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SCOTTISH BORDERS COUNCIL SCRUTINY COMMITTEE

MINUTE of Meeting of the SCRUTINY COMMITTEE held in COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS on Thursday, 24 March, 2016 at 10.00 am

Present:- Councillors G. Logan (Chairman), K. Cockburn, I. Gillespie, B Herd,
Apologies W. McAteer, A. J. Nicol and J. Torrance.
Councillor W Archibald and A Cranston.

Also Present:- Councillors J Greenwell and J Mitchell.

In Attendance:- Chief Financial Officer, Corporate Transformation & Services Director,
Service Director Commercial Services, Clerk to the Council, Democratic
Services Officer (J Turnbull).

1. **WELCOME**

The Chairman, Councillor Logan, welcomed Councillors Herd and McAteer as new members of the Scrutiny Committee. He also congratulated Councillor Torrance on his appointment as the new Vice-Chairman.

DECISION NOTED.

2. **URGENT BUSINESS**

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 make an early decision.

3. **REVIEW SUBJECTS - REQUEST FROM GREENLAW AND HUME COMMUNITY COUNCIL**

With reference to paragraph 4.2 of the Minute of 18 February 2016, the Chairman welcomed Ms S Watters, Corporate Performance and Information Manager, to give a briefing on the research required regarding a request by Greenlaw and Hume Community Council to review outsourcing successes by the Council, in particular, where the service had been outsourced to a third sector organisation. Ms Watters advised that there were a number of successful partnerships which could be considered to illustrate the way in which the Council outsourced delivery of services, particularly procurement with the Third Sector in the social care area. Members discussed how to progress the review and considered reviewing commercial outsourced services, comparisons with other local authorities and services provided through the Council's partnership with CAB. It was agreed that in the first instance, Ms Watters present a report to Scrutiny Committee on the commissioning arrangements with the voluntary and third sector. Members would then make a decision on whether they considered a full review to be appropriate and, if so, which service(s) would be the focus of their review. The Chairman thanks Ms Watters for her attendance.

DECISION

AGREED to request the Corporate Performance and Information Manager present a report to Scrutiny Committee on the Council's commissioning arrangements with the third sector and voluntary organisations.

4. **MINUTE**

There had been circulated copies of the Minute of 18 February 2016.

DECISION

NOTED for signature by the Chairman.

5. **MATTERS ARISING FROM THE MINUTE**

With reference to paragraph 3.10(b) of the Minute of 18 February 2016, Councillor Cockburn, intimated that Officers had not contacted Mr Taylor to share the information he had gathered regarding private water supplies. The Chairman requested that this be pursued.

DECISION

AGREED that the Clerk to the Council contact the relevant Officers from Regulatory Service and confirm to Members when they had contacted Mr Taylor to share the information he had gathered during his research.

6. **EQUALITIES LEGISLATION IN RELATION TO GRANTS TO LOCAL FESTIVALS**

6.1 With reference to paragraph 4.4 of the Minute of 24 March, there had been circulated a briefing note by the Funding and Project Officer advising on the various changes to the delivery of the Local Festival Grant Scheme (the Scheme) following its review in 2014. In particular, the briefing note outlined the new requirements of the Scheme relating to equalities. The Chairman welcomed Ms Robertson, Funding and Project Officer, and Ms Doyle, Corporate Equality and Diversity Officer, to the meeting. Ms Robertson explained that up until 2015 there had been no control measures or reporting mechanisms for Community Grants. Following a review of the Scheme in 2014, the Executive Committee of 10 March 2015 approved funding for an allocation based Local Festival Grant scheme. Currently 29 local festivals were part of the Scheme and each one received a pre-determined annual grant towards certain festival costs. Ms Robertson advised that as this was an allocation based scheme there was no application form, although Festival Committees had to provide certain information. Funding decisions were made by the Executive Committee on a three yearly basis.

6.2 Ms Robertson further advised that although the Executive Committee had approved funding to 2017/18, it had been noted that there were a number of risks and mitigations which required further action as the three year funding progressed. The risks included: no grant contract stipulating the purpose of the award; legislation changes that might affect the operation of Festival Committees and compliance with the Equalities Act 2010 (Specific Duties) (Scotland) Regulations 2012. Ms Robertson explained that to mitigate these risks all Festival Committee constitutions were now held and had been reviewed by SBC. Festival Committees had also to supply a copy of their Equalities Policy, where they existed and if there was no Equalities Policy in place they were required to sign a pre-prepared Equalities Statement, a copy of which had been circulated with the briefing note. Of the 29 Festival Committees, 13 had an Equalities Policy and the others had signed the statement. Contracts had also been introduced stipulating the purpose of the grant. Prior to a grant release, a monitoring form was required with evidence on grant spend. From 2016/17 this would include feedback on how the grant spend complied with equalities. To assist Festival Committees, guidance notes had been drafted for issue with 2016/17 grants, which included signposting in relation to The Equalities Act and the potential impacts on the voluntary sector. All of these control measures would reduce the Council's risk and ensure that grants were for the specific purpose of wider, unrestricted community participation, ensuring equality of access to the funded element.

6.3 Members asked for clarification on a number of points. Ms Robertson advised that The Bridge would be progressing training for Festival Committees this year, particularly in relation to governance and equalities. Ms Robertson continued that the Council viewed the voluntary sector as being independent; however, there was a duty to ensure that they

were complying with equalities policy. Ms Robertson clarified that it was a legal requirement that each organisation complied with the legislation. By providing their Equalities Policy or signing the Equalities Statement each organisation had intimated that they were doing so. In relation to Festivals holding fee reserves, Ms Robertson advised that this was an allocated grant scheme irrespective of financial circumstances. However, there was no evidence of underspend on grants; analysis of the monitoring reports would clarify if this was the case.

- 6.4 In response to a question regarding male principals, the Clerk to the Council advised that these were historical appointments detailed in the organisations' constitutions. The principals could be specifically male or female as long as the event itself was open to everyone and there were no exclusions. Ms Doyle confirmed that the legislation allowed for this. Ms Robertson concluded by stating that the Executive Committee had agreed to three year funding to the Festival Committees in order that there were no adverse effects on any of the existing Festivals. In 2017/18 the scheme would be reviewed again. The Chairman thanked Ms Robertson and Ms Doyle for their contribution.

**DECISION
NOTED.**

7. RE-TRUNKING PARTS OF A7 AND TRUNKING OF A72

- 7.1 With reference to paragraph 3.8(b) of the Minute of 28 January 2016, the Chairman welcomed Mr Andrew Drummond-Hunt, Service Director Commercial Services, and Mr David Richardson, Asset Manager. There had also been circulated a briefing note by Mr Drummond-Hunt giving the potential costs of re-trunking the A7 north of Galashiels and the trunking of the A72 Galashiels – Peebles – Blyth Bridge routes. It also considered the impact that this would have on the funding of the remainder of the road network and the work stream for SBc Contracts and Neighbourhood Services. Scrutiny had requested that officers investigated the impact that re-trunking and trunking of the above roads would have with an understanding that by transferring these roads to Transport Scotland they would receive a higher standard of roads maintenance and a greater number of road improvement schemes would be undertaken. Consideration had been given to the financial impact of any transfer of these 86 km roads (3% of the current Borders roads network) to Transport Scotland, including the possible pro-rata reduction in funding for the balance of the Council's 2865 km of roads. This would result in a roads budget reduction for the Council of around £220k per annum or 6% for the remainder of the Borders roads network. For this financial reason alone, Officers felt that it was not therefore a viable proposition to lobby for any change in the current status of the roads network. It was also unlikely that Transport Scotland would agree to the trunking of the A7 North of Galashiels and the trunking of A72 Galashiels – Peebles – Blyth Bridge routes.
- 7.2 In answer to a question regarding utilising capital funding for roads maintenance, Mr Richardson advised that the capital budget was not allocated to specific road programs but prioritised according to the condition of the road infrastructure. Costs for the amount of spend on specific roads using revenue budget was not easily identifiable as the costs included drainage works, hedge cutting etc across a number of roads. However, the amount spent on surface treatment could be researched and reported back if required. Mr Drummond-Hunt added that funds were allocated dependent on the condition of the road asset at a particular time; if more was spent on one road, then other roads would receive less roads maintenance as a consequence.
- 7.3 In responding to a question regarding the de-trunking the A7, Mr Richardson further advised that this was when the Melrose By-pass had been completed, and clarified that essentially a trunk road linked major cities. Trunking a road did not necessarily mean that the road was maintained to a higher standard. Mr Drummond-Hunt added that there were issues in engaging Amey to respond to complaints regarding the maintenance and repairs to trunked roads. Regarding the damage to the A7, Mr Richardson stated that presently there was a compensation claim with the contractor for the excessive damage to the

roads infrastructure, caused by the volume of traffic and heavy plant machinery during the construction of the Borders Railway.

- 7.4 Discussion followed and it was agreed that the Asset Manager and Clerk to the Council liaise with regard to the amount of surface treatment works spend on the roads infrastructure. Mr Richardson highlighted, that in relation to the A7, the figure would be distorted as there had been no surface treatment works carried out during the construction of the Borders Railway and this was noted. It was agreed that a further report detailing the costs for individual roads, where available, would be brought to a future meeting of Scrutiny Committee. Scrutiny Committee also requested that Councillor Cockburn liaise with Councillors Smith and Turnbull outwith the meeting to establish if there were any recommendations from the Timber Transport conference which could be considered by Scrutiny Committee at the next meeting. The Chairman thanked Mr Drummond-Hunt and Mr Richardson for their contribution.

DECISION

AGREED that the Asset Manager and Clerk to the Council liaise regarding a further report to Scrutiny Committee identifying the revenue and capital costs of works to individual roads in the roads infrastructure.

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

- 8.1 With reference to paragraph 4 of the Minute of 18 February 2016, there had been circulated an updated list of subjects which 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 the subject was appropriate for consideration
- 8.2 The Clerk to the Council advised that the Great Tapestry of Scotland Working Group was scrutinising the process through which the decision was taken to site the Great Tapestry of Scotland in a new-build at Tweedbank. Members noted that there were two reviews scheduled for the April meeting: Support for Highly Able Learners in Schools and School Transport and Escorts. In June there would be presentations on the Bridges Assets by the Service Director Assets and Infrastructure. There would also be a presentation by the Communities and Partnership Manager on the planning and management of community consultations. This review would also include the processes by which the Council canvassed the views of local communities and whether this could be improved upon. It was noted that further reviews on outsourcing and home schooling were also planned for future meetings.
- 8.3 Councillor Cockburn requested a review on how the asymmetric week was working. Scrutiny agreed and requested that this review be presented at the August meeting. Councillor Torrance asked if there could be a review on Social Work's Duty Hub. This was accepted and the Clerk to the Council would contact the Chief Social Work Officer to arrange a presentation if possible for the June meeting of Scrutiny. Councillor Nicol clarified that his request for a review on the remarketing of goods for recycling was to include all recycling centres.

DECISION

NOTED the proposed list of subjects for review by Scrutiny Committee as amended on 24 March 2016 and appended to this Minute.

SUMMARY OF PRIVATE BUSINESS

9. **TRANSPORT INTERCHANGE IN GALASHIELS**

The Committee noted a presentation by Mr Ewan Doyle, Project Management Team Leader, Mr Rob Dickson, Corporate Transformation and Services Director and Mr David Robertson, Chief Financial Officer.

PUBLIC BUSINESS

10. **DATE OF NEXT MEETING**

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

**DECISION
NOTED.**

The meeting concluded at 11.50 am

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Scrutiny Committee – Review Subjects 2015/16

Working Groups In progress

Source	Issue/Description	Stage	Meeting dates
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.	Scrutiny Working Group	9 March 2016 21 March 2016 14 April 2016

Timetabled for Scrutiny Meetings

Source	Issue/Description	Stage	Scrutiny Committee meeting date
Scrutiny Committee	Following the review on road repairs maintenance, presented to the January meeting of Scrutiny Committee. There was a further report to the March meeting on the implications on the capital and revenue budgets of the trunk status of the A72 and A7. Scrutiny Committee requested a further report identifying the revenue and capital costs of works to individual roads in the roads infrastructure.	Report from Asset Manager	Date to be confirmed.
Councillor Logan	Support for Highly Able Learners in Schools	Presentation by Service Director Children & Young People.	28 April 2016.
Councillor Torrance	School Transport and Escorts	Presentation by Service Director Children and Young People.	28 April 2016.
Councillor Nicol	Review of Bridges Assets. The review should include the condition of bridges on the register and the processes for inspection and maintenance.	Presentation by Service Director Assets and Infrastructure	9 June 2016
Royal Burgh of Peebles & District	This issue relates to how (and under what circumstances) community consultation is designed, planned and managed, and how the processes	Presentation from Shona Smith,	9 June 2016

Source	Issue/Description	Stage	Scrutiny Committee meeting date
Community Council	by which Council canvasses the views of local communities can be facilitated and improved upon. In particular, use the example of 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.	Communities and Partnership Manager	
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 of allotments etc.</i> "	Presentation from Shona Smith, Communities and Partnership Manager..	Date to be confirmed (awaiting Scottish Govt guidance)
Councillor Nicol	Recycling Centres. Update on the remarketing of goods for recycling at the Centre, including how other Local Authorities had approached this.	Jenni Craig	Date to be confirmed
Councillor Archibald	Artificial sports pitches. Briefing paper to be brought forward on existing artificial pitches in the Scottish Borders, to include information on the use, costs, benefits and issues of these facilities.	Rob Dickson	Date to be confirmed
Councillor Cockburn	Asymmetric Week	Donna Manson	Date to be confirmed
Councillor Torrance	Social Work Duty Hub.	Elaine Torrance	Date to be confirmed

Review Subjects to be considered/awaiting further information

Source	Issue/Description	Stage
Greenlaw and Hume CC	To consider outsourcing success stories from this Council and elsewhere in Scotland, in particular where the service has been outsourced to a third sector organisation.	Report to March meeting. Research currently being undertaken by Ms Watters on commissioning arrangements with the voluntary and third sector. Earliest report back likely to be in June 2016. Scrutiny to then decide the focus of the review.
Scrutiny Committee	Renewable energy – to include arrangements for biomass boilers at high schools.	Likely to be considered by the Executive Committee. Projects Team being contacted

Source	Issue/Description	Stage
		for update on developments.
Councillor Gillespie	Home Schooling. To consider the requirement for a change in the law to ensure health assessments for home schooled children are carried out. Also to investigate parents undertaking an examination to ensure that they were adequate educators for primary and secondary school education.	Service Director Children & Young People to discuss further with Councillor Gillespie.

Reviews completed

Source	Issue/Description	Recommendations	Scrutiny Committee meeting date
Scrutiny Committee	Planning Enforcement and the Building Inspection Regime	Noted in respect of building standards the requirement of additional staff resources if the economy was to improve. In respect of planning enforcement that the current resources were at capacity and that if the service was to become proactive rather than reactive, more resources would be required.	11 June 2015 Completed.
Scrutiny Committee	Home Schooling and Non-Schooling	None – briefing session	20 August 2015 Completed.
Scrutiny Committee	Attainment levels in Schools in Deprived Areas	None – briefing session	24 September 2015 Completed
Scrutiny Committee	Mainstream Schools and Children with Complex Additional Support Needs	None – briefing session	24 September 2015 Completed
Councillor Turnbull	Fees for taxi licensing – the amount paid to outside bodies in administering taxi licensing and how the fees for a licence in the Borders compare with those of neighbouring authorities.	Information emailed to Cllr Turnbull from	14 October 2015 Completed.

Source	Issue/Description	Recommendations	Scrutiny Committee meeting date
		Licensing Team Leader on 5/10/15. Cllr Turnbull does not wish to pursue further.	
Graeme Donald	Religious Observance Policy } }These were presented together at the } same meeting.	None – briefing session	29 October 2015 Completed
Scrutiny Committee	Faith Schools }	None – briefing session	29 October 2015 Completed
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.	Recommendation considered by Executive Committee 8 March 2016 – accepted.	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>	Recommendation to be considered by Executive Committee on 22 March 2016.	18 February 2016
Scrutiny Committee	Financing arrangements for the Transport Interchange in Galashiels - to include subsidy arrangements and departure charges.	None.	24 March 2016
Councillor Archibald	Equalities Legislation. Consideration on the Council's up to date grant application form and information on how the legislation is applied to local festivals, in particular where the Council awards grants.	None.	24 March 2016