
Apologies: Councillors N. Buckingham, B. Herd, S. Marshall, S. Scott

In Attendance: Chief Executive, Director of Education and Lifelong Learning, Director of Environment and Infrastructure, Director of Public Health, Director of Social Work, Chief Financial Officer, Head of Corporate Governance, Clerk to the Council.

CONVENERS REMARKS

1. The Convener welcomed Councillor Gillespie to his first meeting of the Council following his election on 2 May 2013 to represent the Leaderdale and Melrose Ward.

2. The Convener made presentations to Fiona Munro, Waste Strategy Assistant, and Maggie Cripps, Waste Treatment and Disposal Officer. Fiona had been named winner of the Zero Waste Scotland and Association for Public Service Excellence Rising Star Award with Maggie also being shortlisted in the competition.

3. The Convener advised that he had passed on the Council’s good wishes to the British Lions Rugby Team and Stuart Hogg before their first game.

DECISION

AGREED that congratulations be passed to those concerned.

PRESENTATION

4. The Convener welcomed Mr John Raine, Chairman; Dr Sheena MacDonald, Medical Director; and Mr Calum Campbell, Chief Executive of NHS Borders to the meeting to give a presentation to Members. Mr Raine commented on the good working relationship with the Council and made reference to the recent publication of the Public Bodies (Joint Working)(Scotland) Bill. Dr MacDonald outlined the various clinical services provided in the Borders and their performance achievements in terms of service and patient safety. There were a number of challenges ahead including infection control, improved dementia diagnosis rates, a reduction in A&E attendees and fewer missed outpatient appointments. NHS Borders faced many of the same challenges as the Council in terms of the increasing elderly population and financial constraints. The need to identify new ways of working was highlighted. Members’ questions were answered regarding people moving into the Borders, families with a member with disabilities, the hydrotherapy facility, bed blocking, joint...
working and transport. It was also noted that a Programme Director was to be appointed to help identify more areas of joint working. The Convener thanked Mr Raine, Dr MacDonald and Mr Campbell for their presentation.

**DECISION**
**NOTED the presentation.**

**MINUTE**
5. The Minute of the Meeting held on 25 April 2013 was considered.

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

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

- Local Review Body 15 April 2013
- Hawick Common Good Fund 16 April 2013
- Teviot & Liddesdale Area Forum 16 April 2013
- Executive 17 April 2013
- Jedburgh Common Good Fund 17 April 2013
- Cheviot Area Forum 17 April 2013
- Community Planning Strategic Board 18 April 2013
- Audit 22 April 2013
- Planning & Building Standards 29 April 2013
- Education 30 April 2013
- Social Work & Housing 2 May 2013
- Duns Common Good Fund 7 May 2013
- Berwickshire Area Forum 7 May 2013
- Peebles Common Good Fund 8 May 2013
- Tweeddale Area Forum 8 May 2013
- Local Review Body 13 May 2013
- Economic Development Group 14 May 2013
- Environment & Infrastructure 16 May 2013

**DECISION**
**APPROVED the Minutes listed above.**

**MEMBER**
Councillor Cranston joined the meeting.

**EILDON AREA FORUM**
7. There had been circulated copies of the Minute of the Eildon Area Forum held on 1 May 2013. It was explained that the meeting had been technically inquorate as there had been no Members from the Leaderdale and Melrose Ward in attendance. On that basis the decisions contained in the Minute required to be determined by Council. Members considered the Minute and all decisions were approved with the exception of paragraph 16(b) in respect of a replacement bus shelter at Tweedbank and the proposed division of the Small Schemes Budgets equally between the 3 Wards. Following discussion of these two
items, agreement could not be reached and it was proposed that they be referred back to a special meeting of the Area Forum for a final decision. This was unanimously accepted.

**DECISION**

**AGREED:**

(a) to approve the decisions in the Minute of the Eildon Area Forum held on 1 May 2013 with the exception of paragraph 16(b); and

(b) that a special meeting of the Eildon Area Forum be arranged to make a final decision on the following matters:

(i) a replacement bus shelter at Tweedbank; and

(ii) the equal split between the 3 Wards of the budget for Small Schemes, with any money not being spent by December of each year being pooled and any of the Wards could bid for Small Schemes from the remaining funds.

**OPEN QUESTIONS**

8. The questions submitted by Councillors Elliot, Logan, Mountford and Turnbull were answered.

**DECISION**

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

**MEMBER**

Councillor Stewart left the meeting.

**BYELAWS PROHIBITING THE CONSUMPTION OF ALCOHOL IN DESIGNATED PUBLIC PLACES**

9. With reference to paragraph 29 of the Minute of 29 March 2007, there had been circulated copies of a report by the Chief Executive seeking approval to engage with the five Area Forums, the Scottish Borders Community Councils and the public for their views on the proposed Byelaws Prohibiting the Consumption of Alcohol in Designated Public Places, and to report back to Council at a later date on the outcome of these meetings. The report explained that the Council had resolved to introduce Byelaws to prohibit the consumption of alcohol in designated public places on 29 March 2007, but these were never made because of an objection which was not able to be resolved. At the same time the Licensing (Scotland) Act 2005 (“the 2005 Act”) came into effect, introducing significant changes to the Scottish Licensing laws. Scottish Government Guidance was also issued which included new model Byelaws. The Scottish Borders Alcohol Profile, presented to Council in February 2013, had triggered a reinvestigation of Byelaws prohibiting the consumption of alcohol in a designated public place. The report outlined the benefits of introducing such byelaws and that they would provide an additional ‘tool’ for the police to reduce anti-social behaviour through early intervention. Members discussed the report and noted that if introduced the byelaws could include provision for exceptions in their application to cover local celebrations, festivals, etc. Concern was expressed regarding the statement that alcohol problems were prevalent in the Borders and asked that this reference be not included in any consultation document.

**DECISION**
(a) NOTED the report.

(b) AGREED to instruct the Chief Executive to:-

(i) engage with the public in respect of the proposal to develop “Byelaws Prohibiting the Consumption of Alcohol in Designated Public Places”;

(ii) engage with the five Area Forums and all the Scottish Borders Community Councils for their views; and

(iii) to report back to a future meeting of Council with an appropriate recommendation in respect of proposed Byelaws to prohibit the consumption of alcohol in designated public places.

SCOTTISH BORDERS LOCAL POLICE PLAN 2013-14

10. There had been circulated copies of a report by the Chief Executive seeking approval for the Scottish Borders Local Police Plan 2013-14. The report explained that the Scottish Borders Local Police Plan had been produced by local senior officers from Police Scotland and there was a statutory requirement in terms of section 47 of the Police and Fire Reform (Scotland) Act 2012 for the Local Authority to approve the Local Police Plan. The Plan took account of the national Police Scotland Annual Police Plan which had been laid before the Scottish Parliament on the 28 March 2013. It was an interim plan covering the period 2013-14 and Police Scotland would be producing a three-year Local Police Plan 2014/15 – 2016/17 within the next 12 months period. The Plan 2013-14 also provided the basis for the scrutiny on the performance of the operation of the local Police service by the Scottish Borders Police, Fire and Rescue and Safer Communities Board. Chief Superintendent Jeanette McDiarmid was present at the meeting and highlighted some of the main aspects of the Plan and answered Members’ questions on community planning, the Community Safety Unit at SBC, and the visibility/recognition of police officers in the community.

DECISION

AGREED to approve the Scottish Borders Local Police Plan 2013-14 as set out in Appendix 1 to the report.

SCOTTISH BORDERS ECONOMIC STRATEGY

11. There had been circulated copies of a report by the Chief Executive presenting the draft Scottish Borders Economic Strategy 2023 and seeking approval for the Strategy on the basis that it appropriately reflected the Council’s economic development priorities. The report explained that the Economic Strategy had been prepared in order to set direction for the activity of the Council, but also for our Community Planning Partners. The Strategy consisted of three documents - an Economic Profile, an Economic Strategy document and an Action Plan - copies of which were appended to the report. The Strategy set out the vision, strategic aims and objectives that would provide the focus for the Council’s efforts to ensure sustainable economic growth for the Scottish Borders. The four strategic aims were: Creating the conditions for businesses to compete; Building on our assets; Developing the workforce of the future; and Providing leadership. Progress of the strategy would be tracked and a range of indicators were set out in the Strategy to enable this. Members welcomed the report.

DECISION
(a) AGREEED that the Council’s economic development priorities were appropriately highlighted in the Draft Scottish Borders Economic Strategy 2023 and approved the Strategy, as contained in the appendix to the report.

(b) NOTED that:

(i) the financial implications of the associated Action Plan would require to be assessed alongside other service priorities before inclusion in future capital and revenue plans; and

(ii) limitations on future public spending might place constraints upon the delivery of the Action Plan.

MEMBERS
Councillors Mitchell and Cook left the meeting during consideration of the above item.

MODEL PUBLICATION SCHEME
12. There had been circulated copies of a report by the Head of Transformation Projects seeking approval of the Model Publication Scheme (MPS) and associated policies. The report referred to the Scottish Borders Council scheme and not the schemes of other public authorities within the Council. The report explained that to comply with Section 23 of the Freedom of Information (Scotland) Act 2002 the Council had a publication scheme that had to be re-approved and re-published by 31 May 2013. The Council would be adopting a new MPS that the Scottish Information Commissioner had pre-approved. Adopting the MPS committed the Council to having the scheme and charging policy approved at a senior level within the Council, to publish certain types of information routinely on the website, and to review the currency and quality of any information published under the scheme.

DECISION
AGREED to:

(a) approve the Model Publication Scheme and guide to information, as contained in Appendix 1 to the report;

(b) approve the Charging Policy, as contained in Appendix 2 to the report; and

(c) develop a corporate publishing strategy and review procedures to ensure published information was accessible and available for the relevant period of time.

MEMBERS ALLOWANCES 2012/13
13. With reference to paragraph 6 of the Minute of 24 May 2102, there had been circulated copies of a report by the Chief Executive detailing the allowances paid to Members during 2012/13, which the Council required to publish in terms of the Local Government (Allowances and Expenses) (Scotland) Regulations 2007. Appendix 1 to the report detailed the allowances paid to Councillors in 2012/13 and Appendix 2 detailed attendance at training events and conferences. Overall these payments totalled £742,280.75.

DECISION
AGREED that the information contained in the appendices to the report be published on the Council’s website to meet the publicity requirements of the Local Government (Allowances and Expenses) (Scotland) Regulations 2007.
COMMITTEE MEMBERSHIP
14. With reference to paragraph 14 of the Minute of 28 February 2013, it was agreed unanimously that Councillor Gillespie be appointed to fill the vacancies on the Planning and Building Standards Committee and the Joint Consultative Group for Staff.

DECISION
AGREED that Councillor Gillespie be appointed to the Planning and Building Standards Committee and the Joint Consultative Group for Staff with immediate effect.

MOTION BY COUNCILLOR WEATHERSTON
15. The Convener advised that following legal advice he was ruling the motion by Councillor Weatherston incompetent. However, he had asked relevant officers to meet with Councillor Weatherston to discuss the matter of dog fouling on sports pitches.

DECISION
NOTED.

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.

MOTION BY COUNCIL BHATIA
17. Councillor Bhatia moved the following Motion:-

“That this Council:

- Expresses its extreme disappointment at the recommendation before Parliament to accept fully the proposals of the Scottish Court Service, which will see the closure of Peebles and Duns Courts
- Reaffirms the unanimous opposition of Scottish Borders Council to these proposals
- Agrees to re-iterate our position and reasons in writing to:
  - the Scottish Parliament Justice Committee who have called for evidence on the impact of these changes on local communities
  - all our local MSPs asking them to oppose these proposals in any votes on this matter in the Scottish Parliament
  - the Justice Minister asking him to re-consider his position on these proposals.”

Councillor Bhatia spoke in support of her motion which was unanimously approved.

DECISION
AGREED to approve the Motion as detailed above.

MEMBER
Councillor Fullarton 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 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 25 April 2013 was approved.

Committee Minutes
2. The private sections of the Committee Minutes as detailed in paragraph 6 of this Minute were approved.

Open Question
3. Councillor Smith answered a private question submitted by Councillor Turnbull.

The meeting concluded at 12.40 p.m.
Questions from Councillor Mountford

1. Executive Member for Environmental Services
How much would it cost the Council to open and operate a waste recycling centre on land owned by the council in the Cheviot area?

Reply by Councillor Paterson
The cost of designing, developing and operating a Community Recycling Centre on land owned by the Council in the Cheviot area would be dependent on a number of factors, including:

- The size of the facility
- The type of skips used (compaction, non compaction)
- The lay out of the facility i.e. split level or not
- The number of staff
- The types of waste accepted
- The tonnage of waste accepted
- The end destination of waste
- The capacity in the Councils current transport/bulking operation to service the facility
- Etc….

As this information is not available at this time it is not possible to give an accurate breakdown of the financial costs associated with developing a CRC in the Cheviot Area.

However to give an indication of development and construction costs Eyemouth CRC cost approximately £280k with Galashiels and Hawick CRC and Waste Transfer Stations coming in at around £700k each (based on 2005/06 prices). All of these were built on Council land. A cost of £1million could easily be foreseen given inflation and different regulations now in place.

Operational costs are equally difficult to forecast but annual revenue costs are likely to be in excess of £150k, excluding waste treatment and disposal costs.

It is recognised and understood that Cheviot Ward Members are of the opinion that a Community Recycling Centre is required in the Cheviot Area. However it must be recognised that the Council is facing significant legislative and financial challenges with regards to future waste management services and decisions must not be made in isolation.

The provision of CRC’s will be reviewed on a Borders wide basis as part of the Council’s Integrated Waste Management Strategy rather than solely from the perspective of any Area.

The Waste Services Section have previously indicated that they intend to complete a review of CRC provision as part of a Borders wide review and it is suggested that Cheviot Ward Members await the outcome of this review.
2. Executive Member for Environmental Services/Executive Member for Community Safety

Following the termination of the community wardens service, how does the Administration propose to deal with the problems of dog fouling, fly-tipping and anti-social behaviour?

Reply from Councillor Paterson

Whilst acknowledging the good work undertaken by the Wardens service and the good partnership working they were involved in, we are confident the new Neighbourhood Service maintain and indeed enhance this provision in the future. Key to this is the intention to maximise the skill base of all our neighbourhood staff in each local area. This will see these staff continue to work closely with all our partners to ensure quality of life issues are dealt with effectively and efficiently, thereby enhancing community wellbeing.

We will work very closely with the local community police officers who have a key role in addressing antisocial behaviour related matters, including fly-tipping, and have the same powers as local authority staff to combat dog fouling.

The antisocial behaviour team based within the Safer Communities Team still have primacy in addressing antisocial behaviour related matters and they will liaise with neighbourhood services rather than the wardens service in future years to provide community intelligence.

We are confident that this approach will ensure that the good work that was undertaken by Wardens will continue and that service provision will be maintained and hopefully enhanced.

Question from Councillor Turnbull

To Executive Member for Roads and Infrastructure

When are the new lights to be installed to Thomson Bridge in Hawick?

Reply from Councillor Edgar

To allow the placement of the new column on which the new lighting will be attached, a void below the access ramp to the footbridge requires to be filled with concrete. This was not anticipated at the design stage of this lighting project and only became apparent when work to install the column was recently started. This additional work will require the footbridge to be temporarily closed for 2 – 3 days and has now been programmed to take place after the Hawick Common Riding festivities.

Question from Councillor Elliot

To the Leader

There is currently before the Scottish Parliament a private bill - The City of Edinburgh Council (Portobello Park) Bill - which seeks to allow the Council to take and use Common Good land for its own purposes.

If passed by the Parliament, the Bill could set a precedent for Councils seeking access to individual Common Good assets for purposes other than which they were established and intended.

Can the Leader assure members (and the people of the Borders towns which have Common Goods) that if passed by the Parliament, Scottish Borders Council will never make use of this law
or indulge in actions against the Borders Common Goods such as being sought by the City of Edinburgh Council?

Reply from Councillor Parker
Given that the Bill in the Scottish Parliament specifically relates to the City of Edinburgh Council and common good funds under its management, and considering the fact that the Bill seeks powers in relation to a clearly specified site for the new Portobello High School, I can confirm that the common good funds under the management of Scottish Borders Council will not seek, or be able to ever make use, of this legislation if it is approved.

Question from Councillor Logan
To the Executive Member for Education
Figures published by NHS Borders indicate that 13.7% of children entering Primary 1 are now considered overweight or obese. As this figure has been rising can you tell us if your department is considering any additional actions to help ensure the health and wellbeing of our children to counter this unacceptable trend?

Reply from Councillor Aitchison
The Education Department currently has a series of actions in place across primary schools, many in partnership with NHS Borders. They include:-
(a) The Fit4Fun initiative where already 1200 primary pupils have completed a programme focused on healthy eating and active living
(b) Ensuring that our schools provide healthy and nutritious meals in accordance to current legislation
(c) We have set a target to ensure all primary schools deliver the minimum of 2 hours physical education per week and have allocated additional resources to supporting schools achieve this target
(d) Supporting school initiatives around healthy tuck shops and extra curricular activities
(e) Working with parents and parent councils to raise awareness around healthy eating and active living e.g. healthy packed lunches

Schools will continue to develop appropriate educational programmes for pupils as part of the health and Wellbeing element of Curriculum for Excellence and will continue to work with NHS and other partners in this particular area.