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## SCOTTISH BORDERS COUNCIL

MINUTES of Meeting of the SCOTTISH COUNCIL held in Council Chamber, Council Headquarters, Newtown St. Boswells on Thursday, 25 August, 2016 at 10.00 am

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

Apologies:- Councillors C. Bhatia, J. Campbell, K. Cockburn, I. Gillespie, G. Logan, D. Moffat and J. Torrance

In Attendance:- Depute Chief Executive People, Depute Chief Executive Place, Corporate Transformation & Services Director, Chief Financial Officer, Service Director Assets & Infrastructure, Service Director Children & Young People, Service Director Regulatory Services, Chief Social Work Officer, Chief Officer Health and Social Care Integration, Chief Officer Audit & Risk, Clerk to the Council

1. **CONVENER'S REMARKS.**

The Convener advised that the Chief Executive would be returning to the office on a phased basis and on behalf of the Council welcomed her back.

**DECISION NOTED.**

2. **PRESENTATION BY GORDON BROWN, HEAD OF VOLUNTEER CENTRE BORDERS**

The Convener welcomed Mr Gordon Brown, the Head of Volunteer Centre Borders, to the meeting to give a presentation to Members. Mr Brown advised that his aim was to inspire people to become volunteers and that he wanted the Borders to become the volunteer capital. He needed to change perceptions and, with the help of funding from the National Lottery, was organising a celebration of volunteering which would be entitled "Love Volunteering" and held in Ednam House Hotel, Kelso on Valentine's Day. This event would recognise all types of volunteering. He encouraged the Council to release staff for volunteering and commented on his work with the Council's Emergency Planning to provide emergency volunteers. He was also planning to increase the number of young people volunteering and all High Schools in the area would be appointing a volunteer ambassador. He had been involved in finding volunteers to help the Syrian refugees who had come to the area. In response to a question on the number of volunteers in each area, he advised that better information was needed and he had a long term project underway to construct a comprehensive picture of volunteering in the Borders. He asked Members to get in touch with him to discuss any issues in their own areas. He acknowledged that the vetting and training often required before someone could become a volunteer was challenging but training could often be a transferrable skill and he always tried to emphasise the positives. An event on PVG registration had been organised at the Burnfoot Hub to help de-mystify the process for people. The Convener thanked Mr Brown for his presentation.

**DECISION NOTED.**

3. **MINUTE**

The Minute of the Meeting held on 29 June 2016 was considered.

**DECISION**

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

**4. COMMITTEE MINUTES**

The Minutes of the following Committees had been circulated:-

Peebles Common Good Fund	25 May 2016
Tweeddale Area Forum	25 May 2016
Jedburgh Common Good Fund	1 June 2016
Kelso Common Good Fund	1 June 2016
Cheviot Area Forum	1 June 2016
Police, Fire & Rescue and Safer Communities Board	3 June 2016
Scrutiny	9 June 2016
Civic Government Licensing	10 June 2016
Pension Fund	16 June 2016
Pension Board	16 June 2016
Planning & Building Standards	27 June 2016
Audit & Risk	28 June 2016
Jedburgh Common Good Fund	29 June 2016
Peebles Common Good Fund	29 June 2016
Local Review Body	18 July 2016
Planning & Building Standards	18 July 2016
Civic Government Licensing	22 July 2016
Lauder Common Good Fund	2 August 2016

**DECISION**

**APPROVED the Minutes listed above.**

**5. OPEN QUESTIONS**

The questions submitted by Councillors McAteer, Marshall, Fullarton, Scott, Turnbull and Ballantyne were answered.

**DECISION**

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

**6. CARE INSPECTORATE REPORT - JOINT INSPECTION OF SERVICES FOR CHILDREN AND YOUNG PEOPLE IN THE SCOTTISH BORDERS**

There had been circulated copies of a report by the Depute Chief Executive People providing a summary of the key findings of the Care Inspectorate report on the joint inspection of services for children and young people in the Scottish Borders, identifying key strengths along with areas for improvement and how those improvements would be delivered. The joint inspection of Services for Children and Young People in the Scottish Borders took place between December 2015 and February 2016, covering a wide range of partners and services across the Scottish Borders Community Planning Partnership who had a role in providing services for children, young people and families. This was the first such inspection that had taken place in the Scottish Borders, covering all service areas involved in children and young people from voluntary agencies delivering play and youth facilities through to domestic violence, education, health and child protection. Measured against a range of quality indicators, a number of strengths were identified as well as areas for improvement which were detailed in the report. The Children & Young People's Leadership Group had examined the findings and had developed an improvement action plan which was being actively progressed. The improvement action plan, contained in Appendix 1 to the report would be presented to the Scottish Borders Community Planning Partnership Board for approval and monitoring, and was being presented to Council for noting as it contained information on a number of key Council services. Members welcomed the report.

## **DECISION**

### **NOTED:-**

- (a) **the key strengths and the improvement work that was being progressed to address the key findings of the Care Inspectorate Report on the Joint Inspection of Services for Children and Young People in the Scottish Borders;**
- (b) **that an update on the progress of the inspection improvement plan would be brought back to a Council meeting within 12 months; and**
- (c) **that the inspection report and improvement plan would also be considered at the next meeting of the Community Planning Partnership Strategic Board on 8 September 2016.**

## **7. SCOTTISH GOVERNMENT CONSULTATION ON THE ENTERPRISE NETWORK REVIEW**

There had been circulated copies of a report by the Corporate Transformation and Services Director on a proposed response to the Scottish Government's Enterprise and Skills Review, encompassing the services provided by Scottish Enterprise, Highlands and Islands Enterprise, Skills Development Scotland, and the Scottish Funding Council. The report explained that a call for evidence had been issued by the Scottish Government on 15 July 2016 asking for evidence on how the present system could be improved and also seeking examples of good practice. The proposed responses to the consultation questions were set out in Appendix 2 to the report. The responses covered the positive work that the Agencies had been undertaking in relation to the Borders Railway Economic Blueprint and the South of Scotland Alliance's Rural Regional Economic Development Programme. However, the response also highlighted the fundamental limitations for the Scottish Borders of national bodies that did not prioritise regional equity as part of their existing strategic approach. Members welcomed the response that emphasised the need for regional equity.

## **DECISION**

### **AGREED:-**

- (a) **the response to the Scottish Government's Enterprise & Skills Review, as set out in Appendix 2 to the report; and**
- (b) **that the Corporate Transformation and Services Director report, in due course, on the outcome of the Review and how it would affect the delivery of economic development in the Scottish Borders.**

## **8. AUDIT AND RISK COMMITTEE ANNUAL REPORT**

There had been circulated copies of a report by the Chief Officer Audit and Risk providing Members with the Audit and Risk Committee Annual Report 2015/16, a copy of which was appended to the report, which incorporated its annual self-assessment using the CIPFA Audit Committees Guidance. Councillor Ballantyne, Chairman of the Audit and Risk Committee, thanked the Members of the Committee for their input. She noted that one of the external members had now left and that a new appointment would not be made as the Committee would continue with the remaining two at present. She was unable to say if an additional external member had helped the committee as they had not been in post long enough, but they were very enquiring and having external members gave a range of diversity.

## **DECISION**

### **AGREED:-**

- (a) to approve the Audit and Risk Committee Annual Report 2015/16, as contained in Appendix 1 to the report, which incorporated its self-assessments using the CIPFA Audit Committees Guidance; and
- (b) that the Audit and Risk Committee Annual Report 2015/16 should be published on the Council's website.

9. **HEALTH AND SOCIAL CARE STRATEGIC PLAN**

There had been circulated copies of Health and Social Care Strategic Plan 2016-19. The Chief Officer Health & Social Care Integration explained that the Strategic Plan underpinned the Health and Social Care Integration Joint Board; it was a commissioning plan and there was a wide consultation with stakeholders and service users. The key themes and challenges related to the demographic changes over the next few years which would see an increase in the number of people living longer with multiple conditions and result in this area having the highest percentage of elderly population in Scotland. Services would require to be delivered in a different way with the aim of reducing institutional care and keeping people in their own homes as long as possible. The importance of early intervention to try and reduce hospital admissions was highlighted.

**DECISION**

**AGREED to approve the Health & Social Care Strategic Plan 2016-19.**

10. **URGENT BUSINESS**

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

11. **MOTION BY COUNCILLOR DAVIDSON**

Councillor Davidson, seconded by Councillor Ballantyne, moved that:-

“Scottish Borders Council congratulates Team GB on their tremendous success at the 2016 Olympic Games in Rio de Janeiro. All competitors gave their best for themselves, their clubs, coaches, families and the country. The Council also conveys our best wishes to the GB Team about to take part in the parallel Paralympic event and looks forward to watching them in action. Both Teams GB epitomise the Olympic spirit of taking part in the event and showing our country at its best and, in particular, we celebrate the participation of the eight Borders athletes in both Games. Mark Robertson, Dan Wallace, Grant Ferguson and Chris O'Hare have already competed with distinction and we wish the greatest success to Libby Clegg, Stephen Clegg, Samantha Kinghorn and Patrick Wilson in the Paralympics in two weeks time.”

Councillor Davidson and Councillor Ballantyne both spoke in support of the Motion which was unanimously approved.

**DECISION**

**AGREED to approve the above Motion.**

12. **MEMBERSHIP OF THE HEALTH & SOCIAL CARE INTEGRATION JOINT BOARD**

It was reported that replacements for Councillors Gillespie and Torrance required to be appointed to the Health and Social Care Integration Joint Board. Councillor Parker, seconded by Councillor Edgar, moved that Councillors Aitchison and Garvie be appointed.

**DECISION**

**AGREED that Councillors Aitchison and Garvie be appointed to the Health & Social Care Integration Joint Board.**

13. **PRIVATE BUSINESS**

## **DECISION**

**AGREED** under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in 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**

14. **MINUTE**

The private section of the Council Minute of 29 June 2016 was approved.

15. **COMMITTEE MINUTES**

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

*The meeting concluded at 11.50 am*

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**SCOTTISH BORDERS COUNCIL  
25 AUGUST 2016  
APPENDIX I**

**Question from Councillor McAteer**

To the Executive Member for Planning & Environment

There is a growing and well organised campaign to create a Borders National Park. The current proposals suggest a boundary closely aligned to the county of Roxburghshire with the notable exclusion of Hawick. Public meetings have been held with a stakeholder event scheduled at Jedburgh Town Hall on 17 November 2016. Given a significant level of public interest can the Executive Member describe the extent of the engagement that has taken place with the organisers and what position this council is proposing to take to support or otherwise development of the National Park?

Reply from Councillor Smith

Officers from the Council's Planning Service have had contact with the original author of the "Unfinished Business" report and the local campaign group over the past 2 years.

A formal meeting with members of the local group, who are promoting the idea of a National Park, was held on 7th March this year. In attendance were officers from Economic Development and Planning, as well as myself and Councillor Bell. The group have since had a further meeting with Dr Chris Bowles (Archaeologist) to talk about heritage assets in the area.

Officers have expressed the view that the proposal for a Cheviot National Park would be unlikely to meet the qualifying criteria set out in the National Parks Act. In addition, they are not convinced that such a designation would actually deliver the benefits the proposers are suggesting. Officers also have concerns about the economic implications of the park, its administration and financial viability. There would also be added legal complications should this be promoted as an extension of the Northumberland National Park.

It is understood that the campaign group are undertaking a feasibility study the results of which could be considered in due course. However as matters stand officers are not convinced that a sound case has been made for a National Park.

Supplementary

Councillor McAteer asked if officers' views could be shared and continue to be shared. Councillor Smith advised that the Council had made no public comment on this matter to date and that it was in the hands of the promoters to submit their case to the Council. He further advised that a meeting held with the promoters had not been negative but a number of aspects relating to the proposal needed to be addressed before it could be taken further.

**Question from Councillor Marshall**

To the Executive Member for Environmental Services

It is over 3 months since the new dog wardens service were deployed to towns in the Borders, Can the Executive Member tell us how many fixed penalty tickets have been issued for dog fouling offences and what percentage remain unpaid?

In addition can he explain the working hours and shift patterns that they are working within our communities?

Reply from Councillor Paterson

The two 3GS Enforcement Officers who work on behalf of Council have to date issued 33 Fixed Penalty notices in the Scottish Borders since starting in May this year, one of which has been in respect of dog fouling.

A robust collection process is in place and approximately 50% of fines are being collected at this time.

The officers are working a very flexible shift pattern incorporating early starts and late finishes depending on the nature of complaints received and the weekly tasking provided by the Safer Communities Team.

They are also working at weekends as well as attending community events to raise the profile of their work.

All towns and most villages are subject to patrols and resources are targeted using the information obtained from the public. Specific areas of concern have started to see a reduction in complaints.

It's important to recognise that the Enforcement Officers are only one aspect of the Council's approach to tackling dog fouling and irresponsible dog ownership. A number of other measures are being taken which include the use of stencils, a new anti-dog fouling campaign and the introduction of the new Green Dog Walkers Scheme.

It is still very early days of this pilot but the officers are being well received by our communities and overall I consider this to be a very positive start.

#### Supplementary

Councillor Marshall asked if Councillor Paterson was satisfied that just one ticket had been issued. Councillor Paterson replied that it was a work in progress, with wardens deployed at various times of the day. Offenders were very difficult to catch in the act but he also emphasised the importance of dog owner education.

#### **Questions from Councillor Fullarton**

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

1. Could the Executive Member give us an update on the state of Care Homes in the Scottish Borders? There are concerns about closures of Care Homes elsewhere in the Country due to lack of residents. Could we have an update on the viability of the homes in the Borders? Are self-directed care packages having an impact on care homes in the Borders?

##### Reply from Councillor Renton

There are 21 care homes for older people within the Council area. One home has closed over the last 18 months for a variety of reasons, but the overall vacancy level for Care Homes is running at 2% across the sector (on July figures). The majority of the homes are running at full capacity.

However, it is noted that there have been some issues raised that are being addressed around more specialised aspects of Care Home provision particularly nursing care, due primarily to the difficulty in recruiting trained nurses. This has led to two homes moving from nursing to a residential based service.

The other area for development is the need for more specialised dementia care resource(s) so as to minimise hospital admissions.

To date there is little evidence to suggest that self-directed care packages are having any impact within the care home sector.

#### Supplementary

Councillor Fullarton commented on the pressure on care homes and the recent closure of several homes by Four Seasons and asked if underfunding of social care was an issue. Councillor Renton assured him that officers had noted his concerns and would be keeping the situation under review.

2. Could the Executive Member please provide an update on self-directed support in the Borders and how it is working?



#### Reply from Councillor Renton

There are now approximately 800 people using Self-Directed Support, an increase of over 100% in the last year. The majority of people are choosing to use the social work managed option i.e where their Care Manager arranges their support directly.

However, there are also over 200 people purchasing their own support through a direct payment, and a number of people are using a mix of options. There is a slow uptake of the Individual Service Fund, which is the new option where people use an existing provider but arrange the timings of their support directly with them, thereby offering a greater degree of flexibility. This is partly due to the lack of capacity in the provider market to offer the flexibility people want. However following the recent successful care at home tender a number of providers have indicated that they are keen to explore this option further.

The recent appointment to a one year Local Area Coordinator post in Teviot for older people and adults with a physical disability, funded through the Scottish Government SDS budget is a response to the SDS survey last year. People responded that they wanted more information about, and connection to, their community. This post will offer support to reduce isolation and prevent people having to seek traditional social work services and already has proved very helpful for a number of families.

#### Supplementary

Councillor Fullarton commented on the slow uptake and asked for assurances that there was ample funding available from the Council. Councillor Renton believed there was sufficient funding but would confirm this with officers.

#### 3. To the Executive Member for Roads & Infrastructure

Could the Executive Member please inform us when the bus service between Chirnside and Eyemouth, previously provided by Waites, will be reintroduced?

#### Reply from Councillor Edgar

The number 37 bus service between Chirnside and Eyemouth will continue to be operated by Travelsure. This company has run this service off-peak since the contract with Wait's finished in 2013. The school journeys on this service were withdrawn in 2013 due to very low passenger numbers which was affecting its financial sustainability. The only regular passengers at that time were out of catchment school children attending Eyemouth High School. There is no plan to re-introduce these journeys at present.

No school transport is provided between these two points as Chirnside is in the Berwickshire High School catchment area and there is no statutory requirement on the Council to do so. However over the past three years it has been possible with agreement from Wait's for privilege lifts to be awarded on their Y04 contract to Eyemouth High School as the number of entitled pupils have fallen. Wait's have had their Operator's Licence revoked by the Traffic Commissioner from 31st August. Emergency contracts to replace those run by Wait's are currently out to tender. At this time the unfortunate position is that it is not known who the new operator will be, where they will operate from or if spare capacity will be available.

#### Supplementary

Councillor Fullarton asked for assurances that privilege lifts for pupils attending Eyemouth High School would be included as part of the tender. Councillor Edgar advised that while every effort would be made to accommodate privilege lifts no guarantees could be given until the new provider was known and he reiterated that the Council was not obliged to provide such lifts.

### **Question from Councillor Scott**

#### To the Executive Member for Environmental Services

Since Jedburgh is the only major settlement without a recycling centre could the portfolio holder update us on how he is going to rectify this? The Scottish Government is going to spend £100m on Infrastructure Projects – would the Executive Member consider applying for this money for this project?

#### Reply from Councillor Paterson

The Council has invested in excess of £2 million over the last two years upgrading its Community Recycling Centres and developing a new facility at Kelso.

The development of a similar facility in Jedburgh would require further significant capital investment (around £600,000) and ongoing revenue support (around £150,000) at a time when there is significant pressure on the Council's budget.

Whilst I accept that Jedburgh is now the largest town without its own facility it is important to consider this request in relation to the existing service provision provided across the Borders as a whole.

Council's across the UK are in the process of reducing the costs associated with their waste services and in many cases this has included reducing the number of Community Recycling Centres and/or reducing their hours of operation.

A Waste Management Plan is being developed which will include a review of Community Recycling Centres. The focus will be on optimising the current service provision whilst delivering efficiency savings.

The availability of capital funds from the Scottish Government may help reduce pressure on the Council's already stretched capital budget. However, even if the capital funding was available for this type of development it would not resolve the ongoing year on year running costs of such a facility which is critical for any business case.

Given the current financial situation it is hard to see a business case for the development of a new facility at Jedburgh in the foreseeable future.

#### Supplementary

Councillor Scott asked if there was funding of £20k for a feasibility study. Councillor Paterson advised that this was not the case. Additional funds had been spent at Kelso and at other sites.

### **Question from Councillor Turnbull**

#### To the Executive Member for Community Safety

What resilience do you think Police Scotland has in the Scottish Borders now, compared to the resilience experienced on 31 March 2013?

#### Reply from Councillor Nicol in the absence of Councillor Moffat

This question about resilience should be directed at Police Scotland and as a Board member there is an opportunity for you to raise this with the Divisional Commander Chief Superintendent Ivor Marshall at the next meeting of the Council's Police, Fire and Rescue and Safer Communities Scrutiny Board on Friday 16<sup>th</sup> September 2016.

According to the Police Performance reports submitted to the Scottish Borders Police, Fire and Rescue and Safer Communities Board crime detection rates have been above the Scottish average in the Scottish Borders since 2013. For the year ending the 31<sup>st</sup> March 2016 the crime detection rate stood at 55.7% as reported at the June 2016 meeting of the Board. This represented a 4.6 percentage point increase in crime detection rate compared to the previous year 2014/15.

Also a high proportion of the public as evidenced in the Scottish Borders Household Surveys have consistently indicated that they feel safe in the home at night and walking alone at night.

The inception of Police Scotland has enabled additional specialist resources to be provided to the Scottish Borders and there has also been the opportunity to utilise a much wider pool of resources in the case an emergency situation or major event.

#### Supplementary

Councillor Turnbull confirmed he would raise the matter at the next meeting but asked if Councillor Nicol was satisfied that Police Scotland were meeting the needs of the Borders. Councillor Nicol advised that this should be put to the police and suggested the Board Members might wish to discuss possible questions before the next meeting.

### **Questions from Councillor Ballantyne**

#### 1. To the Executive Member for Economic Development

Following their appointment by Council on 29 May 2014, how many times did the Tapestry Project Short Life Member Working Group (Cllrs Parker, Archibald and Davidson) meet and what items did they discuss?

#### Reply from Councillor Bell

The short life working group with the indicated membership was set up to oversee completion of the business case. That work was concluded in December 2014 when the business case was presented at a Member Seminar prior to consideration and acceptance by Council at its meeting on 18 December 2014. I understand that the group met once and considered the draft material prior to its consideration by Members at the seminar.

#### 2. To the Executive Member for Roads and Infrastructure

Audit Scotland's Report on The Condition and Costs of Maintaining Scotland's Roads identifies Scottish Borders as delivering the largest deterioration (9%) in local road conditions in Scotland. What does the Executive Member attribute this to?

#### Reply from Councillor Edgar

It is a Council decision to allocate and balance appropriate levels of funding to the often competing demands being placed upon it, and this includes the funding allocation for the General Roads and Bridges Capital Block. In the context of ever diminishing and finite financial resources, the deteriorating condition of Scottish Borders Council's adopted road network can partially be attributed to the current planned surface treatment works programme not being able to arrest the overall decline in road condition which is further exacerbated by inclement weather, the expansive rural nature of the network and usage of the roads network by vehicles serving the agricultural, forestry and windfarm industries.

The Roads Review also currently being undertaken within the Place Department will seek to deliver improved efficiencies in relation to planned, reactive and cyclical works affecting the roads network ensuring that a better return on investment is achieved and the maximum benefits derived from the investment being made.

#### Supplementary

Councillor Ballantyne asked if Councillor Edgar could confirm that Members were adequately informed and had decided to allow this deterioration to happen. Councillor Edgar agreed there were competing priorities for funds and looked forward to receiving Member support when the budget was approved in February.

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