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## SCOTTISH BORDERS COUNCIL

MINUTES of Meeting of the SCOTTISH COUNCIL held in Council Chamber, Council Headquarters, Newtown St. Boswells on Thursday, 12 November, 2015 at 10.00 am

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

Apologies:- Councillors J. Brown, W. Archibald, M. J. Cook

In Attendance:- Chief Executive, Depute Chief Executive Place, Corporate Transformation & Services Director, Service Director Neighbourhood Services, Service Director Children & Young People, Chief Financial Officer, Clerk to the Council

### 1. **CONVENER'S REMARKS.**

The Convener advised that The Kelso Town Centre Regeneration Project had received a Scottish Award for Quality in Planning in the "Development on the Ground" category at a ceremony in Edinburgh on 10 November 2015. The project had been delivered by the Council in partnership with the wider Kelso Community. The Convener congratulated the staff involved who were Mark Douglas, Colin Gilmour, Catherine Andrews and Andy Millar, now retired, from the Planning Service; David Johnston, Dale Johnstone and Roy Thomson from Engineering Design Services; and Julie Hogg from Economic Development.

- 1.1 The Convener commented on the success of Professor Angus Deaton, who was currently Professor of Economics and International Affairs at the Woodrow Wilson School of Public and International Affairs, Princeton University, on winning the Nobel Prize for Economic Sciences for his analysis of consumption, poverty, and welfare. Professor Deaton was born in Edinburgh, received some of his education at Hawick High School and his father was a former Director with Borders Regional Council

### **DECISION**

**AGREED that congratulations be passed to those concerned.**

### 2. **ORDER OF BUSINESS**

The Convener 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.

### 3. **MINUTE**

The Minute of the Meeting held on 7 October 2015 was considered.

### **DECISION**

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

### 4. **COMMITTEE MINUTES**

The Minutes of the following Committees had been circulated:-

Local Review Body	21 September 2015
Scrutiny	24 September 2015
Civic Government Licensing	25 September 2015
Audit & Risk	28 September 2015

Executive	29 September 2015
Lauder Common Good Fund	30 September 2015
William Hill Trust	30 September 2015
Petitions and Deputations	1 October 2015
Planning & Building Standards	5 October 2015
Audit & Risk External Members Appointment	13, 22 & 23 October 2015
Local Review Body	19 October 2015
Executive (Education Theme)	20 October 2015
Civic Government Licensing	23 October 2015
Scrutiny	29 October 2015
Planning & Building Standards	2 November 2015
Executive (Economic Dev Theme)	3 November 2015

#### **DECISION**

**APPROVED** the Minutes listed above subject to paragraph 5 below.

#### 5. **HOBKIRK PRIMARY SCHOOL**

With reference to paragraph 3 of the Minute of the Executive Committee of 3 November 2015, it was recommended that Council agree that Hobkirk Primary School be mothballed with immediate effect for a temporary period. It was noted that the status of the school would be reviewed within the next 12 months.

#### **DECISION**

**AGREED** that Hobkirk Primary School be mothballed with immediate effect for a temporary period.

#### 6. **OPEN QUESTIONS**

*The questions submitted by Councillors McAteer, Mountford, Cockburn and Marshall were answered.*

#### **DECISION**

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

#### **MEMBERS**

Councillors Parker and Davidson joined the meeting during consideration of the above item.

#### 7. **POLICE SCOTLAND PRESENTATION**

The Convener welcomed Chief Inspector Andy Mclean, Local Area Commander to the meeting to give Members a presentation on the multi-member ward Police Plans. Chief Inspector McLean advised that the 2012 Act required the Chief Constable to prepare an annual police plan setting out the proposed arrangements for the policing of Scotland; to seek to secure continuous improvement for that policing; and, via local commanders, to ensure that adequate arrangements were in place for the policing of each local authority area. An extension of that requirement was that Police Scotland had to publish local policing plans identifying local priorities formed through a process of consultation and engagement with communities, including local scrutiny committees. This resulted in a Plan being produced for each of the 11 wards within Scottish Borders. Communities were consulted by way of a questionnaire. The questionnaires were then analysed by the Scottish Borders Council Partnership Analyst who identified the top 3-4 priorities in each Ward. The individual Plans were created and they then fed into the Scottish Borders Local Policing Plan 2014 – 2017. All Plans could be viewed on the Police Scotland Website. Chief Inspector McLean, using Galashiels as the example, outlined the areas identified in the questionnaires and how these were then translated into the Plan priorities and how these then linked into the Force priorities. He then commented on how performance against the Plans was monitored and advised that 6 monthly reviews were carried out to ascertain if a re-assessment of the Plan priorities was required. Reports were given to the Local Area Forums and more in-depth scrutiny was carried out by the

Police, Fire & Rescue and Safer Communities Board. Chief Inspector McLean answered Members' questions in relation to a number of matters including parking issues, liaison with the Licensing Board, the use of officers from other areas, partnership working and rural crime. Members suggested that it would be helpful to issue the questionnaires to Community Councils and also try to get more input from those living in rural areas. Chief Inspector McLean also undertook to try to expand the areas covered by the questionnaires and advised that he hoped questionnaires would eventually be available on-line. The Convener thanked the Chief Inspector for his attendance.

#### **DECISION**

**NOTED the presentation.**

#### **8. SYRIAN REFUGEE CRISIS - A SCHEME FOR THE RESETTLEMENT OF SYRIAN REFUGEES IN THE SCOTTISH BORDERS**

There had been circulated copies of a report by the Chief Executive outlining the work that had been undertaken to develop a scheme for the resettlement of Syrian Refugee households into the Scottish Borders, and seeking approval to start a negotiation process with the Home Office to resettle Syrian refugee families. The report explained the position of UK and Scottish Governments on the resettlement of Syrian refugees into the UK and Scotland. The UK Government's Scheme aimed to resettle 20,000 refugees over the next four years and the Scottish Government had indicated that 2,000 refugees could be resettled in Scotland. The Scheme prioritised those refugees who could not be supported effectively in their region of origin: women and children at risk, people in severe need of medical care, and survivors of torture and violence. Local authorities were recognised as the lead body in this resettlement process. Funding was provided by the Home Office to support local authorities taking part in the Scheme. The proposed Scottish Borders refugee resettlement scheme would aim to resettle up to 10 refugee families in the next four years. This would be in line with the Scottish Borders share of the 2,000 refugees coming to Scotland based on the area's proportion of the Scottish population. It was proposed that the local scheme began with two families, and then gradually increase this number by building on the learning process from resettling the refugees. This conformed to the approach taken by other local authorities. The initial location for resettling the refugee families would be Galashiels because of its good transport connections, public and private services and support structures. It was intended that other locations would be considered as part of the 'roll-out' of the scheme. Members welcomed the proposals and commended officers for the work in bringing all the relevant agencies together.

#### **DECISION**

**AGREED that officers progress the work to resettle refugee families into the Scottish Borders.**

#### **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.

#### **9. COMMUNITY RECYCLING CENTRE TRADE ACCESS POLICY**

There had been circulated copies of a report by the Service Director Neighbourhood Services seeking approval of a Community Recycling Centre Trade Access Policy for Scottish Borders Council. The report explained that the aim of the Community Recycling Centre (CRCs) Trade Access Policy was to expand on the existing range of trade services by providing small, peripatetic traders with a cost effective and legislatively compliant means to dispose of the bulk of their waste and recycling. The proposal aimed to allow the Council to provide an improved and sustainable service that would contribute towards the current costs of trade waste disposal at CRCs. CRCs were currently licenced to accept household waste only. However, it was suspected that some traders gained regular, unauthorised access to dispose of their waste. To resolve this, the options available were to either enforce a trade ban at CRCs or introduce the proposed permit system. Both of these options would incur costs to manage and enforce. The option of introducing a permit system however, would result in an income stream which could cover the

management and enforcement costs and might contribute towards some of the trade waste treatment and disposal costs. A key aim was to ensure that any system was simple and sustainable. Therefore, after extensive consultation and research, it was proposed that a two permit scheme be introduced to allow traders access to six of the Council's Community Recycling Centres, the exception being Selkirk. CRCs had been designed for household waste only and their current design, size, capacity and operational activities were such that the permit system should be introduced with the proposed material, vehicle, access and volume restrictions initially. A review of the system would be undertaken after three months and, depending on the outcome of the review it may be possible to relax or remove some of the restrictions in place and for further improvements to be made to the new service. Applications for either of the permits would be via an online form with legal checks and full payment included as part of the application process. It was proposed to introduce the new service from 1 April 2016 which aligned with the timescales for renewing the existing trade waste service contracts. The Service Director requested that an additional recommendation be added requiring a review after 3 months of operation. Members discussed the proposals and concern was expressed regarding lack of trade access at weekends and the limit of 4 bags. It was proposed that these should be included in the introductory period to ascertain if there were problems which could then be resolved as part of the three month review. The Service Director undertook to consider these matters further prior to the introduction of the Policy.

#### **DECISION**

##### **AGREED:-**

- (a) the introduction of a Trade Waste Access Policy for six of the Community Recycling Centres in the Scottish Borders Area;**
- (b) the proposed two permit scheme with material, vehicle, access and volume restrictions along with the associated fees;**
- (c) the need for a full time permanent enforcement role to manage the system and provide support for operational staff and site users;**
- (d) expenditure incurred for implementation and ongoing costs as summarised in Appendix 1a to the report;**
- (e) the Service Director consider whether to include some limited weekend access and review the number of bags allowed within the Policy; and**
- (f) that a review of the system be undertaken after 3 months of operation.**

#### **10. MAKING THINGS LAST -CONSULTATION ON CREATING A MORE CIRCULAR ECONOMY IN SCOTLAND**

There had been circulated copies of a report by the Service Director Neighbourhood Services proposing that Scottish Borders Council respond to the Scottish Government's consultation entitled 'Making things last'. The report explained that the 'Circular Economy' and 'Resource Efficiency' was already playing an increasingly important role in the direction of European and National Waste Policy. The European Commission had indicated that it was aiming to present an ambitious 'Circular Economy Package' in late 2015 with the aim of transforming Europe into a more competitive resource-efficient economy. The Scottish Government's consultation entitled 'Making things last', a copy of which was appended to the report, explored the priorities for building a more circular economy, where products and materials were kept in high value use for as long as possible. A number of the proposals outlined within the consultation had the potential to have significant operational and financial implications for Local Authorities in relation to the waste services they provided. It was therefore important that Scottish Borders Council outlined its position in relation the proposals and responded to the consultation, thus ensuring the Council had done all that it could to influence future national policy,

particularly in relation to its statutory waste management duties. The proposed consultation response suggested that Scottish Borders Council was, in principle, supportive of the Scottish Government's aspirations for a circular economy in Scotland. In response to a question the Service Director advised that there was currently a pilot at the Selkirk CRC to reuse items. The main issue with extending this to other sites was the lack of space.

#### **DECISION**

**AGREED to approve the consultation response as outlined in Appendix 2 to the report for subsequent submission to the Scottish Government.**

#### **11. COMMITTEE MEMBERSHIP**

It was reported that there were vacancies on both the Audit and Risk Committee and the Petitions and Deputations Committee to replace Councillors Archibald and Greenwell respectively. Councillor Parker, seconded by Councillor Paterson, moved that Councillor Gillespie be appointed to the Audit and Risk Committee and this was unanimously approved. There were no nominees for the Petitions and Deputations Committee so this was left unfilled

#### **DECISION**

**AGREED:-**

- (a) the appointment of Councillor Gillespie to the Audit & Risk Committee; and**
- (b) that the position on the Petitions and Deputations Committee be left vacant at present.**

#### **12. URGENT BUSINESS**

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Convener was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to make an early decision.

#### **13. WELLBEING AND SAFETY CHAMPION**

With reference to paragraph 15 of the Minute of 19 February 2015, Councillor Parker, seconded by Councillor Aitchison, moved that Councillor Edgar be appointed as the Wellbeing & Safety Champion.

#### **DECISION**

**AGREED that Councillor Edgar be appointed as Wellbeing & Safety Champion.**

#### **14. 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 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**

#### **15. MINUTE**

The private section of the Council Minute of 7 October 2015 was approved.

#### **16. COMMITTEE MINUTES**

The private sections of the Committee Minutes as detailed in paragraph 4 of this Minute were approved.

#### **17. COMMITTEE MINUTE RECOMMENDATION**

It was agreed that the Scheme of Administration be amended to increase the number of external members on the Audit and Risk Committee to 3.

***The meeting concluded at 11.40 am***

**SCOTTISH BORDERS COUNCIL**  
**12 NOVEMBER 2015**  
**APPENDIX I**

**Questions from Councillor McAteer**

**1. To the Executive Member for Education**

In light of the recent school role problems at Hobkirk School, and the subsequent placement requests from parents that may well result in the school being mothballed can the Executive Member for Education advise

- a) What the council strategy and criteria is for designating 'single' teacher schools
- b) How many schools within Scottish Borders Council area are currently single teacher schools or are in danger of meeting the designation criteria during the next year
- c) How many schools have previously been subject to mothballing and have any subsequently re-opened

**Reply from Councillor Aitchison**

- (a) Every school in Scotland is staffed on an annual basis in line with national legislation on class sizes. In Scottish Borders our teacher:pupil ratio is 13.7, which is below the national average, ie our classes are smaller in the Scottish Borders overall. Our schools are staffed according to class size legislation:
  - Primary 1 = 25 pupils maximum per class
  - Primary 2 & 3 = 30 pupils maximum per class
  - Primary 4 to 7 = 33 pupils maximum per class
  - Composite classes = 25 pupils maximum per class
  - Secondary classes (S1 & S2) = 33 pupils maximum per class
  - Secondary classes (S3 – S6) = 30 pupils maximum per class
  - Secondary practical classes = 20 pupils maximum per classSBC does not designate 'single' teacher school. The roll numbers are received in May each year. Each school is then staffed in line with the class size legislation, eg up to 25 children in a school = 1 class; 25 – 50 children = 2 classes; more than 50 children = 3 classes and so on. The age and stage of the children can have an impact on the number of classes required.
- (b) There are five schools currently single teacher schools. There are nine schools which are currently two class teacher schools. Roll projections indicate that for school session 2016-17 these figures will remain the same in each category.
- (c) Ettrick Primary School was mothballed and has not re-opened. Other schools have closed in the last ten years, but they were not mothballed.

**2 To the Executive Member for Environmental Services**

On the 7<sup>th</sup> October 2015 the Executive Member for Environmental Services stated 'I have instructed Officers to develop a new strategic approach to dealing with this issue (dog-fouling) which will come before Council at the earliest opportunity'.

Given 5 weeks has passed since that statement and this now appears to be the 'earliest opportunity' can the Executive Member explain why he has been unable to deliver the new strategy as stated and provide an indication of when we are likely to have it brought before the council?

**Reply from Councillor Paterson**

I understand the negative impact dog fouling has in our communities and it is something that affects everyone. This Council will tackle it and I recognise it is a key priority for the public. Officers are currently considering feedback from members of the Administration on the proposals and will bring a full report to Council once these have been finalised. This will be at the earliest opportunity, but this issue is so important, that the time must be taken to consider the best ways in which to combat the problem. In the meantime, I will be writing to the Scottish Government requesting an update on their review of the dog fouling legislation and their plans for increasing the fixed penalty amount.

### Supplementary

Councillor McAteer asked if he could be advised when the earliest opportunity was likely to be and was advised as soon as the best solution could be presented.

### **Question from Councillor Mountford**

#### To the Leader

Can you confirm that Scottish Borders Council spent £1.5m on external consultants in 2014/15?  
On which projects were they employed?

#### Reply from Councillor Parker

Yes. I am happy to provide a full list of the projects to Councillor Mountford.

I can confirm that the Consultants were employed on the development of a broad range of revenue and capital projects including:-

Flood protection schemes in Galashiels, Selkirk and Jedburgh;

European LUPS schemes;

The design and commissioning of school building projects - including the new Kelso High school, Duns Primary school;

Preparatory work for new 3G pitches in Hawick, Jedburgh, Peebles and Selkirk;

Technical support to upgrade the Council's financial systems:

Child protection:

The review of passenger transport;

The upgrade of Wilton Lodge Park in Hawick as well as the corporate transformation project to review passenger transport.

Consultants were employed to provide a range of professional disciplines including but not restricted to, structural engineering, flood prevention, environmental studies, architecture, IT and transport. Expenditure on Consultancy support varies year on year dependant on the nature and scale of projects being undertaken.

### Supplementary

Councillor Mountford asked if he could receive an explanation why the cost had increased by 32% over the previous year and did Councillor Parker consider this was value for money. Councillor Parker confirmed that he did consider that it was value for money. The amount was different every year depending on the nature and scale of projects and whether there was internal expertise available. In 2010/11 the cost had been £1.8m.

### **Questions from Councillor Cockburn**

#### 1. To the Executive Member for Education

At the Scottish Borders Council Meeting of the 27<sup>th</sup> March 2014 it was agreed that a budget of £140,000 was to be set aside for financial year 2014/15 for grants for voluntary sector organisations developing out of school care provision. Please can I ask how much of the £140,000 was used for grants for this purpose, and if the budget was allocated for grants, how many grants were distributed?

#### Reply from Councillor Aitchison

I can confirm that £122,275 of the budget for voluntary sector school provision was allocated.

This comprised:

£50,000 for Start-up Grants for Out of School Care on Fridays to support the implementation of the Asymmetric Week and an additional 46 separate grants for out of school care provision and to individual groups who met the specified criteria.

### Supplementary

Councillor Cockburn asked how it was hoped to help the voluntary sector with out of school care going forward and was advised that applications meeting the criteria needed to be submitted and the level of funding for next year would be looked at as part of the budget process.



## 2. To the Executive Member for Roads and Infrastructure

In April 2014 I asked you if you agreed that our Council should approach Midlothian Council and suggest that our two Councils should join forces and carry out a new review of the signage and the general layout of the junction at Leadburn. You replied that Midlothian Council carried out significant amendments to the junction in April 2012, and were undertaking before and after studies of driver behaviour and accidents at the junction.

Please could you tell me if Midlothian Council have supplied this Council with the results of their before and after studies?

### Reply from Councillor Edgar

I am advised that the results of the study have not been supplied to date as the studies are still ongoing. Midlothian Council is however happy to share their findings to date and speeds and accident data are being forwarded to SBC officers. Midlothian Council have also confirmed that they are still actively considering additional measures at the junction.

### Supplementary

Councillor Cockburn asked that as Midlothian Council did not seem to be taking the necessary action could Scottish Borders Council not take over this land and carry out the required work. Councillor Edgar advised that the Council already had enough projects needing attention and this junction was the responsibility of Midlothian Council so any pressure to carry out improvements should be put on them.

## **Question from Councillor Marshall**

### To the Executive Member for Roads and Infrastructure

In light of recent media comments where frustration has been reported at the lack of progress being made by this Council regarding the introduction of decriminalised parking enforcement, can the Executive Member for Roads and Infrastructure explain why there has been a delay and what steps are being taken to progress this important issue quicker.?

### Reply from Councillor Edgar

The decision on how to move forward in relation to the control of on-street parking is a critical one with potentially far reaching consequences for this Council.

The application for, and potential introduction of, Decriminalised Parking Enforcement has significant financial implications for the Council at a time when it is facing unprecedented financial pressure. As such it is only right that all aspects are properly evaluated before making a decision that once made will be very difficult to reverse in the future.

The current position is that a report on the matter was recently discussed at Corporate Management Team and is scheduled for further discussion at the Leaders Group. Following that it is anticipated that a further final report and recommendations will come before Members early in the New Year.

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