

SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTE of Meeting of the EXECUTIVE COMMITTEE held in the Council Chamber, Council Headquarters, Newtown St Boswells on Tuesday 16 August 2016 at 11.30 a.m.

Present:- Councillors S. Aitchison, S. Bell, J. Brown (from para 1), V. Davidson, G. Edgar, J. G. Mitchell, D. Paterson, F. Renton (from para 1), R. Smith.
Also Present:- Councillors A. Nicol, B. White.
Apologies:- Councillors D. Parker, C. Bhatia, M. Cook, D. Moffat, Mr G. Donald, Mrs J. Aitchison.
In Attendance:- Depute Chief Executive (People), Depute Chief Executive (Place), Corporate Transformation and Services Director, Service Director Assets and Infrastructure, Service Director Neighbourhood Services, Chief Financial Officer, Chief Legal Officer, Chief Officer Education, Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

EDUCATION BUSINESS

Present:- Mr. J. Walsh, Mr G. Jarvie, Ms A. Ferahi.

CHAIRMAN

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

1. ADDITIONAL SUPPORT NEEDS PROVISION – STATUTORY CONSULTATION

With reference to paragraph 4, of the Minute of 24 May 2016, there had been circulated copies of a report by the Service Director Children and Young People which requested approval to undertake a statutory consultation on the formal establishment of the new Additional Support Needs School in Earlston and the formal discontinuation of the spectrum classes at Wilton Primary School and St Ronan's Primary School; while at the same time undertaking a non-statutory consultation on the naming of the new Additional Support Needs School in Earlston. The report explained that during informal consultation, both local community stakeholders in Earlston and the parents of children who would be relocating as well as parents of children with additional support needs were very positive about the proposals. The terms of the Schools (Consultation) (Scotland) Act 2010 required that, before an education authority implements a "relevant proposal", it must first comply with the requirements of that Act. The Proposals to establish the new facility as a school and, to discontinue the spectrum support classes at St Ronan's and Wilton are each "relevant proposals". The Proposal Paper, including the educational benefits statement, was attached as Appendix 1 to the report together with the consultation response form to the Proposal Paper which was attached as Appendix 2 to the report. At the same time as the formal consultation was being undertaken, it was proposed that a separate non-statutory consultation be undertaken on the naming of the new Additional Support Needs School in Earlston. The outcome of the non-statutory consultation would be brought back to the Executive Committee in due course for approval. Michelle Strong, Chief Education Officer was present and answered Members questions. In relation to provision at Langlee and Wilton, it was explained that the new school would enhance the provision at Langlee and at Wilton only the portacabin would be removed. Questions were asked in terms of children currently placed outwith the Borders area and whether there would be opportunities for staffing within the new school. In response Ms Strong advised that Children currently placed outwith the Borders would be considered on an individual basis in terms of their needs; the

effect moving would have on them; and what was best for them and their families. The Service Director Children & Young People had already engaged with these Parents and the feedback had been positive. In terms of staffing the new school, existing staff would be matched to posts but there might be some requirement for additional staff. In response to a question about capacity, it was explained that in terms of pupils with complex needs, the recommended limit was 8 per class. However, as not all placements were full-time the facility at Earlston could accommodate around 50 pupils in total. The Central Overview Group would decide on referrals made in terms of the needs of the individual. Mr Walsh acknowledged that while the report was very good, there was no recognition of what the church did in terms of Education. The Depute Chief Executive (People) agreed to take this on board, but advised that the consultation was very prescriptive. The Chairman confirmed that the facility would be a School and would be named as such, but consultation was very important. Members requested a visit to the School once it was nearing completion.

DECISION

AGREED that:-

- (a) a statutory consultation be undertaken in terms of the Schools (Consultation) (Scotland) Act 2010 on the proposals to:**
 - (i) establish a new additional support needs school in Earlston;**
 - (ii) discontinue the spectrum class at Wilton Primary School; and**
 - (iii) discontinue the spectrum class at St Ronan's Primary School.**
- (b) following the statutory consultation process, a further report on the Proposals be presented to Scottish Borders Council;**
- (c) simultaneously to the statutory consultation as detailed in (a) above, a non-statutory consultation be undertaken on the naming of the new Additional Support Needs School in the village of Earlston; and**
- (d) Elected Members be invited to tour the facility, once it was nearing completion.**

MEMBERS

Councillors Renton and Brown joined the meeting during consideration of the above item.

OTHER BUSINESS

CHAIRMAN

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

2. MINUTE

The Minute of meeting of the Executive Committee of 7 June 2016 had been circulated.

DECISION

APPROVED for signature by the Chairman.

3. With reference to paragraph 12(d), of the Minute of 7 June 2016, Councillor Davidson requested that the Executive Member for Culture, Sport, Youth & Communities be included in the consultation with the 6 Tweeddale Members by the Corporate Transformation and Services Director on the scope timing and consultation process for the Peebles 3G pitch.

DECISION

AGREED to the addition of the Executive Member for Culture, Sport, Youth & Communities.

4. **CORPORATE PERFORMANCE REPORT (QUARTER 1, 2016/17)**

With reference to paragraph 2 of the Minute the Executive Committee of 7 June 2016, there had been circulated copies of a report by the Chief Executive presenting a summary of SBC quarterly performance information for members, with details contained within Appendix 1 and Appendices 2 and 3 provided details of Borders Sport and Leisure Trust (now Live Bordes) performance for 2015/16. A summary of the main changes made to SBC performance indicators was provided at Section 4 of the report, followed by a high level summary of performance in Section 5. Appendix 1 of the report provided more detailed presentation and explanation of each Performance Indicator (PI). Where possible, information that was collected on a quarterly basis was presented but this was not possible for all areas of Council business, for example, school attainment. All information contained within the report was also made available on the SBC website using the public facing part of SBC's Performance Management software (Covalent). This could be accessed at http://www.scotborders.gov.uk/info/691/council_performance/1353/our_performance_as_a_council and by clicking on "Scottish Borders Performs". Section 6 and Appendix 2 of the report presented a summary of performance during 2015/16 for sport, now being managed by Live Borders. Appendix 3, a baseline summary of Cultural Service performance, had also been circulated. Sarah Watters, Corporate Performance and Information Manager was present and answered Members questions. Mrs Watters advised that a paper on the recent exam results success would be presented to the next Education Theme Executive Committee. She also highlighted the increase in domestic abuse reporting and explained that investigation had shown that this should not be considered as negative but the positive success of early intervention.

DECISION

NOTED:-

- (a) the changes to performance indicators outlined in Section 4 of the report;
- (b) the performance information presented in Section 5 of the report, and within Appendices 1 and 2 of the report, and the action being taken within Services to improve or maintain performance; and
- (c) the performance presented in Appendices 2 and 3 in relation to sport and culture (now delivered through Live Borders).

5. **MONITORING OF THE GENERAL FUND REVENUE BUDGET 2016/17**

There had been circulated copies of a report by the Chief Financial Officer which provided the budgetary control statements for the Council's General Fund based on actual expenditure and income to 30 June 2016 and explanations of the major variances between projected outturn expenditure/income and the current approved budget. The revenue monitoring position set out in the report was based on actual income and expenditure to 30 June 2016. The Council overall was projecting a balanced position with identified pressures currently being managed within departmental budgets. This balanced position assumed that remaining pressures of £0.716m relating to IT transformation would be funded in year from within existing budgets and plans for savings identified. At 30 June 2016 58% of savings

had been delivered, (£6.487m planned efficiency savings had been delivered as per the Financial Plan with £0.108m achieved by alternative, permanent measures and £0.527m delivered temporarily). The remaining 42% (£5.238m) was profiled to be achieved during the remainder of 2016/17. These savings were detailed in Appendix 3 to the report. Emphasis during 2016/17 required to be placed on delivering the savings permanently as required by the Financial Plan. This was particularly the case as the scale of savings required during 2016/17 at £12.36m was significantly greater than the level of savings required in previous financial years. Failure to manage the pressures noted within existing budgets was a key financial risk to the Council in the current year. Full details of pressures, risks and challenges were reported alongside the significant majority of areas of the Council's operation where approved budget plans remained on track were detailed in Appendix 1 to the report. Councillor Edgar, supported by Councillors Aitchison and Smith raised concerns that as there was not a dedicated budget for roads it was not easy to identify actual spend. The Chief Financial Officers advised that the budget was multi-discipline across a number of neighbourhood services and acknowledged that clarity was an issue. Figures were available for specific expenditure on roads and the Chief Financial Officer agreed to look at reporting in this area. In response to questions about the impact of the withdrawal of services by First Bus, Members were advised that Perryman's were currently filling most of the gaps. A report reviewing bus services was currently under preparation.

DECISION

(a) AGREED the virements attached as Appendix 2 to the report

(b) NOTED:-

- (i) the corporate monitoring position projected at 30 June 2016, the underlying cost drivers and the identified areas of financial risk as reflected in Appendix 1**
- (ii) the progress made in achieving Financial Plan savings in Appendix 3 and the ongoing action to ensure delivery of 2016/17 Financial Plan savings on a permanent basis; and**
- (iii) that all management teams were focused on delivering measures to ensure a balanced outturn position was delivered in 2016/17 including delivery of £0.716m of savings to fund IT transformation via the CGI contract.**

6. MONITORING OF THE CAPITAL FINANCIAL PLAN 2016/17

There had been circulated copies of a report by the Chief Financial Officer providing an update on the progress of the 2016/17 Capital Financial Plan, and seeking approval for projected outturns and associated virements, and the reallocation of funds. The monitoring tables in Appendix 1 reported on actual expenditure to 30 June 2016. Key issues identified in these tables were summarised within the main report. The tables identified a projected net variance of £1.671m against the approved budget. The net in-year budget increase of £4.695m was primarily due to the reconfiguration of the ICT Programme budgets to reflect the new CGI contract and new ICT Transformation programme, confirmation of the 2016/17 grant made available by Scottish Government to support the Hawick Flood Protection scheme and the inclusion of budget to reflect the Scottish Government grant for Early Learning and Childcare. The net budget timing movements to future years amounted to £3.024m, primarily due to the re-profiling of Broomlands Primary School. Appendix 3 contained a summarised list of timing and budget movements within the 2016/17 Capital Plan. Appendix 1 also contained a list of adjustments to the 2016/17 Capital Plan approved under delegated authority by the Service Director Assets & Infrastructure and Chief Financial

Officer consistent with the Financial Regulations approved in June 2016. Appendix 2 contained a list of the block allocations approved for the year and the various approved and proposed projects to be allocated from them within the 2016/17 Capital Plan. Appendix 4 contained a list of estimated whole project capital costs for single projects which would not be completed in the current financial year. Members commented on the need for the Council to improve its relationship with SportScotland and commented on the situation regarding Kelso High School. The Chief Financial Officer advised that discussions were ongoing to try and obtain certainty over funding for the 3G pitch at Kelso High School but there were some concerns regarding changes to the criteria. In response to a question from Councillor Davidson, the Depute Chief Executive People advised that dates had been set for meetings with the local Liaison Officer.

DECISION

NOTED:-

- (a) the revenue balances as at 31 March 2016 as detailed in Appendices 1 and 2 to the report including movement in the Allocated Reserve since the last reporting period; and**
- (b) the balance in the Capital Fund as detailed in Appendix 3 to the report.**

7. PROJECTED BALANCES AT 31 MARCH 2017

There had been circulated copies of a report by the Chief Financial Officer which provided an analysis of the Council's balance as at 31 March 2016 and advised members of the projected balances at 31 March 2017. The unaudited Council's General Fund useable reserve (non-earmarked) balance was £7.082m at 31 March 2016. This reflected an increase of £1.444m from the draft revenue outturn projected position of £5.638m presented to Members on 7 June 2016 prior to the production of the unaudited accounts. The increase was as a result of the 2015/16 revenue underspend (£1.284m) along with some minor technical adjustments (£0.161m). The Council's allocated reserve balance was £3.360m at 31 March 2016 which was a reduction of £0.361m from the draft revenue outturn projection of £3.721m. This decrease was as a result of CFCRs applied to finance capital expenditure in 2015/16. The total of all useable balances, excluding developer contributions, at 31 March 2017 was projected to be £19.389m, compared to £31.163m at 31 March 2016. As the financial year progresses, earmarked balances to be carried forward to 2017/18 and future years would increase. The projected balance on the Capital Fund of £4.739m would be affected by any further capital receipts, developer contributions, interest credited and any expenditure authorised to be financed from the Fund during the remainder of the financial year.

DECISION

NOTED:-

- (a) the unaudited 2015/16 revenue balances at 31 March 2016;**
- (b) the projected revenue balances as at 31 March 2017 as per Appendices 1 & 2; and**
- (c) the projected balance in the Capital Fund as per Appendix 3.**

The meeting adjourned for lunch at 1 p.m. and reconvened at 1.30 p.m.

8. **CORPORATE TRANSFORMATION PROGRESS REPORT**

With reference to paragraph 9 of the Minute of 7 June 2016, there had been circulated copies of a report by the Corporate Transformation & Services Director which provided an update on progress in developing and delivering the Council's Corporate Transformation Programme and set out planned activity in the reporting period to November 2016. The report explained that the current areas of work within the Programme were set out in the tracker in Appendix 1 to the report under the 8 Corporate Priorities and included a brief description of the purpose of each Programme, a summary of progress made to date (rating them Red, Amber or Green) and set out key milestones in the next quarter. Section 4 of the report set out the key highlights over the last reporting period. Given the clearly emerging overlaps and dependencies between Customer First, Digital Connectivity and ICT Change, it was proposed to bring these together into a single Digital Transformation Programme. The detail of this proposed new programme was covered in a separate item on the agenda. The Borders Railway opened in September 2015, and was fast approaching its one year anniversary. Significant progress was being made across the Blueprint programme, including delivery of visitor marketing and inward investment activity. During the first six months 700,000 passengers used the service which was 22% ahead of target. Detailed performance reporting infographics for Energy Efficiency and Property and Assets were set out in Appendices 2 to 3. It was highlighted that the Digital Integration project had been delayed against the original plan due to challenges experienced with access to and configuration of the necessary technical environments. The report explained that an updated Communications Strategy for Corporate Transformation was in place, which had a particular focus on internal communication with staff to support positive change going forward. The Trade Unions continued to consider the most up to date tracker at their monthly meeting, and any potential staffing issues were highlighted within the tracker enabling timely management and engagement with the Unions. Concern was expressed regarding the numbers of passengers on the steam trains running from Edinburgh to Tweedbank. Mr Dickson reported that following the successful pilot for steam trains last year, negotiations with Scotrail had resulted in the current level of services which would continue until September in order to extend the tourist season. No permanent services had been agreed. Passenger numbers were not yet available but would be reported in due course. In response to a question from Councillor Edgar regarding the transfer of IT services to CGI and the recruitment of additional staff, Mr Dickson advised that 46 current members of staff would be transferred on 1 October 2016 and that CGI were looking at the recruitment of other staff. In response to a question from Councillor Bell with regard to the transport programme and when consultation would take place in Tweeddale, Mr Dickson advised that this information would be provided.

DECISION

NOTED the continued progress made in developing and delivering the Corporate Transformation Programme

9. **DIGITAL TRANSFORMATION PROGRESS REPORT**

With reference to paragraph 10, of the Minute of 6 June, there had been circulated copies of a report by the Corporate Transformation & Services Director which proposed the establishment of a new Digital Transformation Programme within the Council's Corporate Transformation Programme. It was proposed that a new Digital Transformation Programme bring together three currently separate Programmes that were instigated in October 2014; Customer First; ICT; Digital Connectivity. Running Digital Transformation as a single Programme would allow shared activity to be managed more effectively, synergies to be exploited and investment/resourcing decisions to be better co-ordinated. The change to a single Digital Transformation Programme did not affect governance of the Corporate Transformation Programme, the new Digital Transformation Programme being one of the, now, fifteen Programmes which reported into the Corporate Transformation Programme. The Digital Transformation Programme was a broad Programme delivering significant

change that would address every one of the eight priorities within the Council's Corporate Plan. Extensive work was underway to define the Programme and bring together the governance of a range of projects already underway alongside new projects. The report detailed the background and current programmes, the reasoning behind the creation of the Digital Transformation Programme, the Key Themes of the proposed digital transformation programme, Digital connectivity and communication and engagement with the Unions. Councillor Bell expressed some concerns with regard to the integration of the programmes and urged caution in respect of combining fundamentally different projects. He highlighted that broadband provision was not the Council's responsibility and that focus should be on internal projects. These concerns were acknowledged and regular updates would be provided.

DECISION

AGREED the creation of the new Digital Transformation Programme.

10. REPORT ON THE RESPONSE TO THE SCOTTISH GOVERNMENT'S CONSULTATION ON THE DRAFT STRATEGIC POLICE PRIORITIES FOR SCOTLAND

There had been circulated copies of a report by the Chief Executive which sought approval for a response to the Scottish Government's consultation on the Draft Strategic Police Priorities for Scotland. The report explained that the Scottish Government was reviewing the Strategic Police Priorities which would set the direction for Police Scotland and the Scottish Police Authority for the next three to five years. The consultation document shown in Appendix 1 to the report set out three questions based on the six broad strategic priorities which had been identified. A short consultation period had been given on this with a deadline for responses of the 16 August 2016. The proposed Council response was supportive of these Priorities but indicated that there needed to be more recognition of the need to ensure that: appropriate resources were allocated to ensure effective and responsive frontline and community policing in rural areas; the requirements of rural areas were given full consideration in policing; local police were more empowered; greater consideration was given to cross-borders policing matters; and there was more close working with local authorities. The Senior Policy Adviser was present to answer Members questions.

DECISION

AGREED to the response as set out in Appendix 2 to the report to the Scottish Government's consultation on the Draft Strategic Police Priorities for Scotland.

11. TRANSFER OF COCKBURNSPATH FOOTBALL PITCH TO COCKBURNSPATH VILLAGE TRUST

There had been circulated copies of a report by the Service Director Assets & Infrastructure which proposed that Scottish Borders Council sell the area of 1.66 acres of the Council owned sports pitch in Cockburnspath to the Cockburnspath Village Hall Trust for £1, if asked. A transfer of the pitch to the Hall Trust would facilitate the Trust to apply for grant funding for the development of new sports facilities at the pitch. The report explained that the sports pitch, which was adjacent to the Village Hall in Cockburnspath, had been in Council ownership since 1975 when an area of 2.2 acres was bought from Francis Usher. The Cockburnspath Village Hall Trust had drawn up plans to renovate the pitch including the development of a 5 a side pitch, tennis court and running track. In order to raise the grant funding for the proposal, the trust required long term security of tenure of the land by way of a transfer of ownership from Scottish Borders Council.

DECISION

AGREED to authorise the Service Director for Assets & Infrastructure together with the Chief Legal Officer to sell the sports pitch amounting to 1.66 acres for £1, if asked

to the Cockburnspath Village Hall Trust, as shown outlined in red on the plan attached to the report.

12. BROOMLANDS AND LANGLEE PRIMARY SCHOOLS – PROJECT UPDATE

With reference to paragraph 6 of the Minute of 2 February 2016, there had been circulated copies of a report by the Service Director Assets and Infrastructure which provide an update on the progress and procurement of the new Broomlands and Langlee Primary Schools. The report explained that the new builds for Broomlands and Langlee were approved by Executive Committee on 21 October 2014 as part of linked funding commitment associated with the new Kelso High School. Stakeholder engagement and design work was completed by September of 2015, including all necessary statutory consents. Procurement of a contractor took place during the remainder of 2015 and early 2016. Tender returns in January 2016 combined with timing movements to the 2016/17 Capital Financial Plan necessitated a resequencing to the projects. This process was now complete allowing both schools to move to construction. The above required timing movements and virements to budgets to be approved as outlined in the report. Mr Renwick, Project Manager was present and in response to a question about the impact of the reduction of classes for Broomlands advised that the original plan had been for 10 classes which had been increased to 14 and then been reduced to 12 classes, which along with the general purposes area did allow for expansion in future years.

DECISION

(a) NOTED the contents of the report.

(b) APPROVED the virements of £1.007m from Langlee to Broomlands in 2017/18 and a virement from Langlee of £0.101m to Emergency and Unplanned Schemes Fund in 2017/18.

13. BUSINESS INCUBATOR SPACE – PILOT PROJECT

There had been circulated copies of a report by the Corporate Transformation & Service Director which recommended a pilot project in Tweeddale to provide business incubation space in the Council's Rosetta Road offices, to allow start-up businesses to establish themselves and start growing. Council officers had previously identified the need for additional employment land allocations in the Peebles area due to the demand for business and industrial space in the area. In recognition of the lead-in times to develop new employment land, officers had also been reviewing the availability of existing business property. A review of existing Council property in Tweeddale was undertaken to identify any buildings that could be re-purposed as premises for business use, and the key opportunity that was identified was the Council offices at Rosetta Road, Peebles. There was clear potential for a pilot project to lease some space at the Council's Rosetta Road offices to start-up or other micro businesses. The service would be offered as an "incubation" process so that there was a turnover of businesses and the Council did not compete directly with private sector suppliers in the area. The pilot would be delivered at modest cost and would not have a noticeable impact on the day-to-day Council operations in the offices. The Chief Officer Economic Development was present to answer Members questions. In response to a question on expanding this to other towns it was noted that Peebles was just the starting point.

DECISION

AGREED:-

(a) the proposed pilot project to provide business incubator space at the Council's Rosetta Road offices in Peebles; and

- (b) **that a review of the pilot project would be undertaken after its first year of operation, and that the findings reported to Committee in due course.**

14. COMPLAINTS ANNUAL PERFORMANCE REPORT 2015/16

With reference to paragraph 17 of the Minute of 9 June 2015, there had been circulated copies of a report by the Service Director Neighbourhood Services which presented Scottish Borders Council's Complaints Annual Performance Report 2015-16, and provided data for the eight performance indicators the Scottish Public Services Ombudsman (SPSO) required all Local Authorities to report against each year. A summary of the main changes to performance in 2015-16 was provided in Section 4 of the report. The changes included an overall reduction in the number of complaints received, a percentage increase in the number of complaints handled at Stage One and a reduction in the number of complaints upheld which had been escalated from Stage One to Stage Two. This was followed by a summary of benchmarking data from 2014-15, in Section 5 and Appendix 1 provided more detail for each of the eight Performance Indicators. A number of areas for improvement were committed to in Section 6 of the annual report, which included to improve responses given in respect of complaints not upheld at Stage One, with a view to reducing the number of complaints escalated to Stage Two; to improve the response times of complaints handled at Stage Two and those escalated from Stage One to Stage Two; to improve the complaint Customer Satisfaction Survey to obtain a better understanding of the specific reasons for complainants satisfaction or dissatisfaction; and to expand the volume of compliments and other comments captured and ensure these were reflected alongside the arrangements in place for handling complaints.

DECISION

- (b) **NOTED the performance of handling complaints for the period 1 April 2015 to 31 March 2016;**

- (b) **ENDORSED the identified improvement actions as follows:-**

- (i) **to improve responses given in respect of complaints not upheld at Stage One, with a view to reducing the number of complaints escalated to Stage Two;**
- (ii) **to improve the response times of complaints handled at Stage Two and those escalated from Stage One to Stage Two;**
- (iii) **to improve the complaint Customer Satisfaction Survey to obtain a better understanding of the specific reasons for complainants satisfaction or dissatisfaction; and**
- (iv) **to expand the volume of compliments and other comments captured and ensure these are reflected alongside the arrangements in place for handling complaints.**

- (c) **APPROVED the annual report to be submitted to the SPSO and for the Council to publish the report.**

15. PRIVATE BUSINESS

DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this minute on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 9 of part 1 of schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

16. EDINBURGH – BERWICK-UPON-TWEED LOCAL RAIL SERVICE

The Committee considered and agreed a report on progress towards the potential introduction of a local rail service between Edinburgh and Berwick-upon-Tweed, which included the re-opening of a station at Reston in the Scottish Borders.

The meeting concluded at 2.45 p.m.