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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, 28th September, 2017 at 10.00 am

Present:- Councillors D. Parker, S. Aitchison, A. Anderson, H. Anderson, J. Brown, S. Bell, K. Chapman, K. Drum, G. Edgar, J. A. Fullarton, J. Greenwell, S. Hamilton, S. Haslam, E. Jardine, H. Laing, S. Marshall, W. McAteer, T. Miers, D. Moffat, S. Mountford, D. Paterson, C. Ramage, N. Richards, E. Robson, M. Rowley, H. Scott, S. Scott, E. Small, R. Tatler, E. Thornton-Nicol, G. Turnbull

Apologies:- Councillors M. Ballantyne, C. Hamilton, T. Weatherston

In Attendance:- Chief Executive, Executive Director (P Barr), Executive Director (R Dickson), Service Director Customer and Communities, Service Director Regulatory Services, Service Director Children & Young People and Chief Financial Officer

1. MINUTE

The Minute of the Meeting held on 24 August 2017 was considered.

DECISION

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

2. COMMITTEE MINUTES

The Minutes of the following Committees had been circulated:-

(a)	Planning & Building Standards	7 August 2017
(b)	Executive	15 August 2017
(c)	Hawick Common Good Fund	15 August 2017
(d)	Teviot & Liddesdale Locality	15 August 2017
(e)	Civic Government Licensing	18 August 2017
(f)	Local Review Body	21 August 2017
(g)	Police, Fire & Rescue and Safer Comms.	25 August 2017
(h)	Audit & Scrutiny (Special)	28 August 2017
(i)	Selkirk Common Good Fund	29 August 2017
(j)	Peebles Common Good Fund	30 August 2017
(k)	Tweeddale Locality	30 August 2017
(l)	Planning & Building Standards	4 September 2017
(m)	Executive	5 September 2017
(n)	Duns Common Good Fund	7 September 2017
(o)	Jedburgh Common Good Fund	13 September 2017
(p)	Kelso Common Good Fund	13 September 2017
(q)	Galashiels Common Good Fund	14 September 2017
(r)	Eildon Locality	14 September 2017

DECISION

APPROVED the Minutes listed above.

3. OPEN QUESTIONS

The questions submitted by Councillors Robson, S. Scott, Drum, H. Anderson, Chapman and Jardine were answered.

DECISION

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

4. MOTION BY COUNCILLOR HASLAM

4.1 Councillor Haslam, seconded by Councillor Aitchison, moved her Motion as detailed on the agenda in the following terms:-

“That Scottish Borders Council approves the Administration’s vision “Connected Borders 2017 – 2022” for delivering better communities across the Scottish Borders”.

Councillor Haslam spoke in support of her Motion. Members discussed the Vision document and a number of amendments were submitted by Members of the Opposition as follows:-

- (a) Councillor Bell, seconded by Councillor H. Anderson, moved as an amendment that on Page 6 a second sentence be added to the end of the last bullet point of the “WE WILL” commitments – “So that the state of the Borders roads, as measured by the national Roads Condition Index, is at least at the average of comparable local authorities”.
- (b) Councillor Laing, seconded by Councillor Bell, moved as an amendment that on Page 6 a second sentence be added to the end of the second (sub) bullet point of the first item of the “WE WILL” commitments – “We will work with our colleagues in Westminster to lobby Network Rail to ensure that the promises made to deliver Reston Station in control period 6 (2019-2024) will be realized.”
- (c) Councillor Elaine Thornton-Nicol, seconded by Councillor Bell, moved as an amendment that on Page 6 a new bullet point be added to the end of the “WE WILL” commitments – “Defend the provision of local public bus services in the Borders.”
- (d) Councillor A. Anderson, seconded by Councillor Bell, moved as an amendment that on Page 6 a new bullet point be added to the end of the “WE WILL” commitments – “Establish a cost effective enforcement solution to act as a deterrent in towns blighted by anti-social on-street parking.”
- (e) Councillor H. Anderson, seconded by Councillor Bell, moved as amendment that on Page 8 a new section be added – Farming and fishing sectors are a vital component of our local economy, ensuring both food security and the achievement of climate change targets. Recognizing that the proposed UK exit from the European Union will impact significantly on the economic vitality of both sectors
WE WILL
 - Commission an evaluation of the potential economic impact of withdrawal from the EU on both sectors and of the actions we as a Council can take to ameliorate any detrimental impact
 - Target our Business Gateway function to encourage and support co-operative investments by farmers and fishing interests to ensure as much value from the Borders primary production is processed by local manufacturing and marketing capacity.”
- (f) Councillor Ramage, seconded by Councillor Bell, moved as amendment that on Page 12 that a second bullet point be added to the “WE WILL” commitments – “Maintain the average rate of the school building programme achieved in the last decade as this is rectifying the years of under investment, by accelerating the programme of repair and maintenance of our current schools, both old and new.”
- (g) Councillor Drum, seconded by Councillor Bell, moved as an amendment that on Page 15 a new bullet point be added at the end of the “WE WILL” commitments – “Build community engagement so that at least 1% of the Council annual budget is decided by community choices/participative processes.”

Adjournment

The Convener adjourned the meeting for 30 minutes to allow Members of the Administration time to consider the amendments detailed above.

- 4.2 Following the meeting being reconvened, Councillor H. Anderson advised that although as a farmer she had no personal interest, given the general nature of the subject matter of her amendment she advised that it would now be moved by Councillor Bell and seconded by Councillor Laing. Councillor Fullarton advised that he was also a farmer and given the general nature of the amendment did not wish to declare an interest but would not vote on that item.
- 4.3 Councillor Haslam advised that following consideration of the 7 amendments detailed above she was prepared to accept amendment (c) into her Motion but considered that the remaining 6 amendments were either already incorporated in the spirit of the Vision document, were premature or had significant budget implications. With regard to amendment (d) she proposed, seconded by Councillor Edgar, that the Parking Working Group be re-established by the Executive Committee and this was unanimously accepted. Members discussed the amendments and then voted by a show of hands on each as follows:-

VOTE

Amendment (a)

For - 12 votes

Against - 18 votes

Amendment (b)

For - 11 votes

Against - 19 votes

Amendment (d)

For - 12 votes

Against - 16 votes

Amendment (e)

For - 8 votes

Against - 19 votes

Amendment (f)

For - 12 votes

Against - 18 votes

Amendment (g)

For - 12 votes

Against - 18 votes

All the amendments accordingly fell.

DECISION

DECIDED:-

- (a) to approve the Administration's vision "Connected Borders 2017 – 2022" for delivering better communities across the Scottish Borders, subject to the addition on page 6 of a new bullet point at the end of the "WE WILL" commitments which read "Defend the provision of local public bus services in the Borders."; and

- (b) to delegate to the Executive Committee the re-establishment of the Parking Working Group .**

5. LOCALITIES BID FUND 2017-2018: PROCESS FOR DETERMINING FUNDING APPLICATIONS AND VOTING

With reference to paragraph 8 of the Minute of the meeting held on 27 June 2017, there had been circulated copies of a report by the Service Director Customer and Communities seeking approval for the application, assessment and voting process for the Localities Bid Fund as requested by Council at its meeting on 27 June 2017. The report explained that the proposed model would be managed through Area Partnerships (Locality Committees), supported by Council officers and would address a specific theme or outcome within the Scottish Borders Community Planning Partnerships' Community Plan, or an agreed local priority. Bids would be invited from local communities and pre-assessed by the Borders Assessment Panel, which would be chaired by the Executive Member for Neighbourhoods and Locality Services and include all Area Partnership Chairs and key SBC officers, before going to a public vote. The appendices to the report contained details of the proposed model together with the process, application form, guidance and timetable. The first application process would commence on 15 October 2017 with applications being assessed in December 2017, publically voted on in January 2018 followed by the issue of funds in February 2018. Evaluation would commence after stage 1 and be reported after stage 2 bids had been completed. Members supported the proposals.

DECISION

AGREED:-

- (a) the proposed model as detailed in Appendix 1 to the report;**
- (b) the proposed process as detailed in Appendix 2 to the report**
- (c) to note the draft application form, guidance and proposed timetable as detailed in Appendices 3 and 4 to the report.**

6. SCHEME OF ADMINISTRATION

There had been circulated copies of a report by the Chief Executive containing details of a review of the Council's decision making structure and seeking approval for a new Scheme of Administration. The report outlined the background to the current governance structure. The recent change in the corporate structure of the Council demonstrated a cross-cutting approach to service provision, not just within the Council, but in conjunction with other public bodies and organisations both nationally and in the Scottish Borders. Any proposed new committee structure would need to take this changed way of working into account. A new Scheme of Administration was attached as an Appendix to the report, which highlighted the suggested changes to the existing Scheme. The report also detailed the rationale behind each of the suggested changes. It was also noted that should these changes be approved, the Scheme of Delegation would also require to be amended. The Leader thanked officers for their work to date but advised that further amendment was still required. Councillor Bell, seconded by Councillor Aitchison, proposed that the recommendations be amended to read as follows:

- (a) to retain the Executive/Scrutiny model for its decision making structure;**
- (b) to approve the amended Scheme of Administration as attached in the Appendix, with the exception of the proposals for Area Partnerships, and instead - on an interim basis - retain the existing Locality Committees' membership and remit, and include an additional function "Consider applications for financial assistance from the Localities Bid Fund";**
- (c) to appoint the members of the Major Contracts Governance Group;**

- (d) that, with the functions from the Petitions and Deputations Committee transferring to the Audit and Scrutiny Committee, to delegate authority to the Clerk to the Council to amend the petitions procedure accordingly;
- (e) to amend the Scheme of Delegation and delegate authority to the Chief Executive to set up a Members Sounding Board, in consultation with the Convener, to consider any matters requiring broad political input prior to consideration by Council, as necessary;
- (f) that a report be brought back to Council on the final membership and remit of Area Partnerships, with the intention that these replace Locality Committees in due course.

These proposed amendments were unanimously accepted. It was noted that reference to the Lothian & Borders Criminal Justice Authority would be deleted as it was no longer operational. It was further agreed that the appointment of members to the Major Contacts Governance Group be deferred until the next meeting of the Council.

DECISION

AGREED to approve the recommendations detailed above subject to recommendation (c) being deferred until the next Council meeting.

MEMBER

Councillor Marshall left the meeting.

7. POLICE SCOTLAND - SCOTTISH BORDERS LOCAL POLICE PLAN 2017-2020

There had been circulated copies of the Scottish Borders Local Police Plan 2017-2020. Superintendent Jim Royan was present at the meeting and gave Members a presentation which sought to explain the rationale for the Scottish Borders Local Police Plan, 2017-2020, provide an overview of the content and priorities contained within the Policing Plan and to gain approval of the Scottish Borders Local Police Plan from Scottish Borders Council. He explained that the priorities for the Borders had been identified as Domestic Abuse, Road Safety, Violent Crime, Anti-Social Behaviour, Drug & Alcohol Misuse, Protecting People and Acquisitive Crime. He also commented on how outcomes and success would be measured. Communities and partners would be provided with a comprehensive summary of crime trends and statistics to allow for appropriate and transparent scrutiny. Performance Indicators had been identified from Police Scotland Quarterly Management Information, from Your View Counts Surveys and from User Satisfaction Surveys. These would be used to measure how well they were achieving their outcomes. These indicators would be considered in tandem with 'partner indicators' contained within the Scottish Borders Community Plan once it had been completed. Councillor McAteer welcomed the Plan, acknowledged that Police Scotland was facing a difficult time and that the Council wanted to help them achieve their goals, to ensure that the Borders was a safe and secure place. Superintendent Royan answered Members' questions and agreed that there was a need to keep people updated on the outcome of their cases. He would be happy to work with the Council on youth engagement and commented on an existing partnership protocol in the Borders relating to people who went missing from care settings. With reference to officer numbers, he advised that J Division had just appointed 27 new recruits to J Division who had just started at Tulliallan Police College and 9 of those would be coming to the Scottish Borders. With reference to rural crime he advised that Inspector John Scott had just been appointed to deal with rural crime. He also commented on the use of "no cold calling" zones and SB Alert. In response to a question on public confusion regarding 999/101/crime-stoppers numbers, he advised that he would look at how communication regarding the best number to use could be improved.

DECISION

AGREED to approve The Scottish Borders Local Police Plan 2017-2020.

MEMBER

Councillor Turnbull left during consideration of the above item.

ADJOURNMENT

The Convener adjourned the meeting for a short comfort break

MEMBERS

Councillors Haslam, Jardine, Miers, H. Scott and S. Scott did not re-join the meeting.

8. SCOTTISH BORDERS COUNCIL FINAL REPORTS AND ACCOUNTS 2016/17

There had been circulated copies of a report by Audit Scotland, the Council's Auditors, together with a report by the Chief Financial Officer and a copy of the Annual Accounts 2016/17. The Chief Financial Officer's report explained that the Council's External Auditors were now Audit Scotland. They also covered the Council's related charities but KPMG continued to provide the external audit of SB Cares, SB Supports and Bridge Homes. KPMG had concluded their audit and had raised no issues. Audit Scotland had now completed the audit of the Council's 2016/17 Annual Accounts and had provided an unqualified independent audit opinion. The Annual Audit Report summarised Audit Scotland's conclusions, including:

- An unqualified audit opinion
- They concurred with management's accounting treatment and judgements;
- They concluded positively in respect of financial management, financial sustainability, governance and transparency and value for money.

Audit Scotland had identified four recommendations requiring action and these had been accepted by management and would be enacted within the agreed timescales. As required under the Local Authority Accounts (Scotland) Regulations 2014, the audited Annual Accounts for Scottish Borders Council, Scottish Borders Council's Pension Fund, SBC Common Good Funds, the SBC Charitable Trusts, Bridge Homes LLP, SB Support and SB Cares - copies of which had also been circulated - had been presented to the Audit & Scrutiny Committee prior to signature. Councillor Bell, as Chairman of the Audit and Scrutiny Committee, commented on that Committee's review of the accounts and the unqualified opinion which had been received in respect of all accounts. He noted that Mr Samson from Audit Scotland was in the public benches that day.

DECISION

AGREED to approve the following audited accounts:-

- (a) the Scottish Borders Council's audited Annual Accounts for the year to 31 March 2017;**
- (b) the Scottish Borders Council Common Good Funds' (Charity SC031538) audited Annual Accounts for the year to 31 March 2017;**
- (c) the SBC Welfare Trust (Charity SC044765) audited Annual Accounts for the year to 31 March 2017;**
- (d) the SBC Education Trust (Charity SC044762) audited Annual Accounts for the year to 31 March 2017;**
- (e) the SBC Community Enhancement Trust (Charity SC044764) audited Annual Accounts for the year to 31 March 2017;**
- (f) the Thomas Howden Wildlife Trust (Charity SC015647) audited Annual Accounts for the year to 31 March 2017;**

- (g) the Ormiston Trust for Institute Fund (Charity SC019162) audited Annual Accounts for the year to 31 March 2017;
- (h) the Scottish Borders Council Charity Funds' (Charity SC043896) audited Annual Accounts for the year to 31 March 2017;
- (i) the Bridge Homes LLP audited Annual Accounts for the year to 31 March 2017;
- (j) the SB Supports audited Annual Accounts for the year to 31 March 2017;
- (k) the SB Cares audited Annual Accounts for the year to the 31 March 2017; and
- (l) the Scottish Borders Council's Pension Fund audited Annual Accounts for the year to 31 March 2017.

9. **ANNUAL TREASURY MANAGEMENT REPORT 2016/17**

With reference to paragraph 12 of the Minute of 15 December 2016, there had been circulated copies of a report by the Chief Financial Officer containing the annual report of treasury management activities undertaken during the 2016/17 financial year. The annual report provided an analysis of performance against targets set in relation to Prudential and Treasury Management Indicators. All of the performance comparisons reported upon were based on the revised indicators agreed as part of the mid-year report approved in December 2016. The report also detailed the Council's borrowing requirement to fund capital investment undertaken during 2016/17, how much the council actually borrowed against the sums budgeted, and the level of external debt carried on the council's balance sheet within approved limits. During the year the Council had, where possible, deferred borrowing using surplus cash rather than undertaking new borrowing and therefore did not undertake additional long term borrowing during the year. However, the Council did undertake short term borrowing for cash flow purposes and long term borrowing for capital purposes during the year, amounting to £9m and £12m respectively. Treasury management activity for the year had been undertaken in compliance with approved policy and the Code and the Council remained under-borrowed against its Capital Financing Requirement (CFR) at 31 March 2017.

DECISION

AGREED:-

- (a) to note that treasury management activity in the year to 31 March 2017 had been carried out in compliance with the approved Treasury Management Strategy Policy; and
- (b) the annual report of Treasury Management activities for 2016/17 as detailed in Appendix 1 to the report.

10. **MARKETS IN FINANCIAL INSTRUMENTS DIRECTIVE (MIFID II)**

There had been circulated copies of a report by the Chief Financial Officer providing information on the rules for implementation of the Markets in Financial Instruments Directive (MiFID II), which was effective from 3 January 2018. The report explained that following a review by the European Commission the rules for Markets in Financial Instruments Directive (MiFID) were due to change on 3rd January 2018. The change would result in all UK Local Authority pension funds being automatically reclassified from "professional investors" to "retail" clients by default. The re-classification of "retail" would result in the Council being unable to invest any financial instrument including the Council's current investments as set out in the Treasury Strategy. To allow continued investment in the required classes the Council required to apply to "opt-up" to "professional" status. The Local Government Association was currently developing a reporting template in

conjunction with the Investment Association, which the Council would be able to utilise for the “opt up” process.

DECISION

AGREED:-

- (a) to note the pending reclassification of the Council to “retail” status under MiFID II; and
- (b) that the Council would complete the required documentation to “opt up” to “professional” status.

11. **AMENDMENT TO CALENDAR OF MEETINGS**

There had been circulated copies of an amended calendar of meetings to allow the Council meeting to be moved away from the school holidays/in-service days in November.

DECISION

AGREED to approve the amended calendar as contained in appendix II to this Minute.

12. **ANNUAL REPORT OF THE CHIEF SOCIAL WORK OFFICER 2016/17**

There had been circulated copies of a report by the Chief Social Work Officer containing the 10th annual report on the work undertaken on behalf of the Council in the statutory role of Chief Social Work Officer. 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. The report of the Chief Social Work Officer was attached as Appendix A to the report and also contained an overview of regulation and inspection, workforce issues and social policy themes over the year April 2016 to March 2017, and highlighted some of the key challenges for Social Work for the coming year. Members expressed their appreciation for the work of the Chief Social Work Officer, Elaine Torrance, who had recently retired from the post.

DECISION

AGREED to approve the report of the Chief Social Work Officer and noted the successes and challenges detailed in the covering report

13. **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

14. **MINUTE**

The private section of the Council Minute of 24 August 2017 was approved.

15. **COMMITTEE MINUTES**

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

16. **COMMON GOOD FUND AND TRUST FUND INVESTMENTS**

Members approved a report by the Chief Financial Officer.

17. **PROPOSED REPLACEMENT BUILDING AT ST. LEONARD'S PARK, HAWICK**

Members approved a report by the Service Director Assets and Infrastructure.

DECLARATION OF INTEREST

Councillors McAteer and Paterson declared an interest in the above item of business in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

The meeting concluded at 1.55 pm

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**SCOTTISH BORDERS COUNCIL
28 SEPTEMBER 2017
APPENDIX I**

Questions from Councillor Robson

1. To Executive Member for Transformation & HR

How can members obtain answers on a regular basis to the questions which Audit Scotland says should be asked about equal pay as set out in the following extract at Exhibit 9 on page 20 of Audit Scotland's report 'Equal Pay in Scotland's Councils' published on 7th September 2017

"Questions for elected members in overseeing, challenging and scrutinising equal pay

- Have I been updated on the number of ongoing equal pay claims at my council? Am I satisfied they are being dealt with effectively?*
- Have I been updated on the potential cost of equal pay claims?*
- Have I been updated on the steps my council is taking to mitigate against the risks of equal pay claims? For example:*
- Have I seen my council's equal pay audit? Did it meet EHRC good practice guidance? Are there any pay gaps? Can we sufficiently justify any differences in pay gaps?*
- Have I seen action plans and progress reports against my council's equal pay policy?*
- Have I been updated on changes in case law that might affect my council?*
- Have I seen equality impact assessments on any changes to my council's pay and grading system?*
- Has my council fully implemented the SJC third edition guidance and recommendations?*
- Have I been informed about whether my council has allocated adequate resources to proactively carry out equality work around equal pay/gender pay gap beyond responding to equal pay claims?"*

Reply from Councillor Mountford

In response to your questions I can confirm that Scottish Borders Council has received relatively few equal pay claims compared to other authorities.

A total of 154 claims were lodged with the Employment Tribunal. All but 46 of those have been settled by mutual agreement.

All of these claims relate to the implementation of the Single Status Agreement, and the pay protection emanating therefrom, which was part of the national Single Status agreement, as noted in the report.

While the Council has not received any equal pay claims since then, and I am confident that the Council's Pay and Grading system is fair and non – discriminatory, we remain vigilant to ensure that this remains the case.

This includes ensuring that the system is compliant with Single Status version 3, robustly carrying out Equality Impact Assessments on any changes and taking into account lessons to be learned from cases involving other authorities.

The latest Equality Mainstreaming Report published in April 2017 shows a gender pay gap of 11.9%, which is lower than the national figure of 14.9%. We are, however, committed to reducing that.

As the report details, equal pay and the gender pay gap are separate but related matters.

I am confident that the Council has enshrined the principle of equal pay for equal work.

The report lists several other causes which may contribute to the gender pay gap. These include a lack of flexible working opportunities, disadvantaging women who remain the main care providers, and occupational segregation.

The Council has a comprehensive Flexible Working policy, which allows employees to request a range of flexible working practices. Such applications are considered favourably, subject to service requirements.

We are addressing the issue of occupational segregation through mandatory Equality and Diversity training for all employees, and the provision of Modern Apprenticeships and other employment opportunities.

I am also pleased that the figures from the latest Mainstreaming Report show that 52.94% of the highest paid 2% and 45.14% of the highest paid 5% of employees are women. Both of these figures have seen a consistent increase over the last 3 years.

The Council have 46 equal pay claims outstanding.

These are made up of 37 “first wave” claims, which are claims in respect of the period prior to the implementation of the Single Status Agreement, and 9 “second wave” claims, which are in respect of a 3 year period of pay protection paid to employees who were adversely affected by the implementation.

A further 108 claims lodged with the Employment Tribunal have been settled by agreement.

These cases have been on hold for some time, largely pending the resolution of other cases which would set relevant precedents.

However, SBC have now made increased offers to settle the vast majority of the claims. The exceptions are 6 cases in which the particular circumstances of the claim mean it is inappropriate to make an offer.

Elected members are updated on the potential cost of equal pay claims through the annual accounts, which include a provision for equal pay claims.

The Equality Mainstreaming report 2013, update report 2015 and new Mainstreaming report 2017 give details of employees’ pay with reference to a number of the protected characteristics in the Equality Act, including gender.

These were considered and approved by Council on the following dates:

- Equality Mainstreaming Report 2013 – 25/04/13
- Update Report – 02/04/15
- Equality Mainstreaming Report – 30/03/17

Copies of the relevant reports and minutes are available on the Councils website.

Elected members will continue to receive progress reports and action plans which are contained within the Equality Mainstreaming and Update reports.

There have been two significant Court of Session decisions in the Equal Pay sphere over recent years, both involving Glasgow City Council:

1. A decision that employees of Council owned arms -length organisations can compare themselves to Council employees for equal pay purposes. This does not have a significant effect on SBC because employees of the Council’s arms-

length organisation, SB Cares, retain the same terms and conditions as SBC employees, including the pay and grading procedure. Any change to that requires to be approved by elected members.

2. A decision that Glasgow City Council's job evaluation system, and pay protection paid to employees who lost out on the introduction of the Single Status Agreement had not been shown to be non-discriminatory.
This decision very much turns on its particular circumstances, and the decision was based on the fact that the onus was on Glasgow to positively establish the lack of discrimination and the way they presented the case did not go far enough to do that

As detailed above, offers have been made to resolve the small number of second wave claims which are outstanding.

An Equality Impact Assessment was carried out on the Job Evaluation Scheme used to implement the Single Status Agreement.

Further changes were made in 2013, through a negotiation relating to pay and terms and conditions.

This resulted in the removal of the top incremental point for grades 8-12 and Chief Officers; removal of enhancement payments for weekend work and a change to the rate of enhancement and time of applicability for night work.

Again an Equality Impact Assessment was carried out and is available on the Council's webpage.

Supplementary

Councillor Robson asked if consideration would be given to publishing this information on the Council's website and updating it on a regular basis. Councillor Mountford advised that EIA and Mainstreaming reports were already published but he would ask officers if it was practical to go beyond that.

To the Executive Member for Roads and Infrastructure

Can the Executive Member advise whether a traffic management study or any kind of traffic or transport survey was carried out prior to, or has been conducted during, the construction of the new Broomlands Primary School in Kelso and if so what conclusions were drawn and proposals made therein?

Reply from Councillor Edgar

As is normal in developments of this scale, a Transport Statement was prepared as part of the Planning Application process. This was undertaken in November 2015 by Goodson Associates.

Its conclusions were that the proposed development would integrate well with the existing transport network, with pedestrians, cyclists, public transport patrons and car users all catered for in a sustainable manner and that there were no transport related issues preventing the award of planning consent.

It should be emphasised that the new primary school at Broomlands is still currently under construction, resulting in considerable additional traffic movements in the area in preparation for its scheduled winter opening.

This traffic is in addition to the normal day to day school related activity from the existing adjacent school. Once the transfer to the new school is complete and the existing school demolished it is anticipated that parking and traffic management in the area will be much improved.

In the interim staff continue to work with Police Scotland, the main Contractor and the Head Teacher to minimise disruption.

Supplementary

Councillor Robson asked if the parking information during the demolition phase could be conveyed to the Parent Council who did not seem to be aware of this and had safety concerns for the children. Councillor Edgar advised that safety of the children was always paramount and he would ask officers to liaise with the Parent Council.

Question from Councillor S. Scott

To the Leader

Can you please explain what if anything the Council is proposing to do, to provide extra care beds in order to relieve the problem of delayed discharge at Borders General Hospital?

Reply from Councillor Haslam

An Intermediate Care facility has been developed within Waverly Care Home in Galashiels which provides 16 transitional care beds. This facility supports discharge from acute care at BGH for people who are clinically fit but who would benefit from a period of additional rehabilitation and support to enable them to return home wherever possible. Work is ongoing to explore options with other care homes who might also be able to offer intermediate care beds.

Work is currently under way to develop a facility in Tweedbank which will initially provide further beds to enable timely discharge of patients from BGH so that assessment for their ongoing care requirements can take place in a more appropriate environment than an acute hospital bed.

NHS Borders and Scottish Borders Council have worked in partnership to develop an appropriate Winter Plan which identifies options and processes to increase capacity in community settings across care sectors in order to support discharge processes within BGH and community hospitals.

Borders Health & Social Care Partnership's Transformational Change Programme includes the development of an "out of hospital" community services model which will incorporate a range of bed and non-bed based models of care to support people to remain at or return to home or community settings wherever possible. This will support discharge processes from BGH and also help to prevent admissions wherever possible.

Question from Councillor Drum

To the Executive Member for Business and Economic Development

The Scottish Governments Programme for Scotland, 2017 – 18 has some ambitious plans to ensure Scotland is fully digitally connected. As part of these plans, they aim to deliver free Wi-Fi throughout major towns and city centres across Scotland. Can I ask what are the council's plans to ensure our Towns in the Scottish Borders are included as 'Major Towns'?

Reply from Councillor Rowley

Scottish Borders Council has very close links with the Digital Team at the Scottish Government. It has been indicated to officers by the lead official looking after this scheme that Scottish Borders towns are within the scope of this Initiative. Currently the Scottish Government is carrying out an information gathering exercise covering towns and city centres throughout Scotland to find out what gaps there are in the provision of free wifi. Following this survey, decisions will be made on the towns and city centres to be covered.

Our officials will work closely with the Scottish Government to ensure as many towns in the Scottish Borders are included as is possible in the implementation of the Initiative.

Question from Councillor H. Anderson

To the Executive Member for Neighbourhoods and Communities

At a recent meeting with the Communities and Partnership Manager I was advised that a total of £1.88 million had been awarded to community groups across all 5 localities over the 2 year period from 2015-17. This funding had comprised SBC Community Grant Scheme, SBC Quality of Life Scheme, SBC Small Schemes, Pay parking funds, Village Hall Funding, Local Festival Grants and EU Leader funding.

Just over one quarter of this sum, £456,235, was specifically allocated from the Quality of Life fund, the Small Schemes fund and the Community Grant scheme and an analysis of the proportion of the Community Grants Scheme by category for the Tweeddale area was provided for the longer period from 2012-17.

Can a similar analysis of the awards by category from the Quality of Life and Small Grants Scheme funds be provided?

Reply from Councillor Aitchison

Yes a similar analysis can be provided and the Communities & Partnership Manager is already working on this.

It is also worth noting that a review of funding streams is taking place and a report will be coming forward to Council in due course.

Questions from Councillor Chapman

1. Executive Member for Culture & Sport

2018 marks an important year for the Jim Clark Rally, marking the anniversary of Jim Clark's death in 1968. I would therefore like to ask if the Museum be open in time?

Reply from Councillor Jardine

The project programme has been established and agreed for some time in that while construction works will commence in 2018, the current expectation is that the new museum will be available to open in March 2019. This is subject to the "Approval to Proceed" from HLF which, in turn, will be dependent on all other matters being resolved & agreed with them.

The team would be more than happy to look at undertaking or assisting in an event during the construction stage to recognise the 2018 milestone.

2. Executive Member for Transformation & HR

To ask the Council Executive what provision has it, or intends to implement to train all staff and elected member of Scottish Borders Council in The United Nations Convention on the Rights of the Child? How does this Council intend to embed the principles of the Charter throughout all the policies and decision making processes of this Council?

Reply from Councillor Mountford

A Child Rights and Engagement Strategy is being prepared by the Children & Young People Department. This is being led by the Engagement and Participation Officer.

An e-learning package covering Child Rights and the Child Rights Ambassador Programme is currently available on the Council's e-learning system. It is available to employees and elected members.

This will be formally rolled out when the Strategy is launched.

The Child Rights Ambassador Programme is designed to encourage children and young people to become Ambassadors for Child Rights.

Ambassadors will have three main tasks:

1. Tell children and young people about their rights under the Convention.
2. Tell children and young people about Scotland's Commissioner for Young People.
3. Organise events and activities which promote child rights in their community.

A handbook giving details of rights under the Convention and further detail on the Ambassador Programme has been prepared and will be available in every Primary and Secondary School in the Borders.

Unicef run a "Rights Respecting School" award, which recognises that Child Rights are embedded within an individual school.

Every school in the Borders has achieved the Recognition of Commitment stage, at which they plan towards formally obtaining a Level 1 award and thereafter Level 2.

Several schools have already obtained the Level 1 award.

3. Executive Member for Children and Young People

What advice is being given to schools on what IT system to use when reporting bullying in our schools?

Reply from Councillor Haslam in the absence of Councillor C Hamilton

Scottish Borders Council "Respectful Relationships Policy 2012" advises that incidents of a bullying nature are to be recorded in SEEMIS (National Information System for Schools used across all 32 Local Authorities). The recordings should take place within the Bullying and Equalities Module.

Within the new Business Support Structure for Schools our Business Managers now have the responsibility and opportunity to streamline all key information recording processes across the school cluster. As part of their role they are looking at the use of SEEMIS by all schools and will be providing support to ensure all schools are following advice and guidance as referred to above.

Supplementary

Councillor Chapman advised that there seemed to be mixed messages in schools and that Members had been advised that there had been no cases of LGBT bullying which he did not believe was correct. He asked that it was ensured that all teachers were using the correct system. Councillor Haslam agreed that safeguarding children was of primary importance and she would take responsibility to make sure that teachers were properly advised.

4. Executive Member for Neighbourhoods and Localities

What steps are being taken to ensure appropriate future burial sites are being identified, with many of the current graveyards – such as the site in Peebles – reaching capacity in the coming years?

Reply from Councillor Aitchison

As well as the currently allocated sites within the SBC Local Development Plan, the Council continues to review its Capital Programme on an annual basis and in doing so responds to future investment priorities.

The Burial and Cremation (Scotland) Act 2016 also places duties and provides powers to Local Authorities which have to be taken into consideration when developing plans for future burial ground requirements. The Act and its potential implications for the Scottish Borders will need to be considered as part of a strategic review of Burial Grounds and a report on the matter will be brought forward to the Council in due course.

5. Executive Member for Neighbourhoods and Localities

How much of tax payers' money is being used to clean up after dog fouling? What action is being taken by this Council to identify and prosecute the small number of irresponsible dog owners who regularly ignore the rules? In addition, what action is being taken by this Council to better promote responsible dog ownership?

Reply from Councillor Aitchison

The Council's Street Cleansing budget is currently in the region of £1.4m per annum based on LFR (Local Finance Returns) and contained within this budget are the costs incurred for the clearing of dog fouling. The ledger does not separately record costs associated with this activity.

As Members may be aware, the Council has recently completed a pilot project on Dog Fouling Enforcement and the Responsible Dog Ownership Strategy and a report on the Pilot including recommendations for next steps will be brought to Council in the near future.

Importantly, Elected Members will understand that a balanced approach to the scourge of Dog Fouling is required whereby individuals take personal responsibility for their actions, whilst enabling responsible dog owners, who are the vast majority, to support the Council in its efforts. This approach when harnessed with increased public awareness and improved access to facilities are likely to be the building blocks of our approach to dog fouling and responsible dog ownership in future.

Supplementary

Councillor Chapman commented on the work being carried out in Newtown St. Boswells and he asked what role the Council played in extending such best practice to other Border towns. Councillor Aitchison advised that consideration always needed to be given on how best to spend the budget but he was happy to meet any community who wanted to get involved.

6. Executive Member for Adult Social Care

Our demographic projections show that our over-60 years of age population living in the Scottish Borders will grow by 50% in the next years, just two terms of office, including this one. What action is being taken by this Council to ensure we are ready to support residents within the local authority area, regardless of where they live within the Scottish Borders?

Reply from Councillor Haslam in the absence of Councillor Weatherston

The demographic projections have been used and continue to be used to inform service development across health and social care to ensure equitable and appropriate provision of care and support. In addition to the projected increase in the older adult population, other demographic and public health information, needs assessment, local housing plans etc are also used routinely to plan future service development and delivery.

Continued joint working with partner agencies, including third sector and the development of robust locality planning processes as part of the integration agenda will ensure that service development is aligned with the needs of local communities.

Supplementary

Councillor Chapman asked what investment the Council was making into home care support especially in rural areas. Councillor Haslam advised that a pilot was currently underway based on the Buurtzorg model of care, which would be reported back.

Question from Councillor Jardine

To the Executive Member for Finance

I was startled to read recently that many Councils across Scotland are not prepared for the transition from the old £1 coin to the new £1 coin. Can I please be made aware if the Scottish Borders Council is fully ready for the old £1 coin withdrawal from circulation? I ask with particular interest in the readiness of car parking meters throughout the region.

Reply from Councillor Turnbull

All Pay & Display parking machines in the Scottish Borders have been fitted with new validators and can take both the new and old £1 pound coins.

All catering machines that take £1 coins have been changed and the companies that supply these machines have also been instructed to return in October to disable the old £1 coins from being accepted.

The Council is fully ready for the new £1 coin.

SCOTTISH BORDERS COUNCIL
28 SEPTEMBER 2017
APPENDIX II

AMENDMENT TO CALENDAR OF MEETINGS

Oct-17				
MON	30	OCT	TRADING OPERATIONS SUB-COMMITTEE	10.00 a.m.
TUES	31	OCT	STANDARDS COMMITTEE	2.00 p.m.
Nov-17				
WED	1	NOV		
THUR	2	NOV	SCOTTISH BORDERS COUNCIL	10.00 a.m.
THUR	2	NOV	INNERLEITHEN CGF SUB-COMMITTEE	3.00 p.m.
FRI	3	NOV		
SAT	4	NOV		
SUN	5	NOV		
MON	6	NOV	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	7	NOV	EXECUTIVE COMMITTEE (EDUCATION)	10.00 a.m.
TUES	7	NOV	LLP STRATEGIC GOVERNANCE GROUP	2.00 p.m.
WED	8	NOV		
THUR SH)	9	NOV		
FRI (SH)	10	NOV	POLICE, FIRE & RESCUE AND SAFER COMMUNITIES BOARD	9.30 a.m.
SAT	11	NOV		
SUN	12	NOV		
MON	13	NOV	AUDIT & SCRUTINY COMMITTEE	10.15 a.m.
TUES	14	NOV	HAWICK CGF SUB-CTEE	4.00 p.m.
TUES	14	NOV	TEVIOT & LIDDESDALE LOCALITY COMMITTEE	6.30 p.m.
WED	15	NOV		
THUR	16	NOV		
FRI	17	NOV	LICENSING BOARD	10.00 a.m.
FRI	17	NOV	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	18	NOV		
SUN	19	NOV		
MON	20	NOV	LOCAL REVIEW BODY	10.00 a.m.
TUES	21	NOV	EXECUTIVE COMMITTEE (FINANCE/PERFORMANCE/TRANSFORMATION)	10.00 a.m.
WED	22	NOV		
THUR	23	NOV	EDUCATION PERFORMANCE SUB-CTEE	2.00 p.m.
THUR	23	NOV	COMMUNITY PLANNING STRATEGIC BOARD	2.00 p.m.
FRI	24	NOV		

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