

## **SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE**

MINUTE of MEETING of the EXECUTIVE COMMITTEE held in the Council Chamber, Council Headquarters, Newtown St. Boswells on Tuesday, 26 May 2015 at 10.00 a.m.

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

Also Present:- Councillors I. Gillespie, G. Logan, S. Scott.

Apologies:- Councillor D. Parker

In Attendance:- Depute Chief Executive – People, Chief Financial Officer, Service Director of Regulatory Services, Service Director - Children & Young People’s Services, Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

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### **EDUCATION BUSINESS**

Present:- Mr. G. Donald, Mr. J. Walsh, Mr. G. Jarvie, Jeanette Aitchison, Alison Ferahi

#### **CHAIRMAN**

1. Councillor Aitchison chaired the meeting for that part which considered education business.

#### **WELCOME**

2. The Chairman welcomed Mrs Jeanette Aitchison and Alison Ferahi as Parent Representatives on the Executive Committee (Education Theme) and wished them well during their term of office.

#### **DECISION NOTED.**

#### **EARLY LEARNING AND CHILDCARE REDESIGN**

3. There had been circulated copies of a report by the Service Director Children & Young People which provided an update of the progress of the redesign of early learning and childcare (ELCC) provision across the Borders following the introduction of the Children & Young People (Scotland) Act 2014. The report explained that following the implementation of 600 hours of childcare for 3 and 4 year olds and eligible 2 year olds as set out in the Act, the Committee had received an update on the work undertaken across the Early Years Service in November 2014 and a presentation was had been given on Early Years Centres at the March meeting. In order to provide an increased level of flexibility of care and meet the needs of young children and parents, a revised model of delivery of ELCC had been developed. The model comprised a revised staffing model, proposed pilot of full year/full day care and in addition a new procurement framework for the delivery of ELCC places from private and voluntary sector providers. The new model would enhance the quality of service delivery and provide a responsive and modern service to enable the youngest children to have the best start to their learning journey. The report detailed the introduction of 600 hours of ELCC, the introduction of revised staffing model for ELCC, the development of a procurement model for arrangements with Private and Voluntary Providers and the financial implications which were explained fully in the presentation which accompanied the report. Members discussed the proposals and noted the challenges particularly in more rural areas. The importance of the Quality Improvement Framework to monitor standards of both Council and private service providers was also noted.

## **DECISION**

**AGREED** to the next steps of the redesign of ELCC provision which included introducing a revised staffing model following consultation with staff, development of a pilot phase of full year/full day ELCC and establishing a new procurement framework for private and voluntary sector providers with an enhanced engagement and consultation process.

## **SCHOOLS ESTATES STRATEGY**

4. The Chairman advised that this item had been withdrawn from the Agenda.

## **DECISION NOTED.**

## **EARLSTON DEVELOPMENT – COMPLEX NEEDS**

5. The Chairman advised that this item had been withdrawn from the Agenda.

## **DECISION NOTED.**

## **ASYMMETRIC WEEK**

6. With reference to paragraph 3 of the Minute of 20 January 2015, there was a presentation to update Members on the impact of introduction of the Asymmetric week. Mrs Brady, Headteacher, Edenside Primary School was present to give the Primary School perspective. Mrs Brady reported that the move to an asymmetric week had been very positive. The Young Learners were very aware that a Friday morning was business as usual although they finished at lunch time. A Friday afternoon allowed time to meet with Teachers and Health Visitors to discuss particular issues and in Edenside Primary School there were staff meetings on a Wednesday Evening and a Friday afternoon, although not all schools were the same. Things were not perfect and there remained childcare concerns. In response to questions Mrs Brady advised that children were very adaptable and managed change more easily. A change to the days on which in-service training was being delivered would be discussed with Parent Councils and if supported, would be moved forward.
7. Mrs Burgon, Headteacher – Selkirk High and Ms Strong, Headteacher – Earlston High School were present to report on the impact of the Asymmetric week from the Secondary Schools perspective. The move had resulted in a larger choice of curriculum, opportunities for senior students to access work based learning and CPD opportunities for Staff. There remained challenges including communication with students following removal of a daily registration class, accessing activities on Friday afternoons due to transport issues and the opportunity to hold meetings during lunchtime due to the shorter break. Members noted that initial fears had been largely unfounded but some concerns were raised regarding the length of time before children leaving home early in the morning to catch a bus had to wait for the lunch break and a lack of evidence that more activities were being taken up.

## **DECISION NOTED the presentation.**

The Education Business concluded at 11.55 a.m. and there followed a short adjournment.

## **OTHER PUBLIC BUSINESS**

### **CHAIRMAN**

On the resumption of the meeting and in the absence of Councillor Parker, Councillor Bhatia took the Chair for the remaining business.

### **MINUTE**

8. The Minute of meeting of the Executive Committee of 12 May 2015 had been circulated.

## **DECISION**

**APPROVED for signature by the Chairman.**

### **ORDER OF BUSINESS**

9. 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.

### **MANAGEMENT OF THE INDUSTRIAL AND COMMERCIAL PROPERTY ESTATE – POLICY UPDATE**

10. There had been circulated copies of a joint report by the Service Director Strategy & Policy and Service Director Commercial Services which set out the current position with respect to the management of the Council's industrial and commercial properties. The report highlighted properties which were not considered fit to let, and proposed solutions. The report went on to recommend a policy change to enable the sale of commercial properties at market value in special circumstances. The report set out the background to the establishment of the Council's commercial estate and considered occupancies and vacancies. Appendix 1 to the report detailed those properties which were either unfit or unsuitable to let for commercial purposes, the underlying reasons for this, and the future plans for them. The report further explained that an issue had also arisen in which some commercial property sales had encountered difficulty because the higher capital value to the Council of the future rental income stream of the property was considerably in excess of its market value. The report recommended introducing greater flexibility into the existing policy to enable sales to go ahead at market value in circumstances where the economic development advantages arising through disposal were objectively considered to outweigh the financial loss to the Council. The report also noted the need to plan for the long term sustainability of the estate. Some concern was expressed by Members regarding the lack of a specific maintenance budget for commercial property and suggested that this might be considered as part of the next budget process

## **DECISION**

- (a) **NOTED the future plans for commercial buildings which were either unsuitable or unfit to let, as set out in Appendix 1 to the report.**
- (b) **AGREED:-**
- (i) **the proposed amendments to the 2010 Policy for the Sale of Council premises, to delegate to the Service Director Commercial Services, the Chief Financial Officer and Chief Officer Economic Development the power to authorise the sale of commercial buildings, let to existing tenants, at market value instead of the higher capital value of the rental income stream to the Council, where there is an over-riding economic development reason for doing so, as set out in Appendix 2 to the report.**
- (ii) **that consideration be given to the investment needs of the industrial and commercial property estate in the annual roll forward of future Capital Programmes, particularly with regard to the application of grant funding.**

## **MEMBER**

Councillor Bell left the meeting.

### **FORMALISATION OF PROCESS FOR APPOINTMENTS TO PANEL OF CURATORS AD LITEM**

11. There had been circulated copies of a report by the Service Director Regulatory Services

which explained the current legal requirement placed on the Council to establish a panel of Curators ad Litem in the area and review panel membership on a regular basis and set out a proposal to adopt a formal procedure for this going forward. The report further explained that in terms of The Curators ad Litem and Reporting Officers (Panel) (Scotland) 2001 Regulations, the Council currently had in place a Panel of Curators ad Litem and were appointed following consultation with the Sheriff Principal. The Panel required to be reviewed and updated during the period not exceeding three years. Whilst there was no requirement in legislation to have a formal procedure in place for recruitment of appointees, in order to ensure the high quality of the Panel was maintained and to have consistent processes in place, it was proposed that it was necessary for such a policy to be developed. The report set out proposals to ensure that the process was clear and open. There had been interest in how the Council fulfilled its duties under the regulations and it was proposed the Council agree to delegate authority to the Service Director Regulatory Services to determine and administer the policy detailing such matters as the recruitment and the criteria required to be met by appointees to the panel. The Council were required to meet the fees of persons appointed as Curators from that Panel by the Courts and the Budget was set annually and managed by Legal and Licensing Services, albeit that the Council had no input in the individual case by case appointments made by the court. The Service Director asked that a further recommendation be added to allow the Sheriff Principal to be formally consulted on this procedure and this was agreed.

#### DECISION

##### **AGREED:-**

- (a) that the Council delegate authority to the Service Director Regulatory Services to take forward the procedure in line with the process outlined in Appendix 1 to the report;**
- (b) to amend the Scheme of Delegation accordingly by inserting the following “To determine and administer the policy regarding the recruitment and appointment and review of appointees to the Panel of Curators ad Litem.”; and**
- (c) to consult with the Sheriff Principal.**

#### **SENIOR INFORMATION RISK OWNER’S ANNUAL REPORT**

12. There had been circulated copies of a report by the Service Director Regulatory Services which provided the Executive Committee with a summary of information governance measures taken by both the Council’s Information management team and the Information Governance Group in 2014/15. The report contained an assessment of the Council’s compliance with the Data Protection Act 1998; a description of the Information Governance Group’s activities in 2015; and a self-assessment on behalf of the Group on its effectiveness in meeting its objectives. Following reassignment of the Information management function to Regulatory Services, the Council had commenced a programme of updating and improving records management, Freedom of Information (FOI) and Data Protection processes. The Council’s Information management team had identified a number of measures intended to further improve the Council’s compliance with Data Protection requirements including the introduction of new policies and procedures and the development of additional training. In order both to support delivery of the Council’s information management function, and to ensure that there was appropriate scrutiny of all proposed Data Protection and FOI measures, the Information Governance group had been revitalised. The Senior Information Risk Owner (SIRO) considered that at present the group was effectively meeting its objectives.

#### DECISION

**NOTED the content of the report which addressed previous internal audit recommendations to report on compliance with the Data Protection Act as part of the Council’s annual governance review and to further improve information management practices.**

### **RETAINING WALL REPAIR AT A72 NEIDPATH CASTLE, PEEBLES**

13. There had been circulated copies of a report by the Service Director Commercial Services on the position regarding the section of roadside retaining/parapet wall which had developed a significant lean at Neidpath Castle. The report explained that early in 2015, officers were alerted that a section of the retaining/parapet wall adjacent to the A72 at Neidpath Castle had a significant lean to the vertical. The initial on site assessment concluded that the wall was in imminent danger of collapse and that this would have an impact on the adjacent carriageway, which although minimal, required the westbound lane of the A72 to be closed off on the grounds of safety. Temporary traffic lights had been in position to keep traffic off the westbound lane of the A72 in the meantime. Since that time a more detailed assessment of the location had been carried, during which no instability of the slope below the wall was observed and the appearance of the wall lean indicated that it was as a result of a structural wall failure as opposed to a slope failure. This observation was further supported in the report prepared by Consultant AECOM which was carried out for the council in February 2011. The site assessment had allowed a mass concrete retaining structure with a masonry faced parapet wall to be designed for the repair and it was anticipated that the majority of the facing stone could be recovered from the existing wall when it was taken down. The section of wall requiring repair extends to 55 linear metres and was estimated to cost £150,000 to repair. Members commented on the scheme in the following years budget to provide traffic lights at this location and asked that further investigation into the feasibility of combining the two schemes be carried out.

### **DECISION**

**AGREED**, in principle that the construction work associated with the rebuilding of the wall failure on the A72 at Neidpath Castle be funded from the allocation of Emergency and Unplanned work in the current financial year's Capital Programme, subject to investigations into the feasibility of bringing forward the scheme to provide traffic lights at this location to allow the works to be carried out at the same time.

### **SUMMARY OF PRIVATE BUSINESS**

#### **New Kelso High School**

1. The Committee approved a report on the New Kelso High School.

**The meeting concluded at 1.15 p.m.**