

# Public Document Pack

## SCOTTISH BORDERS COUNCIL

MINUTES of Meeting of the SCOTTISH COUNCIL held in Council Chamber, Council Headquarters, Newtown St. Boswells on Thursday, 26 April, 2018 at 10.00 am

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Present:- Councillors T. Weatherston (Vice Convener), S. Aitchison, A. Anderson, H. Anderson, J. Brown, S. Bell, K. Chapman, K. Drum, G. Edgar, J. A. Fullarton, J. Greenwell, C. Hamilton, S. Hamilton, S. Haslam, E. Jardine, H. Laing, S. Marshall, W. McAteer, T. Miers, D. Moffat, D. Paterson, Penman, C. Ramage, N. Richards, E. Robson, M. Rowley, H. Scott, S. Scott, E. Small, E. Thornton-Nico, G. Turnbull

Apologies:- Councillors D. Parker, S. Mountford, R. Tatler

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

1. **VICE CONVENER'S REMARKS.**

The Vice Convener advised that the Convener had sent congratulations on behalf of the Council to TRH The Duke and Duchess of Cambridge on the recent birth of their son.

**DECISION NOTED.**

2. **MSYP PRESENTATION ON THE "RIGHT HERE RIGHT NOW" CAMPAIGN**

The Vice Convener welcomed Sanna Aziz and Tanya Thomson, members of the Scottish Youth Parliament to the meeting. They outlined the background to the setting up of the Youth Parliament and advised that the topic for the campaign had been chosen following a survey of 5000 young people across Scotland, including 800 from the Scottish Borders. The campaign focussed on the UN Convention on the Rights of the Child and European Convention on Human Rights. The key messages were to ensure that young people were aware of their rights and empowered to take action to defend them. Decision makers were being asked to keep young people right at the heart of all decisions. The objectives of the campaign were to influence law, policy and practice and improve the links between the Scottish Youth Parliament and other national bodies. There were 3 themes, namely: Advocacy, Action and Awareness, with Advocacy being the overarching theme. In terms of awareness raising, people were being encouraged to sign a pledge stating what they were doing for the young people of the Borders. Councillors were asked to consider children's rights, seek the views of young people and encourage schools to work towards bronze, silver or gold level of "Right Respecting Schools" awards. Sanna and Tanya answered Members' questions. Councillor Marshall thanked Tanya for her involvement in the Teviot & Liddesdale Area Partnership. Sanna advised that she was holding a joint surgery with Councillor Chapman at Peebles High School and was happy to be invited to other Councillors' surgeries. It was noted that MSYP elections were held every 2 years. Councillor S. Hamilton advised that Sanna had received the "One to Watch" award from the Scottish Youth parliament. The Vice Convener thanked Sanna and Tanya for their informative presentation.

**DECISION**

**NOTED the importance of this campaign for young people and agreed that Councillors be photographed at the end of the meeting with their signed pledge forms.**

3. **MINUTE**  
The Minute of the Meeting held on 29 March 2018 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:-

Eildon Area Partnership	8 March 2018
Berwickshire Area Partnership	15 March 2018
Audit & Scrutiny	19 March 2018
Hawick Common Good Fund	20 March 2018
Civic Government Licensing	23 March 2018
Planning & Building Standards	26 March 2018
Executive	17 April 2018

**DECISION**  
**APPROVED the Minutes listed above subject to paragraph 4 below.**

5. **COMMITTEE MINUTE RECOMMENDATIONS**

5.1 **Executive Committee**

With reference to paragraph 6 of the Minute of the Executive Committee held on 17 April 2018, it was recommended that an elected Member from the Selkirkshire Ward represent the Council on the Selkirk Town Centre BID Board. Councillor Thornton-Nicol, seconded by Councillor Turnbull, moved that Councillor Penman be appointed and this was unanimously approved.

**DECISION**  
**AGREED that Councillor Penman be appointed to the Selkirk Town Centre BID Board.**

- 5.2 With reference to paragraph 7 of the Minute of the Executive Committee held on 17 April 2018, it was recommended that the new Hawick and East Berwickshire Member Working Groups be established as soon as possible and business people and local stakeholders be co-opted onto these groups in line with local member expectations.

**DECISION**  
**AGREED to approve the recommendations relating to the setting up of the two Working Groups.**

- 5.3 With reference to paragraph 8 of the Minute of the Executive Committee held on 17 April 2018, regarding the Borderlands Inclusive Growth Deal it was recommended:-

- (a) to delegate authority to the Chief Executive, in consultation with the Leader and Executive Member for Business and Economic Development, to accept the terms of the Draft Memorandum of Understanding as set out in Appendix 2 to the report;
- (b) that the Council contribute a further £50,000 towards the joint pre-Deal development costs, to be allocated from existing budgets in the Economic Development service; and
- (c) that further progress reports be presented during 2018 as the development stages of the deal proceed; and
- (d) that Council should approve the final proposition of the Borderlands Inclusive Growth Deal prior to submission to the UK and Scottish Governments.

**DECISION**  
**AGREED to approve the recommendations detailed above.**

6. **OPEN QUESTIONS**

Councillor H. Scott raised a point of order in terms of Standing Order 39 and expressed the view that questions he had submitted should have been answered and he did not agree with the reasons for disallowing them. The Vice-Convenor advised that while he respected the Councillor's view, he was accepting the advice of officers and that the questions could not be asked. The questions submitted by Councillors Robson, Laing and S. Hamilton were answered.

**DECISION**

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

7. **ST. MARGARET'S RC PRIMARY SCHOOL - CONSULTATION OUTCOME REPORT**

There had been circulated copies of a report by the Service Director Children and Young People advising that following the completion of a public consultation process as set out in the Schools (Consultation) (Scotland) Act 2010 (as amended), Members were asked to approve the proposal to close St Margaret's RC Primary School, Hawick and for the children currently attending the school to be offered a place at a catchment school. The report explained that at its meeting on 7 November 2017, the Executive Committee agreed to the commencement of a statutory consultation regarding the proposed closure of St Margaret's following a sustained drop in pupil numbers. This statutory consultation was undertaken from 22 November 2017 to 22 January 2018 and a consultation report in respect of the proposals was prepared and published on 8 March 2018. The Consultation Report, a copy of which formed Appendix 1 to the report, was advertised in the press, with all interested parties given a three week period until 29 March 2018 to raise concerns or pose alternative solutions through written or electronic submissions. No concerns or alternative solutions were submitted during this period. Members agreed that, with sadness, they had to accept the closure of this school. The quality of the consultation process and the support from parents and the community was commended.

**DECISION**

**AGREED that:-**

**(a) St Margaret's RC Primary School, Hawick was closed; and**

**(b) the children who currently attended the school were offered places within a catchment area primary school based on their home address.**

8. **EARLY YEARS AND CHILDCARE - EXPANSION TO 1140 HOURS**

The Chief Executive advised that consideration of this report was to be deferred until the next Council meeting on 31 May to allow an updated position to be presented.

**DECISION**

**NOTED.**

9. **SCHOOL ESTATE REVIEW: SECONDARY SCHOOL REVIEW - GALASHIELS, HAWICK, PEEBLES & SELKIRK**

There had been circulated copies of a report by the Service Director Children and Young People providing Members with a summary of the assessment process that had been undertaken regarding the condition, suitability and capacity of each of the secondary schools in Galashiels, Hawick, Peebles and Selkirk. The report also contained a summary of the engagement that Council officers had undertaken with pupils, staff, parents, Parent Councils and the community in each of the school clusters regarding the future vision for learning provision in each of the areas. Recommendations had been made regarding the creation of a Secondary School Individualised Strategic Plan regarding the future of each of these schools. The proposed Secondary School Individualised Strategic Plans would contribute significantly to the vision and priorities set out in the Council's Connected Borders Strategic Plan. The Secondary School Strategy had the opportunity to contribute to: connected communities by providing improved

opportunities for learning; enterprising communities with regard to workforce; communities of well-being by providing opportunities for intergenerational learning; communities of caring by providing a place where communities could come together to support families. Members welcomed the involvement of young people in the consultation process. In response to the timescale for the proposed investment and concerns expressed by some Members, Councillor Chapman proposed that the Group Leaders should join him in writing to John Swinney, MSP requesting additional funding. The other Group Leaders agreed to support this proposal.

#### **DECISION**

**AGREED to approve the creation of a Secondary School Individualised Strategic Plan regarding the schools in Galashiels, Hawick, Peebles and Selkirk; which would enable Council officers to develop a bespoke strategy for each of these schools in line with the principles of the School Estate Review and the pillars of the Christie Commission, with an update report brought back to the Council in October 2018.**

#### 10. **COMMUNITY ACTION TEAM STEERING GROUP**

There had been circulated copies of the proposed terms of reference for the Police Community Action Team Member/Officer Oversight Group. The Chief Social Work Officer outlined the proposed remit of the Group and advised it was hoped to have an early meeting.

#### VOTE

*Councillor McAteer, seconded by Councillor Turnbull, moved that 2 members of the Opposition be added to the membership of the Group.*

*Councillor Bell, seconded by Councillor Thornton-Nicol, moved as an amendment that there be 3 members from the Opposition*

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

*Motion - 18*

*Amendment - 12*

*It was accordingly decided that there be 2 members of the opposition on the group*

The Vice-Convenor allowed a short recess to allow Members to discuss nominations.

Councillor Miers, seconded by Councillor A. Anderson, moved that Councillor Drum be appointed but he declined to be nominated.

Councillor Bell, seconded by Councillor H. Anderson, moved that Councillor Moffat be nominated and Councillor S. Scott, seconded by Councillor S. Hamilton, moved that Councillor Brown be nominated. There being no other nominations Councillors Moffat and Brown were accordingly appointed.

#### **DECISION**

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

**(a) to approve the proposed terms of reference for the Member/Officer Oversight Group, including the addition of 2 members of the Opposition to the membership of the Group; and**

**(b) that Councillors Brown and Moffat be added to the membership of the Group.**

#### 11. **MOTION BY COUNCILLOR JARDINE**

Councillor Jardine, seconded by Councillor Haslam, moved his motion as detailed on the agenda in the following terms with a slight amendment to the number of athletes:-

"The elected members, would like to pay tribute and congratulate all the athletes and coaches from our region, that have competed in the 2018 Commonwealth Games in Australia. It shows the strength and depth of sport, in our small region. That thirteen representatives and one coach from all over the Scottish Borders, were chosen to

compete in several sports as part of the most successful overseas Scottish Commonwealth Games Team. It is hoped that the performances of our homegrown athletes, on the Gold Coast of Australia, will also encourage the next generation of Scottish Borders sporting stars."

Councillor Jardine spoke in support of his motion which was unanimously approved.

**DECISION**

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

12. **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**

13. **MINUTE**

The private section of the Council Minute of 29 March 2018 was approved.

14. **COMMITTEE MINUTES**

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

***The meeting concluded at 12.00 pm***

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**SCOTTISH BORDERS COUNCIL  
26 APRIL 2018  
APPENDIX I**

**OPEN QUESTIONS**

**Questions from Councillor Robson**

To Executive Member for Neighbourhoods and Locality Services

1. Can the Executive Member advise whether there is a policy for charging for pest control in both domestic and commercial situations and if that policy has been either introduced or changed in the last twelve months?

Reply from Councillor Aitchison

The Council does have a charging policy for both domestic and commercial premises. The policies have been in existence for many years. Domestic charges are increased in line with the Council's fees and charges annually.

The commercial premises charges were reviewed in January 2018 to better reflect the cost to the Council.

A list of all fees and charges for 2018/19 can be found here:

[https://www.scotborders.gov.uk/info/20052/environmental\\_problems/1111/pest\\_control](https://www.scotborders.gov.uk/info/20052/environmental_problems/1111/pest_control)

In 2017/18 the income generated for Pest Control was:

Domestic Premises	£27,377.80
Commercial	£ 9,444.60
Commercial Contracts (Farms)	£50,732.00
<b>Total</b>	<b>£87,554.40</b>

Supplementary

Councillor Robson asked whether the Executive Member would agree to meet with him to discuss the implementation of the policy as there seemed to be some inconsistency in its application. Councillor Aitchison advised that together with the appropriate officer(s) he was happy to have such a meeting,

2. Can the Executive Member for Neighbourhoods and Locality Services advise whether he or one of the Council's Directors has met the Citizens Advice Bureau since 29<sup>th</sup> March and what issues were discussed?

Reply from Councillor Aitchison

I can confirm that a planned meeting took place earlier this week. This was chaired by the Service Director for Customer & Communities and was attended by three representatives from the Borders Citizens Advice Consortium, a board member, a manager and a treasurer as well as other officers from the Council.

The meeting was extremely productive and discussions centred on the agreement to extend the existing contract between the Council and the Consortium for the delivery of money and welfare advisory services on behalf of the Council. A process on how this will be done was agreed as well as how the Council and the Consortium can work together on a longer term vision for the partnership.

There is a further meeting planned for next week and regular meetings, as agreed, will take place going forward.

### Supplementary

Councillor Robson asked the Executive Member to keep Members informed of progress and to look to reinstate the £11k cut in funding given the added pressure on CABs following the changes to welfare benefits. Councillor Aitchison advised that as policies changed there was a need to ensure there was a “fit for purpose” service with better collaborative working, which was the aim of the meetings. He undertook to keep Members advised of progress.

### **Question from Councillor Laing**

#### To the Executive Member for Business & Economic Development

An economic impact report by Cycling Scotland published in February found that cycling travel made a total contribution to the Scottish Economy of between £596m and £774m.

The “We are cycling” website describes cycling in the Scottish Borders as “a delight for the confident tourist.”

Tourism is a growing and essential contributor to the Borders economy.

What is the council doing to expand cycle tourism in the Borders to open up cycling to a wider population and to maximise the potential from this cycling boom?

#### Reply from Councillor Rowley

The Scottish Borders has a long-established and substantial leisure cycling offer on natural trails as well as world-class mountain biking at the 7stanes sites at Glentress, Innerleithen and Newcastleton. The natural assets of the area provide a wonderful cycling playground and there are a range of cycle friendly services.

The Scottish Borders Cycle Tourism Strategy aims to boost the Scottish Borders economy and accelerate the growth of cycling from both an events and tourism perspective.

Scottish Borders Council hosts and manages the cycle Scottish Borders dot com website specifically for cyclists. In addition to this, we regularly run social media campaigns through Visit Scotland and will be investing in a campaign in 2018 to highlight the opportunities for adventure cyclists and gravel cyclists.

We continue to support major local events including the Tour of the Borders, Tour de Lauder and Tweedlove. That support takes the form of advice, provision of services and direct financial support.

We will continue to try and secure the opportunity to host stages of the Tour of Britain, which is the UK’s biggest professional cycling race, over the coming years. The economic impact in one day of the Tour of Britain at Kelso in 2017 was £430k with an attendance of 32,000 people over the length of the route. This race secures an outstanding opportunity through live television broadcasts to promote the Scottish Borders. The Tweedlove Festival in 2017, which runs over two weeks, attracted over 15 thousand visitors with an economic impact of £704k. The Borders Triathlon Series is closely linked with Live Borders cycling programme and this regularly attracts 1200 athletes to the region, of which a staggering 82% are visitors from outwith the Scottish Borders area.

As well as promoting cycling to visitors the Council is working with the Government funded Smarter Choices programme and promoting cycling to residents and other groups traditionally reluctant to cycle. The Council is also working closely with Sustrans to secure funding for multi-use paths that link communities such as the recently developed Tweed Valley Cycle Path using the old railway line between Peebles and Innerleithen, which



is being expanded to Walkerburn, and the Clovenfords, Gala to Tweedbank Old Black Path route.

We believe further cycle route development should play a key role in the new opportunities offered through the South of Scotland Enterprise Agency and Borderlands projects over the coming months & years.

#### Supplementary

Councillor Laing advised that it had been brought to her attention that poor signage was discouraging people from recommending the area and asked what the Council could do to address this. Councillor Rowley advised that he was happy to look into this but highlighted the separate website and app that were available.

### **Question from Councillor S. Hamilton**

#### 1. To Executive Member for Neighbourhoods and Locality Services

With recent media attention highlighting the distressing cases of livestock worrying can the Executive member explain what action is being taken by SBC to help alleviate this plight which is faced by the Borders farming community?

#### Reply from Councillor Aitchison

The Dogs (Protection of Livestock) Act 1953 is the relevant legislation which deals with sheep worrying and is the remit of Police Scotland. Scottish Borders Council do have an agreement with Police Scotland that in such cases a Dog Control Notice will be served on the owner of the offending dog as an interim measure after Police Scotland have submitted a report to the Procurator Fiscal.

#### 2. To Executive Member for Business & Economic Development

Riverside Rock brings hundreds of visitors to Jedburgh on an annual basis who spend/do/stay in the area. Events like these are of vital importance to the Borders economy and add significantly to our vibrancy and appeal to visitors.

Can the Executive Member advise what efforts are being made to ensure the Scottish Borders is seen as an attractive place to hold events which boost the local economy and how do we support events that make the Borders an even better place to live, spend and draw visitors into our area?

#### Reply from Councillor Rowley

Scottish Borders Council has an agreed Strategic Events Plan 2014-2020, which is ambitious and proposes targeting support towards events that have the greatest regional and national impact. The approach aims to maximise financial leverage from EventScotland and other partners, as well as maximising social, cultural and environmental benefits. The coordination and management of the Events Plan is led by the Council. However, successful event delivery requires a partnership approach with ambitious event organisers and national agencies as well as local businesses and communities.

The Scottish Borders hosts a number of successful events ranging from the Borders Book Festival, Borders Heritage Festival and Borders Arts Fair, to sporting and outdoor events such as Melrose 7s, Tour of Britain and Tweedlove.

The Council works with partners to grow existing events and bring new, exciting events to the area. The support provided by the Council to event organisers is wide ranging. It can include financial support; event development advice; advice on traffic management procedures; support for marketing and promotion; local business development; as well as advice on safety and other matters.

For larger events, Emergency Planning resources are also available to manage events, particularly where there is a need for close working between event organisers, the Council and the emergency services.

In 2017 Economic Development helped to fund 9 large events including the Borders Book Festival, The Tour of Britain and Tweedlove. The funding support totalled £98,000 with additional funding received from Event Scotland, Creative Scotland & Museums and Galleries Scotland. The value of the in-kind support provided for these events from traffic management and economic development is estimated at £74,500. The estimated overall economic impact of the events supported was £6 million and the total number of attendee's was estimated at over 110,000.

In addition to the larger event support, the Community Grant Scheme approved 13 event related applications in 2017/18, with £35,455 awarded. The Festival Grants Scheme supports the Common Ridings and Festivals. This has an annual spend of £85,110.

I am certain that the Scottish Borders is a great place for festivals and events and we should relentlessly promote our twin advantages of being accessible from the south and close to audiences in the central belt, particularly with the opportunities from the Borders Railway.

Supplementary

Councillor Hamilton asked if the Executive Member would be prepared to meet with the organisers of Riverside Rock and he confirmed that he would be happy to do so.