financial Officer presenting the mid-year report of treasury management activities for 2014/15, in line with the requirements of the CIPFA Code of Practice, including Prudential and Treasury Management Indicators. The report provided a mid-year report on the Council's treasury activity during the six month period to 30 September 2014 and demonstrated that Treasury activity in the first six months of 2014/15 has been undertaken in full compliance with the approved Treasury Strategy and Policy for the year. The appendix to the report contained an analysis of the performance against targets set in relation to Prudential and Treasury Management Indicators, and proposed revised estimates of these indicators in light of the 2013/14 outturn and experience in 2014/15 to date for Council approval. The report referred to the intention to use the Swedish bank Svenska Handelsbanken for short term deposits. This institution met the Creditworthiness Policy set out in the 2014/15 Treasury Management Strategy in full and was currently graded for investing up to 1 year with a similar long term credit rating as HSBC Bank plc. In addition Sweden still had a AAA sovereign debt rating from all three rating agencies which was higher than the UK. The proposal was to open a call account with Svenska Handelsbanken which meant that the Council would have instant access to the money deposited. No changes were required to the Treasury policy or strategy documents as a result of using Svenska Handelsbanken. Members discussed the report and commended officers in the Treasury Management Team for their work.

### **DECISION**

- (a) **NOTED that treasury management activity in the six months to 30 September 2014 was carried out in compliance with the approved Treasury Management Strategy and Policy; and.**
- (b) **APPROVED the Treasury Management Mid-Year Report 2014/15 as contained in Appendix 1 to the report, including the revised indicators.**

### **CLIENT CONTRIBUTION AND CHARGING POLICY FOR SOCIAL WORK SERVICES 2015/16**

7. There had been circulated copies of a report by the Depute Chief Executive People seeking approval for an updated Scottish Borders Council Contribution Policy following the Comprehensive Review of Charging for Social Work Services Project. The report explained that the current Social Work Policy on Fees and Charges was last reviewed in 2010. The resulting Schedule of Fees and Charges had been updated annually in respect of inflation and COSLA guidance. However a full review was

required due to a number of significant changes in legislation, guidance and changes in service provision, including the introduction of Self Directed Support (SDS). The updated charging review set out amendments to specific charges for Social Work Services following a process of: stakeholder engagement; impact analysis; comparisons with other local authorities; and consideration of national guidance and legislation. The report detailed the consultation process and findings of the review. Following this a revised Charging/Contribution Policy had been produced which was attached as Appendix A to the report. The policy detailed the range of Social Work services that were provided by the People Department and set out those that would be free at the point of delivery; and those that would require a contribution from those people using the service. In respect of the Council's Charging Policy, Members recognised the importance of sustainability and affordability whilst maintaining equity, transparency and consistency in delivery and application.

#### **DECISION**

#### **AGREED:-**

- (a) **the universal application of the principles on which the Charging Policy was based, including fairness, equity, transparency and consistency; and**
- (b) **the adoption of a revised Social Work Contribution and Charging Policy, as detailed in the Appendix to the report, to be implemented with effect from 1 April 2015.**

#### **BORDERS ALCOHOL AND DRUG PARTNERSHIP ANNUAL REPORT 2013-14**

8. There had been circulated copies of a joint report by the Director of Public Health and Chief Social Work Officer alerting Members to the Borders Alcohol and Drug Partnership (ADP) Annual Report 2013-14. The report explained that Borders ADP was a partnership of agencies and services involved with drugs and alcohol. It provided strategic direction to reduce the impact of problematic alcohol and drug use. The ADP was required to produce an Annual report on its 2013-15 Delivery Plan, and this had been prepared according to Scottish Government Guidance. The Annual Report was attached as an Appendix to the report and provided information relating to: a self-assessment of ADP Processes and Structures, and resulting actions for the ADP; Core Outcomes, Core Indicators and Local Indicators; and an update on work to progress Ministerial Priorities for 2013-14 and address priorities for 2014 -15. Ms Fiona Doig, from the Borders ADP, highlighted the main sections of the report, giving further details about the self-assessment process carried out which related to themes of analysis. On application of a RAG (red, amber, green,) status to each of 16 elements there were no red elements. Benchmarking data and information on progress towards targets was included in the report. Borders ADP compared favourably against the majority of national indicators and was not significantly different from the list of 7 other areas in a benchmarking 'family'. However several national indicators had not been updated since the Annual Report 2012-13. The paper presented outcomes from all five ADP services in the Borders. Members discussed various aspects of the report, commenting on the positive progress being made and the proactive and significant inter-agency work being carried out in the Borders. With reference to the complexity and volume of information provided in the Annual Report, Ms Doig advised that an easy-read one-sided sheet of report highlights had been printed and that she would circulate this to Members.

#### **DECISION**

**NOTED the Borders Alcohol and Drug Partnership Annual Report.**

#### **DECLARATION OF INTEREST**

Councillor Edgar declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

#### **ANNUAL REPORT OF THE CHIEF SOCIAL WORK OFFICER**

9. There had been circulated copies of a report by the Chief Social Work Officer which would be the seventh annual report on the work undertaken on behalf of the Council in the statutory role of Chief Social Work Officer. Members were informed that in previous years the format of the report was a matter for individual local authorities. However for 2014, the Scottish Government had published a template and guidance to enable Chief Social Work Officers across Scotland to develop a more consistent approach to the production of their reports and allow summary comparison of the delivery and performance of Social Work across different areas. The Annual Report, attached as Appendix A to the report, provided the Council with an account of decisions taken by the Chief Social Work Officer in the statutory areas of Fostering and Adoption, Child Protection, Secure Orders, Adult Protection, Adults with Incapacity, Mental Health and Criminal Justice. It also gave an overview of regulation and inspection, workforce issues and social policy themes over the year April 2013 to March 2014, and highlighted some of the key challenges for Social Work for the coming year. There had been a number of achievements during the period, such as the implementation of Getting It Right For Every Child which was well under way and the processes for Self Directed Support which were in place to provide service users and carers greater say in choice and the management of their care arrangements. Members recognised the complexity and challenges of the work carried out as reflected in the Annual Report. In response to a concern raised relating to the recruitment, and retention of skilled staff, particularly for the provision of Home Care, the Chief Social Work Officer agreed to bring back a report on this issue to a future meeting.

## **DECISION**

### **(a) AGREED**

- (i) to approve the Annual Report of the Chief Social Work Officer attached as Appendix A to the report; and**
- (ii) to consider at a future meeting, a report by the Chief Social Work Officer on the recruitment and career prospects for staff involved in Home Care.**

### **(b) NOTED the elements highlighted, in the Overview and Evaluation, of the work carried out and the challenges faced by Social Work.**

## **MODERNISING OUR REWARDS STRATEGY**

10. There had been circulated copies of a report by the Chief Executive seeking approval to implement a range of benefits for employees and Elected Members including retail, supermarket and holiday operator discounts, health care cash plans, car lease salary sacrifice scheme and technology and software salary sacrifice scheme. The report proposed that the range of benefits would be made available to all Council employees, subject to duration of contract of employment for certain benefits, and Elected Members. With a pay freeze followed by minimal pay awards and the Council's negotiated pay containment measures, the Council recognised that employee finances had been constrained. Traditional monetary incentives as a means of encouraging productivity would continue to be limited in the current financial environment. The report reviewed the current employee benefits package and proposed building on this to introduce a comprehensive, tailored benefits package that was both varied and cost effective in order to assist with the recruitment, retention and motivation of the Council's workforce. The report went on to detail existing benefits for employees and the benefits included in the package proposed. It was pointed out that in some situations a salary sacrifice scheme could impact on the value of pensionable salary and that this information would be made clear to employees when considering taking advantage of the scheme. The estimated cost for introducing the shopping discount scheme for three years would be £3.50 per employee whilst there would be significant savings for the Council associated with the salary sacrifice schemes, the extent of which would be dependent on uptake. Members welcomed the proposed package which they believed would build on existing benefits and assist in the recruitment, retention and morale of staff.

They recognised the contribution of staff to the Council in accepting the recent pay freeze and the continuing pay containment measures. In speaking in support of the proposals the Executive Member for HR and Corporate Improvement referred to the staff as the Council's greatest asset. However with regard to the shopping discount card he moved that the option to purchase the card should be available to Elected Members rather than the cost being covered by the Council. The management of the cost of the discount card for staff was discussed at length but in conclusion the recommendations of the report and the motion were both supported.

## **DECISION**

### **AGREED:-**

- (a) **to APPROVE the development and implementation of an Employee Rewards Programme to include:**
- **a shopping discount scheme**
  - **a Healthcare Cash Plan**
  - **a car lease Salary Sacrifice Scheme**
  - **a Technology Purchase Salary Sacrifice Scheme**
- (b) **that the option to purchase a shopping discount card be available to Elected Members.**

### **REVIEW OF COUNCIL'S DECISION MAKING STRUCTURE - IMPLEMENTATION**

11. With reference to paragraph 11 of the Minute of 30 October 2014, there had been circulated copies of a report by the Chief Executive seeking approval for a new Scheme of Administration to be introduced from 1 January 2015, a deputations procedure and a revised Calendar of meetings. The report referred to Members' approval in principle, on 30 October 2014, of a new committee structure, removing the service committees and bringing in a Scrutiny Committee to complement the Executive Committee and reviving the call-in procedure. A new Scheme of Administration, attached as Appendix A to the report, had been drafted, for implementation from 1 January 2015. The new Scheme of Administration had been divided into different sections: the main committees; consultative groups; ad-hoc committees; and community and partnership bodies. No changes were proposed to the current political party split on membership of committees; nor any changes to existing committee appointments, unless Members chose to do so. It was proposed that the call-in procedure be re-introduced, which would allow for a decision of the Executive to be called-in for review by the Scrutiny Committee. While the Executive would consider regularly Council performance, it was anticipated that Scrutiny would also independently monitor the performance of the Authority towards achieving its policy objectives and priorities, and review the effectiveness of the Council's work against agreed standards, targets and budgets. A separate review of licensing was being undertaken to consider the appropriate number of members on both the Civic Government Licensing Committee and the Licensing Board. This review would look at practice elsewhere in Scotland and also take soundings from members of both the Committee and Board, before reporting back to Council in early 2015. A deputations procedure was attached as Appendix B to the report. Deputations should raise issues which relate to matters within the responsibility of Scottish Borders Council or the general well-being of the residents of the Scottish Borders. As individuals had the opportunity to present a petition, it was considered that deputations could be made on behalf of a recognised community organisation or group. It was proposed that the deputations procedure operated in the same way as the petitions procedure to ensure equity between individuals and groups. Appendix C to the report contained an amended Calendar of meetings which showed a reduction in planned committee meetings from 111 in the current structure to 99 in the new structure over the same period. Members thanked the Clerk for the work carried out and in general expressed their support for the new Scheme. However the proposal not to change the current political party split in terms of the membership of the Executive Committee was debated at length.

### **VOTE**

*Councillor Parker, seconded by Councillor Bhatia, moved that the report's recommendations be approved subject to the amendments below:-*

- (a) *In relation to recommendation (a), that the Scheme of Administration attached as Appendix A to the report be approved with the following amendments:-*
  - (i) *page 12, Item 15 – add to end of penultimate sentence after the word “agenda,” – “in consultation with the Convener or Chair of the relevant committee”;*
  - (ii) *page 20 – the addition to the quorum of a new sentence: “Should the number of vacancies on the Committee reach 3, then the quorum shall reduce to 6, until the vacancies have been duly filled.”*
  - (ii) *page 33 – “the Convener” be removed from the list of Members of the Pension Fund committee;*
  - (iii) *page 41 – the Petitions and Deputations committee be a permanent standing committee, to meet quarterly, rather than an Ad Hoc committee;*
- (b) *that the appointment of members of Scrutiny Committee and any other changes to existing committee appointments, if required, be deferred to the Council meeting of 18 December 2014.*

*Councillor Weatherston, seconded by Councillor Logan, moved as an amendment that in view of the move to an Executive/Scrutiny structure, the three places for members of the Opposition be removed from the membership of the Executive Committee*

*On a show of hands Members voted as follows:-*

*Motion – 22 votes  
Amendment – 9 votes*

*The motion was accordingly carried.*

**DECISION  
DECIDED:-**

- (a) to approve the Scheme of Administration, attached as Appendix A to the report, subject to the amendments in the motion agreed above;**
- (b) that the appointment of members of Scrutiny Committee, and any other changes to existing committee appointments, be made at the Council meeting of 18 December 2014;**
- (c) to approve the draft Deputations procedure, attached as Appendix B to the report, with the finer details of the procedure being considered by the Petitions Committee before final approval being agreed by Council;**
- (d) to approve the Calendar of Meetings for January to July 2015, attached as Appendix C to the report, subject to the addition of meetings of the Petitions and Deputations Committee of Tuesday 3 March 2015 and Tuesday 2 June 2015; and**
- (e) to consider a further report on the membership of both the Licensing Board and the Civic Government Licensing Committee early in 2015.**

## **MEMBER**

Councillor Stewart left the meeting.

## **REVIEW OF POLLING PLACES**

12. With reference to paragraph 14 of the Minute of 27 March, 2014, there had been circulated copies of a report by the Chief Executive detailing the outcome of the consultation with Community Councils regarding the proposal to close polling places with an electorate of less than 100 voters. The report also gave an update on the possibility of using the new games hall at Peebles High School in place of Priorsford Primary School as the polling place for Polling District 2A of the Tweeddale East Ward. The Council had considered the outcome of the required review of polling districts, polling places and polling stations and agreed to consult with local Community Councils, on behalf of their local electorate, on the proposal to permanently close the polling places currently located in Tweedsmuir, Manor, Cappercleuch, Abbey St. Bathans, Cranshaws, Makerstoun, Hownam, Crailing, Edgerston and Hermitage to take effect from the publication of the Register of Electors on 27 February 2015. The report explained that Manor and Abbey St Bathans had been removed from the review as their electorate has now increased to above the 100 voters criteria. The responses received to the consultation, from Community Councils and other interested parties, were appended in full to the report. With the exception of Crailing, all were strongly against the closure of their polling places. Members accepted the need for the review that was carried out and thanked officers for the work involved. However they agreed that, in view of the consultation responses and in support of rural communities, no further action be taken in respect of the proposal to close any of the polling places referred to in the report. With regard to the use of Peebles High School games hall as a polling place for Tweeddale East Polling District 2A, it was agreed to delegate powers to the Chief Executive in consultation with local Members, to determine this, following a meeting with the headteacher to assess suitability of the hall.

## **DECISION**

### **AGREED:-**

- (a) **not to proceed with the permanent closure of any of the polling places currently located in Tweedsmuir, Cappercleuch, Cranshaws, Makerstoun, Hownam, Crailing, Edgerston and Hermitage; and**
- (b) **to delegate powers to the Chief Executive, in consultation with local Members, to determine if the polling place for Tweeddale East Polling District 2A should be moved from Priorsford Primary School to the games hall at Peebles High School, following a meeting with the Headteacher to assess suitability; and that this decision be made in time to enable the confirmed location to be used at the Westminster Election on 7 May 2015.**

## **MEMBER**

Councillor Bhatia left the meeting.

## **PRIVATE BUSINESS**

13. **DECISION**

**AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in Appendix II to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1, 6, 8 and 9 of Part I of Schedule 7A to the Act.**

## **SUMMARY OF PRIVATE BUSINESS**

### **Minute**

1. The private section of the Council Minute of 30 October 2014 was approved.

**Committee Minutes**

2. The private sections of the Committee Minutes as detailed in paragraph 3 of this Minute were approved.

**Culture Trust**

3. Members noted a report on a Culture Trust and approved the recommendations.

*The meeting concluded at 12.50 p.m.*



**SCOTTISH BORDERS COUNCIL**  
**20 NOVEMBER 2014**  
**APPENDIX I**

**Question from Councillor Mountford**

To the Leader

The contract between SBC and the consortium of Citizens Advice Bureaux is due to finish in March 2015. Given that this contract provides a valuable service to Borderers, can you confirm that it will be renewed and, if so, for how long?

Reply from Councillor Parker

The contract was initially agreed in 2012 between the Council and the consortium of CABs across the Scottish Borders. It was due to run for three years with an option to increase this to five years depending upon the performance against the contract during that time.

I am delighted to say that the new contract, which has given the CAB consortium certainty of funding for the last three years, is working very well and has led to significant improvements for customers using the service.

As a result of that I can confirm that the contract is being extended until March 2017.

**Questions from Councillor Logan**

1. To the Executive Member for Social Work

Do you agree that the Scottish Borders Council should promote the prepaid debit card scheme offered by the Capital Credit Union to help people in the Borders to manage their finances?

Reply from Councillor Renton

Members may wish to be aware of the prepaid debit scheme offered by Capital Credit Union.

The scheme called 'Credecardplus' is a reloadable prepaid card that works in a similar way to a high street debit card.

The Council supports initiatives that are designed to help people to manage their finances in a sustainable way.

However, it would not be appropriate for the Council to promote a service offered by any single company

2. To the Depute Leader (Finance)

Is the Scottish Borders Council going to make any provision in next year's budget for the proposal to include overtime in our employee's holiday pay entitlement?

Reply from Councillor Mitchell

The Council, in Consultation with COSLA and our legal advisors, is still taking advice with respect to the implications of re Holiday pay entitlement for overtime arising from Lock v British Gas Trading Limited judgment.

No specific provision has been made in next year's budget as the Council Management team are actively working to reduce the overall level of overtime costs in order to offset any additional costs arising from a requirement to fund holiday pay from the overall staffing staff budget.

### **Question from Councillor Cockburn**

To the Executive Member for Roads and Infrastructure

Please could you tell me if there are any plans to install a traffic management system at Neidpath Corner, on the A72, West of Peebles?

Reply from Councillor Edgar

Yes, there is a scheme in the current Capital Financial Plan with spend over the financial years 2015/16 and 2016/17 of £200,000 to address the shortcomings at this pinch point on the network.

### **Question from Councillor Scott**

To the Executive Member for Education

Given there has been a vacancy for a PE Teacher at Howdenburn Primary, Jedburgh since the beginning of term, could I ask when this position will be filled? Could I also ask how many other schools in the Scottish Borders are in a similar position i.e. vacancy for PE teacher waiting to be filled?

Reply from Councillor Aitchison

The situation at Howdenburn Primary School occurred when the PE teacher left to study for a Masters in Education and the expected replacement was unable to take up the post due to life changes. Therefore this post has been vacant since June 2014.

Since that time, the job has been advertised twice with no applicants. The most recent attempt closes on 24<sup>th</sup> November 2014. The post is for a teacher on 0.2.

In the meanwhile the PE requirement of 2 hours per week has been carried out by a supply teacher and a class teacher taking one hour each per week. This PE provision has been monitored by a Senior Education Officer who is satisfied with the quality of teaching but obviously it would be better if it was a subject specialist. It is worthy of note that teaching PE is part of the training of all primary school teachers and is part of their teaching qualification.

The model of PE provision that the Authority is trying to create is the one currently operational at the other Primary school in Jedburgh where the full time post is shared between Jedburgh High School, Parkside Primary School and Ancrum Primary School. This encourages teachers to apply for these jobs because it helps greatly with the 3 to 18 progression of a child's education through transition but is also advantageous to the career development of PE teachers themselves

There are currently 5 other primary schools where this situation has developed and the department is working towards a resolution.

This problem is not unique to SBC.

### **Question from Councillor Nicol**

#### To the Executive Member for Social Work

When can Councillors receive an up-date on the issues surrounding the establishment of a Centre for children with complex needs in Earlston?

#### Reply from Councillor Renton

A series of Reports have been presented to Council in relation to the development of the proposed Complex Needs Educational centre since 2009 when the original planning brief was approved,

A report was considered and approved by SW & Housing Committee on 13<sup>th</sup> March 2014 and a further report was presented to Executive Committee on 13<sup>th</sup> May 2014 which agreed the proposed location within the retained primary school site portion of the former Earlston High School site.

Planning Consent for the development of the site was granted on 9<sup>th</sup> September 2014.

Since that time the development of the service design, has been progressed as part of the Children & Young People's Transformation programme.

The project team has now started the work on developing detailed plans for service delivery from the centre & detailed revenue plans and are involving staff and parent carers in this process.

In addition the Youth Voice group have been asked to consider future names for the centre and consultations will progress with childrens groups to gather ideas for consideration – as requested by Executive members.

It is proposed that a fuller report to members on progress be provided in March/April 2015.