

**Please find attached the Supplement in respect of Item
No. 6 on the agenda for the above meeting**

6.	<p>Committee Minutes (Pages 1 - 60)</p> <p>(a) Health & Social Care Joint Integration 12 October 2015 (b) Galashiels Common Good Fund 5 November 2015 (c) Eildon Area Forum 5 November 2015 (d) LLP Strategic Governance Group 10 November 2015 (e) Standards 12 November 2015 (f) Police, Fire & Rescue and Safer Communities Board 13 November 2015 (g) Executive 17 November 2015 (h) Hawick Common Good Fund 17 November 2015 (i) Teviot & Liddesdale Area Forum 17 November 2015 (j) Civic Government Licensing 20 November 2015 (k) Audit & Risk 23 November 2015 (l) Scrutiny 26 November 2015 (m) Community Planning Strategic Board 26 November 2015 (n) Executive 1 December 2015 (o) Selkirk Common Good Fund 1 December 2015</p> <p>(Please see separate supplement containing Committee Minutes.)</p>	5 mins
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Minutes of a meeting of the **Health & Social Care Integration Joint Board** held on Monday 12 October 2015 at 2.00pm in the Council Chamber, Scottish Borders Council

Present:

Cllr F Renton	Mrs P Alexander (Chair)
Cllr J Mitchell	Mr D Davidson
Cllr J Torrance	Dr S Mather
	Mrs K Hamilton

In Attendance:

Miss I Bishop	Mrs S Manion
Mrs C Gillie	Mr D Robertson
Mrs T Logan	Dr E Baijal
Mr B Howarth	Mrs J Miller
Mr J Lamb	Mrs S Pratt
Dr A McVean	Mr D Bell
Mrs J McDiarmid	Mrs E Torrance
Ms C Petterson	Mrs E Rodger

1. Apologies and Announcements

Apologies had been received from Cllr Catriona Bhatia, Mr John Raine, Cllr David Parker, Mrs Fiona Morrison, Dr Sheena MacDonald, Mr Alasdair Pattinson and Mr John McLaren.

The Chair confirmed the meeting was quorate.

The Chair welcomed various attendees to the meeting including Mr Bob Howarth, Ms Sandra Pratt and Dr Angus McVean.

The Chair welcomed members of the public to the meeting.

2. Declarations of Interest

The Chair sought any verbal declarations of interest pertaining to items on the agenda.

The **HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD** noted there were none.

3. Minutes of Previous Meeting

The minutes of the previous meeting of the Health & Social Care Integration Joint Board held on 10 August 2015 were approved.

4. Matters Arising

- 4.1 Minute 7: Interim Standing Orders:** Miss Iris Bishop to reissue the revised Standing Orders.
- 4.2 Minute 15: Chief Financial Officer Update:** Mr David Robertson advised of progress reporting that a Job Description had been agreed and advertisement was expected to take place in the next two weeks.
- 4.3 Action Tracker Minute 9: Children's Services:** Mrs Elaine Torrence confirmed that the new arrangements for Children and Young Peoples services to report to the Community Planning Partnership had been agreed. She undertook to circulate the paper to Health & Social Care Integration Joint Board members for information.

The **HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD** noted the action tracker.

5. Consultation on the Draft Strategic Plan for Health & Social Care

Dr Eric Baijal introduced the revised draft strategic plan and advised that approval was sought from the Health & Social Care Integration Joint Board to consult on the revised version of the Strategic Plan for Health and Social Care Integration.

Mrs Susan Manion recorded her thanks to all those involved in the formulation of the plan particularly Mr James Lamb and Ms Carin Petterson.

Mrs Evelyn Rodger enquired in regard to how we would be looking to achieve the new standard of discharges over 72 Hours. Mrs Susan Manion commented that it would sit within the context of the performance framework. It was noted that an update on delayed discharges would be given at a future meeting.

Mrs Karen Hamilton noted a grammatical change required on page 19.

Mr David Roberson suggested revising the wording at the bottom of page 15 to "recognising patterns of inequality and deprivation".

Mrs Jenny Miller suggested the inclusion of further detail on how anticipatory care planning was measured on page 23.

The Chair on behalf of the Health & Social Care Integration Joint Board, thanked all involved in the formulation of the final document.

The **HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD** approved the draft Strategic Plan "Changing Health and Social Care for you – a further conversation" for public consultation, subject to any further revision required.

6. Integrated Care Fund Progress Report

Mr Bob Howarth updated the Health & Social Care Integration Joint Board members on the progress of allocating funds from the Integrated Care Fund. He highlighted that the key areas that had been looked at in regard to the Integrated Care Fund plan had been consolidated within the strategic planning work in order to strengthen assessment processes and ensure robust strategic and financial allocation.

Mrs Sandra Pratt briefed the Health & Social Care Integration Joint Board members on progress with the Eildon proposal. She advised that a stakeholder meeting was being held on 29 October 2015 to bring together people from the locality including community and acute staff to help shape the model in terms of how workable and manageable it might be and to refine the submission to Integrated Care Fund.

Dr Angus McVean suggested the GP community may have significant concerns about the Eildon project, that it had been developed at a strategic level and that it lacked in input from primary care providers. He welcomed the stakeholder session on 29 October 2015 and the input of GPs to that session.

Mrs Susan Manion reiterated that the Eildon project was an outline plan with the intent to demonstrate progress. She welcomed the input of GPs to the engagement process

Mrs Pratt confirmed that the project was a concept for primary care and acute to explore and agree. An outline had been submitted to the Integrated Care Fund in order to advise them that as the project developed and progressed, resources would be sought. The locality would be the driving force behind the project taking into account the potential impacts on both acute and primary care services through testing the model to see if it was appropriate and workable. She advised that all GP Practices in the locality area had been contacted and all but two had given feedback. The GP Practices were keen to participate and engage on the project.

Dr McVean advised that he was now assured that GP input was taking place, however he would have preferred the GP Local Negotiating Committee (LNC) to have been engaged with at an earlier stage.

The Chair commented that the Health & Social Care Integration Joint Board recognized it was important to ensure GPs and all stakeholders were engaged with on all the initiatives that would be developed, tested and established.

Cllr Jim Torrance was surprised to hear Dr McVean's comments given that Dr Jonathan Kirk and Dr Sheena MacDonald had spoken of the proposed project at various meetings. He further commented that potentially with the success of such a project community hospital beds might be reduced.

Mr David Davidson commented that good engagement with all stakeholders on any project or service change was a key factor of good governance. If a bid were submitted to the Health & Social Care Integration Joint Board to consider, it would wish to be assured that the bid was worthwhile, achieved outcomes and that the background to it was fully understood.

Cllr John Mitchell enquired if the project would lead to the replacement of Viewfield, which had closed when the Borders General Hospital had opened. He further enquired if the £2.13m was for each year or just the first year. Mrs Carol Gillie confirmed that the £2.13m funding was expected for the current year and the following 2 years. She confirmed that there was absolutely no intention to open a replacement for Viewfield as a cottage hospital.

Dr Stephen Mather commented that healthcare could not stay static and any proposals that assisted in looking at different ways of delivering healthcare to the benefit of the population should be applauded. He further welcomed the interesting point raised by Cllr Torrance that the success of the project could lead to the consequences of capacity across the system.

The **HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD** noted the report and in so doing supported the work undertaken to date.

7. Programme Highlight Report

Mr James Lamb provided an outline update on progress on the delivery of the Integration Programme and advised that the project work was now moving to conclusion as the programme moved into the implementation stage. He focused on several key points including; publication and engagement on the strategic plan; producing an end of programme report; and lessons learned. A full end of phase one report would be submitted to the next meeting.

The **HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD** noted the report.

8. Integration Scheme Update

Mrs Susan Manion updated the Health & Social Care Integration Joint Board members on the current status of the draft Scheme of Integration. She advised that a further revised version had been produced taking into account further legislation and guidance that had been received since March 2015. A second draft was due to be submitted to the Scottish Governance for review by the end of October 2015.

The **HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD** noted the update.

Cllr John Mitchell and Cllr Jim Torrance left the meeting.

9. Communications Update

Ms Carin Petterson updated the Health & Social Care Integration Joint Board members on progress made in regard to the next newsletter for staff (tabled). It was intended to publish it more frequently and it was available on line and being distributed through email lists. Some hard copies had been printed and would be distributed through the Strategic Planning Group networks to GP practices, care homes. etc.

Mrs Karen Hamilton suggested quantifying what was required in terms of hard copies to ensure good budgeting. It was confirmed that there were enough available resources for hard copy publications to be produced.

Cllr John Mitchell and Cllr Jim Torrance returned to the meeting.

The **HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD** noted the update.

10. Monitoring of the Integration Joint Budget 2015/16

Mrs Carol Gillie presented the exception report on the integration joint budget to the end of August 2015. She highlighted several points including: the budget for domestic abuse was still being identified; the budget for 15/16 was on an aligned basis; the projected year end position was an overspend of £388k linked to overspends on GP prescribing and dental services. The financial pressure on GP prescribing was linked to certain drugs being in short supply globally. The NHS had put in place contingency funds to support the overspend. She further reported a breakeven outturn in adult services despite a number of pressures as detailed within the report. As a result of remedial actions and Scottish Borders Council Executive having approved a virament of £300k to support some of the pressures the position was projected to breakeven.

Dr Stephen Mather enquired what would happen when the drugs budget outstripped any contingency funding and the year end position was an overspend? Mrs Gillie confirmed that both she and Mr David Robertson had continually tried to highlight how challenging the financial position would be. She commented that the draft Scheme of Integration was clear that in dealing with financial pressures the Health & Social Care Integration Joint Board would be expected to discuss what actions it could take to bring the budget back into line.

Mr Robertson commented that the mechanisms to deal with adverse variances at the year end had not yet been agreed.

Mrs Tracy Logan commented that the whole purpose of the Health & Social Care Integration Joint Board was to improve the outcomes for the population by driving performance of the delivery of the delegated functions in a more efficient and effective way, whilst recognizing that it was the duty of all partners to deliver as much as possible in order to fund the growth if nothing else.

The Chair enquired if contingency funding would be put in place to deal with an overspend in the future. Mrs Gillie advised that the due diligence process was being worked through which would provide assurance on how contingency funding might be provided in the future. Mr Robertson advised that at Scottish Borders Council brokerage mechanisms were in place for accessing Council reserves as opposed to contingency funding and Mrs Gillie confirmed that brokerage mechanisms were not available to the NHS.

Further discussion focused on: contractors costs; non funding of drugs centrally; future delivery of more effective and efficient redesigned services; carers costs; due diligence and budget assumptions.

The **HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD** noted the report and projected year end overspend of £388k.

11. NHS Borders Winter Plan 2015/16

Mrs Susan Manion highlighted the NHS Borders Winter Plan 2015/16 to the Health & Social Care Integration Joint Board members for their information, she tabled a revised cover sheet.

During discussion several key areas were raised including: working collectively across both social care and health; impact of delayed discharges on acute and social care services; planning ahead with home care providers; availability of equipment from the Joint Ability Equipment Store; home carer recruitment difficulties; use of intermediate care and flex beds; 7 day delivery of services; and joint reporting on delayed discharges. In regard to performance it was noted a more defined report would be submitted to a future Health and Social Care Integration Joint Board in line with the performance framework.

The **HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD** noted the NHS Borders Winter Plan 2015/16.

12. Annual Report of the Chief Social Work Officer 2014/15

Mrs Elaine Torrance presented her Annual Report to the Health & Social Care Integration Joint Board members for their information.

Cllr Frances Renton also highlighted the progress made in regard to inspections of care homes and adult protection.

The **HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD** noted the report and section 12 key challenges.

13. Any Other Business

There was none.

14. Date and Time of next meeting

The Chair confirmed that the next meeting of Health & Social Care Integration Joint Board would take place on Monday 14 December 2015 at 2.00pm in the Council Chamber, Scottish Borders Council.

The meeting concluded at 3.55pm.

SCOTTISH BORDERS COUNCIL GALASHIELS COMMON GOOD FUND SUB COMMITTEE

MINUTE of Meeting of the GALASHIELS
COMMON GOOD FUND SUB COMMITTEE
held in Selkirk Parish Church Hall, Selkirk, on
Thursday, 5 November 2015 at 4.30 p.m.

Present:- Councillors B. White (Chairman), S. Aitchison (from para 2.2) and J. Mitchell,
Community Councillor R. Kenney (Galashiels Community Council).

Apologies:- Councillor B. Herd
In Attendance:- Corporate Finance Manager (L. Mirley), Solicitor (H. Macleod), Democratic
Services Officer (F. Walling).

2 Members of public

1. **MINUTE**

There had been circulated copies of the Minute of 20 August 2015.

DECISION

NOTED the Minute

MEMBER

Councillor Aitchison joined the meeting during the discussion below.

2. **FINANCIAL MONITORING REPORT**

There had been circulated copies of a report by the Chief Financial Officer providing details of the income and expenditure for the 6 months to 30 September 2015, full year projected out-turn for 2015/16 and projected balance sheet values to 31 March 2016. Corporate Finance Manager, Lynn Mirley, referred to the appendices to the report and highlighted the main points. There was a projected surplus of £100 for the year, in the projected Income and Expenditure position, but a projected decrease in the revaluation reserves of £11,638 due to depreciation adjustment. A further appendix provided a breakdown of the property portfolio showing actual Income and Expenditure to 30 September 2015. With regard to the Grants and Donations budget Mrs Mirley confirmed that a grant of £1,000 had been paid to Energise Galashiels leaving an unallocated budget of £2,000. In response to a question about the proposed transfer of the management of Old Gala House to the Culture Trust Solicitor, Mrs Macleod, agreed to check again the title of the property and to ensure that the new arrangement would not breach any conditions set when Old Gala House was gifted by Gala Art Club for the benefit of Galashiels. Mrs Mirley answered further questions about the valuation process for Common Good property and referred to the fact that no value was attached within the accounts to heritage assets.

- 2.2 The value of the Newton Fund to 30 September 2015 was shown in Appendix 4 to the report. The capital reserve was invested in the Newton Fund and distributions were made twice a year in September and February. Dividends of £283 were received in September 2015 in line with the proposed budget of £530 for the year. The proposed budget for 2015/16 was based on a distribution of 2.5% which would be subject to the overall performance of the fund. The markets remained volatile due to the continued downturn in the growth rate of the Chinese economy and the US Federal Reserve's decision to leave US interest rates unchanged. This had resulted in a small negative return of -0.78% for the

quarter to 30 September 2015 in comparison to equity markets which fell by 6% in the same period. Newton continued to put plans in place to protect the Fund. Mrs Mirley drew Members' attention to an additional chart within the appendix which had been provided to show the Newton Fund's quarterly return performance against the Benchmark and against an equity performance index. She stressed that capital preservation was the important aspect of the Newton Fund. Councillor White was keen to see how the fund was performing against peers in that sector, but Mrs Mirley advised that it was difficult to find a fund which was directly comparable. After further discussion it was agreed that an additional amount of between £5k - £7k from the cash balance be invested in the Newton Fund to maximise investment return to the Common Good; the decision as to the exact amount would be delegated to the Chief Financial Officer and would be dependent on whether or not there was a minimum investment level.

DECISION

- (a) AGREED the projected Income and Expenditure for 2015/16 in Appendix 1 to the report.**
- (b) NOTED the:-**
 - (i) projected Balance Sheet value to 31 March 2016 in Appendix 2;**
 - (ii) summary of the property portfolio in Appendix 3; and**
 - (iii) current position of the investment in the Newton Fund in Appendix 4.**
- (c) AGREED that:-**
 - (i) an additional amount of from between £5,000 and £7,000 from the cash balance be invested in the Newton Fund, the decision as to the exact amount, dependent on whether or not there was a minimum investment level, to be delegated to the Chief Financial Officer; and**
 - (ii) further checks be made on the title of Old Gala House in order to clarify that there were no conditions that could impact upon the transfer of management of the building to a trust.**

The meeting concluded at 5:05 pm

SCOTTISH BORDERS COUNCIL EILDON AREA FORUM

MINUTE of Meeting of the EILDON AREA FORUM held in Selkirk Parish Church Hall, Selkirk on Thursday, 5 November, 2015 at 6.30 pm

Present:- Councillors B. White (Chairman), S. Aitchison, M. Ballantyne, V. Davidson, G. Edgar (from para 2), I. Gillespie, B. Herd, J. Mitchell, J. Torrance.
Community Council representatives:- R. French (Newtown and Eildon), J. MacKenzie (Stow), J. Paton-Day (Earlston), I. Purvis, R. Kenney (Galashiels). W. Shaw, Head of Delivery Support, Estates and Facilities (NHS Borders).

Apologies:- Councillors D. Parker

In Attendance:- Chief Financial Officer, SBC Neighbourhood Area Manager (Eildon), Democratic Services Officer (F. Walling).

1. ORDER OF BUSINESS

The Chairman 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.

2. MINUTE

There had been circulated copies of the Minute of 20 August 2015.

DECISION

APPROVED for signature by the Chairman.

MEMBER

Councillor Edgar arrived during the following presentation.

3. HEALTH AND SOCIAL CARE PARTNERSHIP

With reference to paragraph 3 of the Minute of 14 May 2015, Mr Warwick Shaw, Head of Delivery Support, Estates and Facilities (NHS Borders), was in attendance to give a presentation on the second draft of the Health and Social Care Integration Strategic Plan which was currently out for consultation. Copies of the Draft Strategic Plan and a shorter summary of the Plan were available for distribution at the meeting. Mr Shaw explained that the Draft Strategic Plan set out why there was a need to integrate health and social care services; how this would be done; and what was expected to be seen as a result. The way health and social care services were delivered needed to change due to the increasing demand for services; increasing pressure on limited resources; and the desire to improve services and outcomes. Mr Shaw commented that the integration of services was potentially the biggest change in health and social care since the formation of the NHS in 1948. It was explained that by shifting just 1% of the total spend of approximately £250m from Unplanned Inpatient Care and Institutional-Based Social Care towards Community-based NHS and Social Care and Planned Inpatient Care, resources would be used more effectively. This would help investment in new integrated ways of working particularly in terms of early intervention, reducing avoidable hospital admissions, reducing health inequalities, supporting unpaid carers and independent living. The presentation went on to list the Plan's local objectives. One of these objectives 'to improve support for unpaid carers to keep them healthy and able to continue in their caring role' was added as a result of responses to the last round of public engagement earlier in the year. Following the local objectives a list of key priorities was developed for 2016/17 based on what had been learned from listening to local people, service users,

carers, staff and partner organisations. These priorities included the development of integrated accessible transport; the integration of services at a local level; coordination to provide a single point of access to local services; and work with communities to develop local solutions. The presentation highlighted six questions as part of the current consultation and which were set out in the consultation document. Responses to these questions could be submitted through the Scottish Borders Council website or by post. In outlining the timescales Mr Shaw advised that the public engagement period would end on 11 December with a final draft of the Strategic Plan being finalised in February 2016. Health and Social Care Integration would go live in April 2016. In response to questions Mr Shaw gave assurance that the proposed integrated transport service should be able to maintain flexibility in that there would be a daytime permanently staffed 0300 number as a single point of contact. Members welcomed the support for unpaid carers indicated in the Strategic Plan. The value of the involvement of the third sector in the provision of services was discussed and Mr Shaw agreed to follow up a point made about engagement with the more mature charities. In a conclusion to the discussion the importance was emphasised of taking the opportunity to respond to the current consultation. The Chairman thanked Mr Shaw for his attendance and presentation.

DECISION

NOTED the presentation

4. FINANCIAL PLANNING CONSULTATION

Chief Financial Officer, David Robertson, was in attendance to give a presentation about a consultation currently taking place on Financial Planning for the Council over the period 2016/17 to 2020/21. Copies of a leaflet about the consultation were handed out at the meeting. Mr Robertson highlighted the many financial challenges facing the Council. He explained that the forthcoming financial year 2016/17 represented the 4th year of the original 5 year Financial Plan established in 2013/14. Around £1.3 billion in revenue budgets would be spent between 2016/17 and 2020/21. The Council also had a capital budget of £352m for the next ten years to invest in infrastructure. The longer term approach to financial planning had allowed significant pressures to be managed and delivered solutions to bridge these gaps in ways which were least damaging to services. Across the first 3 years of the 5 year Financial Plan the Council was on track to deliver £15.6m in savings. Over the period the Council could demonstrate significant performance improvements in some areas. However due to ongoing pressures on public funding the financial challenge would be there for several years to come. If the Council were to continue delivering services in the same way there would be a funding gap of approximately £27.8m over the next 5 year period. To help meet the funding gap, a Corporate Transformation programme was underway with the aim of transforming the way the Council worked to become more efficient and effective. There were 17 areas of work that had been identified as part of the programme, each being led by a member of the Council's Corporate Management Team. Essentially the budget was about priorities, meeting the challenges faced and spending taxpayers' money in the most efficient and effective way possible. To assist the process the views of the Borders public were being requested about where resources should be prioritised or whether the Council could do things differently to save money. Mr Robertson explained that a new way of engaging with local people had been launched. This was a community engagement tool, known as 'Scottish Borders Dialogue', which could be accessed through the Council's website. This was a quick and easy way to submit views and ideas. However responses to the consultation could also be submitted by post, email, Twitter and by telephone. All the feedback received would be put forward to the Council's Administration Budget Working Group for consideration as part of the financial planning process.

DECISION

NOTED the presentation

5. NEIGHBOURHOOD SMALL SCHEMES AND QUALITY OF LIFE FUND

The Neighbourhood Area Manager, Craig Blackie, updated members of the Area Forum on the programme for approved Small Schemes and Quality of Life Schemes for the Eildon area. There were circulated at the meeting copies of appendices listing the approved schemes and indicating the stage of their implementation. Mr Blackie highlighted that there remained £27,754 in the Small Schemes budget for 2015/16. With regard to the Quality of Life budget there was a balance of just in excess of £14,000 still to be allocated. However it was noted that there were a number of additional schemes which had been put forward for consideration. In response to a question Mr Blackie confirmed that the identification and management of large open areas of grassland for the creation of diverse habitats was part of the Neighbourhood Services review, and as such costs relating to the preparation of specific areas identified by Members within the Area Forum could be met from the Quality of Life budget.

DECISION

NOTED the update

6. PARTNER UPDATES

There were no updates to consider.

DECISION

NOTED

7. OPEN QUESTIONS

There were no open questions.

DECISION

NOTED

8. COMMUNITY COUNCIL SPOTLIGHT

Galashiels Community Councillor Ian Purvis was pleased to inform members of the Forum that the early indications were that the opening of the Borders railway would be highly successful for Galashiels, with increased footfall in the town and reports of increased takings by shops and businesses.

DECISION

NOTED

9. FUTURE AGENDA ITEMS

The following items were suggested for future meetings:-

- Report from Abellio Scotrail on first 5 months of operation of the railway;
- Presentation on the Education Estate; and
- Report from the Timber Transport Forum.

In view of the low attendance at the meeting there followed a discussion about how to ensure representation from all Community Councils and how to attract members of the public to Area Forum meetings. Community Council representatives in attendance gave confirmation that they had received notification of the meeting and been able to access the agenda through the recently updated Committee software system Modern. Gov. Although the dates and content of meetings were advertised via press releases issued by Corporate Communications this was obviously not proving to be effective. It was recognised that unless there was a specific issue that directly affected a large number of people in a specific area there would be a lack of interest and a degree of apathy. Also pointed out was the fact that issues specific to a locality would commonly be raised and discussed at Community Council meetings, which were also attended by local Councillors, rather than at meetings of the Area Forum. It was agreed that other ways be explored of attracting a higher attendance at meetings of Eildon Area Forum.

DECISION

- (a) **NOTED** the suggestions for future agenda items.
- (b) **AGREED** that other ways be explored of attracting a higher attendance at meetings of Eildon Area Forum.

10. **DATE OF NEXT MEETING**

The next meeting would be held on Thursday 18 February 2016 at 6.30 pm in Galashiels, the exact venue to be confirmed.

The meeting concluded at 7.55 pm

SCOTTISH BORDERS COUNCIL
LIMITED LIABILITY PARTNERSHIP –
STRATEGIC GOVERNANCE GROUP

MINUTE of Meeting of the LIMITED LIABILITY PARTNERSHIP STRATEGIC GOVERNANCE GROUP held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS on Tuesday, 10 November, 2015 at 2.00 pm.

Present:- Councillors F Renton (Chair), J Mitchell and B White.
Apologies:- Councillors J Brown and J Greenwell,
In Attendance:- E Torrance (Chair Project Board), D Robertson (Chief Financial Officer SBC), J Stacey (Chief Officer Audit and Risk SBC), J Wilson (Chairman SB Cares), (P Barr (Managing Director), D Collins (Finance and Commercial Director), L Crombie (Operations Director), P Cathrow (Service Development Manager), Democratic Services Officer (P Bolson).

1. **WELCOME**

The Chairman welcomed everyone to the meeting of the Limited Liability Partnership Strategic Governance Group (LLPSGG) and introduced Mr Jim Wilson, Independent Chairman of SBCares . Members were advised that a representative from the NHS had not yet been appointed and that Mrs Torrance would follow this up in advance of the next meeting of the Group.

DECISION NOTED.

2. **MINUTE** There had been circulated copies of the Minute of the meeting of 11 August 2015.

DECISION APPROVED the Minute for Signature by the Chair.

3. **SB CARES BOARD MEMBERS UPDATE**

Mr Wilson informed Members that two new non-executive members of the SB Cares Board had been appointed, with the potential for another member to be selected at a future date. The successful appointees were Mr John Webster and Professor Bill McKelvey. Mr Webster had 30 years of Local Government experience, with 7 years as a Financial Director. He was Business Advisor to Essex Cares, a local authority trading company. Professor McKelvey held a number of Non-Executive Directorships in complex public sector and commercial organisations. He had considerable experience of transformational change on a national basis. Mr Wilson added that a programme of induction was planned for both gentleman and it was expected that Mr Webster and Professor McKelvey would attend the next SB Cares Board meeting later this month.

DECISION NOTED.

4. **QUARTERLY PERFORMANCE REPORTING** 4(a) SB Cares Budget Monitoring at 30 September 2015

There had been circulated copies of a report by the Finance and Commercial Director of SB Cares informing the Strategic Governance Group of the financial position for SB Cares

at 30 September 2015. The report advised that the budget monitoring position to 30 September 2015 based on actual income and expenditure showed a profit of £253k during the first six months. The report also advised that the Senior Management Team had reviewed the progress made to deliver agreed efficiencies and new business and a profit of £480k was now predicted. This was in line with the Business Plan agreed by Members in October 2014 and with the Council's 2015/16 budget. Ms Collins explained that a further two new homecare contracts had now been agreed and a pay award for staff had resulted in some movement in the income and expenditure figures, as detailed in the report.

DECISION

NOTED:-

- (a) SB Cares financial position at 30 September 2015; and**
- (b) that information would be shared with Scottish Borders Council to inform the revenue monitoring position.**

4(b) Key Performance Indicators for SB Cares

There had been circulated copies of a report by the Finance and Commercial Director of SB Cares updating the Strategic Governance Group on the development of SB Cares Key Performance Indicators (KPIs). The report explained that the partnership agreement between Scottish Borders Council and SB Cares was signed on 1 April 2015 and included the governance arrangements and reporting requirements. SB Cares had now developed four KPIs and these will be presented to the Strategic Governance Group on a quarterly basis. The agreed KPIs were - the number of clients which SB Cares supported across the services they provided; the average number of carers who supported those clients; absence levels; and the number of staff employed by SB Cares, including posts being recruited. Further development of KPIs included customer satisfaction; productivity; complaints; and market share. Ms Collins advised Members that there had been a number of staff who had retired and gone on maternity leave and that recruitment was now in progress to appoint to these posts. In addition, the staffing figures reflected those employees who had transferred under TUPE arrangements for the new homecare contract. Mr Barr advised Members that there were now appropriate strategic management tools in place for SB Cares to move forward and develop in line with its Business Plan. Discussion followed in relation to way in which homecare was delivered to individual clients and Ms Crombie explained that, in some cases, a varied number of carers visited one client on any particular day and for varying lengths of time. Client hours were currently based on what service the individual had received prior to the transfer to SB Cares. Further information would be presented to the Strategic Governance Group at future meetings. Officers provided clarification on further points raised by Members.

DECISION

NOTED:-

- (a) the current KPIs for SB Cares; and**
- (b) the continuing development of KPIs for SB Cares.**

5. **CARE INSPECTORATE**

5(a) Current Grades

There had been circulated copies of a report by the Operations Director of SB Cares on Registration with the Care Inspectorate. The report explained the areas of assessment and that there were a number of themes, namely Quality of Care; Quality of Environment; Quality of Staffing; and Quality of Management and Leadership. The grades allocated by the Care Inspectorate were detailed in the report. Ms Crombie advised Members that the initial grades had been inherited by SB Cares and that each grade had been maintained or improved upon. The report included a detailed list of establishments/services and grades covering the period from 2009 to 2015. Ms Crombie added that in some

situations, the focus within a service could change and this was not always apparent in inspection reports. Members were of the opinion that the report required more narrative to explain situations and provide clarification and it was agreed that the format of future reports which detailed Care Inspectorate assessments would reflect this.

DECISION

- (a) **NOTED the report.**
- (b) **AGREED that future reports detailing Care Inspectorate assessment grades would include more narrative to explain situations and provide clarification.**

5(b) St Ronans

Ms Crombie advised Members that the Care Inspectorate report on St Ronans had been published the previous week. This had been too late to include in the report considered at this meeting but would be included in the next report presented to the Strategic Governance Group. Mr Wilson advised Members that the report compared very favourably with the private sector.

DECISION

NOTED the verbal update.

6. DATES FOR FUTURE MEETINGS

There was a discussion regarding future meeting dates and it was noted that the scheduled meeting in May 2016 conflicted with the timetable for the Scottish Parliamentary Election. Confirmation of the rescheduled date would be notified to Members in due course.

DECISION

NOTED.

PRIVATE BUSINESS

DECISION

- 7. **AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business contained in the following items on the ground that they involved the likely disclosure of exempt information as defined in paragraphs 6 and 8 of the part 1 of Schedule 7A to the Act.**

SUMMARY OF PRIVATE BUSINESS

- 1. **Minute**
Members approved the Private Section of the Minute of 11 August 2015
- 2. **Business Plan**
Members considered a presentation by the Managing Director SB Cares.
- 3. **Efficiencies Progress Report**
Members considered a report by the Operations Director SB Cares.
- 4. **New Business Development Update**
Members considered a report by the Service Development Manager SB Cares.

The meeting concluded at 3.10 pm

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SCOTTISH BORDERS COUNCIL STANDARDS COMMITTEE

MINUTES of Meeting of the STANDARDS
COMMITTEE held in Council Chamber,
Council Headquarters, Newtown St Boswells
TD6 0SA on Thursday, 12th November, 2015
at 1.00 pm

Present:- Councillors A. J. Nicol (Chairman), S. Aitchison, C. Bhatia, J. Greenwell,
B Herd, G. Logan and F. Renton.

Apologies:- Councillor W. Archibald.

In Attendance:- Councillors M Ballantyne, J Campbell, K Cockburn, A Cranston, V Davidson,
G Edgar, J Fullarton, G Garvie, I Gillespie, S Marshall, W McAteer, D Moffat,
S Mountford, D Parker, D Paterson, S Scott, R Smith, J Torrance, G Turnbull,
B White.

Also Present:- Monitoring Officer and Service Director Regulatory Services, Democratic
Services Officer (P Bolson).

1. **MINUTE**

There had been circulated copies of the Minute of the meeting of the Standards Committee of 12 December 2014.

DECISION

AGREED the Minute for signature by the Chairman.

2. **ANNUAL REPORT ON COUNCILLORS' COMPLIANCE WITH THE ETHICAL STANDARDS FRAMEWORK FOR 2014-15**

- 2.1 With reference to the decision at paragraph 5(c) of the Minute of 12 December 2014, there had been circulated copies of a report by the Monitoring Officer which provided details on Scottish Borders Council's compliance with the Ethical Standards Framework for 2014 - 2015 and also considered matters relating to Training, Register of Interest and the Hospitality Register. Members were advised of the background to the report and noted that, following the Internal Audit report in 2005, it had been agreed that it would be good practice to report annually on the Councillors' Code of Conduct. A planned audit carried out by the Council's Internal Audit section in March 2010 resulted in agreement to report on general compliance with the overall Ethical Standards Framework. These annual reports considered the Councillors' Code of Conduct compliance, training, the Members' Register of Interests and their Hospitality Register.
- 2.2 During 2014 – 15, the Commissioner for Ethical Standards in Public Life (the Commissioner) received a total of 692 complaints of which 680 were against Councillors within Scottish Local Authorities. This represented a significant increase from previous years however 524 of these related to a single case and when these were removed, there was actually a reduction in the total from preceding years. The report provided information on the types of case brought forward to the Commissioner and these included alleged misuse of Council resources for the publication of politically contentious material, misconduct on individual planning applications, failure to declare an interest and failure to show respect to Councillors, officials or employees. The Commissioner determined that 11 cases constituted a breach of the Code of Conduct and these were therefore referred to Standards Commission for Scotland (the Commission).
- 2.3 During 2014 – 15, 8 complaints were lodged against 7 Scottish Borders Councillors, 4 of which were internal (submitted by a Councillor or Officer) and 4 external (submitted by a member of the public or external organisation.) These related to inappropriate expenses claims, misuse of Council facilities/equipment, Conflict of Interests/Declarations of

Interests and conduct/respect. Seven of the complaints were resolved internally. One new complaint was referred to the Commissioner but no further action was taken as the Commissioner took into consideration the internal investigation that had already been conducted and the apology and actions that had resulted from this. With regard to the case referred from the previous year, the Commissioner found that the Councillor had breached the Code of Conduct by failing to declare an interest and referred the case to the Commission. Following a Hearing, the Councillor was suspended from participating in all Council, Committee and Sub-Committee meetings for a period of 3 months.

- 2.4 The report went on to explain that the Elected Members' Registers of Interests were published on the Council's website and were also available to view in paper format from Democratic Services. The Registers were reviewed every six months and were amended according to the information provided by the Members. They were maintained in accordance with the Ethical Standards and Public Life etc. (Scotland) Act 2000 (Register of Interest) Regulations 2003, as amended. Members were also required to comply with Section 4 of the Code of Conduct whereby the Registers were updated when a Registerable Interest changed.
- 2.5 Elected Members were required, on a monthly basis, to complete a Hospitality Register within which they would declare hospitality/gifts offered (valued at over £50), whether accepted or not. Members were also required to send a completed monthly pro-forma return (including nil returns) to Democratic Services, who maintained the Members' Hospitality Register. All forms were scanned electronically and published on the Council's website. In addition, a summary sheet of all responses for the current financial year was kept with the paper copy of the Register for ease of reference. A quarterly report was submitted to the Service Director Regulatory Services in his role as Monitoring Officer.
- 2.6 Section 5 of the Ethical Standards in Public Life etc (Scotland) Act 2000 ("The 2000 Act") required Councils to promote the observance by its Councillors of high standards of conduct; and to assist them to observe the Councillor's Code. The current Guidance on the Code of Conduct stated that "Councils should make arrangements to hold or attend training and induction sessions on Ethical Standards, and they should strongly encourage attendance by all of their Councillors and senior officers at such sessions". Scottish Borders Council had held a number of training sessions on the Ethical Standards Framework over the last few years and had also participated in joint training sessions with Midlothian and Dumfries and Galloway Councils. Training was also provided on the Ethical Standards Framework to Members as part of their Induction Programme in May 2012 and individual Induction had been delivered to any Member joining the Council as a result of a subsequent by-election. The Council had arranged for the Public Standards Commissioner for Scotland and the Standards Commission's Secretary to attend the Scottish Borders Council Standards Committee on 29 August 2012 to give a presentation on the Ethical Standards Framework to Members. This presentation was open to all Elected Members and formed part of the continuing Ethical Standards training. Members of the Planning and Building Standards Committee received additional training on the Code of Conduct on 10 December 2012. Members were given the opportunity to attend a seminar hosted by the Commissioner in early 2013 and a further refresher training event had been arranged for all Elected Members to follow on from this formal business meeting of the Standards Committee. Members were advised that a new electronic library of Guidance for Members had been developed and Members would be informed when this would be available for them to access via modern.gov, the Committee Management system used within the Council.
- 2.7 Discussion followed and the Monitoring Officer answered questions raised by the Members. With reference to the Code of Conduct for Community Councillors, the Monitoring Officer confirmed that there were no enforceable sanctions within this Code. It was agreed that Mr Frater would write to the Scottish Government to obtain clarification regarding what the current situation was in terms of Community Councils and the conduct of Community Councillors. The Monitoring Officer also advised that a complaint against

an Elected Member or officer must be clearly defined as such by the complainer in order for it to be recorded and investigated as a formal complaint. In response to a question about why "compliments" were not recorded, Members were advised that the purpose of the report was compliance with the Ethical Standards Framework and were referred to paragraph 1.1 of the report.

DECISION

AGREED:-

- (a) to accept the report;**
- (b) that the Monitoring Officer would write to the Scottish Government to obtain clarification regarding what the current situation was in terms of Community Councils and the conduct of Community Councillors; and**
- (c) that the Monitoring Officer be instructed to bring forward a report on Ethical Standards Framework compliance for 2015-16 at the appropriate time.**

The meeting concluded at 1.50 pm

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SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTE of Meeting of the EXECUTIVE
COMMITTEE held in the Council Chamber, Council
Headquarters, Newtown St Boswells, TD6 0SA on
Tuesday, 17 November, 2015 at 10.00 am

Present:- Councillors D. Parker (Chairman), S. Aitchison (from para 2), S Bell, C Bhatia, M J Cook, G Edgar, J Mitchell, D Moffat, D Paterson, F Renton, R Smith.

Also Present:- Councillors J. Fullarton, I. Gillespie, G. Logan.

Apologies:- Councillors J. Brown, V. Davidson.

In Attendance:- Depute Chief Executive (People), Depute Chief Executive (Place), Chief Financial Officer, Cultural Services Manager, Democratic Services Team Leader, Democratic Services Officer (K Mason).

1. **MINUTE**

The Minute of meeting of the Executive Committee of 3 November 2015 had been circulated.

DECISION

APPROVED for signature by the Chairman.

2. **MONITORING OF THE GENERAL FUND**

There had been circulated copies of a report by the Chief Financial Officer providing budgetary control statements for the Council's General Fund based on actual expenditure and income to 30 September 2015 and explanations of the major variances between projected outturn expenditure/income and the current approved budget. The report explained that the revenue monitoring position set out in the report was based on actual income and expenditure to 30 September 2015. All departments were projecting a balanced outturn position with management teams confident that pressures highlighted in the remainder of this report would be managed within existing departmental budgets. The management team was progressing with the programme to modernise and transform the Council. Corrective action had been identified where budgets were diverting from plan and the management team had confidence that pressures would be managed and that a balanced out turn would be delivered. Pressures evident at month 6 continued to be within out of area children's placements, higher than anticipated cost of care for Older People in Residential Care and people with Physical Disabilities and also within Neighbourhood Services for Materials, Sub-contract and Hire in the Roads service. Action was being taken by the People and Place departments to contain these pressures. At 30 September, 70% (£5.482m) of planned efficiency savings had been delivered as per the Financial Plan, with a further 12% (£0.927m) profiled to be delivered over the remainder of the financial year. Of the remaining 18%, 4% (£283k) had been achieved by alternative, permanent measures and 14% (£1,084k) temporarily. A further £29k remained profiled to be achieved by alternative means. The previous Executive Committee reported position as at 30 June showed 50% (£3.829k) of planned efficiency savings having been delivered and 44% (£3.406) profiled to be delivered over the remainder of the financial year. Full details of pressures, risks and challenges and the significant majority of areas of the Council's operation where budget plans remained on track was detailed in Appendix 1 to the report. Regarding people with physical disabilities and in noting that that there was continued pressure arising from demand for community based services based on current clients' complex needs and that there was no agreement to 50/50 fund a particular high-cost package had been reached with NHS Borders, Councillor Bhatia pointed out that any risks should be fed through to the Integrated Joint Board from April 2017. The Chief Financial Officer confirmed there were a number of challenges but once the budgets were joined this should assist. In response to questions raised the Chief Financial Officer undertook to highlight in the Council's risk register the

unbudgeted costs associated with Planning Public Enquiries. The Chief Financial Officer would report back on (a) why there was a revised budget of £13,000 for Fairer Scotland; and (b) the base budget for the European Fisheries Fund.

**DECISION
AGREED:-**

- (a) **to note the projected corporate monitoring position reported at 30 September 2015, the underlying cost drivers of this position, the significant pressures highlighted and the identified areas of financial risk;**
- (b) **that the Depute Chief Executives for People and Place and their Service Directors would continue to work with their management teams to ensure a balanced budget position was delivered in 2015/16;**
- (c) **to approve the budget virements set out in appendices 2 & 3 to the report;**
- (d) **to note the progress made in achieving Financial Plan savings in appendix 4 to the report;**
- (e) **to note that the Corporate Management team would develop proposals to permanently address budget pressures as part of the 2016/17 Financial Planning process; and**
- (f) **to approve the draw down of reserves to address a phasing issue between the budgeted 1% pay award and the agreed 1.5% pay award for all staff in 2015/16/**

MEMBER

Councillor Aitchison joined the meeting during discussion of the above item.

3. PROJECTED BALANCES TO 31 MARCH 2016

There had been circulated copies of a report by the Chief Financial Officer providing an analysis of the Council's balances as at 31 March 2015 and on the projected balances at 31 March 2016. The Council's General Fund useable reserve (non-earmarked) balance was £8.121m at 31 March 2015. The total of all useable balances excluding developer contributions at 31 March 2016 was projected at £6.876m. The movement was as a result of an increase in reserves due to additional income from Heritable, (£0.201m) and the draw down of reserves to fund changes in legislation in care services (£0.307m) and a transfer to allocated reserves to support in the ER/Vs scheme (£1.139m). Approval was sought in the accompanying revenue monitoring report to draw down an estimated £0.700m to fund the shortfall in funding associated with the phasing of the pay award in 2015/16. In setting the 2015/16 budget Council approved a 1% provision for pay award in 2015/16 followed by an estimated 1.5% in 2016/17 equating to 2.5% over 2 years. This was in advance of national negotiations concluding. Negotiations led by COSLA had now been concluded with the SJC and SNCT negotiating bodies and a pay award for all staff had been agreed to pay 2.5% over a 2 year period at 1.5% in 2015/16 and 1% for 2016/17. This presented a one year phasing issue in terms of the Council's Financial Plan and a draw down from Reserves was consequently required to align budgetary provision with the negotiated settlement position. It was understood that the settlement of the pay award would be processed in November 2015 payroll backdated to 1 April 2015. The balances represented in this report were stated before any draw down of funds for this purpose. The Council's allocated reserve balance was £3.379m at 31 March 2015 and was projected to be £3.819m at 31 March 2016. This movement was as a result of the draw down of allocated reserves to fund the 2015/16 Financial Plan (£0.508m), Police & Fire Reserves (£0.091m) and provision for Roads Maintenance (£0.100m) and an increase in allocated reserves to support the ER/Vs scheme (£1.139m). There were a number of areas of potential financial pressures identified in the accompanying revenue monitoring report identified for 2015/16, which if uncontained by management action might require a call on these reserves. The projected balance on the Capital Fund of £5.743m would be affected by any further capital receipts, developer

contributions, interest credited and any expenditure authorised to be financed from the Fund during the remainder of the financial year.

DECISION

AGREED:-

- (a) **to note the projected revenue balances as at 31 March 2016 as detailed in Appendices 1 & 2 of the report;**
- (b) **to note the projected balance in the Capital Fund as detailed in Appendix 3 to the report;**
- (c) **to note the establishment of an ER/VS allocated reserve of £1.139m as reflected in the revenue monitoring report detailed in the report; and**
- (d) **to approve the draw down of an estimated £700k reserves to address a shortfall in funding associated with the phasing of the pay award in 2015/16, actual draw down would be reflected in the next Executive Committee report when the value was confirmed.**

4. MONITORING OF THE CAPITAL FINANCIAL PLAN 2015/16

There had been circulated copies of a report by the Chief Financial Officer on the progress of the 2015/16 Capital Financial Plan and seeking approval for projected outturns and associated virements, and the reallocation of funds. The monitoring tables in Appendix 1 of the report advised on actual expenditure to 30 September 2015. Key issues identified in these tables were summarised within the main report. The tables identified a net variance of £6.802m against the approved budget. The net in-year budget increase of £0.672m was primarily due to a number of items due to be delivered for the Plant & Vehicle fleet totalling £0.536m, fully funded from the Plant & Vehicle Replacement Fund. The net budget timing movements to future years amounted to £7.474m of which the most significant were £3.2m for Duns Primary School, £1.777m for Early Learning and Childcare and £1.024m for Peebles 3G Synthetic Pitch. Appendix 3 of the report contained a summarised list of timing and budget movements within the 2015/16 Capital Plan. Appendix 2 of the report contained a list of the block allocations approved for this year and the various approved and proposed projects to be allocated from them within the 2015/16 Capital Plan. In response to a question raised about the construction of the Complex Needs – Central Education Base, the Depute Chief Executive People undertook to bring forward a report to a future meeting updating Members on the project.

DECISION

- (a) **AGREED the projected outturns and associated virements as identified in Appendix 1 to the report as the revised capital budget.**
- (b) **NOTED the list of block allocations detailed in Appendix 2 to the report.**

5. JIM CLARK MUSEUM

There had been circulated copies of a report by the Corporate Transformation and Services Director providing an update on the proposals to create a Jim Clark Museum by refurbishing and extending the existing displays at 44 Newtown Street, Duns. The report further sought approval for officers to submit a stage 1 application to Heritage Lottery Fund (HLF) by 27 November 2015 for a grant to support both the capital works and a 4 year supporting revenue programme. During 2015 officers had worked with the Jim Clark Memorial Room Trust (JCMRT) to develop proposals for a new Jim Clark Museum in Duns. Based on a design proposal prepared by the Council's Architects the total capital costs of the project had been estimated at £1.4m. Including the 4 year revenue programme the total project cost was £1.65m. In February 2012 Scottish Borders Council approved a capital investment of £620k within its Capital Plan, of which a balance of £603k was available to be allocated to the next phases of the project's delivery. To bridge the funding gap a twin track approach was proposed:-

- (i) a Stage 1 Heritage Lottery Fund application and accompanying business plan had been prepared. The HLF application was for 41% of the project costs or c£700k, this also included an allocation towards the accompanying revenue programme. To meet the project and HLF timetable the stage 1 application required to be submitted by 27 November 2015.
- (ii) a separate fund raising programme led by the new Jim Clark Trust with a target of £300k.

The JCMRT Trustees, and in particular the family trustees, felt there was significant added value they could bring to the project in terms of experience, networking and fundraising which was difficult to deliver through the limited scope of the JCMRT. As a result a new SCIO, a Scottish Charitable Incorporated Organisation, had very recently been established by the family Trustees. This new trust would be known as the Jim Clark Trust and would work in partnership with the Council, the proposed Culture and Sports Trust and the JCMRT. It was important that an effective and robust written Agreement clarifying roles and responsibilities was developed and this was seen as a key outcome of the HLF stage 1 period. The Cultural Services Manager was in attendance and answered Members' questions relating to the facility. The importance of good advance signage to allow tourists to recognise the attraction was discussed and it was noted that this would be made clear in the design plans. Members commended the report.

DECISION

(a) NOTED

- (i) **the progress that had been made to create a Jim Clark Museum at 44 Newtown Street, Duns including the financial implications detailed in the report;**
- (ii) **the reasons for the establishment of a new charitable trust, The Jim Clark Trust, and agreed the need to establish an effective and robust Agreement between this new Trust, Scottish Borders Council, the new Culture and Sports Trust and the existing Jim Clark Memorial Room Trust.**

(b) AGREED

- (i) **that the acceleration of the construction programme to deliver the project by May 2018 would require to be incorporated into the considerations for the construction of the 2016/17 ten year Capital Plan and might have an impact on the timing of other capital projects or the capital funding assumptions underpinning it;**
- (ii) **to submit the stage 1 HLF application by 27 November 2015;**
- (iii) **to instruct offices to return to the Executive with an updated report and business plan before submitting a stage 2 HLF application; and**
- (iv) **to proceed with a fund raising effort with the two Jim Clark trusts for the additional £300k required to bridge the funding gap.**

The meeting concluded at 11.00 a.m.

SCOTTISH BORDERS COUNCIL
HAWICK COMMON GOOD FUND SUB-COMMITTEE

MINUTES of Meeting of the HAWICK
COMMON GOOD FUND SUB-COMMITTEE
held in Lesser Hall, Town Hall, Hawick on
Tuesday, 17 November, 2015 at 4.00 pm

Present:- Councillors S Marshall (Chairman), A Cranston, W McAteer, D Paterson,
R. Smith, Mrs A Knight and Mr J Little.
Apologies:- Councillors G Turnbull.
In Attendance:- Managing Solicitor (R Kirk), Corporate Finance Manager (L Mirley), Estates
Officer (J Morison), Property Officer (F Scott), Democratic Services Officer (J
Turnbull)
Members of
Pubic:- 5

1. **ORDER OF BUSINESS**

The Chairman 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.

2. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 16 September 2015.

DECISION

APPROVED the Minute for signature by the Chairman.

3. **URGENT ITEM**

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman 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 keep Members informed / make an early decision.

4. **FINANCIAL ASSISTANCE**

There had been circulated copies of an application from Hawick Reivers' Association requesting financial assistance of £2,500 towards the overall running cost of Hawick Reivers' Festival. Scottish Borders Council's (SBC) Funding and Project Officer had advised that the Community Grant scheme was not applicable for annual contributions and that support grants would normally be made as a stop gap to support groups. SBC's Events Team were keen to support the Association and would liaise with them to look at business planning, marketing and promotion and, in particular, to advise them of how best they could make promotional links to the Borders Railway. The Chairman of the Association was in attendance and advised that the Festival was highly valued by the community. The majority of the attractions they provided were free to the public and the Festival encouraged involvement by all ages. The Association were considering an enhanced marketing strategy in the hope of attracting visitors to the town via the Borders Railway. They were also seeking funding from Awards for All towards equipment. Members discussed the application and agreed to award £2,500.00 to Hawick Reivers' Association. The Chairman of the Association thanked the Sub-Committee for the contribution which was much appreciated.

DECISION

AGREED to award a grant of £2,500.00 to Hawick Reivers' Association towards the running cost of Hawick Reivers' Festival.

MEMBER

Councillor Cranston joined the meeting during consideration of the above report.

5. MONITORING REPORT FOR SIX MONTHS TO 30 SEPTEMBER 2015

There had been circulated a report by the Chief Financial Officer providing details of income and expenditure for the Hawick Common Good Fund for the six months to 30 September 2015, full year projected out-turn for 2015/16 and projected balance sheet valued to 31 March 2016. Appendix 1 to the report provided a projected Income and Expenditure position. This showed a projected deficit of £37,442 for the year. A reduction to the £40,660 deficit reported in August 2015, due to increased rental income, was detailed in section 4.2 of the report. Appendix 2, to the report, provided a projected Balance Sheet to 31 March 2016. It showed a projected decrease in the reserves of £80,235 due to the projected reduction in revenue reserve and the revaluation reserve. Appendix 3 provided a breakdown of the property portfolio showing actual Income and Expenditure to 30 September 2015. Appendix 4 showed the value of the Newton Fund. Ms Mirley advised that the recent presentation by the Newton Fund had been well attended by Members. Investment in this Fund showed a slight negative return of -0.78% over the quarter, in comparison to equity markets which fell by 6% in the same period. This highlighted that Newton continued to plan to protect the Fund. With reference to paragraph 4(ii) of the minute of 18 August 2015, Ms Mirley advised that the further grant, delegated to the Chief Financial Officer and the Chairman, for the Remembrance Garden at Wilton Cemetery had been £190.00. The unallocated budget, with the deduction of the grant above was now £12,710.00. The projected closing balance at 31 March 2015 would be approximately £97,000.00.

DECISION

(a) AGREED the projected Income and Expenditure for 2015/16 as shown in Appendix 1, to the report.

(b) NOTED:

(i) The actual projected Balance Sheet value to 31 March 2016, as shown in Appendix 2 to the report;

(ii) The summary of the property portfolio in Appendix 3 to the report; and

(iii) The current position of the investment in the Newton Fund in Appendix 4 to the report.

6. COMMON HAUGH - APPLICATION FOR FAMILY FUN FAIR

With reference to paragraph 3 of the Private Minute of 26 May 2015, an application had been received by K Stuart, Family Fun Fair, requesting permission to lease part of the Common Haugh on two weekends, in March and April 2016 for a Fun Fair. Mr Morison advised that from 2010 the Fun Fair had been granted use of the Common Haugh for two weekends in March and April. Last year he had received one complaint regarding noise. Members discussed the application and Mr Stuart, Fairground Proprietor, who was in attendance, responded to questions. It was noted that the Fun Fair would be reduced by approximately 200 square metres from last year's Fun Fair. Councillor Paterson proposed that the Lease be granted for one weekend but received no seconder. Councillor Smith proposed that the Sunday, 27 March 2016 be refused and was seconded by Councillor McAteer. The Sub-Committee agreed to grant the application but that the Sunday, 27 March date be refused.

DECISION

AGREED

To grant a lease of the Common Haugh, to K Stuart, Family Fun Fair, as follows:

- (a) **Thursday 24 March 2015 6.30 pm to 9.30 pm**
Friday 25 March 2015 6.30 pm to 10.00 pm
Saturday 26 March 2015 1.00 pm to 10.00 pm

- (b) **Thursday 31 March 2015 6.30 pm to 9.30 pm**
Friday 1 April 2015 6.30 pm to 10.00 pm
Saturday 2 April 2015 1.00 pm to 10.00 pm.

7. WILLIESTRUTHER RESERVOIR

There had been circulated copies of a report by Halcrow Group Ltd on an inspection of Williestruther Reservoir, under Section 10 of the Reservoir Act 1975. The inspection was carried out on 11 August 2015. Mr Scott advised that the report had highlighted that the reservoir was in good condition and the reservoir had now been reinstated with SEPA. The next inspection would be in 10 years' time. Mr Scott confirmed that the recommendations in the report had all been completed.

DECISION

NOTED the report.

8. HAWICK RACE COURSE

There had been circulated copies of a briefing note by the Managing Solicitor in response to dog fouling complaints at Hawick Race Course. In summary, access rights had been established by the Land Reform (Scotland) Act 2003. The Act conferred a duty on local authorities to draw up core paths which were sufficient for the purpose of giving the public reasonable access. SBC had a system of core paths and one of these ran adjacent to the race course. Mr Kirk referred to the Scottish Outdoor Access Code and specifically the paragraph which stated that access rights did not apply to land which had been developed or set out for a recreational purpose such as horse racing gallops. The Committee would therefore be entitled to insist that members of the public used the core path adjacent to the race course. However, it was acknowledged that it would be problematic ensuring that this was monitored. The Committee considered the report and agreed that locking the gates would not be a viable solution. Raising public awareness of the dog fouling problem by increasing signage in the area was discussed and agreed. The cost of the signage was to be met from the Hawick Common Good Fund budget.

DECISION

AGREED to request the Property Officer:

- (a) **arrange for additional dog fouling signage to be displayed at the Race Course, the cost of the signage to be met from the Hawick Common Good budget; and**
- (b) **present an update report to the February 2016 Hawick Common Good Fund meeting.**

9. PROPERTY UPDATE

There had been circulated copies of briefing note by the Estates Officer.

- (a) **Williestruther Cottage**
The new tenants had signed the lease on 30 October 2015. They had requested consent to install a walk-in-wardrobe in the second bedroom and this had been granted.

- (b) **Woodlot at the Burgh Woodlands**
Members approved the draft advert which had been circulated with the Agenda.

DECISION

AGREED

- (a) To approve the advertisement for publication; and**
- (b) To request a list of applicants for consideration at the February 2016 meeting of the Hawick Common Good Fund Sub-Committee.**

10. **HORNSHOLE**

There had been circulated a briefing note by the Managing Solicitor regarding ownership of Hornshole. In summary, the Hornshole memorial was erected in 1901 on land gifted by Captain Palmer-Douglas. SBC had been responsible for maintenance of the Memorial and the surrounding land since November 1936. However, there were no records to show that ownership of the land was transferred to the Council and as such it probably remained with the successors of the Palmer-Douglas family. A title search could be carried out to establish the ownership of the land which would cost in the region of £400 to £500. If this identified the current owner then an approach could be made to them with a view to having the title conveyed to SBC. Further costs would be incurred in meeting legal fees in connection with the transferring of title. In the event that the current owner could not be identified then SBC could grant a title in favour of itself by way of "non Domino Disposition". The Sub-Committee could make a decision to purchase or acquire the land. If the value exceeded £20,000 the decision had to be made by Council. Mr Kirk advised that following the abolition of Burghs in 1975, the Common Good could not legally hold title to any property, therefore SBC would have to take ownership and then assign to Hawick Common Good. Councillor McAteer, circulated at the meeting, a briefing note advising that proposals from the Boundary Commission for Scotland had highlighted that Hornshole would be included in the new Jedburgh ward which was of concern to Hawick residents. Archive records had been examined and no trace of transfer of ownership had been found. There was also no trace of a legal record of Hawick Town Council owning the land. There was reference to Hawick Town Council taking custody of the memorial on 10 November 1936 and their successors had been responsible for maintenance of the site thereafter. A relative of the Palmer-Douglas family had been engaged and supported the action to safeguard the site for future generations. Owners of land bordering the site had also confirmed that the site was not part of their title deeds. Members discussed the report and requested officers identify the title of the land and report back to the next meeting.

MOTION

Councillor McAteer, seconded by Councillor Marshall, moved that solicitors be instructed to proceed to secure title and ownership of the recognised 'Hornshole' land. That this ownership to be in the name of Scottish Borders Council and assigned to Hawick Common Good and secured for future generations of Hawick residents.

Councillor Paterson proposed that the Sub-Committee did not proceed with securing title for Hornshole but received no seconder.

Councillor Smith, moved as an amendment to Councillor McAteer's motion that officers proceed to identify title and then report back to the next meeting of the Sub-Committee.

Councillor McAteer agreed the amendment to his motion.

DECISION

AGREED to request officers proceed to identify title of Hornshole and report back to the next meeting of Hawick Common Good Fund Sub-Committee.

11. **PRIVATE BUSINESS**

DECISION

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

SUMMARY OF PRIVATE BUSINESS

12. **MINUTE**

Members approved the private section of the Minute of 18 August 2015.

13. **PILMUIR FARM - SILAGE CLAMP**

The Sub-Committee considered a briefing note by the Property Officer.

14. **PROPERTY UPDATE**

The Sub-Committee considered a briefing note and verbal report by the Estates Officer.

PUBLIC BUSINESS

15. **RACE COURSE (THE MAIR) BUILDINGS**

The Property Officer advised that the Common Riding Committee were considering replacing the buildings on the Race Course (The Mair).

DECISION

AGREED in principle.

16. **COMMON HAUGH**

It was reported that the road surface had broken away on entering from Albert Bridge to the Burns' Club. The Clerk was requested to report to the Asset Manager.

DECISION

AGREED to request that the clerk report the poor road surface on entering from Albert Road to the Burns' Club to the Asset Manager.

17. **FIREPLACES**

The Property Officer advised that he had in store two disused cast iron fireplaces and requested advice on how he should market them. It was agreed to delegate permission to the Property Officer to market the fireplaces.

DECISION

AGREED to delegate authority to the Property Officer to market the fireplaces.

18. **DATE AND VENUE OF THE NEXT MEETING**

DECISION

NOTED that the next meeting of the Hawick Common Good Sub-Committee be held on Tuesday, 16 February 2016 at 4.00 pm.

The meeting concluded at 5.15 pm

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SCOTTISH BORDERS COUNCIL
TEVIOT AND LIDDESDALE AREA FORUM

MINUTES of Meeting of the TEVIOT AND
LIDDESDALE AREA FORUM held in the
Lesser Hall, Town Hall, Hawick on Tuesday,
17 November, 2015 at 6.30 pm

Present:- Councillors G Turnbull (Chairman), A Cranston, W McAteer, S Marshall,
D Paterson, R Smith, Community Councillors: Mr C Knox (Hawick),
Mr C Griffiths (Hobkirk).

Apologies:- Community Councillors: Mr M Grieve (Burnfoot), Mrs M Short (Hawick);
Inspector Carol Wood (Police Scotland).

In Attendance:- Station Manager Mr R Bell (Scottish Fire and Rescue Service), Sergeant R
Noble (Police Scotland), Neighbourhood Area Manager (Mr A Finnie),
Democratic Services Officer (J Turnbull).

Members of the Public:- 4 in attendance

1. **WELCOME AND INTRODUCTIONS**

The Chairman welcomed those present to the meeting and advised that there would be a presentation on improvements to Hawick Community Recycling Centre by Mr Ross Sharp-Dent, Waste Manager, Scottish Borders Council. The presentation from Mr Ian Heard, Citizens Advice Bureau had been postponed to the January 2016 meeting.

2. **ORDER OF BUSINESS**

The Chairman 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.

3. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 15 September 2015.

DECISION

AGREED to approve the Minute.

4. **MATTERS ARISING FROM THE MINUTE**

With reference to paragraph 6 of the Minute, the Chairman reminded Members to inform Mr Finnie of any signage that required maintenance.

DECISION

NOTED.

DECLARATION OF INTEREST

Councillor Cranston declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the room during the discussion.

5. **HAWICK COMMUNITY RECYCLING CENTRE**

The Chairman welcomed, Mr Ross Sharp-Dent, Waste Manager, Scottish Borders Council (SBC) who was present at the meeting to provide an update on improvements to Hawick Community Recycling Centre. Mr Sharp-Dent summarised the existing arrangements at the Recycling Centre which was presently divided into two: the west side for community recycling and the east side for waste transfer. Mr Sharp-Dent explained that SBC had considered various options when considering improvements to

the site, including a split level design. However, this had not been appropriate for various reasons. The skips would instead be accessed from elevated access platforms via two steps. Installation of ramps had been considered at the design stage but this had not been possible. Mr Sharp-Dent went on to highlight the improvements to the site: Expansion into the west side of the site would increase capacity. A one way system would be introduced which would improve traffic and pedestrian management and reduce site closures. The existing portal for residual waste would still be in place and there would be an additional concrete bay for scrap metal. The site capacity would treble with four skips for garden waste, two for wood waste and one for paper and plastic. All the skips could be closed off which meant that they could be emptied without closing the site to the public. Mr Sharp-Dent concluded the presentation by advising that the aim was to open the improved site by March/April 2016, there would be a period of time when the site would be closed but this would be well publicised. In response to questions Mr Sharp-Dent acknowledged that waste would need to be brought to the site in smaller receptacles as the waste would be required to be lifted into the skips. SBC staff would assist and provide guidance. Prior to the opening there would be a media campaign to advise of the changes. There was capacity to adjust and expand the site at a later stage if required. The drainage problem had been caused by a sediment trap which had now been cleared. There would be no facility to dispose of tyres at the site, as this was not considered household waste and required an additional licence. The public footpath had been moved to the west of the site. Members welcomed the improvements to the site and benefits to the public with additional capacity and fewer site closures. The Chairman thanked Mr Sharp-Dent for his attendance and presentation.

DECISION

NOTED the presentation.

6. HEALTH AND SOCIAL CARE PARTNERSHIP - CONSULTATION

Ms Susan Manion, Chief Officer, Health & Social Care Integration, Scottish Borders Council, was in attendance to answer questions relating to the Draft Strategic Plan which was currently out for consultation. The Draft Strategic Plan was available on SBC's website, and a shorter summary document had been circulated with the Agenda. Ms Manion explained that the Strategic Plan set out why there was a need to integrate health and social care services; how this would be done; and what was expected to be seen as a result. Ms Manion highlighted that by the year 2032 the number of people over 65 was projected to increase by 51%. In comparison, the number of people age 16 to 64 was projected to decrease by 16%. People were living longer and it was recognised that with age there was a higher incidence of people being admitted to hospital. The way health and social care services were delivered needed to change due to increasing demand and pressure on limited resources. The Strategic Plan recognised the huge part unpaid carers provided and included a specific objective around providing support to carers. The Strategic Plan not only focused on older people, but people with mental health issues or learning disabilities who tended to have poorer health outcomes. The Strategic Plan contained actions to address such issues. Ms Manion continued that more people needed to be supported and cared for at home. By shifting just 1% of the totality of spend of £250m from unplanned inpatient care towards community based care, resources could be used more effectively. This would help investment in new integrated ways of working in terms of early intervention, reduction in hospital admissions and health inequalities. In response to questions Ms Manion advised that coordinated working with the voluntary sector such as the Red Cross and RVS was important to ensure sustainability. People who worked in health and social care services had to be supported to continuously improve their skills and the care they provided. In conclusion to the discussion the importance of taking the opportunity to respond to the consultation was emphasised. The public engagement period ended on 11 December 2015 and a final draft of the Strategic Plan would be finalised in February 2016. Health and Social Care Integration would go live in April 2016. The Chairman thanked Ms Manion for her attendance and the report.

DECISION

NOTED.

DECLARATION OF INTEREST

Councillor Marshall declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the room during the discussion.

7. NEIGHBOURHOOD SMALL SCHEMES AND QUALITY OF LIFE

7.1 There had been circulated copies of a report by Service Director Neighbourhood Services updating the Forum on previously approved Neighbourhood Small Schemes and seeking approval for provision of a picnic table within The Green Denholm Village; refurbishment of visitor information boards at Common Haugh Car Park, Hawick and grass cutting at The Moat, Hawick. The following quality of Life Scheme had also been requested for consideration by the Forum: provision of timber fence at Escape Youth Centre, Hawick. Mr Finnie, Neighbourhood Area Manager advised that upgrading the footpath at the Waverley Walk had been completed. The goal posts for Green Terrace would be delivered this week and installed as soon as possible. The refurbishment of the railings at Lothian Street was ongoing, with only a small section awaiting blacksmith repairs, which was scheduled for the spring 2016.

7.2 The Forum discussed grass cutting at The Moat. Mr Finnie advised that the contractor had carried the works out at a reduced rate of £200 as he had been in the area carrying out works at Wilton Cemetery and had been anticipating downtime. He would liaise with the contractor to see if it was possible to have a similar rate in the future for additional cuts. In response to a question Mr Finnie advised that he would cost a replacement bench in Ertleton Cemetery, Newcastleton once the specification had been confirmed. Future Hawick had identified car park signage as a project, the Road Safety and Traffic Management Team Leader would be investigating and report back. Councillor Smith proposed that £2,000 of Hawick and Hermitage Quality of Life funding be granted to Hawick Welcome Initiative for the next five years, in principle, which was agreed. The Hawick and Denholm Ward councillors would also consider awarding a similar grant to the Initiative. Councillor Cranston asked if maintenance of cemeteries was eligible for Quality of Life funding, Mr Finnie indicated that this would be appropriate and would liaise with Councillor Cranston out-with the meeting.

DECISION

(a) **AGREED the following new Neighbourhood Small Schemes for implementation:-**

(i)	Provision of picnic table for Denholm Green	£107
(ii)	Refurbishment of visitor information boards at Common Haugh Car Park, Hawick	£1,718
(iii)	Grass cutting at The Mote, Hawick	£200

(b) **AGREED the following new Quality of Life Scheme for implementation:-**

(i)	Provision of timber fence at Escape Youth Centre, Branxholme Road, Hawick	£1,617
(ii)	To award Hawick Welcome Initiative £2,000 from the Hawick and Hermitage budget allocation.	£2,000

(c) **NOTED**

- (i) **the updates on previously approved Neighbourhood Small Schemes as detailed in Appendix A to the report; and**
- (ii) **the updates on previously approved Quality of Life Schemes as detailed in Appendix B to the report.**

8. LOCAL PUBLIC HOLIDAYS 2016

There had been circulated copies of the proposed local public holidays for 2016 in Teviot and Liddesdale.

DECISION

AGREED to determine the Public Holidays for 2016 as set out in Appendix (i) to this Minute.

9. POLICE SCOTLAND

Sergeant Noble was in attendance and advised that the Police Scotland report focused on the ward priorities during September and October. He highlighted that with regard to Drug Dealing and Misuse a number of stop and searches had been carried out and ten individuals had been reported for possession of drugs. A Hawick man had been charged with supply of controlled substances after drugs had been recovered in the boot of a car in the Dumfries and Galloway area and controlled substances had also been recovered from a vehicle in the town. Three house searches had been carried out under misuse of drugs warrants and a man had been charged with production of cannabis and possession of diazepam. The Road Safety priority showed that 23 road checks had been carried out, 17 conditional offers were issued for speeding offences and one for failing to wear a seatbelt. There had been a number of complaints regarding young drivers through various parts of the town, particularly the Common Haugh, a number of drivers had been approached. Sergeant Noble discussed the Violent Crime priority and advised that during the period, there had been two serious assaults, one of which had occurred in licensed premises in the town. With regard to Anti-Social Behaviour incidents, there had been 10 anti-social behaviour fixed penalty tickets issued. Sergeant Noble went on to discuss the issue of Cybercrime which had become a problem in rural areas. Sergeant Noble concluded his presentation by advising that in November and December there would be an increase in patrols by the community and locality school officers. Police Scotland's national festive safety campaign would launch on Wednesday, 18 November and focus on four strands: Online Safety, Shop Safety, Party Safety and Home Safety. The Chairman thanked Sergeant Noble for the report.

**DECISION
NOTED.**

10. SCOTTISH FIRE & RESCUE SERVICE

There had been circulated, copies of a report from Russell Bell, Station Manager, Hawick Fire Station, updating the Forum on Scottish Fire and Rescue activity for the month of October. There had been two house fire occurrences – one kitchen and one chimney. Six open fires - one field and five refuse/bin, all deliberate. There had been three special services and 13 unwanted fire alarm signals. Mr Bell went on to advise that Hawick had been chosen as a suitable location to trial the Scottish Fire and Rescue Service out of hospital cardiac arrest response. Crews had received training, which had focused on cardio pulmonary resuscitation and defibrillator use, which would allow the Service to respond to local cardiac arrest emergencies. Mr Bell concluded his report by advising that the autumn thematic plan was now active and would focus on: Student electrical and chimney safety, bonfire safety and older vulnerable persons. In response to questions Mr Bell confirmed that training had been received in Level 2 water awareness. Swift Water training was scheduled for January 2016. The Chairman thanked Mr Bell for the report.

**DECISION
NOTED.**

11. OPEN QUESTIONS

- (a) A question regarding the caravan park was raised, it was advised that officers were working on this project and an announcement would be made as soon as appropriate.
- (b) There followed a discussion on repairs required to street lights, and Mr Finnie undertook to investigate out-with the meeting. Councillor McAteer also advised that he would report the issue with the crossing at Victoria Road.

**DECISION
NOTED.**

12. COMMUNITY COUNCIL SPOTLIGHT

- 12.1 Mr Griffiths from Hobkirk Community Council advised that Hobkirk Primary School had been mothballed for a year. The community council had been aware of the decline in pupil numbers at the school but were disappointed that they had not been involved in the consultation process. They were concerned at the longer term impact closure of the primary school would have on the community. Mr Griffiths continued that the community council had been approached by the South of Scotland National Parks and were considering their proposals.
- 12.2 Mr Knox from Hawick Community Council advised that they had received an informative presentation by the Project Manager on the Flood Protection scheme. The Christmas lights had been installed, although there had been an issue with properties in the High Street failing the pull test. The Christmas Parade had been scheduled for 28 November 2015, it was hoped that Members would act as Marshalls. In respect of the Wilton Remembrance Garden project the Community Council were liaising with SBC for a licence to occupy the area. Hawick CC were also liaising with Kelso councillors regarding a similar project in their community.

**DECISION
NOTED the reports.**

13. DATE OF NEXT TEVIOT AND LIDDESDALE AREA FORUM MEETING

The next meeting of the Teviot and Liddesdale Area Forum would be held on Tuesday, 15 December 2015 at 6.30 pm in Lesser Hall, Town Hall, Hawick.

**DECISION
NOTED.**

The meeting concluded at 8.20 pm

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SCOTTISH BORDERS COUNCIL
CIVIC GOVERNMENT LICENSING COMMITTEE

MINUTE of Meeting of the CIVIC
GOVERNMENT LICENSING COMMITTEE
held in COMMITTEE ROOMS 2 AND 3,
COUNCIL HEADQUARTERS, NEWTOWN
ST BOSWELLS on Friday, 20 November
2015 at 10.30 a.m.

Present:- Councillors W. Archibald, J. Campbell, J. Greenwell, B. Herd, G. Logan,
D. Paterson (para 5), J. Torrance, T. Weatherston and B White.

Apologies:- Councillors R. Stewart.

In Attendance:- Solicitor (R. Kirk), Licensing Team Leader, Licensing Standards and
Enforcement Officers (Mr I Tunnah and Mr M. Wynne), Democratic Services
Officer (F Henderson), P.C. P. Robertson, Inspector M. Bennett - Police
Scotland.

1. **MINUTE**

The Minute of the Meeting of 23 October 2015 had been circulated.

DECISION

APPROVED and signed by the Chairman

2. **LICENCES ISSUED UNDER DELEGATED POWERS**

There had been circulated copies of lists detailing the Civic Government and
Miscellaneous Licences issued under delegated powers between 10 October 2015 – 11
November 2015.

DECISION

NOTED

3. **LICENSING OF TAXI, PRIVATE HIRE VEHICLES AND DRIVERS - GERARD FOX**

With reference to paragraph 3, of the Minute of 23 October 2015, there had been
circulated copies of an application submitted by Mr Gerard Fox for the grant of a Taxi
Driver Licence together with a letter of objection dated 22 September 2015 received from
Police Scotland. The Clerk advised that Mr Fox had been unable to attend the previous
meeting due to attending a Funeral. Mr Fox was present at the meeting.

3.1 Inspector Bennett confirmed the information provided in the Police objection that Mr Fox
had convictions which he had declared and which were listed in the appendix to the Police
letter. Mr Fox had submitted an application for the grant of a Taxi Driver Licence to
Scottish Borders Council dated 3 September 2015 and had disclosed his previous
convictions. There were no police records held in relation to the speeding offences. The
Police were therefore unable to support the grant of the licence on the basis that the
applicant was not a fit and proper person to be the holder of such a licence, in terms of
Schedule 1, paragraph 5(3)(a)(ii) of the Civic Government (Scotland) Act 1982.

3.2 On being invited to address the Committee, Mr Fox advised that all the speeding
convictions had been incurred while he was employed by a company as a driver carrying
out multi drop deliveries and had been under pressure to complete the deliveries by a
specified time. In response to a question, Mr Fox advised that he could not recall all the
circumstances but had on one occasion been travelling on a dual carriageway in Glasgow
at 43 mph and had not noticed that the speed limit had reduced to 30mph. Mr Fox
confirmed that he currently had no penalty points on his drivers' licence. During

questioning by the Committee, Mr Fox advised that he had ceased working for the delivery company in 2011 and had worked for a couple of bus companies since, driving for a tour company being his most recent employment.

DECISION

AGREED that the application for a Taxi Drivers Licence submitted by Mr Fox be granted.

4. LICENSING OF TAXI, PRIVATE HIRE VEHICLES AND DRIVERS - LUKASZ KRIESE

There had been circulated copies of an application submitted by Lukasz Kriese for the grant of a Taxi Driver Licence together with an information letter dated 30 October 2015 received from Police Scotland. Mr Kriese was present at the meeting.

4.1 Inspector Bennett confirmed the information provided in the Police submission that Mr Kriese had a conviction which he had failed to declare and which was listed in the appendix to the Police letter. Mr Kriese had submitted an application for the grant of a Taxi Driver Licence to Scottish Borders Council dated 21 October 2015. During an interview held on 30 October 2015, within Galashiels Police Station, Mr Kriese admitted his previous conviction for disorderly behaviour or threatening/abusive/insulting words likely to cause harassment, alarm or distress, which he had not declared. Mr Kriese had stated that he had been out drinking with friends and was arrested by Police. He had further stated that due to his high alcohol intake he was unable to recall what had actually taken place. Mr Kriese had received an £80 fixed penalty for the offence.

4.2 On being invited to address the Committee, Mr Kriese advised that the offence had occurred nearly 7 years previously when he had arrived in the Country from Poland and had been very young. He had omitted to include it on his application as he could not recall the incident, or what precisely had occurred. The Chairman confirmed with Mr Kriese whether he required an interpreter and was advised that he understood English. Mr Kriese confirmed during questioning that he had a temporary job until the following week at Mainetti, Jedburgh and had been offered a job in Galashiels as a Taxi Driver. Mr Kriese confirmed that he had been driving in the UK since 2011. Councillor Logan, seconded by Councillor Weatherston proposed that the licence be granted.

DECISION

AGREED that the application for a Taxi Drivers Licence submitted by Mr Kriese be granted.

MEMBERS

Councillor Paterson joined the meeting during consideration of the following application.

5. LICENSING OF TAXI, PRIVATE HIRE VEHICLES AND DRIVERS - CHRISTIAN SCHERFLING

There had been circulated copies of an application submitted by Christian Scherfling for the grant of a Taxi Driver Licence together with an information letter dated 30 October 2015 received from Police Scotland. Mr Scherfling was present at the meeting.

5.1 Inspector Bennett confirmed the information provided in the Police submission that Mr Scherfling had convictions which he had declared and which were listed in the appendix to the Police letter. Mr Scherfling had submitted an application for the grant of a Taxi Driver Licence to Scottish Borders Council dated 27 October 2015. During an interview held on 29 October 2015, within Jedburgh Police Station, Mr Scherfling admitted his previous convictions for speeding and having no insurance which he had declared. Mr Scherfling had stated that the speeding offence related to Mr Scherfling driving his motor vehicle car on the A68 at Lauder above the 60mph speed limit. In respect of the conviction for driving without insurance, this related to Mr Scherfling being stopped driving a van, which had been purchased the day before, and which he wrongly believed was covered by the motor insurance he had for his motor car.

- 5.2 On being invited to address the Committee, Mr Scherfling advised that he had purchased the van on a Saturday in order to move house on the Sunday and had not realised that the insurance already in place for his motor car would not cover him to drive other vehicles. Mr Scherfling had been offered a job as a taxi driver in Kelso. Following questioning, it was agreed to approve the application for the grant a Taxi Drivers Licence submitted by Mr Scherfling.

DECISION

AGREED that the application for a Taxi Drivers Licence submitted by Mr Scherfling be granted.

6. **LICENSING OF MARKET OPERATORS**

With reference to paragraph 4 of the Minute of 23 October 2015, there had been circulated copies of an application submitted by Galashiels Market CIC for the grant of a Market Operator's Licence together with a copy of an email from the Road User Engineer advising he was content for the licence to be issued with the following conditions (a) the market will not take place over the Braw Lads weekend; and (b) the market will attempt to accommodate all other requests to utilise the area as much as they could i.e. Army, Sky. The application was in respect of an Outdoor and Indoor traditional market selling fruit and veg, fish, meat, clothing, cakes and jewellery etc, although no hot food or catering would be available. The hours of operation would be Friday and Saturday 8 a.m. and 4 p.m. between October 2015 and October 2016. Mrs Abby Keay was present at the meeting.

- 6.1 On being invited to address the Committee, Mrs Keay advised that the Market would be held on a Friday and Saturday on a weekly basis and that stalls within the stall area would be hired out for a fee. In response to a question about vehicles being brought into the stall area with stock, Mrs Keay advised that vehicles would be allowed into the area to unload and would then be removed. The only exception to this would be in respect of a generator for the Fish Van and this would be the only vehicle allowed in the stall area. It was confirmed that arrangements would be made to separate the stalls from any traffic. In response to the comments made by the Road User Engineer, Mrs Keay assured Members that every attempt would be made to accommodate all other requests to utilise the area, including waiver of pitch fee. Members accepted Mrs Keay's assurances and indicated that Council Officials and Police Scotland would monitor the market activity.

DECISION

AGREED that the application for Market Operators Licence submitted by Galashiels Market CIC be granted.

SUMMARY OF PRIVATE BUSINESS

LICENSING OF TAXI, PRIVATE HIRE VEHICLES AND DRIVERS – MR STUART AYRE¹. The Committee considered a briefing note by the Solicitor to the Committee with regard to an appeal received from Mr Ayre.

The meeting concluded at 11.50 a.m.

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SCOTTISH BORDERS COUNCIL
SCRUTINY COMMITTEE

MINUTES of Meeting of the SCRUTINY
COMMITTEE held in COUNCIL CHAMBER,
COUNCIL HEADQUARTERS, NEWTOWN
ST BOSWELLS on Thursday, 26 November,
2015 at 10.00 am

Present:- Councillors G Logan (Chairman), W Archibald, K Cockburn, A Cranston,
I Gillespie, S Mountford, A Nicol and J Torrance.
Apologies:- Councillors R Stewart.
Also Present:- Councillor J Campbell.
In Attendance:- Corporate Transformation and Service Director, Democratic Services Team
Leader, Democratic Services Officer (J Turnbull).

1. **MINUTE**

There had been circulated copies of the Minute of 29 October 2015.

DECISION

NOTED for signature by the Chairman.

2. **SCRUTINY WORKING GROUP - GREAT TAPESTRY: PROPOSED TERMS OF REFERENCE**

With reference to paragraph 2(c) of the Minute of 29 October, there had been circulated a briefing note by the Corporate Transformation and Services Director detailing the proposed Terms of Reference for the Scrutiny Working Group. At the last meeting, the Committee had agreed to form a Scrutiny Working Group to examine the decision making process in respect of the Great Tapestry of Scotland project and ascertain if there were any lessons which could be learned for future projects. The Committee had also agreed to defer appointment to the Scrutiny Working Group until all members were present to participate in the decision. Councillor Cockburn asked if paragraph 2.2 of the Terms of Reference could be amended to include reference to the perceived lack of public consultation and to examine the extent to which this was a concern. The Corporate Transformation and Service Director, Mr Rob Dickson, advised that the scope of the proposed Terms of Reference was comprehensive in order that the Working Group could consider all aspects of the decision making process and ascertain if there were any shortcomings in that process. This could include reviewing public perception of the consultation process. Councillor Nicol commented that the working group should not be considering the Tapestry decision as such but reflecting and advising on the decision making process for future projects. Mr Dickson added that recommendations from the Scrutiny Working Group would be presented to officers for guidance when undertaking future such projects. The Committee agreed to the proposed Terms of Reference. The Committee then discussed the appointment of Members to the Scrutiny Working Group.

VOTE

Councillor Torrance, seconded by Councillor Archibald moved that the Scrutiny Working Group membership be: Councillors: Cockburn, Gillespie, Campbell and Garvie.

The Chairman, Councillor Logan, seconded by Councillor Cockburn moved as an amendment that the Scrutiny Working Group membership be: Councillors: Cockburn, Gillespie, Campbell, Garvie, Mountford and McAteer.

Adjournment

The Chairman requested an adjournment. The meeting was adjourned at 10.20 am and reconvened at 10.45 pm.

On a show of hands Members voted as follows

Motion - 5 votes
Amendment - 3 votes

The motion was accordingly carried.

DECISION

AGREED:-

- (a) **the Terms of Reference for the Scrutiny Working Group as detailed in the Briefing Note attached to the Agenda.**
- (b) **to appoint the Scrutiny Working Group as follows:**
 - Councillor K Cockburn**
 - Councillor I Gillespie**
 - Councillor J Campbell (co-opted)**
 - Councillor G Garvie (co-opted).**

3. PRIVATE BUSINESS

DECISION

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

SUMMARY OF PRIVATE BUSINESS

4. SCRUTINY REVIEW REQUEST - TRANSPORT INTERCHANGE IN GALASHIELS

The committee agreed to receive an update at the March 2016 meeting.

PUBLIC BUSINESS

5. SCRUTINY REVIEWS - UPDATE ON SUBJECTS INCLUDED IN THE FUTURE SCRUTINY REVIEW PROGRAMME

With reference to paragraph 5 of the Minute of 29 October 2015, there had been circulated an updated list of subjects which the Scrutiny Committee had been asked to review and which included the source of the request, the stage the process had reached and the date, if identified, of the Scrutiny meeting at which the information would be presented. In addition, Members were also asked to consider further subjects for inclusion on this list for presentation at future meetings of the Committee. When deciding whether subjects would be reviewed by the Scrutiny Committee, Members required a clear indication from the initiator of the request as to which aspects of the subject they wished to be reviewed. This would enable the Committee to determine whether they subject was appropriate for consideration. Following discussion Members agreed that the Support for High Achievers in Schools review be brought to the March 2016 meeting. It was agreed that the review on Passenger Transport and Escorts requested by Councillor Torrance be amended to a review on School Transport and Escorts and the Committee would receive a short presentation in March 2016 on the issues to determine whether they wished to pursue this review further. With reference to the request from Greenlaw and

Hume Community Council to review outsourcing as adopted by other authorities, in particular outsourcing to a third sector organisation, the Committee requested that the Clerk contact the Community Council and ask for clarity on which aspects of the subject they wished to be reviewed.

6. **URGENT BUSINESS**

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the items dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to keep Members informed / make an early decision.

7. **DECLARATION OF INTEREST**

Councillors Cockburn and Gillespie declared an interest in the undernoted item in terms of Section 5 of the Councillors Code of Conduct as they were Trustees of BLST. However, in terms of Section 5.18(2)(i) they did not withdraw from the meeting as the interest was covered by a specific exclusion.

8. **REQUEST FROM THE ROYAL BURGH OF PEEBLES & DISTRICT COMMUNITY COUNCIL**

There had been circulated at the meeting, a request from the Royal Burgh of Peebles & District Community Council, requesting a review on the process that led to the decision to agree that Victoria Park, Peebles be the preferred location for the 3G pitch. In response to a question Mr Dickson advised that as the decision, made by Executive Committee, had been within the last six months it was therefore not eligible for review. Moreover, the call-in process was time limited and this had now elapsed. Mr. Hayworth, a member of Peebles & District Community Council was in attendance and stated that there appeared to have been an issue with the public consultation, in particular the leafleting of properties. The Victoria Park was used by the whole community and only the properties adjacent to the park had been asked to participate in the consultation. Mr Dickson advised that the Council's community engagement tool kit was adopted by the Community Planning Strategic Board, in May 2015. It might therefore be relevant for the Committee to consider the review request in the context of this engagement framework. In response to a question, officers advised that the avenue open to members of the public to review the decision following the 6 month period would be to submit a petition to the Petition and Deputations Committee. The Committee discussed the request and agreed to receive a presentation on the community engagement framework at the April 2016 meeting. In light of this presentation the Committee would then consider how they wished to proceed with the request from Peebles and District Community Council in relation to the 3G pitch.

DECISION

AGREED the proposed list of subjects for review by Scrutiny Committee, as appended to the Minute, and any further actions detailed against particular reviews.

9. **DATE OF NEXT MEETING**

The next meeting of the Scrutiny Committee would take place on Thursday 28 January 2016.

The meeting concluded at 11.30 am

Scrutiny Committee – Review Subjects

The following are those subject areas which have been requested for Scrutiny to consider and the stage they have reached:

Source	Issue/Description	Stage	Proposed Scrutiny Committee meeting date
Ettrick and Yarrow Community Council	Great Tapestry of Scotland – to scrutinise the whole process through which the decision appears to have been taken by SBC Councillors to site the great tapestry of Scotland in a new-build at Tweedbank. In particular, to scrutinise the extent to which a full option appraisal was undertaken of all possible sites and that the detailed business case was presented for all options prior to any decision being made.	Short term Scrutiny Working Group established with membership as follows: Councillors Cockburn, Gillespie, Campbell and Garvie.	.
Ettrick and Yarrow Community Council – Allocation of Budgets for Road Maintenance and Repairs	To review the extent to which the SBC budget for road repairs and maintenance is sufficient to meet need and the not unreasonable expectation that roads will be maintained in a safe condition. Within this context, to particularly examine how the allocation of budget for <u>rural</u> roads is arrived at and whether more should be allocated.	Letter from CC dated 15 June 2015. Agreed to consider this.	28 January 2016
Councillor Bhatia	Protection of Private Water Supplies – <i>"in relation to Planning e.g. when a planning application is granted which requires an additional private supply or taking water from an existing private supply, how do existing householders ensure that their supply is protected? This may be purely a civil matter or the Council may have a role. This is further exacerbated with large forestry/windfarm applications."</i>	Presentation will include input from Planning, Environmental Health and SEPA	18 February 2016
Lib Dem Group	Implications of the Community Empowerment Act on the Council – <i>"there may be multiple implications of the Community Empowerment Act e.g. disposal of assets either SBC or Common Good, the transfer of local services to community groups who wish to take them on, future provision"</i>	Presentation from Shona Smith, Communities and Partnership	18 February 2016

Source	Issue/Description	Stage	Proposed Scrutiny Committee meeting date
	<i>of allotments etc."</i>	Manager now scheduled.	
Scrutiny Committee	Financing arrangements for the Transport Interchange in Galashiels - to include subsidy arrangements and departure charges.	Consideration on whether to conduct a review of the financing arrangements for the Transport Interchange would be decided in March 2016.	Private update and short presentation in March 2016.
Councillor Logan	Support for High Achievers in Schools		March 2016. Presentation by Service Director Children & Young People.
Councillor Torrance	School Transport and Escorts		March 2016.
Greenlaw and Hume CC	<p>Local Authorities have for some time now had "their backs to the wall" with funding cuts and freezes. We know from dealings with various departments of SBC that activity levels are always being reviewed for yet more efficiencies. The reality however is that such reviews, after many years, will collide with the laws of diminishing returns. The efforts of the review in fact might outweigh the efficiencies delivered, some of which might be more theoretical than realisable.</p> <p>Another approach, often shied away from because of the implications for current staffing levels, is to consider whether any SBC activity could more efficiently and cost effectively be delivered by external service providers. Outsourcing can of course sound like a good idea, but years down the line can become an even bigger burden, if the terms and conditions have not</p>	To request the clerk ask the Community Council for further clarity.	

Source	Issue/Description	Stage	Proposed Committee date	Scrutiny meeting
	<p>been properly thought through, and the relationship has not been nurtured and kept healthy.</p> <p>So outsourcing is not an easy option, or one that should be entered into lightly, but for any of the 32 local authorities in Scotland there is a potential short cut to identify really good outsourcing opportunities i.e. by looking at best practice in other LA's and learn from their outsourcing success stories.</p> <p>We think this is particularly relevant where the most obvious provider for outsourced services is a not for profit organisation. The example we have in mind is in the area of social services where SBC's neighbouring authority, Dumfries and Galloway, have outsourced debt and benefit advisory service provision completely to Citizens Advice Bureau (CAB).</p> <p>Like many Third Sector organisations operating on a national level, CAB can access a level of high quality trained volunteer resource, many from a professional background, that Local Authorities are simply unable to access. Like CAB many have a highly regarded reputation, network, and track record of performance delivery, which makes them an ideal partnership candidate, which already has deeply embedded credibility in the community.</p> <p>So our suggestion in summary is that SBC Scrutiny Committee should look at outsourcing success stories elsewhere in Scottish Local Authority bodies, in particular where the service has been outsourced to a third sector organisation.</p>			
Scrutiny Committee	Renewable energy – to include arrangements for biomass boilers at high schools.	Likely to be considered by the Executive		

Source	Issue/Description	Stage	Proposed Committee meeting date
		Committee. <i>Scrutiny Review on hold.</i>	
Royal Burgh of Peebles & District Community Council	<p>Review the process that led to the decision by the Council's Executive Committee to agree that Victoria Park, Peebles is the preferred location for a 3G pitch.</p> <p>This issue relates to how (and under what circumstances) community consultation is designed, planned and managed, and how the processes by which Council canvasses the views of local communities can be facilitated and improved upon.</p>	A presentation on the Community Engagement Framework be brought to the April 2016 meeting. Scrutiny then to decide how they wished to proceed.	April 2016

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SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTE of Meeting of the EXECUTIVE
COMMITTEE held in the Council Chamber,
Council Headquarters, Newtown St Boswells,
TD6 0SA on Tuesday, 1 December, 2015 at
10.00 am

Present:- Councillors C. Bhatia (Chairman), S. Aitchison (from para 3), S. Bell, M. J. Cook, V. M. Davidson (from para 3), G. Edgar, J. G. Mitchell, D. Moffat, D. Paterson, F. Renton, R. Smith.

Also Present:- Councillors I. Gillespie, S. Mountford.

Apologies:- Councillors J. Brown, D. Parker.

In Attendance:- Chief Executive, Depute Chief Executive (People), Depute Chief Executive (Place), Chief Financial Officer, Corporate Transformation and Services Director, Clerk to the Council, Democratic Services Officer (F. Walling).

CHAIRMAN

In the absence of the Chairman the meeting was chaired by Councillor Bhatia.

1. **MINUTE**

The Minute of meeting of the Executive Committee of 17 November 2015 had been circulated.

DECISION

APPROVED for signature by the Chairman.

MEMBERS

Councillors Aitchison and Davidson joined the meeting during the following item of business.

1. **QUARTERLY CORPORATE PERFORMANCE REPORT (QUARTER 2, 2015/16)**

With reference to paragraph 7 of the Minute of 18 August 2015, there had been circulated copies of a report by the Chief Executive presenting a summary of quarterly performance information, with details contained in Appendix 1 to the report. Following the last quarterly report a short survey had been undertaken with Executive Members to collect views in relation to the way performance was reported. The majority who responded were satisfied with the level of detail and layout but highlighted the importance of benchmarking to see evidence of continuous improvement. A summary of the main changes made to performance indicators was provided in section 4 of the report, followed by a high level summary of performance. Appendix 1 provided a more detailed presentation and explanation of each Performance Indicator (PI). All information contained within the report was also made available on the Scottish Borders Council website. In respect of current performance against the Council's Corporate Priorities a summary was given of key successes and positive trends. Also summarised were those measures which were currently below target. The report went on to explain that an initial range of performance measures had been developed for Borders Sport and Leisure Trust (BSLT), as detailed in Appendix 2 to the report. These Performance Indicators would be used as the starting point for a Performance Management Framework for the new Integrated Culture and Sport Trust. Members discussed the performance report and received answers to their questions from officers and from BSLT Chief Executive Ewan Jackson who was in attendance. With regard to Priority 1 to Encourage Sustainable Economic Growth,

reference was made to the challenge of measuring economic performance when some measures were a partial reflection of external factors. In response to concern about the complexity of some of the trend charts and keys within the performance report it was confirmed that performance measures reported on the website were presented in a user-friendly format. In relation to the BSLT performance report and the decline in swimming participation in particular, it was noted that swimming numbers had also seen a decline nationally. Mr Jackson referred to specific factors that were affecting particular pools in the Borders such as loss of instructors and competition with private facilities.

**DECISION
NOTED:-**

- (a) the changes to performance indicators in Section 4 of the report;**
- (b) the performance presented within Appendix 1 and the action being taken within Services to improve or maintain performance; and**
- (c) the initial BSLT performance measures and the development work that would now be done as part of the move to the new integrated Culture and Sport Trust.**

1. CARE AND EDUCATION PLACEMENT PROVISIONS: DATA, PERFORMANCE INFORMATION AND SERVICE DEVELOPMENT

There had been circulated copies of a Briefing Paper presenting data and performance information in relation to Looked After and Accommodated Children and Young People, care and education provision, the reasons behind the figures and the actions being taken within the service to improve outcomes, using resources as effectively as possible. The Service Director Children and Young People, Donna Manson, was in attendance to give a presentation to support the paper and provide further analysis. It was explained that children and young people may require accommodation for a number of reasons. The accommodation may be on a statutory basis or a voluntary arrangement, and range in length of time from periodic short breaks to permanence planning. Children may also require educational provision outwith that provided through mainstream schools. This ranged from time limited support in school provided by internal staff resources such as Learning Support Teachers or Educational Psychologists, to full time provision in specialist establishments. A combination of rising demand, scarcity of providers and decreasing resources meant containing these services within their allocated budgets was a significant challenge and therefore required changes to the approaches to delivering services. Ms Manson drew attention to the Children and Young People (Scotland) Act 2014 which made the welfare and provision of services to Looked After Children a duty for a number of key organisations including Local Authorities. The presentation summarised the reasons that children and young people may require accommodation and the most common types of accommodation available. Four case examples were given which ranged across all the types of care available and which included an example where the very high level specialist supported care required was not available in the Borders. Included in the performance information given within the paper was a chart indicating the range of placement types within Scottish Borders Council, in respect of the proportion of spend and number of placements for each. The paper went on to outline service challenges and developments. With regard to the Council's Fostering Service Ms Manson advised that the decision to increase fees for foster carers and the payment of a retainer fee had made a significant difference. There had been a year on year increase in fostering households. Ms Manson explained that the objective was to develop an organisational culture where staff had the values, skills and necessary support to ensure children received the support, care and education they needed to achieve their best outcomes, wherever possible here in the Borders in their local communities and mainstream schools. Members asked questions in particular on the aspiration to support the majority of Looked After Children and Young People within the Borders. Ms Manson stressed that each individual case was approached on a need by need basis, to build a package around the

child, with sensitivity and flexibility and in consultation with parents. In some cases it was necessary to use external specialist provision. However there were advantages in providing local support in terms of reducing the stress of travelling out of the area and enabling the child to maintain links with the community which would extend into adulthood. Discussion continued on a key aim identified in the presentation of avoiding exclusions from schools. It was noted that, through changes to support within schools rates had come down and were the lowest they had been for over two years. In conclusion Ms Manson drew Members' attention to the Council's Foster Care campaign and a Corporate Parenting event planned for early in 2016.

DECISION

NOTED the presentation and performance information relating to Care and Education Placement Provisions.

2. DISCRETIONARY HOUSING PAYMENTS - 2015/16 PERFORMANCE

With reference to paragraph 5 of the Minute of 21 April 2015, there had been circulated copies of a report by the Service Director Neighbourhood Services detailing the activity of the Discretionary Housing Payment scheme to the second quarter of 2015/16 and providing an update on the funding and performance of the scheme. The total amount of Discretionary Housing Payments awarded in the first two quarters of 2015/16 was £556,951. The total amount of Discretionary Housing Payments awarded and paid in 2014/15 was £733,398. There were 1,354 Discretionary Housing Payment applications received in the first two quarters of 2015/16 with 1,254 (93%) of those applications being successful. A table within the report set out a funding comparison between 2014/15 and 2015/16. A further table detailed the current position, in terms of actual numbers of DHP claims and spend and an estimate of projected spend to March 2016. It was explained that the changing position with respect to Scottish Government funding was focused on need. Awareness of Discretionary Housing Payments had increased dramatically in the last two years, particularly due to the take-up campaign started in January 2014. Scottish Borders Council would continue to work closely with Housing Associations to identify people who needed help because of the changes in the spare room subsidy. As budgets had been reduced, a review of the awards policy and procedure was being undertaken to ensure the budget provisions continued to be allocated and spent in alignment with policy priorities. Members' discussion focused particularly on the prospect of the ongoing need for financial help, as a result of the changes in the spare room subsidy. This was due partly to an ongoing shortage of smaller properties to which affected people could move and also an understandable reluctance to move. This had been discussed at the Community Planning Partnership with housing colleagues who were looking at ways of mitigating this situation. In response to a question the Service Director Neighbourhood Services advised that, based on existing policy, this fund was not available for assistance with arrears as the money had already been paid directly to the applicant who had not then passed this on to their landlord. However she would check on the existing policy to ascertain whether loans could be made to assist and would report back. A number of the Registered Social Landlords had employed staff to assist with these issues and would only allow rent arrears for so long before applying to have funding paid directly to them. The Service Director also gave assurance that the Council was working closely with the Department of Work and Pensions to provide support on budgeting to claimants where this was required and where referrals had been made.

DECISION

- (a) NOTED the activity relating to Discretionary Housing Payments in the first two quarters of 2015/16.**
- (b) AGREED to receive future updates on the scheme via the regular financial and performance monitoring reports.**

5. SCOTTISH GOVERNMENT REVIEW OF NOMENCLATURE OF UNITS FOR TERRITORIAL STATISTICS AREAS

With reference to paragraph 9 of the Council Minute of 21 May 2015, there had been circulated copies of a report by the Corporate Transformation and Services Director proposing that Scottish Borders Council supported the Scottish Government's proposal to create a new Nomenclature of Units for Territorial Statistics (NUTS) area covering Southern Scotland. It was explained that NUTS was a set of geographical boundaries set and regulated by the European Union. The core purpose of NUTS boundaries was the reporting of regional statistics to Eurostat. These were then used to inform regional policy development and determine regional funding allocations. Scottish Borders was currently in the Eastern Scotland NUTS2 area which covered much of the Eastern half of Scotland and included Edinburgh and Dundee. The Council, through the South of Scotland Alliance, had made representations to the Scottish Government to create a new NUTS2 area covering Southern Scotland. This proposed area would cover the local authority areas of Scottish Borders, Dumfries & Galloway, East Ayrshire, South Ayrshire, South Lanarkshire and mainland parts of North Ayrshire. That proposal was endorsed at the meeting of Scottish Borders Council on 21 May 2015, and was then submitted to the Scottish Government in July 2015 by the South of Scotland Alliance. On 9 November 2015, the Scottish Government released its consultation document to create a fifth NUTS2 area in Scotland which aligned with the Alliance's proposal, the closing date for responses to the consultation being 15 January 2016. In the ensuing discussion Members welcomed the proposal, recognising the common socio-economic challenges present in Southern Scotland and the GDP per head below Scottish, UK and EU averages. Creation of a new NUTS2 area for Southern Scotland would allow these issues to be highlighted on a statistical level which would then allow policy to be better focused to help support economic development in the area. Members thanked the officers involved for their work on this project and agreed to delegate authority to the Corporate Transformation and Services Director, in consultation with the Executive Member for Economic Development, to respond to the Scottish Government consultation.

DECISION

AGREED to:-

- (a) welcome the proposal in the Scottish Government NUTS Consultation to create a fifth NUTS2 area covering Southern Scotland; and**
- (b) delegate authority to the Corporate Transformation and Services Director, in consultation with the Executive Member for Economic Development, to respond to the consultation by 15 January 2016.**

6. CORPORATE TRANSFORMATION PROGRESS

With reference to paragraph 6 of the Minute of 18 August 2015, there had been circulated copies of a report by the Corporate Transformation and Services Director providing an update on progress in developing and delivering the Council's Corporate Transformation Programme since the last quarterly report to Executive Committee. The report also set out planned activity in the reporting period to the end of January 2016. The current 17 areas of work within the Programme were set out in the tracker in Appendix 1 to the report under the 8 Corporate Priorities. Included for each was a brief description of the purpose, a summary of progress made to date (rated as red, amber or green) and key milestones in the next quarter. In highlighting the main areas of progress in this reporting period the Corporate Transformation and Services Director also referred to the detailed individual reports on particular areas of work which were presented to Members as appropriate. The second set of detailed performance reporting for areas of work within the programme was set out in Appendices 2 and 3 to the report, covering the Borders Railway and Sustainable Transport programmes. It was the intention to provide detailed reporting for 3 or 4 areas within the programme quarterly to Executive Committee; a schedule of proposed detailed report provision was included as Appendix 4 to the report. In response to questions about the Borders Railway, the Director advised that there should be a decision before the end of the year about options for 2016 in relation to the Steam Train Experience following the very successful six week pilot delivered by

ScotRail. He also confirmed that discussions with Transport Scotland around proposals for an extension of the railway would be on the table for consideration early in 2016. With regard to the Customer First Programme, the Service Director Neighbourhood Services advised that the anticipated financial benefits were closely linked with developments in the ICT programme. However development of the Customer Services strategy would also include measures to better understand customer needs and improve outcomes through staff training and improved customer experience. This would be detailed in a report to be brought back to the Executive Committee early next year. The Depute Chief Executive (People) gave Members a further explanation about the Co-Production workstream which was about involving people in the community on the delivery of public services and looking at what could be done on a voluntary basis. This area of work would include the involvement of key departments across the Council and partner agencies including the third sector.

DECISION

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

7. LEASE RENEWAL OF SELKIRK TENNIS COURTS

There had been circulated copies of a report by the Service Director Commercial Services proposing that Scottish Borders Council took complete ownership of the tennis courts at Hillside Terrace, Selkirk and renewed the lease of the tennis courts to Selkirk Tennis Club for 25 years at a rent of £1 per annum if asked. A new lease would facilitate the Tennis Club to apply for grant funding for the renewal of the club house and improvements to the courts. The report explained that the ownership of the tennis courts at Hillside Terrace was in the name of the Rector of Selkirk High School. It was proposed to transfer the ownership from the Rector to Scottish Borders Council. The existing tennis courts and club house had been leased to Selkirk Tennis Club for many years with the most recent lease being in 1998. The Club proposed to rebuild the club house. However to raise the funding from Lottery Sport Scotland and the Lawn Tennis Association, a new long term lease was required from the Council.

DECISION

AGREED:-

(a) to authorise the Service Director Commercial Services and Chief Legal Officer, in consultation with the Chief Financial Officer:-

(i) to transfer the ownership of Selkirk Tennis Courts to Scottish Borders Council; and

(ii) to grant Selkirk Tennis Club a new 25 year lease for the subjects at Hillside Terrace (as shown on the plan attached to the report) at a nominal rent.

(b) that the new lease would transfer the responsibility for repairs and maintenance, insurance and health and safety to the Tennis Club; and

(c) that Selkirk High School would continue to have free use of the tennis courts at specified times.

3. LEASE OF AN AREA OF STOW PARK

There had been circulated copies of a report by the Service Director Commercial Services proposing that Scottish Borders Council leased an area of 0.89 acres of the Council-owned park in Stow to the Stow Community Park Group for a period of 10 years at a rent of £1 per annum if asked. The report explained that the public park in Stow had been in Council ownership since 1957 and consisted of a football pitch and general grass park. A local group had been formed with a view to develop a new play park for children and

teenagers. The budget cost of a new play park was £150,000. Grant funding was available from local wind farms, trust and foundations and Council grant schemes. In order to secure grant funding a lease of the land was required for a minimum period of 10 years.

DECISION

AGREED to authorise the Service Director Commercial Services and Chief Legal Officer, in consultation with the Chief Financial Officer, to grant a 10 year lease to the Stow Community Park Group for an area of 0.89 acres at Stow Park (as shown on the plan attached to the report) at a nominal annual rent of £1, if asked.

The meeting concluded at 11.30 am

SCOTTISH BORDERS COUNCIL SELKIRK COMMON GOOD FUND SUB COMMITTEE

MINUTE of Meeting of the SELKIRK
COMMON GOOD FUND SUB COMMITTEE
held in the Council Chamber, HQ on
Tuesday, 1 December, 2015 at 3.00 pm

Present:- Councillors G. Edgar (Chairman), M. Ballantyne, and V. M. Davidson (from para 2). Community Councillor T Combe

In Attendance:- Solicitor (J Webster), Corporate Finance Manager (L Mirley), Estates Surveyor (J Morison), Democratic Services Officer (F Walling)

One member of public

1. **ORDER OF BUSINESS**

The Chairman 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.

MEMBER

Councillor Davidson joined the meeting during the following item of business.

2. **FINANCIAL MONITORING REPORT TO 30 SEPTEMBER 2015**

There had been circulated copies of a report by the Chief Financial Officer providing the details of the income and expenditure for the Selkirk Common Good Fund for the 6 months to 30 September 2015, full year projected out-turn for 2015/16 and projected balance sheet values to 31 March 2016. Appendix I to the report provided detail of income and expenditure for the 2015/16 financial year. The projected net position for the year was a deficit of £3,669. A projected Balance Sheet, shown in Appendix 2, indicated a projected decrease in the reserves of £80,026. Appendix 3 provided a breakdown of the property portfolio which showed actual Income and Expenditure to 30 September 2015. The Corporate Finance Manager gave Members an update with regard to the investment in the Newton Fund. The projections for the Capital Reserves included the unrealised gain for the Newton Fund as at 31 March 2015 but due to the extremely volatile nature of the markets no estimate had been made for the current year's movement. Included in Appendix 4, which detailed the current position in respect of the fund, was a chart indicating the Newton Fund quarterly return performance against the Benchmark and against an equity performance index (MSCI AC World Index). With regard to the Grants and Donations budget, the Corporate Finance Manager circulated copies of the Selkirk Hill Management Group annual accounts 2014/15 which indicated a surplus for the year. The additional information required from the Christmas Illuminations Group had still not been received. Councillor Davidson offered to pursue this issue to ascertain whether the grant was still required. Officers proceeded to answer Members' questions about expenditure linked to certain properties. The Estates Surveyor agreed to look into where responsibility lay for the maintenance of the surface of the Golf Club car park following complaints about its condition. Discussion continued on the estimated actual expenditure on Common Good owned property in relation to the projected Property Expenditure budget of £50,000. The Corporate Finance Manger agreed to liaise with the Estates Surveyor about actual and estimated expenditure on property for the remainder of the year and to come back to the next meeting with a revised projection.

DECISION

- (a) **AGREED the projected Income and Expenditure for 2015/16 detailed in Appendix 1:-**
- (b) **NOTED:-**
 - (i) **the projected Balance Sheet value to 31 March 2016 in Appendix 2;**
 - (ii) **the summary of the property portfolio in Appendix 3; and**
 - (iii) **the current position of the investment in the Newton Fund in Appendix 4**
- (c) **AGREED to request that for the next meeting:-**
 - (i) **a revised projected Property Expenditure budget be included in the accounts to more accurately reflect actual spend; and**
 - (ii) **the Estates Surveyor report back on the responsibility for repair of the surface of the Golf Club car park.**

3. HILL MANAGEMENT GROUP

Councillor Edgar gave a report on the Selkirk Hill Management Group. He explained that in 1996, following an agreement with Ettrick and Lauderdale District Council, Selkirk Community Council took over management of Selkirk Hill for the benefit of the people of Selkirk. Copies of the Group's Charter were circulated at the meeting. There were approximately ten members of the Group who met monthly but also held four formal meetings per year. Following a schedule of works, routine ground maintenance, including provision and repair of seats and bridges, was carried out by the Hill Warden with assistance from the Community Justice Team. The Hill supported a wide diversity of plants and wildlife and the Warden was closely involved with its conservation and management. In this respect the Group also received guidance from Scottish Natural Heritage and supported any study of the Hill and its habitat. The right of the Selkirk people to access and use the Hill in a free and unhindered manner was preserved and the Group worked closely with other local organisations who wished to use this facility. Councillor Edgar went on to describe projects that had been carried out and those which would be taken forward once match funding had been approved. In the discussion that followed Councillor Ballantyne referred to some gates which were difficult to negotiate and some which were not passable by horses or cycles. She asked about the access policy to the Hill for different user groups. Councillor Edgar indicated that riders and cyclists were encouraged to use certain areas of the ground although access was not prohibited to any section. It was agreed that it would be useful if a map of routes was displayed to provide information about paths and areas accessible to different user groups. Discussion continued on the need to control secondary growth on the land which was beginning to restrict views from some of the benches. The ground also appeared under-grazed but it was noted that, in accordance with Scottish Natural Heritage guidance there was a restriction on numbers of sheep and grazing periods to protect flora and fauna. Members referred to the Selkirk Hill Management Group annual accounts, which had been circulated, and requested that in future the accounts show where funds had been allocated to projects, to provide further information and protect the Selkirk Common Good and Neighbourhood Services input.

DECISION

NOTED the Selkirk Hill Management Group Annual Report and Accounts.

4. **MINUTE**
There had been circulated copies of the Minute of 1 September 2015.

DECISION
APPROVED the Minute for signature by the Chairman

5. **ITEM LIKELY TO BE TAKEN IN PRIVATE**

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

SUMMARY OF PRIVATE BUSINESS

6. **MINUTE**
Members approved the private section of the Minute of 1 September.

7. **PROPERTY UPDATE**
Members considered an update by the Estates Surveyor.

The meeting concluded at 4.45 pm

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