

# **SCOTTISH BORDERS COUNCIL**

MINUTES of Meeting of the SCOTTISH COUNCIL held in Council Chamber, Council headquarters, Newtown St. Boswells on Thursday, 25 June, 2015 at 10.00 am

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- Present:- Councillors G H T Garvie (Convener), S. Aitchison, W. Archibald, M Ballantyne, S Bell, J Campbell, M J Cook, A Cranston, V Davidson, G Edgar, I Gillespie, J Greenwell, B Herd, G Logan, S Marshall, W McAteer, J G Mitchell, D Moffat, S Mountford, A J Nicol, D Parker (from para 10), D Paterson, F Renton, R Smith, R Stewart, J Torrance, G Turnbull, T Weatherston and B White
- Apologies:- Councillors J Brown, C Bhatia, K Cockburn, J A Fullarton and S Scott
- In Attendance:- Chief Executive, Depute Chief Executive (Place), Corporate Transformation and Services Director, Chief Financial Officer, Service Director Regulatory Services, Service Director Commercial Services, Service Director Neighbourhood Services, Democratic Services Team Leader.

## **1. CONVENER'S REMARKS**

- 1.1 The Convener announced that inspectors had awarded Wheatlands Children and Young People's Unit the highest possible gradings for the residential care they provided in the Borders to young people aged 12-18. This followed an unannounced inspection by the Care Inspectorate in April of this year. The home was also named Residential Team of the Year by the Scottish Institute of Residential Care at a prestigious award ceremony in Glasgow on 9 June. The Convener presented the Award and certificate and congratulated the following staff who made up the team:- Andrew Parker (Manager), David Hermiston, Gail Nelson, Stella Wild, Keith Potts and Pete Cowan.
- 1.2 Scottish Borders Council had been named the only Scottish winner at the prestigious UK-wide MJ Awards. The Council won the Innovation in Procurement Award for a project that put people with learning difficulties at the heart of the procurement exercise and brought co-production into the process. The team of Lynn Crombie, Kathryn Dickson and Vivienne Kennedy were congratulated by the Convener, who also presented their award.
- 1.3 The Convener was pleased to advise that Chief Financial Officer, David Robertson, had recently been appointed Chairman of the Chartered Institute of Public Finance and Accountancy (CIPFA) in Scotland. The Branch, which had over 1,100 professional members and accountancy trainees, would be 110 years old in 2016.

## **DECISION**

**AGREED to congratulate the above members of staff for their achievements.**

## **2. MINUTE**

- 2.1 The Minute of the Meeting held on 21 May 2015 was considered.

## **DECISION**

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

2.2 With reference to paragraph 15 of the Minute of 21 May 2015, there had been circulated copies of a letter dated 28 May 2015 from the Chief Executive to the Local Government Boundary Commission for Scotland, setting out the Council's response, agreed at the meeting on 21 May 2015, to the Commission's proposals. The letter also referred to discussion on the historical significance of the Hornshole Memorial Site to the people of Hawick. Subsequent to the Council meeting and following investigation by officers a change to the boundary was suggested which would result in the site being included within the proposed new Hawick and District Ward. This would impact only about 10 electors. This amendment had received unanimous support from all Councillors informally but this required formal Council approval.

**DECISION**

**AGREED the amendment to the submission to the Local Government Boundary Commission, to include the Hornshole Memorial Site in the proposed new Hawick and District Ward.**

3. **COMMITTEE MINUTES**

The Minutes of the following Committees had been circulated:-

Cheviot Area Forum	1 April 2015
Lauder Common Good Fund	30 April 2015
Audit & Risk	11 May 2015
Hawick Common Good Fund	13 May 2015
Eildon Area Forum	14 May 2015
Teviot & Liddesdale Area Forum	19 May 2015
Hawick Common Good Fund	26 May 2015
Executive (Education Theme)	26 May 2015
Peebles Common Good Fund	27 May 2015
Tweeddale Area Forum	27 May 2015
Scrutiny	28 May 2015
Planning & Building Standards	1 June 2015
Kelso Common Good Fund	3 June 2015
Jedburgh Common Good Fund	3 June 2015
Berwickshire Area Forum	4 June 2015
Executive (Finance/Performance Theme)	9 June 2015
Galashiels Common Good Fund	9 June 2015
Selkirk Common Good Fund	10 June 2015

**DECISION**

**APPROVED the Minutes listed above.**

4. **OPEN QUESTIONS**

There were no open questions.

**DECISION**

**NOTED**

5. **POLICE SCOTLAND**

Assistant Chief Constable Kate Thomson introduced herself and advised that, rather than giving a presentation, she was in attendance to listen to Councillors, answer questions and to take back issues raised. Concern was expressed by Councillors relating to parking problems in towns following the withdrawal of the traffic warden service. The Assistant Chief Constable indicated that she understood the frustration brought about by the change in circumstances. She advised that it would often be local people who caused the

challenges. However dialogue was taking place with the Divisional Commander to look at the most effective way of dealing with this. In response to questions relating to solvency rates, priorities and the Strategic Plan, Assistant Chief Constable Thomson advised that resources had to be prioritised according to seriousness. It was important that Police Scotland maintained a level of consistency but also flexibility to meet local needs. With regard to Local Plans, Police would link with the Community Planning Partnership and Single Outcome Agreement to ensure a localised service. Discussion continued on the 101 service, with Councillors expressing some concern about speed of response and the ability to accurately identify geographical locations where incidents had been reported. In response, Members were advised that the service was improving and that work was constantly being carried out to improve the associated technology. Assistant Chief Constable Thomson was thanked for her attendance.

**DECISION  
NOTED**

6. **BORDERS SPORT & LEISURE TRUST**

In attendance to give a presentation on Borders Sport and Leisure Trust (BSLT) were Chairman, Peter Duncan and Chief Executive Officer, Ewan Jackson. In his introduction Mr Duncan commented that he was appreciative of the partnership with Scottish Borders Council, over the past 11 years. As Chairman he would oversee and develop that relationship and also develop the health and economic impacts of BSLT which he believed could be significant. Summarised within the presentation was the performance of BSLT between 2012 and 2015; the impact, in terms of the numbers of members and casual users broken down into Ward areas; and the vision for the Scottish Borders which was to improve lives through physical activity, sport and leisure. Mr Jackson advised that, from an equality perspective there was a full spread of membership across the Borders. He referred to a recent levelling of participation levels and the increased competition with other facilities which included a growth in home gym activity. The ensuing discussion focused on the need for effective communication in local areas to promote the facilities and services offered by BSLT. Mr Jackson advised that as part of the communications plan, presentations had recently been given to all Area Fora and it was planned to do this on an annual basis. A key objective for BSLT was to achieve 1.3 million visits per year by 2019. The presentation noted that, in terms of performance, all the strategic outcomes had been met apart from the objective to increase participation in aquatic activity. Mr Jackson advised that the 2% decrease in swimming participation reflected the UK downturn. He answered questions from Members relating to pool opening hours and the participation targets that had been set for the forthcoming period. The Convener thanked Mr Duncan and Mr Jackson for their attendance.

**DECISION  
NOTED the presentation**

7. **INTEGRATED CULTURE AND SPORT TRUST FEASIBILITY**

With reference to paragraph 16 of the Minute of 19 February 2015, there had been circulated copies of a report by the Corporate Transformation and Services Director informing Council of the progress of dialogue with Borders Sport and Leisure Trust (BSLT) on the feasibility of an Integrated Culture and Sport Trust and to inform Members of the next steps. The report advised that a Joint Officer Working Group had been formed and met regularly. Managers from SBC and BSLT had taken part in a workshop to consider the potential benefits of integration. These benefits were listed within the report which also detailed the progress on the joint work. Evidence would be gathered and presented in a feasibility report to Council in October. A Reference Group made up of elected Members and BSLT Trustees had been formed. This group would be meeting monthly to review proposals made by the Joint Officer Working Group. The Corporate Transformation and Services Director reported that although this was work in progress there had been an immediate sense of optimism in the joint discussions.

## **DECISION**

**NOTED the progress made in dialogue on an Integrated Culture and Sport Trust.**

### **8. AMBITIOUS FOR THE BORDERS**

There had been circulated copies of the document 'Ambitious for The Borders 2015' which set out the second partnership agreement for the programme of local government that had been agreed by the Independent, Scottish National Party and Liberal Democrat members of Scottish Borders Council's Administration. The first 'Ambitious for the Borders' agreement was published in 2012 and a review in June 2014 showed that just over 70% of the commitments made had either been achieved fully or significant progress had been made. Key to the ambition was building on the Council's Corporate Plan commitment to 'maintaining and improving our high quality environment'. The parties that made up the agreement stated that they would ensure that sustainable economic development remained their top priority; they would work to make the Scottish Borders one of Britain's premier destinations for outdoor activities both sporting and leisure; and would work to maintain and improve quality of life for all residents. The Executive Member for Economic Development drew attention in particular to the commitment to young people within the agreement, as outlined in the document.

## **DECISION**

**NOTED the 'Ambitious for the Borders 2015' partnership agreement.**

### **9. SESPLAN MAIN ISSUES REPORT**

There had been circulated copies of a report by the Service Director Regulatory Services seeking ratification of the SESplan Main Issues Report and associated documentation. The report explained that the SESplan Main Issues Report 2 (MIR2) was the consultative document prior to the preparation of the SESplan Proposed Plan. It set out the preferred and alternative approaches for public comment in relation to matters including the SESplan Vision and Strategy, business, communities, connectivity and delivery. The SESplan MIR2 was approved by the SESplan Committee on 29 May 2015 for public consultation, along with supporting documents relating to the monitoring statement, the interim environmental report and the equalities and human rights impact assessment. Scottish Borders Council was represented on the SESplan Committee by the Executive Members for Economic Development and Planning and Environment. The MIR2 and associated documents were now being presented to each of the six councils that made up the SESplan authority for their ratification. Executive Member for Economic Development referred in particular to the options identified in respect of the Strategic Development Plan 2 (SDP2) spatial strategy for Edinburgh and South East Scotland, the key strategic issue relating to future provision of land for housing. The latest assessment of housing need and demand highlighted a significant unmet demand for housing generated by the city. The central issue for SDP2 was therefore the degree to which Edinburgh could or should accommodate its own development needs. The preferred option for the Borders would be 'Growth Corridors' which would focus on the city with additional growth close to Edinburgh's urban area and along corridors with good public transport access. The demand for affordable housing presented a serious challenge to the construction industry. The Executive Member for HR and Corporate Improvement referred to balancing pressures within the spatial strategy and made a plea that sufficient weight be given to protecting the environment when the demand for housing land was being considered.

## **DECISION**

**(a) AGREED:-**

- (i) to ratify the decision of the SESplan Joint Committee at its meeting on 29 May 2015 to approve the Main Issues Report 2 and the supporting Monitoring Statement, Interim Environmental Report and Equalities and Human Rights Impact Assessment for public consultation; and**

- (ii) **that minor editorial changes on a non-policy nature to Main Issues Report 2 and the supporting documents be delegated to the SDP Manager in consultation with the Head of Planning, SESplan Project Board Chair and Joint Committee Convener.**

**(b) NOTED:-**

- (i) **the proposals for engagement and consultation on Main Issues Report 2 and the supporting documents considered by the SESplan Joint Committee on 29 May 2015; and**
- (ii) **the accompanying background documents on spatial strategy, economy, minerals, waste, housing land and green networks.**

**DECLARATION OF INTEREST**

Councillor Cranston declared an interest in the following item of the agenda in terms of Section 5 of the Councillors Code of Conduct and left the Chamber.

**10. WASTE MANAGEMENT PLAN**

With reference to paragraph 3 of the private Minute of 19 February 2015, there had been circulated copies of a report by the Service Director Neighbourhood Services outlining the approach to developing a new Waste Management Plan following the Council's decision to terminate the Waste Treatment Contract with New Earth Solutions in February 2015. The report explained that over the last decade Scottish waste policy, regulations and targets had changed and evolved, and this continued to be the case. This had made short, medium and long term decision making in relation to Waste Management extremely challenging for the Council. The development of a Waste Management Plan would be governed and managed as a Corporate Transformation project, the performance of which would be regularly reported to the Executive Committee. Integral to the project was the establishment of a Member-Officer Reference Group adopting the practice followed for the establishment of SBC Cares to test proposals and provide advice and feedback throughout the development of the Waste Management Plan. The report went on to give a summary of the development approach to a new Waste Management Plan and the key tasks already undertaken. The proposed Terms of Reference for the Member-Officer Reference Group were included in an appendix to the report. Further appendices detailed the Scottish Government's Zero Waste Plan, the Waste (Scotland) Regulations 2012 and the key European and National Waste Targets. In commenting on the report the Executive Member for Environmental Services nominated Councillors Edgar, Campbell, Garvie, Mountford and Paterson to join the Member-Officer Reference Group and this was unanimously approved.

**DECISION**

**AGREED:-**

- (a) **the approach to developing a new Waste Management Plan as outlined in the report;**
- (b) **that a Member-Officer Reference Group be created for the duration of the project and development of the new Waste Management Plan; and**
- (c) **that Councillors Edgar, Campbell, Garvie, Mountford and Paterson represent elected Members on the Member-Officer Reference Group.**

**MEMBER**

Councillor Parker joined the meeting during consideration of the above item.

**11. ADDING VALUE TO COMMUNITIES THROUGH PROCUREMENT**

With reference to paragraph 7 of the Minute of 27 March 2014, there had been circulated copies of a joint report by the Chief Financial Officer and Service Director Strategy and Policy seeking approval to fully adopt the Adding Value to Communities through Procurement Policy. The report referred to the approval by Council in March 2014 of the implementation of the new policy for a pilot period of 12 months from 1 April 2014. The policy was included as an appendix to the report. The Scottish Borders Community Planning Partnership Single Outcome Agreement and the Scottish Borders Council Corporate Plan provided clear strategic direction for driving added value considerations. To fully maximise the specific outcomes, benefits and expectations for the Scottish Borders a cross-departmental Community Benefit Policy Group (CBPG) had directed the successful implementation of the policy. The policy had already added value to a number of contracts and case studies had been developed to highlight particular achievements delivered during the pilot period. Three case studies were attached as appendices to the report which reflected the variety of community benefits already realised from the policy and related procurement activity. Members welcomed the positive report. Councillor Davidson expressed concern around the trade framework relating to the requirement that the Council would only employ contractors who were fully accredited members of Constructionline which she believed had already resulted in a reduction in the number of contractors on the Council's list. She proposed an additional recommendation requesting that this requirement within the procurement framework be revisited by officers and a report be brought back to the next Executive Committee meeting. It was pointed out that the Council's Control of Contractors Policy had been recently fully debated within the Scrutiny Committee and that Constructionline was a valuable tool which, among other benefits, ensured compliance of contractors with Health and Safety requirements. Councillor Cook subsequently proposed that officers be requested to provide a report at the next Executive Committee meeting on the Constructionline requirement within the Procurement Framework and this was agreed.

**DECISION  
AGREED:-**

- (a) to endorse the progress to date achieving Added Value through Procurement;**
- (b) the permanent adoption of the Adding Value to Communities through Procurement Policy;**
- (c) to note that the post status of the Community Benefit Co-ordinator would move from temporary to permanent;**
- (d) that performance would be monitored by the Executive Committee on an annual basis, as part of the Corporate Performance report; and**
- (e) to request officers to report back to the next Executive Committee on the Constructionline requirement within the procurement framework.**

12. **ICT REVIEW**

With reference to paragraph 5 of the private Minute of 2 April 2015, there had been circulated copies of a report by the Corporate Transformation and Services Director presenting an update on the work completed since Council considered the outcome of a review of Council IT Services and made recommendations in respect of both the ICT Strategy and resourcing. The work completed had focussed on the planning of what was required to complete a report that contained all the relevant information for Council on 8 October 2015. There were three key strands to the work currently being undertaken: implementing the new Corporate Governance structure for ICT and a restructure of the management of ICT; development of a detailed implementation plan for the ICT Strategy that would be led by the new interim Lead Officer ICT with input from all current ICT employees; and considering the implications of the current procurement exercise being

undertaken by the City of Edinburgh Council. The Corporate Transformation and Services Director highlighted the main points of the report which set out the core work undertaken in relation to each strand and the anticipated work in the period to October. He referred in particular to initial staff workshops which had already taken place to identify areas of greatest priority and a series of additional workshops undertaken to consider each priority area in detail. Members discussed the report and received clarification on certain points.

## **DECISION**

- (a) **NOTED the content of the report.**
- (b) **AGREED that a further report be presented to Council for consideration no later than 8 October 2015.**

### 13. **MEMBERS' EXPENSES**

With reference to paragraph 19 of the Minute of 26 June 2014, there had been circulated copies of a report by the Chief Executive seeking approval for the information on allowances paid to Members during 2014/15 to be published on the Council's website to meet the publicity requirements of the Local Government (Allowances and Expenses) (Scotland) Regulations 2007. Appendix 1 to the report detailed the remuneration and expenses paid to all Councillors in 2014/15 and Appendix 2 detailed attendance at training events and conferences. Overall these payments totalled £757,172.75 compared with a total of £752,385.43 in 2013/14.

## **DECISION**

**NOTED that the information contained in the appendices to the report had been published on the Council's website in order to meet the publicity requirements of the Local Government (Allowances and Expenses) (Scotland) Regulations 2007.**

## **MEMBER**

Councillor Marshall left the meeting.

### 14. **COUNCIL POLICY ON FLAG FLYING**

There had been circulated copies of a report by the Depute Chief Executive Place presenting a set of proposals for Council to consider with regards to developing a revised Flag protocol for Scottish Borders Council which met the requirements of the Equality Act 2010 and provided a modern approach reflecting today's society. The report explained that, following a significant number of enquiries and requests to fly alternative flags, the Convener requested that the Chief Executive undertake a review of the current Flag Flying protocol. A small Working Group of Council Officers, set up to review the current protocol, identified four options available for Members to consider, as detailed in the report. The estimated cost of each option was also provided. In this regard the Convener advised that the estimated initial cost of Option 3 of £4,000 had been revised to £2,500. It was noted that the flying of flags was not the subject of statute in England, Wales or Scotland and that in Scotland this was a matter for the Devolved Administration. Appendices to the report detailed the Council's current protocol and the Scottish Government Flag Flying Guidance issued in January 2013. Members discussed at length the four options set out within the report, with the majority favouring either Option 2 or 3. Option 2 was to modify the current protocol to take account of the guidance and practices from the UK Government and the precedent set by the Scottish Government by adopting a protocol for flying other flags. This would see the flags which promote equality and diversity within the policy. Option 3 was as Option 2 but with three ground level flagpoles located at the front of Council HQ replacing the single flagpole on the tower of the Council Headquarters to allow additional flags to be flown more regularly. A further view was expressed by some Members that the European Union flag should be displayed in the Council Chamber with the Union Flag. Councillor Edgar referred to the fact that flag flying could be a divisive issue. He moved that Option 4 be adopted which was for no flags to

be flown on Council buildings. He pointed out that this was also the most cost effective option. However his motion was not seconded.

### VOTES

*Councillor Moffat and seconded by Councillor Bell moved that, regardless of which option was finally approved, the Flag Flying Policy be amended to include the Gateway Centre, Coldstream as a building on which a flag was flown on a daily basis given that Coldstream was a gateway town for the Scottish Borders.*

*On a show of hands Members voted on this amendment as follows:*

*For – 8 votes*

*Against – 15 votes*

*The amendment accordingly fell.*

*Councillor Aitchison, seconded by Councillor Garvie, moved that Option 3 be adopted as recommended in the report.*

*Councillor Archibald, seconded by Councillor Paterson, moved as an amendment that Option 2 be adopted and that the European Union flag be displayed in the Council Chamber.*

*On a show of hands Members voted as follows:-*

*Motion - 16 votes*

*Amendment – 9 votes*

*The motion was accordingly carried and Option 3 adopted.*

### **DECISION**

**DECIDED**, subject to a suitable location being agreed, to adopt Option 3 and to:

- (a) amend and update the current protocol to take account of the guidance and practices from the UK Government and the precedent set by the Scottish Government by adopting a protocol for flying other flags; and
- (b) to locate 3 ground level flagpoles at the front of Council Headquarters replacing the single flag flown at the top of the tower.

### **ADJOURNMENT**

Following the above item the meeting was adjourned until 12.45 pm.

### **MEMBER**

Councillor Greenwell did not return to the meeting.

## 15. **ITEMS 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 Appendix I to this Minute on the grounds that it involved the likely disclosure of

exempt information as defined in Paragraphs 2, 6, 8, 9, 10 and 13 of Part I of Schedule 7A to the Act.

### **SUMMARY OF PRIVATE BUSINESS**

16. **MINUTE**  
The private section of the Council Minute of 21 May 2015 was approved
17. **COMMITTEE MINUTES**  
The private sections of the Committee Minutes as detailed in paragraph 3 of this Minute were approved.
18. **BORDERS RAILWAY - MAXIMISING THE IMPACT: BUS CONNECTIVITY**  
Members approved a joint report by the Corporate Transformation and Services Director, Service Director Strategy and Policy and Service Director Commercial Services.
19. **GALASHIELS TRANSPORT INTERCHANGE - CPO NEGOTIATIONS/OPERATING MODEL**  
Members approved two reports by the Depute Chief Executive Place on the Galashiels Transport Interchange in respect of Compulsory Purchase negotiations and the Operating Model.
20. **DUNS PRIMARY SCHOOL AND LOCALITY SUPPORT CENTRE**  
Members approved a report by the Service Director Commercial Services.

*The meeting concluded at 1.15 p.m.*