CHAIRMAN’S REMARKS
1. The Convener offered the Council’s congratulations to:

   (a) Andrew Smith and Duncan Morrison from Environment & Infrastructure who had successfully completed their Professional Reviews with the Institution of Civil Engineers (ICE) which meant they were now Incorporated Engineers (IEng) and Members of the Institution (MICE) and registered with the Engineering Council; and

   (b) the Council’s Cleaning Services who entered the Scottish Cleaning Challenge Cup in competition with teams from both the private and public sector. This was the competition won by Kelso High School last year and this year the team from Earlston Primary School were runners up in the overall Cup. Eleven of the other cleaning teams won Awards for Excellence. They were in alphabetical order:-

   Council Headquarters
   Galashiels Academy
   Halyruide Primary School
   Hawick High School
   Jedburgh Grammar School
   Kelso High School
   Lauder Primary School
   Parkside Primary School
   Peebles Primary School
   Selkirk High School
   Wilton Primary School

DECISION
AGREED that congratulations be passed to all those concerned.
MINUTE
2. The Minute of the Meeting of 15 December 2011 was considered.

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

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

- Kelso Common Good Fund 4 November 2011
- Jedburgh Common Good Fund 15 November 2011
- Teviot & Liddesdale Area 15 November 2011
- Cheviot Area 16 November 2011
- Local Review Body 21 November 2011
- Teviot & Liddesdale Area 24 November 2011
- Education Executive 6 December 2011
- Executive 6 December 2011
- Lauder Common Good Fund 9 December 2011
- William Hill Trust 9 December 2011
- Planning & Building Standards 12 December 2011
- Peebles Common Good Fund 15 December 2011
- Audit 19 December 2011
- Local Review Body 19 December 2011
- Planning & Building Standards 9 January 2012

DECISION
APPROVED the Minutes listed above.

EXECUTIVE
4. With reference to paragraph 8 of the Minute of the Executive held on 6 December 2011, Members agreed to approve the Policy on Discretionary Housing Payments.

DECISION
AGREED to approve the recommendation of Executive relating to the Policy on Discretionary Housing Payments.

MEMBER
Councillor Moffat joined the meeting.

OPEN QUESTIONS
5. The questions submitted by Councillors Logan, Herd, Raw, Paterson, Garvie, Jones, Mitchell and Elliot were answered.

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

DECLARATION OF INTEREST
Councillor Lackenby declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.
POLICE FIRE AND REFORM

6. With reference to paragraph 10 of the Minute of 24 November 2011, there had been circulated copies of a report by the Chief Executive seeking approval for the Council to become a Pathfinder for the establishment and implementation of local arrangements for the police and fire and rescue services, and to accept the Scottish Government’s invitation to join the Local Scrutiny and Engagement Implementation Network. The report explained that a letter had been received from the Cabinet Secretary for Justice advising that the Police and Fire Reform (Scotland) Bill was scheduled to be introduced to the Scottish Parliament in early 2012 and that it would include a framework for the delivery of local scrutiny and engagement arrangements, which local authorities and the new services would need to implement when the legislation was enacted. The letter invited local authorities and services to join the Network either as a local Pathfinder or as a Networker and it was proposed that the Council should become a local Pathfinder and join the Local Scrutiny and Engagement Network. The Pathfinder would involve a partnership of local authority and police and fire and rescue services.

DECISION AGREED:-

(a) to become a local Pathfinder, which would involve a partnership of local authority and both police and fire and rescue services for the implementation of the scrutiny arrangements for police and fire and rescue services;

(b) to accept the invitation by the Scottish Government’s Cabinet Secretary for Justice, Mr Kenny MacAskill, to join the Local Scrutiny and Engagement Network; and

(c) to delegate authority for the development and the establishment of the local Pathfinder to the Chief Executive in consultation with the Council Leader, Depute Leaders, the Council’s members on the Lothian and Borders Police and Fire and Rescue Boards, the Leader of the Opposition, the Divisional Commander of Lothian and Borders Police and the designated Senior Fire and Rescue Officer; the outcome of this work to be reported to the Council.

BORDERS RAILWAY JOINT COMMITTEE

7. It was reported that at future meetings of the Borders Railway Joint Committee, if appropriate, the Council would be represented by the Director of Environment and Infrastructure rather than the Chief Executive.

DECISION NOTED.

LOCAL PLAN

8. There had been circulated copies of a report by the Director of Environment and Infrastructure seeking agreement on the Main Issues Report and the Environmental Report of the Local Development Plan to be used as a basis for public consultation. The report explained that the Main Issues Report (MIR), a copy of which was appended to the report, was the first stage in the review of the recently adopted Local Plan. The MIR was meant to encourage discussion of any new planning issues. The new issues were relatively limited given the Council’s current up to date development plan, and were set out as a series of preferred and alternative approaches which did not commit the Council to any particular course of action at this stage. The MIR set out a series of questions in order to stimulate public response and the report outlined how the public consultation would be carried out. Members discussed the MIR in detail and sought clarification where necessary.
VOTES

Councillor Riddell-Carre, seconded by Councillor Calvert proposed the following amendments:-

(a)  To insert in Appendix C, Policy BE9: “During the period of the Local Development Plan, consideration will be given to future school provision in Selkirk, Galashiels and other towns. The requirement for any new school site(s) will be considered as part of the next Local Development Plan.”

(b)  To insert in Appendix A2, page 5, Netherbarns site, Site requirements: “Further consideration be given to the need to provide a primary school on the site.”

Members unanimously accepted amendment (a) and a show of hands on amendment (b) was taken as follows:-

For - 15 votes
Against - 9 votes
The amendment was accordingly carried.

Councillor Watson, seconded by Councillor Aitchison, moved that the reference to the Netherbarns site should be deleted from page 5 on Appendix A2.

On a show of hands Members voted as follows:-

For - 6 votes
Against - 18 votes
The amendment accordingly fell.

DECISION

DECIDED to approve:-

(a)  the Main Issues Report of the Scottish Borders Local Development Plan, as set out in Appendix 1 to the report and as amended at (a) and (b) above, as a basis for public consultation;

(b)  the Environmental Report for public consultation;

(c)  to delegate any non policy editorial changes to the Main Issues Report and the Environmental Report to the Director of Environment and Infrastructure;

(d)  to consult on the Main Issues Report and the Environmental Report for a period of 12 weeks in line with the proposals set out in the report; and

(e)  the Monitoring Report in Appendix 2 to the report, and the Technical Notes as a background documents to the MIR.

SESPLAN

9.  With reference to paragraph 6 of the Minute of 25 September 2008, there had been circulated copies of a report by the Director of Environment and Infrastructure on the suggested response to the SESplan Committee with regard to the proposed changes to the SESplan Governance Scheme. The report to the SESplan Committee detailing the proposed amendments to the SESplan Constitution, Scheme of Delegation and Financial Regulations was appended to the report and required to be ratified by all six member authorities. Whilst the majority of the proposed changes were acceptable there were fundamental concerns under the proposed arrangement in that
individual Councils would not have considered the representations on the Proposed Plan prior to its submission to Scottish Ministers. This stage of the process would also be the time when a Council would consider whether it wished to submit alternative proposals alongside the submitted Proposed Plan (as it was entitled to do under the regulations). It was considered important that this Council should be able to consider the representations received to the Proposed Plan and the responses to them so that it could provide a clear view to its representatives to the SESplan Committee on the report, and also allow the preparation of alternative proposals for submission alongside the Proposed Plan by this Council if it was minded to do so. To accommodate this it was proposed that the changes to SESplan Governance Scheme could be accepted subject to the condition that this Council was provided with the representations on the SESplan Proposed Plan and the proposed responses to them for formal consideration in advance of consideration by the SESplan Committee. Members supported the proposal.

**DECISION AGREED:-**

(a) to approve the proposed changes to the SESplan Governance Scheme subject to the following safeguard condition: that the representations on the Proposed Plan and proposed responses to them be provided to this Council for its formal consideration in advance of consideration by the SESplan Committee; and

(b) that if the SESplan Committee did not agree the safeguard condition that approval be granted to agree to ratify the proposed changes with the exception of the need for ratification of a Proposed Plan for submission to Scottish Ministers if there were no proposed changes following public consultation.

**MANAGING OUR WORKFORCE: PROPOSALS TO SECURE EARLY RETIREMENTS AND VOLUNTEERS FOR SEVERANCE**

10. There had been circulated copies of a report by the Chief Executive seeking approval for 13 members of staff who had requested early retirement and voluntary severance. If all 13 applications were approved, a total one-off cost of £244,053 would be incurred. In total, £226,488 of direct recurring employee cost savings would be delivered each year. This included the offset of the cost of replacing 1 of the posts at a lower grade and a reallocation of duties. The average payback period for all staff was 1.07 years.

**DECISION AGREED** to approve the 13 current proposed applications as detailed in the Appendix to the report with the associated costs being met from the Voluntary Severance/ Early Retirement budget.

**PROCUREMENT UPDATE TO DECEMBER 2011**

11. With reference to paragraph 19 of the Minute of 25 August 2011, there had been circulated copies of a report by the Chief Financial Officer detailing the procurement awareness raising activity aimed at local suppliers and the progress to December for financial year 2011/12, for the cashable benefits target outlined in the Corporate Procurement Strategy. The report explained that the Corporate Procurement Section continued to work in partnership with Economic Development in the delivery of the Supplier Development Programme and Supplier Roadshows. These events focused on awareness raising and promotion of training for suppliers and a diary of events was currently being developed for 2012/13. To December 2011, £950,400.64 of cashable benefits across Revenue, Capital and the Pensions Fund had been secured. The new Corporate Procurement Strategy would be submitted for approval in February and would deal with the concerns raised by Members regarding the use of local suppliers.
DECISION
NOTED:-

(a) the results of the analysis of Councils spend with local suppliers and the continued awareness raising activity aimed at local suppliers; and

(b) the update on progress, for financial year 2011/12, for the cashable benefits target outlined in the Corporate Procurement Strategy.

AIMUP – INNERLEITHEN UPLIFT PROJECT

12. There had been circulated copies of a report by the Director of Environment and Infrastructure on the AIMUp community group’s ambition to create a new mountain bike and tourist facility at Traquair near Innerleithen, which sought approval to support the group in bringing forward a viable development proposal with information, advice and support in the next stage of their work. The report explained that a community group (AIMUp) was formed by interested local residents and businesses in order to help support the idea of a new Mountain Bike Uplift facility. They had developed new, more cost effective proposals for the Innerleithen site. In addition to a low level base station area and a top station, the proposal included an all-weather toboggan run, new trail development, a new walking/cyclist bridge across the River Tweed, and car parking situated closer to Innerleithen to ensure an economic spin-off for the town. The group were now working through the Environmental Impact Assessment ‘screening’ process and working towards a planning application. In order to formalise Council support, it was proposed that a short-life Officer Working Group be established within the Council to provide the AIMUp group with information, advice and support. Members were happy to support this project and Councillor Garvie, seconded by Councillor Logan, moved that the recommendation be amended to include congratulations to the Group which was unanimously accepted.

DECISION
AGREED to:-

(a) approve the formation of an Officer Working Group within the Council to provide the AIMUp community group with information, advice and support; and

(b) congratulate the AIMUp Group on its excellent and important initiative for Innerleithen and the Borders.

MOTIONS BY COUNCILLOR LOGAN, GUNN AND JONES

13. Motions relating to the proposals to close the Sheriff Courts in Peebles, Selkirk and Duns had been submitted as detailed on the agenda. Councillors Logan, Gunn and Jones spoke in support of their Motions and agreed that the three Motions be combined. This was unanimously approved.

VOTE
Councillor Davidson, seconded by Councillor Lackenby, moved that in addition to approving the combined Motion the Council should establish a short-term Working Group to examine and present the positive case for retaining a full criminal and civil justice service in the Borders and that the Working Group should comprise Council Officials, Border Solicitors, Police and any other appropriate representatives who may be invited to participate.

On a show of hands Members voted as follows:-

For - 31
Against - 1

The amendment was accordingly carried.
DECISION
(a) AGREED that Scottish Borders Council deplored the proposal to close Peebles, Selkirk and Duns Sheriff Courts and asks that the Scottish Court Service make an early statement on their proposals and that the Scottish Government intervene urgently to secure the future of these historic courts to ensure that access to justice by ordinary people and local solicitors remained available locally and easily accessible, as it had done for generations.

(b) DECIDED to establish a short-term Working Group to examine and present the positive case for retaining a full criminal and civil justice service in the Borders and that the Working Group should comprise Council Officials, Border Solicitors, Police and any other appropriate representatives who may be invited to partake.

MEMBERS
Councillors Aitchison, Archibald, Garvie and Marshall left the meeting.

MOTION BY COUNCILLOR WATSON
14. Councillor Watson, seconded by Councillor Nicol, moved approval of his motion as detailed on the agenda in the following terms:-

“That each year reports to Common Good and Trust working groups should contain information on "real" values, using the Retail Price Index, so that members can be given a clear picture of any changes in the real value of funds."

Councillor Watson spoke in support of his motion which was unanimously supported.

DECISION
AGREED to approve the Motion as detailed above.

MOTION BY COUNCILLOR GUNN
15. Councillor Gunn, seconded by Councillor Brown, moved approval of his motion as detailed on the agenda in the following terms:-

“That this Council looks again with all urgency at the provision, or lack of it, of a proper Registrars Service across the Scottish Borders. A decision was taken on 10 February, 2011 that the reduction of permanent registration offices would leave offices in only Galashiels, Hawick and Peebles. An assurance was given prior to that vote that the Registration of Births, as well as other duties, would continue to be carried out in ALL contact centres and only the Registration of Deaths would necessitate travel to the three aforesaid locations. That has not happened and no registrations take place in, for instance the Royal Burgh of Jedburgh, the Royal and Ancient Burgh of Selkirk or the Royal Burgh of Lauder. Neither is there any facility, for the first time since medieval times, for Banns to be Declared in anything but the three burghs or in most Parishes across the Scottish Borders. This Motion asks for the re-introduction of Registrar facilities, including Bann Notice Boards, in all locations until or unless properly trained staff are in situ in all Contact Centres across the Borders”

Councillor Gunn spoke in support of his Motion. Councillor Nicol advised of the arrangements which were in place and the training which was being carried out with respect to the provision of the Registration Service and advised that there had been no requirements to display banns since 2006. On the basis the Council was meetings its targets with regard to the provision of the service Councillor Nicol, seconded by Councillor Calvert, moved as an amendment that no action be taken in response to Councillor Gunn’s Motion.
VOTE
On a show of hands Members voted as follows:-

Motion - 5 votes
Amendment - 18 votes
The Motion accordingly fell.

DECISION
DECIDED that no action be taken.

URGENT BUSINESS
16. Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Convener was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to make an early decision.

SCRUTINY WORK PLAN
17. With reference to paragraphs 2-8 of the Scrutiny Minute of 19 January 2011, there had been circulated copies of the proposed Scrutiny Work Programme for 2012. The Chairman of Scrutiny commended the programme to Members.

DECISION
AGREED to approve the Scrutiny Work Programme for 2012 as contained in Appendix II to this Minute.

MEMBER
Councillor Logan left the meeting.

PRIVATE BUSINESS
18. 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 III 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

Minute
1. The private section of the Council Minute of 15 December 2011 was approved.

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

Urgent Business – Craw Wood Tweedbank
3. Members received a briefing from the Director of Social Work.

The meeting concluded at 1.10 p.m.
Questions from Councillor Logan

1. To Executive Member for Roads and Infrastructure

I am pleased to note in a recent Council press release that work is about to start stabilising the banking at Dirtpot Corner. Can you reassure us that the long term aim of the Scottish Borders Council is to realign the roadway at this corner and such an aspiration will not get lost in the mists of time?

Reply from Councillor Fullarton

The A72 forms the principal East West Link between Tweeddale and the Central Borders, and is one of the Council's strategically important road links. A72 Dirtpot Corner is a section of road that has poor alignment and constrained carriageway width, which makes two HGV's meeting on the corner a difficult manoeuvre.

As Cllr Logan has mentioned the Council is investing in stabilising the slope to reduce the risk of slope slippage and closure of the road. Any realignment scheme is difficult given the operational and environmental constraints, and will be expensive.

The realignment scheme will be included in the Council's draft 10 year Capital Financial Plan which will be presented to Council on 9 February 2012.

2. To Executive Member for Environmental Services

It was stated by an officer of the Council at a meeting of the Scrutiny committee of 31 March 2011 and minuted that "it had been hoped to start garden waste collection in Gattonside and Clovenfords this year, but this was put back until 2012 because of capital restraints." Can you confirm that garden waste collections will now commence in both villages.

Reply from Councillor Fullarton in the absence of Councillor Wyse

In the discussions that followed the Towards Zero Waste report presented to the Executive on the 6th October 2009, Members suggested that consideration be given to including rural areas, which were not currently included in the green waste collection scheme. Members noted that these requests would be the subject of a report to be presented to a future meeting of the Executive.

An initial review by the Refuse Collection Service, for the 2010/11 capital review, highlighted that it may be possible to extend the service to a limited number of rural areas including Gattonside and Clovenfords.

Capital Funding has been identified within the capital plan for the extension of the service to a limited number of rural areas. However a full and detailed report is still to be presented to the Executive and until such time that this has taken place and has been approved it is not possible to commence the roll out.

It is also worth noting that not only has the financial position changed since the Towards Zero Waste report was presented to Executive in October 2009, but Scottish Government has also issued the Zero Waste Scotland. Officers are developing future refuse and recycling collection options with Zero Waste Scotland and will bring these options to Executive later this year.

3. To the Executive Member for Children & Strategic Services

Can you explain why a parent and carer of a disabled juvenile who is not eligible for a mobility vehicle, has had his mileage allowance to a special school cut from 36p/mile to 13.9p/mile?
Reply from Councillor Smith

The Additional Support Needs, Transport to schools policy was reviewed and re drafted between October 2010 and January 2011. During this period the SBC Insurance section that advised parents in receipt of a mobility vehicle could not use that vehicle for “hire and reward”. The Insurance team found evidence that suggested insurance companies would not cover mobility vehicles if they were used for “hire and reward”.

The Council’s Insurance team advised that by paying the 36p per mile rate this constituted “hire and reward”. Many parents do have access to a mobility vehicle and would be affected by this change, it was agreed at this point, to introduce a standard payment that treated everyone who received a parent assisted rate in the same way.

A focus group made up of Managers from ICS and Transport was put together to look at the problem. That group was keen to see if some compromise could be found so that parents could receive some payment towards their travel costs but which did not impinge on the “hire and reward” clause. The Integrated Children’s Services and Transport teams eventually settled on the 13.9p per mile rate.

The 13.9p rate is a contribution towards travel costs rather than a payment made in lieu of actual costs incurred. It is based on a nationally adopted figure some times called the “public transport rate” and is a payment used for example, when interview candidates come to the Council in their own cars and reclaim their travelling expenses. This is not seen as “hire and reward” and therefore it is possible use this rate to offer families some contribution towards their costs.

This agreement was included in the Transport Policy which, following consultation with Education and Lifelong Learning Management, was agreed by the Senior Management team within Social Work (Budget holders) in February 2011.

The ICS locality teams have since that time been working through their client lists and speaking to all of the families who have or will be affected by this revision. Through these discussions agreements are being reached regarding the date of the change to the new rate or suitable alternative transport options are being offered.

Questions from Councillor Herd

1. To Executive Member for Economic Development

   We as councillors know and we repeatedly hear that Mountain Biking Centres at Glentress and Innerleithen are key growth points for tourism in Tweeddale and the Borders. Glentress is a designated pre-games training camp for the Olympics and it has just been announced that the European Downhill Cup will come to Innerleithen in June. A year ago it was trumpeted that SBC got £600k from the Scottish Government’s Rural Priorities Fund to develop the Tweed valley cycle path linking Peebles – Cardrona and Innerleithen. What is the target date for completion of the cycle path linking Peebles, Cardrona and Innerleithen and what if any are the risks to this project?

   Reply from Councillor Davidson

   It is hoped that work will commence on the shared access route this summer, including the construction of a new bridge across the River Tweed and the upgrading of the existing railway path between Peebles and Innerleithen. This would allow work to be completed in the early stages of 2013.

   The key risk to the project is that if the cost of constructing the bridge is greater than expected this would result in less of the allocated funding being available for the upgrading of the path. The other key issue is that no bridge construction work can take place in the main salmon fishing season therefore there is a risk of delay.
2. To the Leader
The Borders Railway will represent the most significant Government Investment in our Region for generations. As the project moves forward to full scale construction does the Leader agree that there will be opportunities from Borders businesses and possibility for Scottish Borders Council to secure work as part of the construction process?

Reply from Councillor Parker
I do agree that there will be opportunities for Borders businesses and Scottish Borders Council to derive economic benefit from the Borders railway.

There is every possibility that Borders companies and SBC Contracts may be in a position to bid for work to support the construction of the railway line and I would certainly urge Network Rail to consider these opportunities carefully.

It is also the case that the construction of this project will present opportunities for other Borders companies whilst the line is being constructed and afterwards and clearly local businesses and Scottish Borders Council need to consider very carefully strategies to make sure that that economic benefit is realised.

Questions from Councillor Raw

1. To the Executive Member for Communities and Health
In the light of findings in a serious case review published in Yorkshire last week on the death of an elderly lady from explosion and burns, will the Executive Member state what arrangements exist between SBC, the NHS and the Fire Service to ensure the safety of discharged patients who receive oxygen treatment in their own homes?

Reply from Councillor Scott
Currently the department has guidance in place to inform staff involved in cases where there is use of oxygen both in care homes and in a person's own home. The department regularly reviews the findings of significant case reviews to consider any lessons learnt and will ensure that any recommendations and learning from this case is fully considered along with key partners.

2. To the Executive Member for Children and Strategic Services
Given rising levels of unemployment and debt in the Borders, together with imminent changes to welfare benefits, what assurances can the Executive Member give that SBC will be able to meet the increasing demand for debt and welfare advice including support at appeal tribunals?

Reply from Councillor Smith
Convener I am pleased to respond to this question raised by Cllr Raw regarding the continued provision of welfare advice in the Scottish Borders.

Councillors will be aware that it has historically been the position that the Council has funded the provision of general welfare advisory services across the authority area by way of a grant to the voluntary sector and through the provision of an in-house welfare benefits service.

I can confirm that last year an award of £225,000 was made to the local Borders CAB organisations to provide general welfare advice services. However, this method of arranging and managing the delivery of services is very limited and does not lend itself to delivering improved and modernised services across the Scottish Borders.

With this in mind, the Executive, at its meeting on 16th August last year approved officer recommendations to develop a mechanism by which the Council could contract externally for the provision of general welfare and debt advice, through a tendered procurement exercise.
There are a number of advantages both for the Council and any organisation; including the Citizens Advice Bureau wishing to tender for this service. The contract will initially be for three years with an annual value of up to £225,000 per year. There is also an option within the contract, and subject to performance, to extend this to up to five years before a re-tendering exercise is required.

Bearing in mind that an award, by way of a grant is subject to a yearly determination this approach gives a potential bidder confidence to plan over the medium term knowing that the funding is in place to deliver change, modernise delivery and improve services for its customers. Furthermore, by undertaking an open tendered process it has enabled the Council to be able to clearly demonstrate value for money in that it has obtained the general welfare advice services the Scottish Borders needs through an open, transparent and competitive process and that the performance of the successful bidder will be subject to scrutiny.

The service has now been tendered for and the date for last submissions was the 16th January 2012. Submitted tenders are being assessed and the successful bidder reported to members in February. The aim is to establish the new service by 1st April 2012.

Turning to the in-house provision of welfare advice, I can say that the Executive also agreed that it would retain its Welfare Benefits Service and that it would refocus its activity on the more complex welfare benefit activity, for example, tribunal activity to ensure that the needs of vulnerable people are protected and supported in the Scottish Borders.

In addition I am also pleased to say that not only has funding to this service been protected for the coming financial year but that subject to final Council approval, additional provision has been made by the administration within the welfare advice service to provide welfare benefit tribunal support to residents of the Borders who have been faced with a loss of benefit entitlement.

I do hope that this response clarifies the position regarding the provision of welfare advice in the Scottish Borders and provides comfort to Councillor Raw in relation to the Council’s commitment to ensure that a high quality, accessible and value for money welfare advice service will be provided across the Scottish Borders into the foreseeable future.

3. To the Leader
Whilst I know the Leader shares my concern about rising levels of debt in the Borders, and also the extortionate rates of interest charged by heavily advertised 'pay day loan' companies, could he state what response he intends to pursue to re-invigorate the Capital Credit Union in the Borders?

Reply from Councillor Parker
Scottish Borders Council has been a long term supporter of the Capital Credit Union. We have previously provided information to our employees on the services that the credit union offers and we have always actively engaged with the credit union to support their activity.

Alasdair Hutton, the Council’s Convener has invited the Chief Executive of Capital Credit Union to attend the next Strategic Partnership Against Poverty meeting at SBC on 14th February. I would encourage this group to consider whether there are any other actions that we can take to support the credit union and I know that Cllrs Hutton, Raw and other member and officer colleagues will do what they can to promote the excellent work that the credit union is involved in.

Questions from Councillor Paterson
1. To the Leader
Will Scottish Borders Council be following the lead of Edinburgh City Council and pay their hard working employees the money that they deserve under equal pay and are entitled to but Scottish Borders Council have been consistently underpaid for years.
Reply from Councillor Parker
Scottish Borders Council is aware of the recent settlement agreements reached by Edinburgh City Council with female employees. This followed a court decision adverse to ECC on a technical argument by which they sought to avoid liability.

While the Employment Tribunal applications of SBC are at a less advanced stage, SBC has been engaged in attempting to reach an agreed settlement for several years.

Offers were made to all of the employees with Tribunal claims in 2008 and further offers were made in 2010. These offers remain open to employees and former employees with outstanding Tribunal claims. SBC considers the offers to be generous, particularly as it has negotiated a discounted tax rate to be applied to any settlement by the Inland Revenue.

As a result of these efforts the vast majority of the claims have settled by agreement and there are now only 53 claims outstanding involving 46 employees.

Negotiations will continue with these employees.

2. To the Executive Member for Social Care and Health
Can the Executive Member tell the Council if Social work officials were informed of any plans that NHS Borders may have to change the first class facility the people of Hawick have at Crumhaugh House.

Reply from Councillor Renton
This matter has been raised and was fully discussed by representatives from Scottish Borders Council and NHS Borders at the recent meeting of the Community Health and Care Partnership strategic Board on 13th January 2012. The partnership has agreed that further discussions take place to look at a range of options for the continued use of this resource and a further paper will be received at the next meeting of the CHCP in March.

Question from Councillor Garvie
To the Leader
Would the William Hill Trust consider becoming a partner to several other public and private sector partners in providing encouragement and financial assistance to the highly successful and economically and culturally important annual Borders Book Festival based in Melrose?

Reply from Councillor Parker
Cllr Garvie is absolutely right to highlight the outstanding success of the Borders Book Festival which takes place annually in Melrose.

I am sure that all of us in the Chamber fully support the work of the Book Festival and the contribution it makes to the Borders economy.

The William Hill Trust considers application from a variety of different applicants each year and if the Borders Book Festival submits a request for financial assistance we will of course consider this matter.

However, it should be recognised that the William Hill Trust specifically focuses its funding on projects that directly benefit the inhabitants of Melrose and our resources are not as significant as some other trusts and common good funds that operate in the Borders.

Question from Councillor Jones
To the Executive Member for Roads and Infrastructure
The Leet Water floods at Leet Bridge in Coldstream every year causing considerable inconvenience to the Town. What plans are in place to prevent this happening in the future?
Reply from Councillor Fullarton
For clarification, and to avoid confusion, the bridge referred to is actually known as Paddys Bridge while the Leet Bridge is actually the much larger structure on the A698.

Prior to the nineteen seventies the only vehicular access to or from the lower part of Coldstream was via the Market Street. In 1972 an “Irish Bridge” was introduced over the Leet and this allowed Market Street to be made one way and all vehicular traffic to exit via the new bridge and road leading to the A698 immediately west of the Leet Bridge. This was in full knowledge that the Irish Bridge would, at times, be unusable because of high water levels on the Tweed River or Leet Water. The original Irish Bridge unfortunately was not a total success and in 1984 it was replaced by the current structure which along with the approach roads was constructed about a metre higher than the original structure. Again it was accepted by all concerned that the layout would on regular occasions be prone to localised flooding. When this occurs, local arrangements by the police allow traffic to use other routes.

Unfortunately this is a low lying area of the town and to effect a solution where there was little to no flooding occurrences would entail raising the bridge and approach roads by a considerable height. Unfortunately this would be at a cost that is disproportionate to the relatively minor inconvenience that is caused to those affected when the road is closed for a few days each year. This is a situation that seems to be generally accepted locally.

Questions from Councillor Mitchell
To the Leader
1.  2012 will herald the start of fullscale construction of the Borders Railway will the Leader join with me in recognising the achievement of the Scottish Government in delivering the project and does he also agree that the project will be of significant economic, tourist and transportation benefit to the Scottish Borders?

Reply from Councillor Parker
Cllr Mitchell, as you know you and I have been long term supporters of the return of the borders railway and I am delighted with the governments commitment to deliver the project and look forward to construction commencing in 2012 and the project being delivered towards the end of 2014. We have worked with the Scottish government in partnership on this project and the recent announcement to transfer the project to Network Rail is excellent news that in my opinion will most definitely herald the start of construction this year.

Like you I agree that the Borders railway will have a significant economic, tourist and transportation benefit to the Scottish Borders and I have no doubt that by the end of this decade these benefits will be well recognised by the Borders community.

2.  May I suggest establishing a cross party Member/Officer Railway Group to ensure the Council maximises the opportunity that the Borders Railway offers to this area, develops a marketing Strategy to support economic development and tourism in time for the 2014 re-opening and considers implementation of an integrated transport system to compliment the railway once it is in place.

Reply from Councillor Parker
I would be happy to bring forward a report to members to establish such a group. It may be best that the current joint committee which has representatives of SBC, Midlothian and City of Edinburgh Councils should be reformed to undertake this role.

If Cllr Mitchell is happy, I will request that a report comes forward to council on this matter with detailed proposals for the council meeting to be held on Thursday 29th March 2012.
Question from Councillor Brown

To the Executive Member for Economic Development
When will the water supply be re-connected to Jedburgh’s Jubilee Fountain?

Reply from Councillor Davidson

Whilst the Jedburgh Jubilee Fountain has been repaired, including the installation of electric lighting and renewal of internal plumbing connected to the water spouts, there are no plans at present to connect a permanent water supply to the fountain. A temporary connection is possible from the end of the supply pipe set within the adjacent paved area.

Arrangements for a permanent supply would need the following issues to be addressed:

- Physical connection and drainage
- Arrangements to meter the water supply and meet the standing charge
- Arrangements to drain and maintain the system, especially during cold weather
- Arrangements to regularly monitor and maintain water quality as the fountain is accessible to the public.

These issues all making funding a permanent connection unlikely in the short term. This decision is consistent with that taken in relation to fountains in other Border towns.

Question from Councillor Elliot

To the Leader
Will the Leader confirm that the decisions taken by Council at the meeting on 15 December 2011 provide the ability for individual Common Good Funds to “Opt In and Opt Out” of the Common Good Investment Strategy should they so choose?

Reply from Councillor Parker

Council on the 15th December agreed the use of a single investment strategy for the capital balances held by Common Good Funds and Trust Funds.

The objective of this strategy is to ensure that all common good funds achieve long term capital and income growth. The funds will use the Roxburgh fund as the basis of this pooled investment.

Common good working groups will continue to take the decision as to the level of revenue balances to be retained by funds to meet running expenses and the capital balances to invest. This key decision provides the flexibility for common good funds to effectively opt in and opt out of the strategy.

Members will take the decision as to the level of capital balances to invest having given due consideration to the advice of officers.

Members will be required to justify their decision, concerning the extent to which they decide to “opt in” or “opt out” of the investment strategy, as part of their duty to ensure best value for common good fund investments.
**Proposed Scrutiny Work Programme 2012**

**APPENDIX II**

**New Issues**

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<th>Proposer</th>
<th>Issue</th>
<th>Response</th>
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<td>Innerleithen and District Community Council</td>
<td>Tourism development in the Scottish Borders Council area</td>
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<td>2</td>
<td>Innerleithen and District Community Council</td>
<td>The condition of main roads in the Borders and the effect on public safety and vehicles.</td>
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<td>Scrutiny Panel</td>
<td>Environmental Health: food standards and inspections of premises selling food.</td>
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<td>4</td>
<td>Scrutiny Panel</td>
<td>The process for Social Work Serious Case Reviews</td>
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<td>5</td>
<td>Ettrick and Yarrow Community Council</td>
<td>The impact of afforestation in the Scottish Borders area</td>
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<td>6</td>
<td>Scrutiny Panel</td>
<td>Details of the new Welfare Advice Service and the Impact of the Welfare Reform Bill</td>
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<td>How to promote and support the use of empty High Street shops</td>
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<td>8</td>
<td>Scrutiny Panel</td>
<td>The effect of wind farms on tourism</td>
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**Items carried forward or agreed to be repeated**

- Scrutiny Annual Report

(18/08/11) SICKNESS, ABSENCE AND BUSINESS CONTINUITY IN SCOTTISH BORDERS COUNCIL. A further report on progress in relation to the future actions on sickness, absence and business continuity being proposed within Scottish Borders Council, namely:

(i) identification of hot spots for stress;
(ii) carrying out targeted risk assessments on the top four absence categories;
(iii) continuing to deliver effective attendance management training and awareness;
(iv) introduction of specialised stress counselling;
(v) introduction of an on-site physiotherapy service at Council headquarters for use by all staff;
(vi) introduction of mini MOTs for employees; and
(vii) continuing to benchmark against other Councils and national trends, NHS and other sectors.


(8/9/11) THE SUITABILITY OF PLAY PARKS AND OTHER COUNCIL FACILITIES FOR DISABLED PEOPLE IN THE SCOTTISH BORDERS.

(21/4/11) SCOTTISH BORDERS COUNCIL, REGISTERED SOCIAL LANDLORDS AND
LETTING POLICY Hearing to be held following the Local Government Elections in order to brief Councillors and update on the relationship between Scottish Borders Council and the RSLs and the progress made.
<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
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<tbody>
<tr>
<td>9/6/11</td>
<td>PROCUREMENT</td>
<td>Scrutiny to consider a further report on progress with Procurement in the first year following the Scottish Borders Council election.</td>
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<tr>
<td>30/6/11</td>
<td>STIMULATING AFFORDABLE RURAL HOUSING IN THE BORDERS</td>
<td>A further report on progress be received in the latter half of 2012, and the Chairman of the Working Countryside Group be invited to attend the meeting when the report would be considered.</td>
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<tr>
<td>20/10/11</td>
<td>THE CHEVIOT PROJECT.</td>
<td>Update on progress</td>
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<tr>
<td>3/11/11</td>
<td>HEART OF HAWICK.</td>
<td>Annual Report</td>
</tr>
<tr>
<td>19/1/12</td>
<td>REVIEW OF VOCATIONAL TRAINING OPPORTUNITIES.</td>
<td>Update on progress</td>
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