

# SCOTTISH BORDERS COUNCIL

MINUTES of Meeting of the SCOTTISH COUNCIL held in Council Chamber, Council Headquarters, Newtown St. Boswells on Thursday, 29 March, 2018 at 10.00 am

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

Apologies:- Councillors J. Greenwell and T. Weatherston

In Attendance:- Executive Director (P Barr), Executive Director (R Dickson), Service Director Assets & Infrastructure, Service Director Children & Young People, Service Director Regulatory Services, Joint Director of Public Health, Chief Financial Officer, Chief Social Work Officer, Chief Legal Officer, Chief Officer - Roads and Clerk to the Council

## 1. CONVENER'S REMARKS.

- 1.1 The Convener welcomed Councillor Caroline Penman to her first meeting of the Council following her election at the recent By-election in the Selkirkshire Ward.
- 1.2 The Convener congratulated the Community Capacity Building Team comprising Juliana Amaral, Lynne Marshall, Amanda Renwick and Jillian Scott on receiving the silver award at the recent iESE (Improvement and Efficiency Social Enterprise) Public Sector Transformation Awards 2018. The Convener represented the award to Lynne Marshall and Jillian Scott who were present at the meeting.
- 1.3 The Convener congratulated David Robertson and his team for receiving the CIPFA Scottish Public Sector Team of the Year Award 2018. The Convener represented the award to David Robertson, Suzy Douglas, Kirsty Robb, Lizzie Turner and Sandra Blacklock who were present at the meeting.

## 2. MINUTES

The Minutes of the Meetings held on 25 January and 20 February 2018 were considered.

### DECISION

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

## 3. COMMITTEE MINUTES

The Minutes of the following Committees had been circulated:-

Tweeddale Area Partnership	10 January 2018
Audit & Scrutiny	15 January 2018
Civic Government Licensing	19 January 2018
Local Review Body	22 January 2018
Eildon Area Partnership	25 January 2018
Executive	30 January 2018
Berwickshire Area Partnership	1 February 2018
Lauder Common Good Fund	2 February 2018
Planning & Building Standards	5 February 2018
Jedburgh Common Good Fund	7 February 2018
Kelso Common Good Fund	7 February 2018

Hawick Common Good Fund	7 February 2018
Cheviot Area Partnership	7 February 2018
Police, Fire & Rescue and Safer Communities Executive	9 February 2018
Selkirk Common Good Fund	14 February 2018
Audit & Scrutiny	14 February 2018
Local Review Body	15 February 2018
Lauder Common Good Fund	19 February 2018
Teviot & Liddesdale Area Partnership	20 February 2018
Peebles Common Good Fund	20 February 2018
Pension Fund & Pension Board	7 March 2018
Pension Fund Board	8 March 2018
Galashiels Common Good Fund	8 March 2018
Local Review Body	8 March 2018
Executive	13 March 2018
Executive	13 March 2018

#### **DECISION**

**APPROVED** the Minutes listed above.

#### 4. **OPEN QUESTIONS**

*The questions submitted by Councillors Tatler, Robson, Paterson, Chapman, Brown, Drum, Ramage and H. Anderson were answered.*

#### **DECISION**

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

#### 5. **SCOTTISH BORDERS COMMUNITY FIRE AND RESCUE PLAN**

There had been circulated copies of the Community Fire and Rescue Plan for the Scottish Borders. The Convener welcomed Stephen Gourlay, LSO with the Scottish Fire and Rescue Service to the meeting. Mr Gourlay advised Members that this was an outcome focussed plan which dovetailed with the Scottish Borders Community Plan. The Plan covered 5 local priorities which included home safety, community resilience, safer roads, anti-social behaviour and the reduction of unwanted fire alarm signals. He also commented on the successful "Our Living Safely in the Home" pilot in the Cheviot locality and the stations taking part in the national pilot to provide a response to OHCA incidents. It was noted that although this pilot was currently on hold it was intended to roll this out to all stations in the Borders. Involvement in road safety programmes was also a priority. Members welcomed the Plan.

#### **DECISION**

**AGREED** to approve the Scottish Borders Community Fire and Rescue Plan.

#### 6. **CHILD PROTECTION ANNUAL REPORT 2016/17**

There had been circulated copies of a report by the Chief Social Work Officer on the activities of the Child Protection Committee during the period 1<sup>st</sup> August 2016–31<sup>st</sup> July 2017 aimed at protecting children and young people in the Scottish Borders from abuse and neglect. The report explained that the Scottish Borders Child Protection Committee (CPC) oversaw the development of all multi-agency child protection policies and procedures in the Scottish Borders and at the very forefront of this work were the online multi-agency child protection procedures. During this period a number of new sections and protocols were added or updated to ensure best practice and that they were in line with national guidance and legislation. The SBCPC continued to self-evaluate, to ensure good practice and reflective review, and also to seek areas for improvement following the Care Inspectorate visit in early 2016 and the Business Plan 2016-2019 reflected this. The report detailed that 593 child protection referrals were followed up resulting in 37 children being placed on the Scottish Borders Child Protection Register between 1<sup>st</sup> August 2016 and 31<sup>st</sup> July 2017. Child Protection Training remained a key responsibility of the CPC with a range of multi-agency and single agency events being held throughout the year. A

training strategy for 2016-2017 was developed and courses were detailed in the report which over 2,991 people had attended. Mr Michael Batty, who had taken over as Independent Chair in September 2017, highlighted the main work of the Committee. He commented on the roll out of the "Neglect toolkit" which had been well received by both staff and families. The main areas for the next 12 months included the introduction of the Scottish Government Child Protection Improvement Programme and the Scottish Borders Public Protection Review. Mr Batty answered Members' questions and advised that following the introduction of the new training update model attendance figures could be included in the next annual report. With regard to "neglect" training it was noted that this was having a significant impact with an increase in the number of cases and staff reporting increased confidence levels in dealing with this. Funds had also been identified to introduce an intervention project. With regard to addressing the matters raised by the Care Inspectorate, Mr Batty advised that a meeting with the Inspector had been scheduled to validate the quality improvements which had already been made. The importance of engagement with young people was also discussed and the identification of around 50 young ambassadors was highlighted.

**DECISION**

**AGREED:-**

- (a) to endorse the content of the Child Protection Committee Annual Report; and**
- (b) that the report be published on the Council's website and distributed to interested parties.**

**7. ADULT PROTECTION ANNUAL REPORT 2016/17**

There had been circulated copies of a report by the Chief Social Work Officer on the continuing progress in Scottish Borders in the development of an interagency approach to the support and protection of adults who are at risk of harm, as defined in the Adult Support & Protection (Scotland) Act 2007. The report explained that the number of cases progressing from Referral to Adult Protection concerns, as defined by the Act, displayed an increased pattern with 204 cases in 2016-2017 compared to 171 cases in 2015-2016 and 169 cases the previous period. Adult Protection concerns were investigated where it was known or believed that an adult was at risk. For those referrals that did not meet the criteria, they did not progress to an Adult Protection concern. However, a significant number were signposted to other services for support. Financial and physical harm continued to be the most prominent types of harm in the Scottish Borders. Work with trading standards last year to tackle financial harm and scams had seen a positive impact on adult protection referrals, particularly in the age range 65 – 79 years of age, with figures down by a third. Most cases of physical harm happened in the adult's own home usually by someone known to them. Reports of physical harm and neglect were also reported in private care home settings. Scottish Borders investigated all incidents of harm in these settings and had now delivered bespoke adult protection training into all 22 care homes within the Scottish Borders. Within the under 65 year age range, social media and smart phone technology was particularly impacting on relationships. Many adults were introduced to a wider group of friends / acquaintances through this technology. However, this technology could also be used in some situations, to target and harm the most vulnerable adults. Mr Jim Wilson, Independent Chair of the Committee, highlighted the main aspects of the report and emphasised the need to repeat training due to high staff turnover in the care sector. With regard to issues raised during the inspection he continued to meet with the Inspector regarding the improvements identified. Mr Wilson answered Members' questions and advised that figures could be included in the training matrix in future reports.

**DECISION**

**AGREED:-**

- (a) to endorse the content of the Adult Protection Committee Annual Report; and**

- (b) that the report be published on the Council's website and distributed to interested parties.**

#### **DECLARATION OF INTEREST**

Councillor Robson declared an interest in the following two items of business in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during their discussion.

8. **SUPPLEMENTARY GUIDANCE ON RENEWABLE ENERGY**

With reference to paragraph 16 of the Minute of 22 December 2016, there had been circulated copies of a report by the Service Director Regulatory Services seeking approval of the Supplementary Guidance on Renewable Energy, as contained in Appendix 1 to the report. The report explained that the draft Guidance had been subject to public consultation and Appendix 2 to the report contained details of the 33 representations received following that public consultation and officer responses to the points raised. The report explained that although wind energy was the main component part of the Guidance, reference was also given to a range of other types of renewable energy which were considered the most common and emerging types where useful guidance could be given. These other renewable energy types included micro-renewables including photovoltaic panels, field scale solar voltaics, biomass, energy from waste, anaerobic digestion, hydro and ground source heat pumps. The report also detailed the amendments which had been made to the Guidance following the public consultation. Members welcomed the Supplementary Guidance which was considered to strike the correct balance between meeting Government Policy and ensuring that development was located in the best place.

#### **DECISION**

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

- (a) approve the Supplementary Guidance, as detailed in Appendix 1 to the report;**
- (b) note the representations received and responses within Appendix 2 to the report;**
- (c) note the Environmental Report; and**
- (d) forward the Supplementary Guidance to Scottish Ministers.**
9. **HAWICK FLOOD PROTECTION SCHEME - REQUEST FOR DELEGATED AUTHORITY**

With reference to paragraph 9 of the Minute of 21 December 2017, there had been circulated copies of a report by the Service Director Assets and Infrastructure seeking delegated authority to commence the land purchase negotiations and use the appropriate Compulsory Purchase Order powers where required and also provide the Chief Legal Officer with delegated authority to use the powers under the Flood Risk Management (Scotland) Act 2009 to allow entry to land for the construction of the Scheme. The report explained that following a six week re-publication of the Scheme, following a final decision to Confirm the Scheme by Scottish Borders Council on 21 December 2017, there were no appeals registered with the Sheriff Court in Selkirk which meant that the Scheme was now 'Operative' under the Flood Risk Management (Scotland) Act 2009. This was a key milestone in achieving the 80% Scottish Government funding for the Main Works. The detailed design and advanced works were commencing well and the Project Team continued to proactively engage with the public in relation to both elements. Now that Hawick Flood Protection Scheme 2017 was 'Operative' the project team would support the Planning Team to submit the package of information to Scottish Ministers to consider 'Deemed Planning' in accordance with Regulation 14 of Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland)

Regulations 2010. The report detailed the circumstances in which the different powers would be used or required. Members welcomed the progress being made with the Scheme.

#### **DECISION**

**AGREED to provide:-**

- (a) **the Service Director Assets & Infrastructure the delegated authority to commence the land purchase negotiations and use the appropriate Compulsory Purchase Order powers where required;**
- (b) **the Chief Legal Officer the delegated authority to use the powers under the Flood Risk Management (Scotland) Act 2009 to allow entry to land for the construction of the Scheme; and**
- (c) **the Chief Legal Officer the delegated authority to use the powers under the Flood Risk Management (Scotland) Act 2009, if required, to request a Sheriff or Justice of the Peace to authorise entry to land if entry has been obstructed.**

#### **10. SCHEME OF DELEGATION**

With reference to paragraph 18 of the Minute of 26 June 2014, there had been circulated copies of a report by the Chief Executive seeking approval for an amended Scheme of Delegation to take account of changes in management structure within the Council and some legislative updates. A copy of the amended Scheme was appended to the report.

#### **DECISION**

**AGREED to approve the amended Scheme of Delegation as detailed in the Appendix to the report.**

#### **MEMBER**

Councillor Brown left the meeting.

#### **11. DRAFT CALENDAR OF MEETINGS**

There had been circulated copies of a draft Calendar of Meetings covering the period from August 2018 to July 2019. The Clerk to the Council advised that a change was required to move the Audit and Scrutiny Committee from 26 November to 27 November 2018 to avoid a clash with the SESplan Committee.

#### **DECISION**

**AGREED to approve the Calendar of Meetings 2018/19, subject to the above change to the date of the Audit & Scrutiny Committee.**

#### **12. SCOTTISH BORDERS LIVING WAGE GROUP MEMBERSHIP**

With reference to paragraph 11 of the Minute of 25 January 2018, Councillor Tatler, seconded by Councillor Paterson, proposed that the Membership of the above Group comprise Councillors Edgar, Greenwell, Jardine and himself together with representatives from the Opposition Groups. The following were proposed and accepted:-

Councillor A. Anderson and Councillor Laing – proposed by Councillor Bell and seconded by Councillor H. Anderson

Councillor Chapman – proposed by Councillor Robson and seconded by Councillor Bell

Councillor Paterson – proposed by himself and seconded by Councillor Tatler

Councillor H. Scott - proposed by himself and seconded by Councillor Marshall

Councillor Penman – proposed by herself and seconded by Councillor Haslam.

**DECISION**

**AGREED that the Membership of the Scottish Borders Living Wage Group comprise Councillors A. Anderson, Chapman, Edgar, Greenwell, Jardine, Laing, Paterson, Penman, H. Scott and Tatler.**

13. **COSLA MEMBERSHIP**

It was noted that following changes to the COSLA Boards it would be more appropriate for Councillor Weatherston to be a member of the Health & Social Care Board than Councillor Jardine. The appointment of Councillor Weatherston was proposed by Councillor Haslam, seconded by Councillor Aitchison and unanimously approved.

**DECISION**

**AGREED that Councillor Weatherston be appointed to the COSLA Health & Social Care Board.**

14. **APPOINTMENT TO OUTSIDE BODIES**

It was noted that a replacement was required to represent the Council on the Focus Centre Committee following the resignation of Councillor Jardine. Councillor Haslam, seconded by Councillor Marshall, proposed that Councillor H. Scott be appointed and this was unanimously approved.

**DECISION**

**AGREED that Councillor H. Scott be appointed as the Council's representative to the Focus Centre.**

15. **MOTION BY COUNCILLOR BELL**

15.1 Councillor Bell, seconded by Councillor Laing, moved his Motion as detailed on the agenda in the following terms:-

"In light of the similar and very worrying forecasts by both the UK and the Scottish Governments of the potential negative impact on the economy of all of the different Brexit options, and in light of the forecast of a double digit decline in the economy of the neighbouring North East of England in the event of a Hard Brexit:-

- (a) Council requests the Leader to write to the Prime Minister to inform her of the Council's considered opinion that after Britain leaves the EU it remains within both the Customs Union and the Single Market, and;
- (b) Asks the Chief Executive to bring to Council within three months an analysis of the impact and potential mitigations for the Borders Economy of a Hard Brexit."

Councillor Bell and Councillor Laing spoke in support of the Motion.

15.2 Councillor Chapman, seconded by Councillor Robson, moved as an amendment that the words "the" before "Customs Union" and "Single Market" be changed to "a". This amendment was accepted by Councillor Bell.

15.3 Councillor Rowley, seconded by Councillor Miers, moved as an amendment that the Motion be rejected as it was premature and they spoke in support of this amendment.

15.4 Following a summing up of his position by Councillor Bell, Councillor Paterson, seconded by Councillor A. Anderson, moved that the vote be taken by Roll Call and this was unanimously approved.

Roll Call Vote

<u>Motion by Councillor Bell</u>	<u>Amendment by Councillor</u>	<u>Abstentions</u>
	<u>Rowley</u>	
<u>Councillor A. Anderson</u>	<u>Councillor Aitchison</u>	<u>Councillor Parker</u>

*Councillor H. Anderson  
Councillor Bell  
Councillor Chapman  
Councillor Drum  
Councillor Laing  
Councillor Moffat  
Councillor Paterson  
Councillor Penman  
Councillor Ramage  
Councillor Robson  
Councillor Thornton-Nicol*

*Councillor Edgar  
Councillor Fullarton  
Councillor C. Hamilton  
Councillor S. Hamilton  
Councillor Haslam  
Councillor Jardine  
Councillor Marshall  
Councillor McAteer  
Councillor Miers  
Councillor Mountford  
Councillor Richards  
Councillor Rowley  
Councillor H. Scott  
Councillor S. Scott  
Councillor Small  
Councillor Turnbull*

*Councillor Tatler*

The Amendment was accordingly carried.

**DECISION**

**DECIDED that Councillor Bell's Motion be rejected.**

16. **MOTION BY COUNCILLOR HASLAM**

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

"The Elected Members, communities and individuals of the Scottish Borders want to pay tribute to, and offer thanks for, the tireless work of the SBC teams that were out and about during the recent bad weather. All involved worked incredibly hard to make sure that our communities remained safe throughout the unprecedented weather. We also wish to thank support staff in the NHS, Mountain rescue teams, 4x4 drivers, resilient community groups and volunteers for all of their work to transport essential workers, clear snow and help residents in our towns and villages. Thanks also to the staff at Headquarters who spent their nights and days in the emergency bunker co-ordinating the services in very difficult conditions."

Councillor Haslam and Councillor Bell spoke in support of the Motion.

16.2 Councillor Rowley proposed the addition of a further sentence to the Motion after the word "villages" as follows:-

"Our special thanks are also due to the many hundreds of farmers, keepers, estate and rural workers right across the Scottish Borders who committed their equipment, time and worked exceptionally hard to keep so many of our rural communities and residents safe and connected at a time when their own work was more difficult than normal."

This addition was accepted and the amended Motion approved unanimously.

**DECISION**

**AGREED to approve the Motion as detailed above.**

17. **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**

18. **MINUTE**

The private section of the Council Minute of 25 January 2018 was approved.

19. **COMMITTEE MINUTES**

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

20. **SOUTH OF SCOTLAND ECONOMIC PARTNERSHIP - UPDATE**

Members approved a report by the Executive Director on the work of the South of Scotland Economic Partnership.

21. **TWEEDBANK FUTURE DEVELOPMENT OPPORTUNITIES**

This item was withdrawn from the agenda.

22. **BORDERS INNOVATION PARK UPDATE**

Members approved a report by the Service Director Assets and infrastructure on projects related to the Borders Innovation Park.

23. **COMMON RIDING POLICY**

Members approved a new Festival Grants template to ensure that applicants were meeting the requirements of the Equality Act.

***The meeting concluded at 1.40 pm***