

# Public Document Pack

## SCOTTISH BORDERS COUNCIL

MINUTE of Meeting of the SCOTTISH BORDERS COUNCIL held in the Council Chamber, Council Headquarters, Newtown St. Boswells on Thursday, 2 April, 2015 at 10.00 am

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Present:- Councillors G H T Garvie (Convener), J Brown (Vice Convener), S. Aitchison, M Ballantyne, S Bell, C Bhatia, K Cockburn, M J Cook, A Cranston, V Davidson, G Edgar, J A Fullarton, I Gillespie, J Greenwell, B Herd, G Logan, S Marshall, W McAteer, J G Mitchell, A J Nicol, D Parker, D Paterson, F Renton, S Scott, R Smith, R Stewart, J Torrance, G Turnbull, T Weatherston and B White

Apologies:- Councillors W. Archibald, J Campbell, D Moffat and S Mountford

In Attendance:- Chief Executive, Depute Chief Executive (People), Depute Chief Executive (Place), Corporate Transformation and Services Director, Chief Financial Officer, Joint Director of Public Health, Service Director Regulatory Services, Clerk to the Council.

### 1. OPENING REMARKS

On behalf of Council, the Executive Member for Social Work, Councillor Renton, welcomed back the Convener following his period of ill health. Councillor Renton went on to confirm that the organisation SBCares had been successfully launched on 1 April 2015. She commented on this significant step in respect of the future provision of care across the Borders, recognised the extensive work which had taken place to set this up and thanked staff for embracing the change, wishing them well for the future.

### **DECISION NOTED**

### 2. ORDER OF BUSINESS

The Convener advised that items 9(e) and 19 - Galashiels Transport Interchange, had been withdrawn from the agenda.

### 3. MINUTES

The Minutes of the Meetings held on 12 February 2015 and 19 February 2015 were considered.

### **DECISION**

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

### 4. COMMITTEE MINUTES

The Minutes of the following Committees had been circulated:-

Health & Social Care Integration	
Shadow Board	8 December 2015
Kelso Common Good Fund	4 February 2015
Jedburgh Common Good Fund	4 February 2015
Cheviot Area Forum	4 February 2015
Police, Fire & Rescue and	

Safer Communities Board	13 February 2015
Local Review Body	16 February 2015
Hawick Common Good Fund	17 February 2015
Teviot & Liddesdale Area Forum	17 February 2015
Selkirk Common Good Fund	18 February 2015
Galashiels Common Good Fund	19 February 2015
Eildon Area Forum	19 February 2015
Executive (Finance)	24 February 2015
Lauder Common Good Fund	24 February 2015
Scrutiny	26 February 2015
Planning & Building Standards	2 March 2015
Peebles Common Good Fund	4 March 2015
Pension Fund	5 March 2015
Community Planning Strategic Board	5 March 2015
Duns Common Good Fund	5 March 2015
Berwickshire Area Forum	5 March 2015
Executive (Performance)	10 March 2015
Selkirk Common Good Fund	10 March 2015
Local Review Body	16 March 2015
Teviot & Liddesdale Area Forum	17 March 2015

**DECISION**

**APPROVED the Minutes listed above.**

5. **OPEN QUESTIONS**

The questions submitted by Councillors Gillespie, Logan and Cockburn were answered.

**DECISION**

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

6. **LOCAL DEVELOPMENT PLAN: DEVELOPMENT PLAN SCHEME NO. 7**

With reference to paragraph 5 of the Minute of 24 April 2014, there had been circulated copies of a report by the Service Director Regulatory Services seeking approval of the annual update of the Development Plan Scheme. The report explained that publishing a Development Plan Scheme at least annually was a statutory duty. This had to include a participation statement setting out how, when and with whom the Council would consult on the various Local Development Plan stages. The proposed Development Plan scheme No 7, included as an appendix to the report, had been prepared to provide information on the development plan process. It set out the latest position on the Council's development plans. Members were supportive of the proposed Development Plan Scheme as detailed in the appendix to the report. However, in discussion of the process it was noted that there could be a degree of confusion for the public if consultations relating to the Local Development Plan and the Strategic Development Plan, produced by SESplan, were not synchronised. It was proposed that in future SESplan should investigate the process relating to the preparation of the Strategic Development Plan, looking to build a relationship between the Structure Plan and all local Development Plans.

**DECISION**

**AGREED:-**

- (a) **to approve the proposed Development Plan Scheme No 7, as detailed in the Appendix to the report, for publication, deposit and copying to Scottish Ministers;**
- (b) **that the Development Plan Scheme be reviewed and published at least annually;**

- (c) to authorise the Service Director Regulatory Services to make any necessary minor editing and design changes to the Development Plan Scheme prior to publishing it; and
- (d) that representations be made through Scottish Government to synchronise in future the preparation of the SESplan Strategic Development Plan with all local Development Plans.

#### 7.1 **BORDERS RAILWAY - PRESENTATION BY ABELLIO**

The Corporate Transformation and Services Director introduced Mike Kean, Michael Connelly and Nesta Gilliland from Abellio, who were in attendance to give a presentation to Members; Abellio having taken over the Scotrail Franchise from 1 April 2015. Mr Kean explained that the presentation would focus on proposals the company had for the Borders railway in the short and long term. He confirmed that the Borders railway had been included in the 'Great Scenic Routes of Scotland'. Within that category the journey occupied a unique niche in its accessibility in that a trip from the central belt into the Borders could be carried out as a day trip. Abellio had appointed an economic development officer to look at the marketing of the line and the associated area and attractions. The presentation went on to look at some of the detailed proposals which related to the railway being both a tourist and commuter route. It was confirmed the Borders railway would be part of the national rail network and as such would be fully integrated with the Scotrail website for online booking. In response to questions about connectivity of the railway Mr Kean confirmed that once the train service was in place priority would be given to setting up feeder buses to link the railway with other parts of the Borders, with the use of a single ticket. Ms Gilliland gave further details about development of the tourist aspects over the first two years of the service which would include upgrading of the trains including moving seats to have uninterrupted views from windows and improving catering facilities. Staff on the train would also be trained to interact with passengers in the capacity of guides to the Borders area. Abellio would work with communities and put together a calendar of local events to draw in the cultural heritage of the area; there would be a travelling classroom and Abellio would work with local schools on the content of that, to foster the view amongst young people that the railway was theirs. In response to further questions about how cyclists would be catered for and the promotion of cycling in the area, Mr Kean advised that the current capacity was 2 cycles per train but that attention would be given to increasing capacity to carry more cycles on off-peak services. Abellio would also be involved in promoting cheap cycle rental facilities in the area. Discussion continued about the ambitions to extend the railway to Hawick and eventually to Carlisle. Mr Kean advised that the initial focus was to make the railway to Tweedbank a success, but he recognised the long term goal. The Leader thanked the representatives for their attendance and wished them well in this exciting time, with the new rail line and the new franchise holder.

#### **DECISION**

**NOTED the presentation.**

#### 7.2 **THE BORDERS RAILWAY BLUEPRINT - DELIVERY OF ACTION PLAN**

There had been circulated copies of a report by the Corporate Transformation and Services Director providing an update on the work to date to deliver the Borders Railway Blueprint Action Plan. The 'Borders Railway Maximising the Impact: A Blueprint for the Future', attached as Annex 1 to the report, had been launched in November 2014. This aimed to maximise the economic benefits of the new Borders Railway connection by helping to stimulate the growth of businesses, generate employment and boost visitor numbers. The development of the Blueprint had been led by the Scottish Government in partnership with Scottish Enterprise, Transport Scotland, VisitScotland and City of Edinburgh, Midlothian and Scottish Borders Councils. The report explained that, since the launch, work had focused on developing the Action Plan, attached as Annex 2 to the report, to deliver the key investments and commitments made by partners in the Blueprint.

The Action Plan outlined project activity across three strategic themes: Great Places for Working and Investing, Great Communities for Living and learning, and Great Destinations to Visit. The report outlined the Blueprint governance structure, Action Plan projects and the Council's current contribution to the financial deal. The Executive Member for Economic Development referred to the unprecedented opportunities presented by the project and to the commitment made by Scottish Government and partners to jointly deliver this programme of projects which would result in a doubling of the financial investment from Scottish Borders Council. With reference to the Action Plan, in particular, officers answered questions about proposals relating to a Central Borders Business Park at Tweedside Park and Tweedbank Industrial Estate. Members referred to and welcomed the inclusion of work to scope out the feasibility for extension of the Borders Railway, within the Blueprint Themes and Projects, shown in Annex 3 to the report.

#### **DECISION**

- (a) NOTED the significant progress made in developing the Borders Railway Blueprint Action Plan.**
- (b) AGREED:-**
  - (i) to APPROVE the funding identified in Annex 2 to deliver the Action Plan; and**
  - (ii) that further reports on implementation of the Borders Railway Blueprint Action Plan would form part of the Executive Committee's regular monitoring of the Council's Corporate Transformation Plan.**

#### **7.3 THE SCOTTISH BORDERS WORK PLAN**

There had been circulated copies of a report by the Service Director Strategy and Policy setting out the local actions that would be delivered to ensure the area capitalised on the economic opportunities arising from the Borders Railway which would open in September 2015. The report referred to the Borders Railway Blueprint which had set a structure for the delivery of the strategic actions along the whole length of the railway corridor. The Scottish Borders Work Plan, detailed in Appendix 1 to the report, set out the local actions that also needed to be delivered before the railway opened, and in the medium and longer term. A wide range of actions were being taken forward, or being proposed. The Council wanted to ensure there was good connectivity to and from stations for all users. Actions were identified to ensure the success of the line through effective marketing to local residents. Ensuring local involvement in the opening celebrations was also a priority, as was new tourism product development. A longer term focus was also planned, to ensure appropriate assessment of future impacts and development needs. Finally, actions to spread the economic benefits of the railway were also set out. These local actions were a complement to the strategic actions contained in the Borders Railway Blueprint.

#### **DECISION**

- (a) NOTED and AGREED the actions contained in the Scottish Borders Work Plan detailed in Appendix 1 to the report; and**
- (b) AGREED that further reports on implementation of the Scottish Borders Work Plan would form part of the Executive Committee's regular quarterly monitoring of the Council's Corporate Transformation Plan.**

#### **7.4 THE BORDERS RAILWAY CELEBRATION FUND**

There had been circulated copies of a report by the Service Director Strategy and Policy proposing the creation of a Borders Railway Celebration Fund, an application based grant scheme providing small grants to a range of community groups and organisations from across the Borders. The report explained that the Borders Railway Celebration Fund would have the overall aim of encouraging people and communities, from all areas of the Scottish Borders, to come together to celebrate the historic return of the Borders Railway in September 2015. The Fund would encourage as many people as possible to get involved in the celebrations and would be open to all non-profit making voluntary and community organisations, Community Councils, schools, public bodies and places of worship. Typical awards under the Fund were expected to be for a few hundred pounds but grants up to a typical maximum of £2,500 would be considered for larger projects or for projects that created a lasting legacy of the return of the Borders Railway. The Fund would be open and flexible enough to accommodate a very wide range of project requests. Applications could be submitted to the fund, which opened on 2 April 2015, at any time up to 15 December 2015. Projects and activities were expected to be fully completed by 31 March 2016. A £50,000 budget was proposed and this was identified from the Police and Fire Reserves (Borders Railway) Budget. Members welcomed the proposal to set up the Borders Railway Celebration Fund and were particularly pleased to note the Borders-wide perspective to the Fund.

#### **DECISION**

#### **AGREED:-**

- (a) **the creation of the Borders Railway Celebration Fund;**
- (b) **a virement for 2015/16 only of £50,000 from the Police and Fire Reserves (Borders Railway) budget to the Strategic Policy Unit – BRDF Budget; and**
- (c) **that the decision making process for the Fund be fully delegated to the Service Director Strategy and Policy.**

#### **7.5 THE GALASHIELS TRANSPORT INTERCHANGE**

This report was withdrawn.

#### **ADJOURNMENT**

The Convener adjourned the meeting at 11.40 am for a 10 minute break.

#### **MEMBER**

Councillor Aitchison did not return to the meeting immediately after the break.

#### **8.1 INTEGRATION OF HEALTH AND SOCIAL CARE - DRAFT STRATEGIC PLAN**

With reference to paragraph 12 of the Minute of 18 December 2014, there had been circulated copies of a report by the Chief Officer, Health and Social Care Integration, which set out the documentation to be used for an initial engagement and consultation process for the Strategic Commissioning Plan, which would take place during April and May 2015. As required by the Public Bodies (Joint Working) (Scotland) Act 2014, the Strategic Commissioning Plan would lay out the health and social care priorities for the Borders within an integrated framework in which the Council would jointly use its resources with NHS Borders. It was proposed that the first draft of the Strategic Commissioning Plan, appended to the report, be used to generate the widest possible interest in engaging people in the early development of the Plan. The Joint Director of Public Health described the draft Strategic Plan as a living document for engagement and consultation which sought views, by 5 May 2015 to help inform a more detailed draft by mid- June. A further round of consultation would take place between 1 July and 22 September 2015 over the more detailed plan prior to a final plan being prepared in October 2015. Members welcomed the easy-read format of the draft document and expressed their hope for a high level of public engagement in the consultation.

## **DECISION**

**AGREED to APPROVE the Appendix to the report as the documentation to be used for the first phase of the joint engagement and consultation process in support of the creation of a Borders Strategic Commissioning Plan.**

### **8.2 INTEGRATION OF HEALTH AND SOCIAL CARE - SCHEME OF INTEGRATION AND MEMBERSHIP INTEGRATION JOINT BOARD**

With reference to paragraph 13 of the Minute of 18 December 2014, there had been circulated copies of a report by the Depute Chief Executive (People) updating Members on the progress made in the drafting of the Scheme of Integration and its submission to the Scottish Government. The report also sought amendments to the Health and Social Care Integration Joint Board within the Scheme of Administration, to reflect the Scheme of Integration. The Chief Officer, Health and Social Care Integration, explained that the final draft of the Scheme of Integration had now been submitted to Scottish Ministers. This was therefore attached as an appendix to the report for information only. She referred to changes incorporated since a recent review of Health Services. The draft would be appraised by the Scottish Government and there was likely to be a period of refinement in the light of feedback received. A final draft would be brought for consideration to Council once agreement had been reached with Scottish Ministers. It was further explained that, in order to assist the changeover from the Shadow Integration Joint Board to the full Integration Joint Board, it was proposed to amend the current Scheme of Administration to reflect the Scheme of Integration submitted to Scottish Ministers. Detailed in Appendix 2 to the report were the changes proposed to the existing Health and Social Care Shadow Integration Joint Board. Members asked that any amendments from Scottish Ministers be highlighted in the text when the document was brought back to the Council for consideration.

## **DECISION**

### **AGREED:-**

- (a) to NOTE the final Scheme of Integration, detailed in Appendix 1 to the report, which was submitted to Scottish Ministers on 31 March 2015;**
- (b) that the final Scheme of Integration be brought back to the earliest Council meeting for ratification, once it had been approved by Scottish Ministers; and**
- (c) to APPROVE the amendments to the Health and Social Care Integration Joint Board within the Scheme of Administration, as detailed in Appendix 2 to the report.**

### **9. LOCAL GOVERNMENT PENSION SCHEME REFORM GOVERNANCE**

With reference to paragraph 7 of the Pension Fund Committee Minute of 29 January 2015, there had been circulated copies of a report by the Chief Financial Officer proposing the amended governance arrangements for the Scottish Borders Council Pension Fund Committee following changes in legislation which included the requirement to create a Pension Board. The report detailed the background to the requirement to create a Pension Board with Employer and Trade Union representatives, with a constitution based on a model set out nationally and its function set out in new Local Government Pension Scheme (Governance) (Scotland) Regulations 2015. The proposed constitution for the Pension Board was detailed in Appendix 1 to the report. The amendment to the Scheme of Administration for the resulting changes required to the Pension Fund Committee and the requirement to create a new Pension Fund Investment and Performance Sub-Committee, were set out in Appendices 2 and 3 to the report. Members were advised that there had been positive engagement from Trade Unions towards agreeing representation on the Pension Board. As an Elected Member from Scottish Borders Council was also required as one of the representatives appointed to the Board by Scheme Employers, it

was proposed by Councillor White, seconded by Councillor Logan and unanimously agreed that Councillor Aitchison be appointed to this position.

#### **DECISION**

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

- (a) the creation of a Pension Board for the Scottish Borders Council Pension Fund with a constitution as set out in Appendix 1 to the report;
- (b) the amendment of the Council's Scheme of Administration to incorporate the changes to the Executive's functions to include the following under "Staffing": *Employer discretions under Local Government Pension Scheme, within the terms of the relevant legislation;*
- (c) the amendment of the Council's Scheme of Administration to incorporate the changes to the Pension Fund Committee's functions as set out in Appendix 2 to the report;
- (d) the amendment of the Council's Scheme of Administration to incorporate the creation of a Pension Fund Investment and Performance Sub-Committee as set out in Appendix 3 to the report and the addition of 24 August 2015 and 4 February 2016 to the Council's Meetings calendar for this Sub-Committee; and
- (e) that Councillor Sandy Aitchison be appointed to represent the Council on the Pension Board.

#### 10. **EQUALITY MAINSTREAMING - UPDATE REPORT 2013-2015**

With reference to paragraph 16 of the Minute of 25 April 2013, there had been circulated copies of a report by the Service Director Strategy and Policy seeking approval of the Equality Mainstreaming Update Report 2013-2015 in order that it may be published to meet the legal deadline. The report explained that the Council had a statutory requirement under the Equality Act 2010, Scottish Specific Duties, to mainstream meeting the Public Sector Equality Duty throughout its functions. As part of this duty the Council was required to publish, every two years, a report on the progress it had made. The current update report was due to be published by 23 April 2015. In the background to the report it was explained that mainstreaming equality was about integrating an equality perspective into the everyday work of the Council, involving managers and policy makers across all Council services, as well as equality specialists and community planning partners. The Equality Mainstreaming Update Report was attached as Annex 1 to the report. In appendices to Annex 1 the report contained updated information on the Council's Equality Outcomes and Workforce Data. An easy-read version of the report was included as Annex 2 to the report. The Equality Champion, Councillor Greenwell welcomed the update report and reiterated the need for equalities to be high on the list of Council priorities.

#### **DECISION**

**APPROVED** for publication the Equality Mainstreaming Update Report 2013-15 set out in Annex 1 to the report.

#### **MEMBER**

Councillor Aitchison re-joined the meeting.

#### 11. **FIFTH REVIEW OF LOCAL GOVERNMENT ELECTORAL ARRANGEMENTS - PROPOSALS FOR WARDS**

With reference to paragraph 6 of the Minute of 24 April 2014, there had been circulated copies of a report by the Chief Executive giving details of the Local Government Boundary Commission for Scotland's proposals for wards in the Scottish Borders Council area and the process for preparing a response by Council. The report explained that at its meeting held on 13 January 2015, the Boundary Commission had agreed to provisionally adopt the proposal for a reduction in Councillor numbers for Scottish Borders Council from 34 to 32 as part of its proposals for Ward boundaries. The proposals for the Scottish Borders Council area received from the Boundary Commission on 18 March 2015 presented an electoral arrangement for 32 Councillors representing 8 x 3-member Wards and 2 x 4-member Wards, reducing the number of Wards in the area by 1 and reducing Councillor numbers by 2. As agreed at Council on 24 April 2014, it was delegated to the Political Management Arrangements: Members Sounding Board to consider the Ward boundaries proposals and prepare a response for consideration and any alternative proposals by Council. Although the Members Sounding Board had representatives from each of the political parties it was proposed to invite all Members to attend the meetings to give their views. It was further proposed that the first meeting of the Members Sounding Board to consider the Ward boundaries would take place on the morning of Thursday 23 April 2015. The Convener suggested that, rather than debating the issues at the current meeting Councillors should take part in a more informed debate at the seminar on 23 April. Councillor Paterson moved that Members should proceed to debate the issues at the current meeting but, having received no seconder to his proposal, asked for his dissent to be recorded in the Minute.

## **DECISION**

- (a) **NOTED the details of the proposals for Wards in the Scottish Borders Council area; and**
- (b) **AGREED the arrangements for considering these proposals and that a further report be brought to Council at its next meeting on 21 May 2015.**

## **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.

### 12. **WASTE SERVICES**

With reference to paragraph 13 of the Minute of 30 October 2014, there had been circulated copies of a report by the Service Director Neighbourhood Services to outline the actions which had been taken, as requested by Council, to mitigate some of the issues caused by the withdrawal of the garden waste collection service. In response to the motion passed at Council, which was attached as an appendix to the report, a number of actions were proposed:

- (a) A letter to all Rural Community Councils outlining the support available from the Council.
- (b) A specific webpage on the Council's website to raise awareness of private waste contractors who provided garden waste collections services across the Borders.
- (c) Various additional arrangements to be put in place to improve the uptake of home composting. This would be over and above the arrangements already in place. To date 3,500 compost bins had been issued following the withdrawal of the kerbside garden waste collection service.
- (d) The delivery of a comprehensive communication plan.

It was explained that work to explore the opportunities through "resilient communities" as a way of



assisting the elderly and vulnerable to access green waste recycling facilities had concluded that this was not the most effective approach. However, information and support would be identified and provided through appropriate engagement with equalities stakeholder groups to ensure all steps were taken to minimise any disadvantage faced by people who had a protected characteristic under the Equality Act 2010. The report noted that Community Recycling Centres (CRCs) played a critical role in providing alternative options for the disposal of garden waste following the withdrawal of the kerbside collection service. Various projects and reviews were being planned to improve the Councils network of CRCs, including the development of a new facility in Kelso; the upgrade of Hawick and Galashiels CRCs; and a review of trade waste access and opening hours. Members welcomed the actions being taken in response to the motion and in particular the proposed development work at the CRCs as detailed in the report.

**DECISION  
NOTED:-**

- (a) **the actions being taken to deliver improvements linked to the Garden Waste Motion; and**
- (b) **the progress being made to upgrade and improve the Council's network of Community Recycling Centres.**

13. **PUBLIC HEALTH REVIEW: NHS BORDERS AND SCOTTISH BORDERS COUNCIL  
ENGAGEMENT PROCESS RESPONSE**

There had been circulated copies of a report by the Joint Director of Public Health to appraise Council of the final response of NHS Borders and Scottish Borders Council to the National Review of Public Health in Scotland. The final draft response was attached as an appendix to the report. The background to the report explained that a national ministerial review of Scottish Public Health had been announced in November 2014 and an expert group was established to report back to Scottish Government in 2015. The aim was to consider how to widen and deepen the influence of Public Health, both as a public service function and an important outcome in the specific context of tackling health and social inequalities and increasing healthy life expectancy in Scotland in a sustainable way. The Review Group asked key stakeholders, locally and nationally, to respond to a number of questions to help inform the considerations of the Group. The report summarised the response which highlighted examples of partnership success in improving public health in the Borders. The Borders response showed that even though Borders had a relatively small public health department compared to larger boards, resilience could be maintained and improved through greater vertical integration, e.g. networks between board Public Health Departments at regional or national level, and/or horizontally across Public Health domains (health improvement; health protection; service development; health intelligence) within the local Department as currently happened. The Depute Leader (Health Service) commented that the Borders response to the Public Health Review reflected the sentiment of joint working and the Joint Delivery Team in particular. She drew Members' attention to the local successes in the Borders as detailed within the document.

**DECISION**

**APPROVED the NHS Board and Scottish Borders Council Engagement Process Response to the National Review of Public Health in Scotland.**

14. **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 II to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1, 6, 8 and 9 of Part I of Schedule 7A to the Act.**

**SUMMARY OF PRIVATE BUSINESS**

15. **Minute**  
The private section of the Council Minute of 19 February 2015 was approved.

16. **Committee Minutes**  
The private sections of the Committee Minutes as detailed in paragraph 4 of this Minute were approved.

**Galashiels Transport Interchange**

This report was withdrawn.

**Member**

Councillor Cranston returned to the Chamber during discussion of the following item.

17. **ICT Review**  
A report by the Chief Executive was approved with amendments. Members agreed that the decision be included in the Public Minute.

**DECISION**

(a) **NOTED** the content of the ICT Review report, ICT Strategy and Option Appraisal documents.

(b) **APPROVED** in principle, the ICT Strategy and the immediate next steps to implement the Strategy including:

(i) the new governance structure and approval that Scottish Borders and the City of Edinburgh Council had an interim joint Lead Officer ICT, being the current post holder at City of Edinburgh Council. This interim Lead Officer ICT would continue to lead SBC's ICT service review for the next 6 months, reporting directly to the Corporate Transformation and Services Director;

(ii) a restructure of the management of the ICT service which would position the service for the future and reflect the establishment of the new Governance Structure;

(iii) 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. This development work, in the form of a series of workshops, would consider which ICT functions delivered best value, in terms of both cost and quality of service, in house and evaluate this against the successful external provider identified in the current procurement exercise being undertaken by the City of Edinburgh Council. This was expected to result in a "mixed economy" approach to the delivery of ICT.

(c) **AGREED:**

(i) a progress report on staff matters be brought to Council at its meeting on 25 June 2015;

(ii) a further report on the outcome of the development work to be undertaken as the immediate next steps in delivery of the ICT Strategy and a detailed implementation plan for the new ICT Strategy be brought back to Council no later than 7 October 2015;

- (iii) to delegate authority to the Chief Executive, in consultation with the Political Group leaders to set up a Members' Steering Group for the review process;**
- (iv) to delegate authority to the Chief Executive to design a process to appoint a permanent Joint Chief Officer ICT from October 2015; and**
- (v) that the decision and as much detail as possible be made public after this meeting.**

*The meeting concluded at 1.55 pm*

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**SCOTTISH BORDERS COUNCIL**  
**2 APRIL 2015**  
**APPENDIX I**

**Question from Councillor Gillespie**

To the Executive Member for HR & Corporate Improvement

Has the introduction of fees for Employment Tribunal applications reduced the number of claims against Scottish Borders Council? Have any claims against Scottish Borders Council been lodged at Employment Tribunals in the last 2 years and what was the outcome?

Reply from Councillor Cook

Fees were introduced on 29/07/13, and it isn't obvious that has had an effect on the level of claims. There is an initial fee of £250 and if the claim proceeds to hearing there is a further charge of £950.

Eight of the following claims were lodged in the last two years. Three of the claims were lodged outwith the last two years but did not conclude until after 1 April 2013. This reflects the substantial time lag that exists between a case being lodged and the judgement being issued.

For clarity, claim dismissed is a decision of the Tribunal and withdrawn the Claimant's decision.

<b>Name</b>	<b>Date Lodged</b>	<b>Type of Claim</b>	<b>Outcome</b>
Iain Fitzpatrick	26.09.12	Unfair Dismissal	Claim Dismissed
Lesley Riseam	20.12.12	Disability Discrimination	Claim Dismissed
Jackie Wemyss	25.02.13	Unfair Dismissal	Claim Withdrawn
Patsy Smith	13.11.13	Unlawful Deduction from Earnings	Claim Dismissed
Jim Gill	28.11.13	Unfair Dismissal/Whistleblowing	Claim Dismissed
Hugh Kinsella	10.01.14	Unfair Dismissal	Claim Dismissed
John Heatlie	15.04.14	Breach of Contract	Claim Withdrawn
Gary Dodds	26.06.14	Unfair Dismissal/ Disability Discrimination	Awaiting Judgement
Jackie Robertson	30.07.14	Unfair Dismissal	Claim Dismissed
David Mackenzie	11.08.14	Breach of Contract/Unlawful Deduction	Claim Dismissed
Catherine McLeod	20.11.14	Unfair Dismissal	Claim Withdrawn

**Questions from Councillor Logan**

1. To the Executive Member for Roads and Infrastructure

Can you tell us if BAM Nuttal has made any financial contributions towards repairing the damage to our roads, walls and bridges as a result of work associated with the Borders Railway Project? If there have been some contributions can you tell us the total to date?

Reply from Councillor Edgar

Following completion of the main civil engineering works for the Borders railway, Council officers have completed detailed survey work to ascertain the extent of extraordinary roads damage arising from the works. The damage has been costed and a detailed claim is being put together with the aim of recovering the full cost from BAM Nuttall. At present the extent and details of the claim remain commercially sensitive until agreement has been reached with them.

2 To the Leader

Can you tell us why there was not a public consultation, prior to the debate in Council, to consider the appropriateness of Tweedbank as a suitable site for the Great Tapestry of Scotland?

Reply from Councillor Parker

For clarity, The Great Tapestry of Scotland is owned and managed by the Tapestry Trustees. It is up to the Trustees to determine its future and Scottish Borders Council, at all times, has been guided by the Trustees' requirements. It is not within the gift of the Council to determine the location of the Tapestry on its own, and any location that we put forward must meet the Trustees' requirements and be agreed by them.

Over a year ago the Council was made aware that a number of bids from around Scotland had been made to offer the Great Tapestry a permanent home.

Scottish Borders Council spoke with the Trustees to see if there was any possibility that the Tapestry could be located in the Scottish Borders. The Trustees advised us that they were willing to give consideration to this and that they had a number of requirements which had to be met.

These requirements were:-

1. Whether it be a new build, or existing building, the proposed Tapestry home should be capable of properly displaying and meeting the full requirements of the Tapestry. The Tapestry is a unique work in its size and scale and the chosen home for the Tapestry must compliment the unique nature of the Tapestry.
2. The Tapestry had to be located close to a major public transport link
3. The Tapestry had to have good road access
4. The chosen site should maximise visitor numbers
5. The Trustees would provide the Tapestry, but would expect the winning bidder to develop the permanent home for the Tapestry and play a part in managing the Tapestry on an ongoing basis.

When those working on the project met with the Tapestry Trustees to discuss locations the Trustees were strongly of the view that the only suitable location that they would consider would be in the central Borders in the Galashiels-Melrose area. Other options were discussed, including Peebles, Selkirk and Hawick, but the Trustees were not persuaded that these locations had sufficient public transport links, nor that they would generate the type of visitor numbers that the Trustees sought. The Trustees had previously held discussions in Hawick in 2013 that had not led to a suitable site in Hawick being identified.

The Trustees were not against Selkirk, Hawick or other towns in the Borders but they were not convinced that the Tapestry would perform as well there as it might do in a location nearer the new Borders railway.

The Council commissioned Jura Consultancy to do some initial work on our behalf to look at possible sites and to consider whether there was a viable central Borders solution. Officers working with Jura quickly concluded that there were no Council or privately owned sites in Melrose that were suitable.

In terms of Galashiels, again, after careful consideration, no public or private sector site was identified. Although the former post office site in Galashiels would have presented an excellent opportunity for a town centre location, the anticipated costs of that project ruled its development out.

The Council also looked at the possibility of co-locating the Tapestry at the Abbotsford Visitor Centre but the Trustees felt that the Tapestry was an attraction in its own right and that it should be displayed as such. It would also have been necessary to construct a new build at Abbotsford to house the Tapestry, which in itself would have brought challenges.

A number of Council owned sites in Tweedbank were identified, located near the terminus to the Borders Railway. The Tweedbank sites met the Trustees' criteria of being next to a significant

public transport link and having good road access. It is also the case that there are good and improving bus links to Tweedbank.

Working with Jura Consultants the Council developed a proposal for the Trustees to consider that would allow there to be a purpose built building to house the Tapestry on one of the sites at Tweedbank.

The Council anticipates developing a railway and textile exhibition alongside the Tapestry as well as providing space for temporary and visiting exhibitions from a variety of other museums. The site will also offer a shop, café and education space. Jura Consultancy advised that the Tweedbank location in the central Borders offered the best opportunity to meet the Trustees' criteria and maximise visitor numbers.

The Trustees approved the Tweedbank proposal and felt that taking the 'Train to the Tapestry' was a very strong marketing point. It was also felt that a Tapestry centre in Tweedbank would be an ideal complement to attract visitors to the Borders and to use the new railway. The consultants considered that the visitor numbers that would be generated at Tweedbank would be more significant than those at other Borders locations.

If I could sum up the Trustees views, they simply feel that the Tapestry would be best placed in Tweedbank. It is also the very strong view of the Trustees that a purpose built centre is the best way forward to ensure that the Tapestry is properly displayed and managed for the future.

The Trustees feel that the building should be developed around the Tapestry's requirements and that the Tapestry should not be made to fit around the building. This, therefore, significantly limits the potential suitable sites.

At our meeting in May 2014 Council considered a report that set out the work completed and invited Members to agree to take forward the development of a detailed business case to situate the Tapestry at Tweedbank. Representatives of the Trustees attended a private session of the Council before the public Council meeting; they outlined their vision to Members and answered questions. The Trustees were very clear that if their preferred location of Tweedbank was not taken forward, then the Tapestry would not come to the Scottish Borders and they would simply accept one of the other offers that they have available.

There are occasions when consulting the public is without doubt the right and proper thing to do. In coming to a decision about the future home for the Tapestry it was consultation and agreement with the Tapestry Trustees that was the critical issue to be addressed. As I have explained the process followed was detailed and logical in its approach.

### 3. To the Executive Member for Social Work

In light of the recent announcement could the Executive Member for Social Work confirm that four fifths of SB Cares Managing Director's salary will be paid by SB Cares?

#### Reply from Councillor Renton

SB Cares budget does include the cost of Philip Barr being employed in the Managing Director position for 80% of his time.

### Question from Councillor Cockburn

#### To the Leader

Could the Leader update us on the current situation with COSLA membership? Will this Council be discussing, at some point, whether or not Scottish Borders Council should remain as a member of COSLA, in the light of other Councils withdrawing?

#### Reply from Councillor Parker

It is the settled view of the Council's Administration that Scottish Borders Council should remain a member of COSLA.

The local authorities who have recently left COSLA are all Labour led and previously supported a change in the local government financial distribution formula that, if agreed, would be seriously detrimental to Scottish Borders Council.

Scottish Borders Council has played an active role in COSLA and Cllr Michael Cook is the current Vice President of the organisation.

There are no plans to debate this issue in Council at present, but if Conservative Members wish to debate the matter, they can activate the appropriate mechanisms that would allow this issue to come before Council for debate.