SCOTTISH BORDERS COUNCIL

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS on 29 March 2012 at 10.00 a.m.


Apologies: Councillors J. Hume, N. Watson, T. Weatherston.

In attendance: Acting Chief Executive (A. Lowe), Director of Education and Lifelong Learning, Director of Environment and Infrastructure, Joint Director of Public Health, Head of Integrated Children's Services, Chief Financial Officer, Head of Legal and Democratic Services, Clerk to the Council.

CHAIRMAN’S REMARKS

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

(a) SBC’s web designers and managers who had already achieved three out of four stars in the Society of IT Managers ‘Better Connected 2012 survey which rigorously reviews all 433 local authority websites in the UK annually. The council’s revamped website went live last October and this result is a significant improvement on the previous website’s one-star. The Project was Managed by Elspeth Mather and the rest of the team were Stewart Meldrum, Tracey Graham, Kevin Hislop and Jenni Craig on the Board; Keith King and Lee Allan from BTS who are experts at web images, writing for the web and accessibility and Sue and Jan who gave their input from the corporate communications team and there was also Regan Leen who recently left SBC but who played a major role and was instrumental in pushing the whole project forward;

(b) Susan Robb, Participation Officer for children and young people with Scottish Borders Council (SBC), had been announced as runner-up in the Youth Worker of the Year awards 2012. Susan had worked with young people from across the authority area to establish youth participation HYPPE Panels, re-establish Youth Chex, implement and develop two Participation Strategies – the most recent of which, Involved, was launched last week by young people in the Participation Theme Group. This year Susan has worked to support the first ever local authority Youth Commission, working with 12 young people to gather evidence to make recommendations to SBC for their new policy approach to the prevention and management of bullying behaviour;

(c) the Safer Communities Team and Violence Against Women Partnership in securing funding of £767k from BIG Lottery, and a further £330k from Scottish Government for the Pathway
Project to address domestic abuse in the Scottish Borders. This would be complemented with an investment from partner agencies of £130k, thereby giving a total investment of £1.23 million pounds over a 3 year period. This would significantly improve the lives of victims and children in the Scottish Borders and provide a model based on early intervention and prevention; and

(d) Chief Inspector Kenny Simpson, Safer Communities Team Manager, on his promotion.

**DECISION**

AGREED that congratulations be passed to all those concerned.

**ORDER OF BUSINESS**

2. The Convener varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting.

**MINUTE**

3. The Minute of the Meeting of 23 February 2012 was considered.

**DECISION**

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

**COMMITTEE MINUTES**

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

- Local Review Body 16 January 2012
- Hawick Common Good Fund 26 January 2012
- Local Review Body 6 February 2012
- Peebles Common Good Fund 9 February 2012
- Planning & Building Standards 13 February 2012
- Executive 14 February 2012
- Scrutiny 16 February 2012
- Teviot & Liddesdale Area 21 February 2012
- Cheviot Area 22 February 2012
- Education Executive 6 March 2012
- Executive 6 March 2012
- Scrutiny 8 March 2012
- Planning & Building Standards 12 March 2012

**DECISION**

APPROVED the Minutes listed above.

**OPEN QUESTIONS**

5. The questions submitted by Councillors Mitchell, Moffat, Archibald, Raw and Bhatia were answered.

**DECISION**

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

**YOUTH COMMISSION ON BULLYING**

6. The Convener welcomed Robynn Gray and Emily Lerpiniere to the meeting. Robynn and Emily, who were both members of the Scottish Borders Youth Commission on Bullying, gave Members a short presentation on the work of the Commission and a summary of their recommendations which they hoped would be supported by the Council. Councillor Turnbull commented on the amount of time which the young members of the Commission had devoted to their task and commended
Lorraine Glass, Partnership Manager with ‘RespectMe’, for the support she had provided. The Convener then presented the Cosla Excellence Bronze Award 2011 to the representatives of the Youth Commission.

DECISION
AGREED:-

(a) to congratulate members of the Scottish Borders Youth Commission on Bullying for their work and to accept their report and recommendations; and

(b) that the Director of Education and Lifelong Learning be asked to consider his response to the Commission’s recommendations and bring a full report back to Council in due course.

FINANCIAL REGULATIONS
7. There had been circulated copies of a report by the Chief Financial Officer seeking approval to update the Council’s Financial Regulations. The report explained that Financial Regulations were a key element in the governance arrangements for the Council. They focused primarily on the financial control, management and administration of the Council's financial affairs. The Regulations were last comprehensively reviewed in May 2009. The Regulations had been brought up to date to reflect changes in management responsibilities and procedures. There were no substantial changes in terms of the principles behind the Regulations or the control arrangements currently in place. In view of the significant reviews of services over the last five years it was proposed that the format for reporting financial monitoring be amended and a copy of the new format was appended to the report.

DECISION
AGREED to approve the revised Financial Regulations, as contained in Appendix 1 to the report, for immediate implementation.

BUSINESS CONTINUITY MANAGEMENT
8. There had been circulated copies of a report by the Head of Audit and Risk seeking approval of the revised Policy for Business Continuity Management which was a key part of delivering the Council’s approved Risk Management Strategy and the underlying approved risk management policy. The report explained that the Council was successful in achieving re-accreditation to the BS 25999 for its Business Continuity Management System following the BSI audit in late September 2011. The standard supported continuous improvement which included the review of policies, procedures and practices. The resultant review and revision of A Statement of Policy on Business Continuity Management in the main was to formalise current objectives and practices in the policy statement and to continue to reflect senior management commitment to business continuity.

DECISION
AGREED to approve the revised Policy for Business Continuity Management as detailed in the Appendix to the report.

CHILD PROTECTION INSPECTION
9. There had been circulated copies of a joint report by the Directors of Social Work and Education and Lifelong Learning outlining the findings in the Care Inspectorate Report on the joint inspection of services to protect children and young people in the Scottish Borders Council area. The report also detailed the current and future activities being undertaken by services within the Scottish Borders in regard to the three areas of improvement highlighted in the inspection findings. The Child Protection Committee would regularly monitor and evaluate the activities in the report. The key strengths identified in the report were that children, parents and carers had a respectful
relationship with staff; children, parents and carers views were listened to by staff; staff were alert
to the signs that children were at risk and responded promptly contributing to keep children safe in
the short term. The Care Inspectorate Report also highlighted three areas for improvement and
these were to:-

(a) continue to develop support to vulnerable children and families at an early stage, ensuring
they could get appropriate help at times and in ways which met their needs
(b) improve support to meet children’s longer term health, education and care needs; and
(c) strengthen approaches to self evaluation, ensuring a clearer focus on outcomes for children
and families.

Members highlighted the positive comments on partnership working.

DECISION
AGREED to:-

(a) note the published Care Inspectorate Report as contained in Appendix A to the report;

(b) endorse the Child Protection Committee’s action points for areas of improvement, as
detailed in Appendix B to the report; and

(c) instruct the Director of Social Work and Director of Education and Life Long Learning
to provide a report on action plan progress in one years time.

SEKLKIRK FLOOD PROTECTION SCHEME 2012

10. With reference to paragraph 25 of the Minute of 24 November 2011, there had been circulated
copies of a report by the Director of Environment and Infrastructure seeking a preliminary decision
to confirm the proposed Selkirk Flood Protection Scheme 2012 with a modification. It was also
proposed that authority be delegated to continue the statutory approvals processes and the
Scheme’s detailed design. The report explained that the Statutory Approvals processes were
commenced in December 2011. As part of the Scheme being approved under the 2009 Act it was
required to give notice of the Scheme in accordance with paragraph 1 of schedule 2 of the relevant
Act. The new Notice was first published under paragraph 1(1)(a) on 22th February 2012 with the
formal 28 day objection period concluding on 21 March 2012. During this period one objection was
received to the Scheme. This objection was deemed to be a ‘valid objection’ therefore the project
team engaged with the objector in an effort to resolve the matter of their objection. The outcome of
these discussions was that it was deemed necessary to modify the Scheme. The modification was
not considered to be a significant change to the Scheme and only required that a section of
earthen embankment protecting Bannerfield from the Ettrick Water be re-aligned. This was within
the proposed Scheme’s Limit of Land Affected and did not require the Environmental Statement to
be revised. The objector would now be offered an opportunity to withdraw their objection further to
the making of the preliminary decision on the Scheme. Members paid tribute to the staff for their
hard work in getting the Scheme to this stage.

DECISION
AGREED to:-

(a) make a preliminary decision to confirm the proposed Selkirk Flood Protection Scheme
2012 with a modification as detailed in section 6 of the report;

(b) confirm that the environmental information as detailed in section 7 of the report had
been taken in to account;
(c) acknowledge progress with the Statutory Approvals processes and to delegate authority to the Scheme’s Project Board to continue to advance these processes; and

(d) provide the Scheme’s Project Board with the authority to authorise the project team to commence Stage 6 of the Scheme’s design (Detailed Design).

**ECONOMIC OPPORTUNITIES FROM THE BORDERS RAILWAY**

11. There had been circulated copies of a report by the Director of Environment and Infrastructure proposing that the future activities required to take full advantage of the wider economic benefits from the Borders Railway were co-ordinated across the three partner Councils linked by the railway. The report explained that the business case for the Borders Railway identified wider economic benefits from the railway including job creation. The railway opened up new catchments and opportunities for employers, employees, education and service providers located along the line. Employers often valued access to rail services and rail played an important role in economic sectors like tourism. Rail patronage had grown significantly in recent years. Marketing of the area served by the railway, promoting the train service, integrating local transport and encouraging complementary activities around railway stations would help to make the most of the wider economic opportunities offered by the railway. During the construction phase, Network Rail and their contractor would also be encouraged to provide local employment, supplier and skills development opportunities. Members welcomed the report and commented on the good news that BAM Nuttall had been awarded the contract to design the railway with the option to construct following the design stage.

**DECISION**

**AGREED** that:-

(a) Scottish Borders Council seek to co-ordinate with Midlothian and City of Edinburgh Councils future activities to maximise economic benefit from the railway; and

(b) the Borders Railway Joint Committee be asked to co-ordinate these activities.

**PROPOSALS FOR EUROPEAN STRUCTURAL FUNDS POST-2013**

12. There had been circulated copies of a report by the Chief Executive on the framework for future European Structural Funding post-2013 and the work that had been going on to position the Scottish Borders in relation to this funding. The report explained that the European Union was making changes to its funding programmes for the period 2014 – 2020 which involved much greater integration of its key funds and possible opportunities for the localisation of funding programmes. Scottish Borders Council was working with the South of Scotland Alliance and the Convention of Scottish Local Authorities (COSLA) to take forward the concept of local development ‘strategies’. At the meeting of the South of Scotland Alliance held on the 3 February 2012 there was agreement that a local development strategy should be produced to maximise European funding that built on the success of the South of Scotland Competitiveness Strategy. This work was now underway and would link in with the local economic strategy development work taking place in both the Scottish Borders and Dumfries and Galloway. Members paid tribute to the work of Councillors Cook, Garvie and Hutton and Douglas Scott for their work in this area.

**DECISION**

**NOTED** the report and the work taking place to position the Scottish Borders for the next European funding period 2014-2020.
MOTION BY COUNCILLOR PATERSON

13. Councillor Paterson, seconded by Councillor Wyse, moved approval of his Motion as detailed on the agenda in the following terms:—

“that Scottish Borders Council write to the Scottish Government and the UK Government urging them to adopt a more proactive role in dealing with people that are not prepared to recycle.”

Councillor Paterson spoke in support of his Motion which was unanimously supported.

DECISION
AGREED to approve the Motion as detailed above.

EARLY RETIREMENT AND VOLUNTARY SEVERANCE

14. There had been circulated copies of a report by the Chief Executive seeking approval for 30 members of staff who had requested early retirement and voluntary severance. If all 30 applications were approved, a total one-off cost of £654,081 would be incurred. In total, £505,515 of direct recurring employee cost savings would be delivered each year. This included the offset of the cost of replacing 1.27 FTE of the posts. The average payback period for all staff was 1.29 years.

DECISION
AGREED to approve the 30 current proposed applications as detailed in the Appendix to the report with the associated costs being met from the Voluntary Severance/ Early Retirement budget.

SICKNESS ABSENCE PERFORMANCE MANAGEMENT

15. There had been circulated copies of a joint report by the Clerk to the Council and the Head of Legal and Democratic Services on the decisions of Scrutiny and Executive in relation to a Scrutiny hearing on Sickness Absence Performance Management and requesting that the matter be now resolved by Scottish Borders Council. The report explained that at the Scrutiny meeting of 16 February 2012, a follow-up hearing was held into ‘Absence Management and Business Continuity within Scottish Borders Council’, which focussed on absence levels, updates on initiatives and progress on future actions to reduce sickness absence levels. This resulted in Scrutiny making seven recommendations to the Executive of which only one was accepted in an amended form. In view of the lack of scheduled meetings in the lead up to the Local Government Elections on 3 May the matter was now presented to the Council for resolution. The Leader advised that the matter had been reviewed and proposed that the Council now accept the Scrutiny recommendations and this was supported by the Scrutiny Chairman.

DECISION
AGREED to approve the following Scrutiny recommendations:—

(a) that the speed of absence management action points was slow in lowering levels of absence and should be speeded up by Human Resources;

(b) that the current policy whereby employees would be in breach of their contracts should they contact Councillors about employment matters be reviewed by the Chief Executive to ascertain whether it was possible that contact could be made with Councillors and Councillors would then pass on the details to HR;

(c) that informal conflict resolution processes between employees and line managers be reviewed and consolidated by Human Resources;
(d) that Human Resources investigate the use of restorative practice/mediation at work at an early stage in any breakdown of working relationships between employee and manager;

(e) that Directors ensure all staff were regularly advised of HR policies and procedures and the expectations placed upon them as both line managers and employees;

(f) that all line managers be reminded of their responsibilities in terms of contacting employees during periods of absence; and

(g) that the Director of Education and Lifelong Learning, in consultation with HR, investigates the rising level of teacher absence rates to ascertain causes and any ways to minimise causes and report back to Scrutiny on the findings.

PRIVATE BUSINESS

16. DECISION
AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in Appendix II to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1, 6, 8 and 9 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

Minute
1. The private section of the Council Minute of 23 February 2012 was approved.

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

Waste Treatment Project
3. Members approved a report by the Director of Environment and Infrastructure on the progressing of the Waste Treatment Project.

Valedictory
4. At the conclusion of Private Business, the Convener asked whether any Member wished to say a few words at their last meeting of the Council. The majority of Councillors took the opportunity to speak on their last 5 years, the most part of which they had enjoyed. Councillor Smith thanked Councillor Hutton on behalf of the other Members for his service to the Council. Councillor Hutton then unveiled a plaque in the Council Chamber which listed all the previous Conveners, Leaders and Chief Executives who had served Scottish Borders Council, and one of its predecessor authorities, Borders Regional Council.

The meeting concluded at 1.25 p.m.
OPEN QUESTIONS

Question from Councillor Mitchell
Depute Leader (Finance)
How many phone masts benefit the Council financially annually, what are their locations, and what is the annual income in respect of each?

Reply from Councillor Calvert
The Council currently has five radio/telephone mast sites which generate income to the Council. See below the schedule detailing the sites, their location and the annual rental income in respect of these sites. The total annual income generated amounts to £18,173.18. In addition there is a further mast on common good land at Linglie Selkirk which generates income of £10832.00 for the Selkirk Common Good.

<table>
<thead>
<tr>
<th>Mast Site</th>
<th>Location</th>
<th>Annual Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coldstream Industrial Estate Site (O²)</td>
<td>Hillview Estate, Coldstream</td>
<td>£1,500.00</td>
</tr>
<tr>
<td>Currie Road Site (O² Site)</td>
<td>Currie Road, Galashiels</td>
<td>£2,000.00</td>
</tr>
<tr>
<td>Council HQ Tower</td>
<td>Bowden Road, Newtown St. Boswells</td>
<td>£5,723.18</td>
</tr>
<tr>
<td>Millers Knowes (TV Relay Station Site)</td>
<td>Miller’s Knowes, Hawick</td>
<td>£4,200.00</td>
</tr>
<tr>
<td>Pinnaclehill Industrial Estate Mast Site</td>
<td>Pinnaclehill, Kelso</td>
<td>£4,750.00</td>
</tr>
<tr>
<td>Linglie Mast Site</td>
<td>Linglie, Selkirk</td>
<td>£10,832.00</td>
</tr>
</tbody>
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Question from Councillor Moffat
To Executive Member for Children and Strategic Services
What is the policy at Scottish Borders Council for assessing dyslexia and dyspraxia?

Reply from Councillor Smith
The Council policy for dyslexia sits within the framework for identifying additional support needs and is properly situated within a wider understanding of how literacy develops.

Identifying and assessing dyslexia is an ongoing process of information gathering over a period of time rather than a single test carried out on one occasion. The purpose of assessment is to identify strategies to promote effective learning, not merely as a tool to identify deficits.

A similar model of ongoing assessment is used to identify and assess dyspraxia, which may manifest itself in difficulties with speech, fine motor control (affecting handwriting) and concentration and listening skills.

Evidence of progress over time in response to teaching or targeted interventions is an important feature of ongoing assessment. An ongoing assessment enables those involved to accurately identify the specific barriers to learning for each child or young person and what works in overcoming these barriers. This information can then be used to plan effective support and strategies for that child.

The assessment role is a responsibility for all and is appropriately engaged in by classroom teachers and other professionals and parents alike. Decisions are made by the team around the child, which includes parents and carers as key partners. It is crucial that early evidence should come from the child or young
person and those who work most closely with them. Progress is regularly reviewed and only as required would the team be extended to include specialist services.

Scottish Borders Council supports the use of the national toolkit launched by the Scottish Government in June 2010. This is a comprehensive resource with a proactive approach to identifying what is needed to enhance effective learning. Many of the strategies in the toolkit are hallmarks of good practice in learning and teaching literacy in its widest sense and are beneficial for all learners.

**Question from Councillor Archibald**

To Depute Leader (HR)  
What provision is in place to address the needs of the hard of hearing in SBC public buildings, in particular the use of loop systems?

**Question from Councillor Raw**

To Depute Leader (HR)  
Is the Chair of the Human Resources Committee aware of changes made to Working Families Tax Credit by the UK Government last November and coming into force in April? Currently, couples with children have to work at least 16 hours a week between them to obtain WFTC. From April 6, they will have to work at least 24 hours a week to keep their working tax credit. The entire credit worth £3,870 a year disappears if they cannot get additional hours to reach the 24 hour threshold.

Is the Chair aware of how many employees of Scottish Borders Council will be affected by this change, and will he give sympathetic consideration if at all possible to any requests from employees so affected for additional hours?

**Question from Councillor Bhatia**

1. Executive Member for Culture Sport and Community Learning  
Following the recent consultation on the proposed new sports facilities at Peebles High School and the strong representation from the local Hockey Club could the Executive Member for Sport confirm that the surface on the all weather pitch will be of a sand dressed type suitable for league hockey?

   Reply from Councillor Garvie  
The artificial pitch will be of a sand dressed type which lends itself not only to a long awaited hockey facility but also to a wider range of activities and therefore greater school and community use.

   I and other colleagues in the Administration, including yourself, have been delighted to have carefully progressed this much needed facility to allow a start at long last on the project next year.

2. Executive Member for Education  
Could the Executive Member for Education confirm when the grass pitch at Kingsland School, Peebles (which has been inadequately drained and therefore unavailable since the school opened in February 2010) will be available for pupils and staff to use on a regular basis?

   Reply from Councillor Turnbull  
Remedial work to the drainage at the pitch was undertaken in September 2011 and although we have just come out of winter this remedial work on its own may not be sufficient to increase the availability of the pitch. Further specialist advice has been obtained and a range of other remedial works have been recommended to the Council. It is intended that these further works will be carried out over the next 3 to 4 months and the school may have periodic interruption to the use of the pitch. The project team are trying to work with the school to keep these disruptions to a minimum. Full availability after the summer holiday
3. Executive Member for Roads and Infrastructure
Could the Executive Member please confirm what consultation has been carried out with the Peebles’ community as part of the STAG2 into the proposed second Tweed Bridge in Peebles, and when the outcome of the STAG2 will be reported on to Councillors?

Reply from Councillor Fullarton
Scottish Borders Council carried out a comprehensive public consultation exercise with statutory consultees and local interest groups following the publication of the STAG 1 Report in November 2010. This consultation exercise included a two day exhibition in the Eastgate Theatre during March 2011 which was well attended by the general public and provided a lot of useful information to Council officials. The Executive agreed on 6 September 2011 to proceed to STAG 2 and the information from the STAG 1 consultation was provided to the independent consultants MVA who are producing the STAG 2 Report.

In addition, Council officials have also had subsequent meetings with local interest groups including the Conservation Area Bridge Action Group, the residents at Kerfield and local businesses. The outcome of these meetings has also been provided to the consultants for consideration during the drafting of the STAG 2 Report.

Officers are continuing to work with MVA on the production of a Draft STAG 2 Report, with a view to delivering a report to local members this summer. Thereafter, there will be a further round of consultation with the local community. The form of this consultation is currently being considered.