SCOTTISH BORDERS COUNCIL

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held in the Council Headquarters, Newtown St. Boswells, on Thursday, 22 June 2006 at 10 a.m.


Apologies:- Councillors M. Beck, M. Browne, N. Calvert, V. M. Davidson, C. Riddell-Carre.

In attendance:- Chief Executive, Director of Corporate Resources, Director of Education and Lifelong Learning, Director of Social Work, Director of Technical Services, Head of Corporate Administration, Head of Business Improvement, Head of Economic Development and Regeneration, Head of Legal Services.

CONGRATULATIONS

1. The Convener offered the Council’s congratulations to the following:-

(a) Tracey Moody, former dinner lady at Knowepark Primary School, on being named School Cook of the year in Scotland, also Isobel Brown from Yarrow Primary School who had also reached the final;

(b) the Selkirk High School seven-a-side football team on winning the national final at Hampden in May;

(c) the following prize winners at the first annual Enterprise in Education Awards Ceremony:-

(i) Gold awards: Stow Primary School, Galashiels Academy, Westruther Primary School, Cockburnspath Primary School, Peebles High, Fountainhall Primary School;

(ii) Silver awards: Kelso High School, Trinity Primary School, Newtown Primary School;

(iii) Bronze award: West Linton Primary School;

(iv) Most Enterprising Pupil (primary) – Amber Wingate (Westruther Primary School);

(v) Most Enterprising Pupil (secondary) – joint winners Hayley Peace and Nichola Malcolm (both Kelso High School);

(vi) Most Enterprising Teacher – Alison Sutherland (Caddonfoot Primary School);

(vii) Most Enterprising Project – Brick FM (Hawick High School); and

(viii) Most Enterprising School – Peebles High School;

(d) Sam Bruton, a second year pupil at Peebles High School on winning one of just ten International Pushkin Prizes for creative writing;

(e) David Romanis, Property Manager, on behalf of the Council, being presented with a certificate for demonstrating commitment to the environment by choosing to be supplied with Green Source new renewable energy from Scottish Power;

(f) the following staff from Scottish Borders Council and NHS Borders for obtaining management qualifications under the Council’s Scottish Borders Manager Course:-

Certificate in Public Service Management (Stirling University)
Craig Blackie Asset Management (Technical Services)
Mark Dickson Assessor’s (Chief Executive’s)
Paul Frankland Professional Services (Technical Services)
Nick Fraser Legal Services (Corporate Resources)
Brian Frater Development Control (Planning and Economic Development)
(g) all the groups and individuals who had been campaigning for 37 years for the restoration of a railway in the Borders on their success in receiving the overwhelming assent of the Scottish Parliament last week.

2. The Leader reported that the first phase of the Galashiels Inner Relief Road had opened on Monday, on time and on budget and he paid tribute to the staff involved.

DECISION
AGREED that congratulations be passed to those concerned.

MINUTES
3. The Minute of the Meeting of 25 May 2006 was considered.

DECISION
APPROVED and signed by the Convener.

COMMITTEE MINUTES
4. The Minutes of the following Committees had been circulated:-

   Education Executive 16 May 2006
   Executive 16 May 2006
   Teviot & Liddesdale Area 16 May 2006
   Cheviot Area 17 May 2006
   Scrutiny 18 May 2006
   Eildon Area 22 May 2006
   Tweeddale Area 22 May 2006
   Development & Building Control 5 June 2006
   Executive 6 June 2006
   Scrutiny 8 June 2006

DECISION
APPROVED the Minutes and the recommendations contained therein.

OPEN QUESTION
5. The questions submitted by Councillors Mitchell, Houston, Garvie and Bhatia were answered.

DECISION
NOTED the replies as detailed in Appendix I to this Minute.
DECLARATION OF INTEREST
Councillors Fullarton, Nicol, Scott and Younger declared an interest in the following item of business in terms of Section 5 of the Councillors’ Code of Conduct.

RURAL DEVELOPMENT PROGRAMME
6. There had been circulated copies of a report by the Director of Planning and Economic Development on the Scottish Executive’s Consultation on the Rural Development Programme for Scotland 2007-2013. This was the second part of a consultation process prior to the submission of the 2007-2013 Scottish Rural Development Plan (SRDP), and concentrated on the content of the SRDP including the mechanisms and agency arrangements to deliver funding. Key stakeholders had been consulted and a suggested response to the consultation was appended to the report. The only areas likely to affect the Council directly were the issues around the future of the Leader Programme and the establishment of Regional Project Assessment Committees, although the other issues would be important for the future of the rural economy and environment. It was proposed that reference to the importance of Community Partnerships be added to the response and this was accepted.

DECISION
AGREED to approve the response to the Scottish Executive consultation on the Rural Development Programme for Scotland 2007-2013 as set out in the Appendix to the report, subject to the inclusion of a comment on the importance of Community Partnerships.

CHILD PROTECTION
7. There had been circulated copies of a report by the Director of Social Work on the assurance given by Scottish Borders Critical Services Oversight Group to Scottish Ministers, Peter Peacock MSP, Minister for Children and Young People, Cathy Jamieson MSP, Minister for Justice, and Andy Kerr MSP, Minister for Health and Community Care, in response to a letter which they had issued on 22 March 2006, seeking assurances from local authority Chief Executives regarding Child Protection practices. The report explained that assurances were being sought in three main areas: (a) that the guidance on setting up new child protection committee structures had been implemented, (b) that all reasonable steps were being taken to identify all children adversely affected by drugs misuse in the area, assess their needs and implement plans to meet these, and (c) that whilst recognising the right of children to remain within their families, in all decision making, the needs and safety of children came first. Appended to the report was the Statement of Assurance prepared by the Critical Services Oversight Group, together with the response from the joint Edinburgh, Lothians and Borders Group.

DECISION
AGREED to note the Statement of Assurance.

DRAFT FINANCIAL STATEMENTS
8. There had been circulated copies of a report by the Director of Corporate Resources on the preparation of the Council’s draft Financial Statements for 2005/06. The report explained that the Local Authority Accounts (Scotland) Regulations 1985 required that the draft Financial Statements be submitted to the authority and the Controller of Audit no later than 30 June 2006. The Director explained that, as at the date of the meeting, the draft Statement had not been finalised. Copies of the latest draft had been sent to Members for information, and the completed draft Financial Statements would be submitted to the Controller of Audit by the due date. Following the completion of the audit by Scott Moncrieff, external auditors, a further detailed report, together with their comments, would be submitted to a future meeting of the Council.

DECISION
NOTED the report.
There had been circulated copies of a report by the Director of Technical Services on the consultation currently being undertaken by The Scottish Executive on a National Transport Strategy for Scotland. An ad hoc Working Group of Members and officers had contributed to the draft response from the Council. The consultation questions and the proposed responses were appended to the report. Members discussed the response and a number of amendments were proposed in respect of the responses to a number of questions. For clarity, the amendments were dealt with in numerical order as follows:

**Question 10**
Councillor Cook, seconded by Councillor Fullarton, moved that the following words be added to the end of the proposed response:

“Furthermore spending on roads is merely one of a host of priorities to which local authorities must respond. The availability of resources for roads reflects a wider and more fundamental issue regarding the adequacy of funding as a whole from central to local government.”

**VOTE**
On a show of hands Members voted as follows:
For - 21 votes
Against - 4 votes
The amendment was accordingly carried.

**Question 12**
Unanimously agreed to reword the response as follows:

“The proposed freight strategy produced by the Executive should include an approach to support the accessibility of freight, especially in rural areas, by promoting a bridge, verge and road strengthening programme. This would not only sustain this existing infrastructure for continuing access by freight vehicles but it would also secure long term accessibility for other road vehicles between communities, especially in rural and remote rural areas.”

**Question 20**
Unanimously agreed to add a sentence to the first paragraph of the response as follows:

“A similar scenario of infrequent and irregular service exists with the sole rail line that currently travels through the Scottish Borders. Its service is very much built around intercity connections and does little to address social exclusion in the area.”

Councillor Robson, seconded by Councillor Farquhar, moved that paragraph 2 of the response be deleted and replaced with:

“Encourage the Scottish Executive to have a rethink on Rural Transport Initiatives funding as a whole.“

**VOTE**
On a show of hands Members voted as follows:
For - 16 votes
Against - 5 votes
The amendment was accordingly carried.

**Question 21**
Unanimously agreed to reword the response as follows:

“We agree with the provision of lifeline air and ferry links to other parts of Scotland. However, we would suggest that the road network in Scotland, especially in remote rural and rural areas such as the Borders should be considered as a lifeline network and improvements to and maintenance of this asset should be facilitated by resourcing, strategy and policy approaches.

**Question 23**
Unanimously agreed to add extra paragraphs to the response as follows:
“This is very much the same for the sole rail line that currently serves the Borders and the lack of a local rail service makes accessing events by this mode very difficult particularly in the evening. It should be noted that dependence is such that the cost of fuel, typically more expensive in rural areas, creates higher supply costs and a less competitive market and places a disproportionate cost upon the residents of this area.”

Question 28
Unanimously agreed to delete the reference to Glentress from this response.

Question 32
Unanimously agreed to add two extra sentences to this response as follows:- “Careful consideration of the mix of fast direct services and local freight services is also a key issue. The re-establishment of old rail links to Hawick and beyond, or the promotion of new links must be encouraged where appropriate.”

Question 39
Councillor Younger, seconded by Councillor Richardson, moved that the response to Question 39 be reworded as follows:- “We believe that much greater emphasis should be placed on increasing public awareness of the benefits of biofuels for road vehicles which are well recognised elsewhere in the world including Europe and America. Research into biofuels and establishing pilot plants should be a priority. The local production and processing of biofuels should be promoted to maximise environmental sustainability and minimise transport costs. Scottish Borders Council would be keen to be involved in any potential pilot in the Borders which the Scottish Executive might choose to support.”

Councillor Elliot, seconded by Councillor Edgar, moved as an amendment that the first sentence of the response to question 39 be removed but that it otherwise remain unchanged.

VOTE
On a show of hands Members voted as follows:-
Motion - 23 votes
Amendment - 2 votes
The Motion to amend the response as detailed above was accordingly carried.

Question 40
Unanimously agreed to reword the response as follows:- “The commercial opportunities for biofuels in connection with transport currently lie mainly with tallow, recycled cooking oils and oilseeds to produce biodiesel, and cereal crops, vegetables and forestry waste products to produce bioethanol. The public sector and local authorities could be an important customer to help sustain any commercial biofuel development and could also be a key partner in helping set up local production and processing plants. The downsides to biofuels include the costs of processing and the amount of land required to support large scale production of biofuels.”

Question 52
Councillor Houston, seconded by Councillor Purves, moved that the words “and schools” be added after the words “post offices” in the first bullet point in the response to question 53.

VOTE
On a show of hands Members voted as follows:-
For - 9 votes
Against - 16 votes
The amendment was accordingly defeated.
DECISION
AGREED that the response appended to the report, as amended to show the changes approved above, be returned as the formal response from the Council.

NATIONAL STRATEGY FOR SHARED SERVICES

10. There had been circulated copies of a report by the Chief Executive on the consultation document issued by the Scottish Executive on a national strategy for shared services, proposing a process for the provision of a response on behalf of the Council. The report explained that a consultation paper setting out the Scottish Executive’s proposals for a national strategy for shared services, covering all parts of the Scottish public sector, had been sent to all key public services in May. The consultation provided an opportunity to contribute to the development of this strategy, which would form an important component of a wider public service reform agenda. As the timescale did not allow for the issue to be debated by the full Council, it was proposed that preparation of the response be delegated to the Chief Executive in consultation with the Leader. In the course of discussion it was suggested that the other political group leaders be included in the consultation on the final response, and this was accepted.

DECISION
AGREED:-

(a) that the Council should respond to the consultation;

(b) that the task of co-ordinating and delivering a response on behalf of the Council be delegated to the Chief Executive in consultation with the Leader of the Council and the Leaders of the other political groups; and

(c) that Members submit any comments to the Head of Business Improvement by 17 July 2006.

ADJOURNMENT
The Convener adjourned the meeting at 12.55 p.m. for lunch. The meeting resumed at 1.30 p.m.

MEMBERS
Councillors Law, Mitchell, Scott, Thomson and Wight did not rejoin the meeting after the break.

BEST VALUE SUBMISSION AND CORPORATE IMPROVEMENT PLAN

11. There had been circulated copies of a report by the Chief Executive seeking approval of the Council’s self assessment submission to Audit Scotland as part of the current Statutory Audit of Best Value and of an updated and revised Corporate Improvement Plan 2006 – 2009 which would accompany the submission. The report explained that the first part of the Best Value Audit process was the preparation of a self assessment of where the Council felt it was in relation to achieving Best Value. Whilst only a part of the Audit process, the self assessment submission allowed the Council an important opportunity to assess its own performance and to demonstrate its strengths and areas for improvement in relation to the delivery of Best Value. A copy of the submission was appended to the report, together with the updated Corporate Improvement Plan. The report detailed how the submission had been structured and the items that required to be included.

VOTE
Councillor Parker, seconded by Councillor Cook, moved that the recommendations in the report be approved.

Councillor Nicol, seconded by Councillor Bhatia, moved as an amendment that the self assessment submission should be sent to Audit Scotland from the Administration rather than the Council as a whole.
On a show of hands Members voted as follows:-

Motion - 16 votes
Amendment - 7 votes

DECISION
DECIDED:-

(a) to note and endorse the self assessment submission for onward transmission to Audit Scotland; and

(b) to approve the attached Corporate Improvement Plan which would accompany the submission.

PRIVATE BUSINESS

12. 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, 2, 3, 4, 6, 8 and 9 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

Minute
1. The private section of the Council Minute of 25 May 2006 was approved.

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

Members
Councillors Bhatia, Fullarton, Herd, McCrave and Moore left the meeting.

Waverley Railway Project
3. The Council noted a report by the Director of Technical Services on progress with the Waverley Railway Project and forthcoming actions.

International Rugby 7s – Melrose 2007/2011
4. The Council approved a report by the Chief Executive on the proposal to host an International Rugby 7s event at Melrose from 2007-2011.

The meeting concluded at 2.50 p.m.
Question from Councillor Mitchell

To the Portfolio Holder for Social Work
In the Scottish Borders area as of February this year 50 people were waiting at home for an assessment and 4 were waiting in a hospital for an assessment.
Can I please be given the most up to date figures along with relevant figures (or nils if applicable) for numbers waiting in a care home for an assessment, numbers waiting at home for services to be delivered, numbers waiting at home for direct payments, and numbers waiting for payments of either £145 or £210?

Reply from Councillor Scott
As at today’s date no one is waiting in a care home for an assessment for free personal care entitlement. No one who is eligible is waiting at home for services to be delivered under free personal care. Similarly, no one is waiting at home for Direct Payments. That is to say, everyone who is assessed as being eligible is receiving free personal care.

30 people are currently awaiting an assessment but none of these are in a hospital or a care home. The entitlement of these 30 people is therefore yet to be established but if and when it is, payment will be backdated to a date 6 weeks after referral. This date corresponds to a reasonable period of assessment and was established following the determination of a complaint.

Questions from Councillor Houston

1. To the Portfolio Holder for Education and Lifelong Learning
How many representations have been received from Schools, School Boards, Sports Clubs, PTA’s etc. about the effects of the withdrawal of the Council’s minibus subsidy?

Reply from Councillor Farquhar
To date we have received 26 representations – 13 from schools, 6 from School Boards, 2 from PTA’s and 5 from Community Groups. In addition, I was invited along with the Director and Douglas Younger to meet with the combined School Boards of Stow, Fountainhall, Heriot, Channelkirk and Lauder during which they express their view on the impact of the removal of subsidy.

The Executive will be considering a report on 27 June which requests an extension of the current interim scheme until 31 October 2006. This is to allow detailed consultation with the various user groups to be factored into the review currently being undertaken. If this extension is agreed it is planned to submit a report to the August Executive.

2. To the Depute Leader
Being mindful that meetings have been taking place between senior Councillors and the CAB in the interim year before the new service level agreement, what progress has been made in reinstating recently reduced CAB hours at this time of ever rising unsecured Personal Debt in the Borders?

Reply from Councillor Cook
On the 31st March 2006 the existing 3 year Service Level Agreement (SLA) with Citizens Advice Bureaux was due to terminate. A new three year agreement was required for the service which recognised the need to include the Berwickshire area which in the past had been administered by the Berwick CAB.

Meetings were held with representatives of CABs to consider its funding requirement and related issues. The Administration considered a number of options. The option that was supported recognised the valuable work done by the CABs and that there was a need for interim funding to
allow time to work towards a three year agreement. This would start from the 1\textsuperscript{st} April 2007 and would recognise future organisational and modernisation changes that were being planned within the Borders CAB service.

Unique among third party providers, it was agreed that additional funding of £48k should be provided, a rise of around 39% in core funding.

The decision with respect to the use of this resource was a matter determined solely by CAB.

Furthermore, it needs to be recognised that the exceptional treatment of CAB was against a backdrop in which the Council was faced with its most difficult budget round for many years. As you will know initially, the Council faced a £10M gap between requirement and resources.

It is my understanding that the Bureaux are actively working to re-instate the Bureau opening hours. Also their decision to close some of the outreach surgeries was not taken lightly but was supported by low client usage in three instances - Chirnside, Coldstream and Jedburgh.

Since the additional 39% funding for this year was agreed by Council, this Council has been at pains to solicit further discussion with CABs, and I'm pleased to advise that a meeting with Chairs of Management Committees on 8th June went very positively. This included discussion of how the Council might aid CAB beyond the provision of a direct subsidy. A further meeting to update the Council upon progress with CAB's own management review - part of the modernisation effort - is scheduled for early September.

Question from Councillor Garvie

To the Portfolio Holder for Education and Lifelong Learning

Being mindful

(i) that this Administration promised the production of a Strategy for Sports Development in the Borders firstly in 2004 and then again in 2005;

(ii) that the Sports Strategy preparation will have been informed by the excellent Scrutiny Review of Sport published in December 2004 (part of which was accepted by the Executive), and

(iii) of the importance of sport to the people and communities of the Borders,

why has this Administration failed abysmally to produce any Sport Strategy over such a lengthy period of time?

Reply from Councillor Robson

The Sports Strategy will be presented to the Council at its next meeting on 24 August 2006. The process of developing the Strategy has taken some time so as to ensure that there was full engagement with all the key Stakeholders. It should be noted that the Strategy is a Borders wide Strategy and as such required significant engagement with the District Sports Councils, NHS Borders, Borders Sport's and Development Group, Borders College, Young People Groups and Local Sports Clubs as well as with National Groups such as SportsScotland, The Scottish Institute of Sport and the National Governing bodies also includes Elected Members.

A Steering Group was formed of key Stakeholders including 2 elected members and they set our the parameters and timescales. The approach adopted was beyond what was originally conceived and encouraged by SportsScotland. Indeed our approach has been commended by SportsScotland as best practice. While this has been going on things have not been standing still. The excellent Scrutiny Review endorsed by the Executive highlighted a number of recommendations many of which have been actioned. These would include:-

a) Upgrading of the school estate with regard to facilities and community access though our developing PPP High Schools project.

b) A Working Group has been established to fully implement the National Standard of 2 hours PE a week for all school pupils. For S1-S4 we are the leading Authority in Scotland.
c) A disability Sports Officer has been appointed full time.
d) The new development of the sailing base at Whiteadder and the “On Yer Bike” project has significantly added to our Outdoor Education provision.

Things have moved on significantly and I would hope that The Sports Strategy when discussed at our next Council meeting will move things on further.

**Questions from Councillor Bhatia**

**To the Portfolio Holder for Education and Lifelong Learning**

1. In view of the Council's guidance to parents that "children in the pre-school and ante-pre-school year have entitlement of 5 sessions of 2 hours 30 minutes", can the portfolio holders please explain why some Council funded private nurseries and SBC school nurseries are, and have been for some time, only providing pupils with sessions of 2 1/4 hours?

**Reply from Councillor Robson**

It is stated in the Operational Guidelines that every child is entitled to 5 sessions of 2 ½ hours.

Where it has come to light that this is not being adhered to then immediate action has been taken to ensure that children get their full entitlement. In the Peebles area, for example, slips giving amended times are being issued to all parents.

Some nurseries do operate a 10-15 minute consultation time with parents at the end of each day but this should never be used to let children out early.

2. How is SBC delivering the Scottish Executive funded initiative to provide all primary children with the opportunity to have one year's free individual instrumental tuition before they reach P6, and how is this provision being communicated to parents?

**Reply from Councillor Robson**

In 2003 the Scottish Executive provided Councils with additional funding through the Scottish Arts Council Youth Music Initiative to enable them to work towards achieving access, by June 2006, for all children before the end of Primary 6, to at least one year’s free tuition. The Youth Music Initiative funding was awarded to authorities on a per capita basis and increased incrementally in the three years from 2003. Scottish Borders Council received c. £62,000 in 2003/04 academic year, then £124,000 in 2004/05 and £247,000 in 2005/06.

In Scottish Borders, the Music Curriculum Support Teachers deliver a weekly curriculum to almost all children (in a few cases, all children get a lesson every two weeks). The SBC music curriculum is balanced, involving playing, singing and listening. Some Music Curriculum Support Teachers operate well developed recorder groups or guitar ensembles during the school day. The Instrumental Instruction Service provides tuition individually and in small groups and places are made available to new starts as they arise in all large and medium sized primary schools in at least one instrument.

Additional instrumental instructors have been employed, funded by the Youth Music Initiative, who offer tuition in at least one instrument in the remaining, mainly small and mainly rural, primary schools.

In this way, by combining the efforts of the Curriculum Support teachers, the established Instrumental Instruction team and the new Youth Music Initiative instructors, all primary schools now offer instrumental instruction in at least one instrument and a continuous, progressive curriculum in Music that involves singing and playing tuned percussion. By the end of Primary 6, all children will have accumulated at least one year’s experience in playing and singing. All instruction provided in the first year to new starts is free: that has been made possible by deploying Youth Music Initiative funding.
With regard to Parental notification: when a place becomes available, parents normally receive a letter notifying them of the opportunity at the discretion of the school.

Our approach has received approval from the Scottish Executive:-

"Thank you very much for submitting the data collection information in relation to the P6 target… Insofar as demonstrating that your local authority has met the P6 target is concerned, all looks to be on track".