

SCOTTISH BORDERS COUNCIL

MINUTES of Meeting of the EXECUTIVE COMMITTEE held in Council Chamber, Council Headquarters, Newtown St Boswells, TD6 0SA on Tuesday, 6th September, 2016 at 10.00 am

Present:- Councillors S. Aitchison (Chairman – Education Business), C. Bhatia (Chairman), S. Bell, J. Brown (to para.6), M. Cook, G. Edgar, J. G. Mitchell, D. Moffat, D. Parker, D. Paterson, F. Renton, R. Smith.

Also Present:- Councillors I. Gillespie, G. Logan, S. Mountford.

Apologies:- Councillor V. Davidson, Mrs J. Aitchison, Mr G. Donald,

In Attendance:- Chief Executive, Depute Chief Executive (People), Chief Financial Officer, Clerk to the Council, Democratic Services Officer (K. Mason).

EDUCATION BUSINESS

Present:- Ms A. Ferahi, Mr G. Jarvie, Mr D. Moore, Miss E. Page, Mr. J. Walsh.

CHAIRMAN

Councillor Aitchison chaired the meeting for that part which considered Education business.

CHAIRMAN'S REMARKS

1. Councillor Aitchison gave a special welcome to the Chief Executive who had returned to work after a period of illness.

2. **SCHOOL ESTATE PRE-CONSULTATION AND REVIEW**

There had been circulated copies of a report by the Service Director Children and Young People providing feedback received from the stakeholders who participated in the school estates pre-consultation and review. The report highlighted key messages from the feedback from the 400 people who attended a school cluster engagement event, the 452 people who completed questionnaires, and the 139 pupil questionnaires received. Further, the report outlined the next steps in the school estate consultation and review process and sought approval to implement the recommendations made. By means of a powerpoint presentation Mrs Manson, Service Director Children and Young People, gave detailed information on the School Estate Pre-Consultation, prioritisation, links with capital plan and funding, engagement, mothballed schools, RC schools review; and rural schools – sustainability plans, town reviews. She concluded her presentation by advising that on 7 and 8 September 2016 letters would be issued regarding the implementation of Phase 1 of the School Estate Review and week beginning 12 September 2016 letters would be issued outlining the next steps in relation to implementation of Phase 2 of the Review. Mrs Manson answered questions relating to the review of catchment areas, the communication process which linked to parental buy-in and community engagement; rural schools and the presumption against closure; the need to evidence any proposed changes; the recruitment and retention of teachers; the capacity of schools and future housing development; and responses which gave a variety of views from communities. The Chairman thanked Mrs Manson for her presentation and advised that a statistical analysis of exam results would be presented at the next meeting.

DECISION

AGREED:-

- (a) **to note the positive engagement by stakeholders in the school estate pre-consultation;**

- (b) that all stakeholders were informed of the outcome of the consultation;
- (c) the proposals to Implement Phase 1 of the School Estate Review during school session 2016/2017:
 - (i) **Future of Mothballed Schools:**
Commence statutory consultations on proposals to permanently close Eccles/Leitholm Primary School, Ettrick Primary School and Hobkirk Primary School in accordance with the Schools (Consultation) (Scotland) Act 2010;
 - (ii) carry out a focused pre-consultation on Roman Catholic Schools provision;
 - (iii) commence focused pre-consultations on the future of Education provision in the towns of Jedburgh, Eyemouth, Hawick and Galashiels;
 - (iv) engage with rural schools with roll populations of less than 50 pupils regarding roll sustainability measures;
 - (v) implement a Selkirk schools catchment review involving Yarrow, Kirkhope, Philiphaugh and Knowepark Primary Schools;
- (d) to note that Phase 2 of the School Estate Review would commence in school session 2017/2018 and include focused pre-consultations in the following school clusters: Berwickshire, Earlston, Kelso and Peebles; and
- (e) to note that a commitment was given to carry out a review and consultation on the School Transport Policy within a two year period, ie before the end of school session 2017/2018.

MEMBERS

Councillor Parker left the meeting during consideration of the above item, and returned during the discussion at paragraph 8. Councillor Edgar left the meeting at the end of the consideration of the above item, and returned during the discussion at para 9.

ADJOURNMENT

The meeting adjourned at 11.15 a.m. and reconvened at 11.25 a.m.

OTHER BUSINESS

CHAIRMAN

On the resumption of the meeting, in the absence of Councillor Parker, Councillor Bhatia took the Chair for the remaining business.

3. ORDER OF BUSINESS

The Chairman varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting.

4. MINUTE

The Minute of meeting of the Executive Committee of 16 August 2016 had been circulated.

DECISION

APPROVED for signature by the Chairman.

5. SCRUTINY COMMITTEE RECOMMENDATION

There had been circulated copies of a Minute extract from the Scrutiny Committee meeting of 18 August 2016 along with a copy of the Report of the Scrutiny Working Group. This related to a request submitted to the Scrutiny Committee by Ettrick and Yarrow Community Council asking for a review of the process in respect of decision-making relating to the Great Tapestry of Scotland. Councillor Mountford, Chairman of the Scrutiny Working Group, presented the report and answered Members' questions and explained there needed to be a process for ensuring the recommendations, if approved, were implemented rather than just noted. The Chief Executive undertook to present the recommendations to the Corporate Management Team for incorporation into project processes. A suggestion was made that in the future to incorporate a portfolio holder for capital projects, however, the Chief Financial Officer said that the capital programme was simply a different way of spending money. A further suggestion was made that it might be useful to refer to a publication entitled "The New Rational Manager (2013)" by Kepner et al, regarding project procedure and a structured process. Reference was also made to Ward Advisory Groups which were within the Scheme of Administration but had not been activated. Members thanked the Scrutiny Working Group for a well written report.

DECISION

AGREED to endorse the recommendations from the Scrutiny Committee that:-

- (a) Where potential projects, such as the Great Tapestry, are at the stage of evolving from a conversation into a concept/idea, before proceeding to the project stage and into the capital plan, it would be helpful if all material conversations involving Officers and Members could be summarised and noted. This would aid transparency and help to establish a more complete project record.**
- (b) When officers are producing the first formal report to be considered by Members on a major project, they should include all appropriate information on the origin of all options which have been considered and any which have subsequently been dismissed. This is as much for a retrospective record as it is to inform the decision-making at the time.**
- (c) Relevant analysis/research should be considered for inclusion as appendices in reports for projects like this or, if confidential, made available to Members privately for further scrutiny.**
- (d) For any major project – to ensure good communications - regular informal briefings for all Members, along with the provision of electronic bulletins, would assist in keeping Members updated on progress and allow them to ask questions and also pass this information on to stakeholders, community groups, and members of the public.**
- (e) Within the project management processes, the Council's reputational risk should be included as a matter of routine in the Risk Register and the risk and mitigations section of committee reports should always take reputational risk into account and provide a commentary on that issue.**
- (f) When considering locations as part of a major project, criteria being used to assess them should be put in order of priority (starting with the highest) and/or weighted. Once a site has failed to meet one of the criteria, that site will normally no longer be assessed against the remaining criteria, and an explanation will be given to Members.**

6. APPRENTICESHIP LEVY

There had been circulated copies of a report by the Service Director Regulatory Services relating to the Apprenticeship Levy and its potential impact on Scottish Borders Council and seeking approval of the Scottish Borders Council's recommended response to the associated Scottish Government consultation. The Levy would, in principle, apply to all UK employers, across all sectors, regardless of whether they already employed apprentices or not and would be set at 0.5% of an employer's "pay bill" for employers who had an annual pay bill of £3m or more. The Levy would be payable through the PAYE system, alongside income tax and NIC. Scottish Borders Council had an annual salary bill of around £150m and the Council's contribution to the levy would be around £750,000 each year. The mechanism to access this funding in Scotland was not yet known. Funding could only be accessed in England and Wales to pay for the costs of training programmes. The fund did not meet the costs of employing modern apprentices. The Group Manager, Housing Strategy and Services, answered questions and it was agreed that the second paragraph in the answer to question 4 should be deleted from the response.

DECISION

AGREED:-

- (a) to note that the introduction of the levy in April 2017 would cost Scottish Borders Council and initial estimated £750,000 per year based on 0.5% of payroll;**
- (b) to note that the extent of the actual impact was unknown until Scottish Government made a decision on how the funds would be used in Scotland; and**
- (c) to the submission of the proposed response to the Scottish Government Consultation as amended to reflect the deletion of paragraph 2 in relation to the answer to question 4.**

MEMBER

Councillor Brown left the meeting during discussion of the following item.

7. SYNTHETIC PITCH MAINTENANCE AND REPLACEMENT PLAN

There had been circulated copies of a report by the Chief Financial Officer presenting the findings of a survey conducted at thirteen of the Authority's synthetic pitches not covered by PPP contracts or lifecycle maintenance arrangements. The report recommended that the Council establish a "Synthetic Pitch Replacement Fund" similar to the existing Plant and Vehicle Fund to finance the future upkeep and replacement of these existing facilities and any new pitches constructed in future. This would ensure a consistent approach to the upkeep and replacement of all pitches not maintained under a private public partnership agreement. There had been concern for some time regarding the deteriorating condition of synthetic pitches in situ across the Borders. No source of finance existed to provide for their upkeep and replacement. An external company - Sportslabs - was therefore commissioned in May 2016 to undertake a survey of the thirteen synthetic pitches across the region. The purpose of the survey was to assess the current performance, condition and residual life expectancy of these facilities and recommend a new fully costed strategy for their upkeep. The results of the survey had been used by the Council's Quantity Surveyor to prepare a cost estimate and spend profile that would allow, if adopted, the future proofing of these facilities to an acceptable standard and ensure the safe operation of the synthetic surfaces. It was proposed that a Synthetic Pitch Replacement Fund would be established with annual revenue budget contributions made to the Fund to finance the future replacement of surfaces and fences. Only the facilities listed in the report would be eligible for replacement from the fund at this stage. Future pitches, currently being delivered with the assistance of SportScotland under the pitch replacement programme, would be included in the Fund when they became operational. It was recommended the 2016/17 funding requirements were

funded from the Loans Charges budget and the future years capital and revenue requirements were prioritised as part of the 2017/18 Financial Planning process. The Chief Financial Officer answered questions relating to the inspections undertaken and he advised he would ascertain whether the works needed at Clovenfords and West Linton Primary Schools could be covered by any contractual obligation. There were no definite dates for repairs to pitches to be made other than they would be carried out during 2016/17.

DECISION

AGREED:-

- (a) **to note the condition of the 13 astro-turf pitches surveyed as detailed in Appendix 1 to the report, the immediate costs of bringing these existing facilities up to an acceptable standard and the future financial implications of properly life-cycling all astro-turf facilities;**
- (b) **to approve the future financing strategy proposed through the establishment of a Synthetic Pitch Replacement Fund;**
- (c) **to approve 2016/17 virement from Loans Charges budget to fund the immediate requirement in Revenue and Capital; and**
- (d) **that the future financial consequences for existing and planned pitches would require to be addressed and prioritised as part of the financial planning process in 2017/18 and future years.**

MEMBER

Councillor Parker returned to the meeting during discussion of the following item.

8. ANNUAL TAXI FARES REVIEW 2016 - 2017

There had been circulated copies of a report by the Service Director Regulatory Services on the consultations undertaken in connection with the statutory review of the current scale of charges for taxi fares recommending that fares remained unchanged for 2016/17. The Council as licensing authority was required in terms of Section 17 of the Civic Government (Scotland) Act 1982 ("the Act") to review the scales for fares and other charges in connection with the hire of a taxi at intervals not exceeding 18 months of the last review. Consultation took place in October 2014 and following an appeal to the Traffic Commissioner made by the Taxi trade the revised taxi rates for 2014/15 came into effect on 10 April 2015. For 2016/17 the formula which the Council used to review taxi rates delivered a variation percentage of -0.36% (minus 0.36%) on the usual indicators over the previous 12 months. Paragraph 3.3 of the report explained the Council's current formula. If the proposal to fix the scale for taxi fares for 2016/17 was agreed by Members, then officers would write to all taxi operators and others consulted to inform them of that decision. Those parties had a 14 day period in which to appeal against this fare scale to the Traffic Commissioner who might determine to hold a Hearing. If this process was undertaken, the implementation date for the reviewed fare was delayed. If there was no appeal it was proposed that the 2016/17 scale of charges would come into effect from 10 October 2016. The Strategic Transport and Services Manager gave further information in relation to the formula used by the Council to review taxi rates. Concern was expressed about the low turnout of operators who met with Council Officers at this year's consultation meetings.

DECISION

AGREED that:-

- (a) **Taxi Fares remained unchanged for 2016/17 and the 2016/17 scale would take effect from 10 October 2016;**
- (b) **no changes were made to other charges on the tariff sheet:**

- (i) **Waiting time**
 - (ii) **Unsocial hours criteria**
 - (iii) **Valeting charge**
- (c) **a further review of the taxi fare setting would be undertaken and implemented within 18 months of this review.**

9. PRIVATE BUSINESS

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 the Appendix to this minute on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 3 and 9 of part 1 of schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

MEMBER

Councillor Edgar returned to the meeting.

10. MINUTE

The private section of the Minute of the Executive Committee of 16 August 2016 was approved subject to amending the spelling of Derek "McKay" to Derek "Mackay".

11. SOCIAL WORK COMPLAINTS REVIEW SUB-COMMITTEE

The private Minute of the Social Work Complaints Review Sub-Committee of 12 May 2016 was noted.

The meeting concluded at 12.15 p.m.