

Public Document Pack



SCOTTISH BORDERS COUNCIL THURSDAY, 25 FEBRUARY, 2016

A MEETING of the SCOTTISH BORDERS COUNCIL will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST. BOSWELLS on THURSDAY, 25 FEBRUARY, 2016 at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,
18 February 2016

BUSINESS																										
1.	Convener's Remarks.																									
2.	Apologies for Absence.																									
3.	Order of Business.																									
4.	Declarations of Interest.																									
5.	<p>Minutes (Pages 1 - 28)</p> <p>Consider the following Minutes for approval and signing by the Convener:-</p> <p>(a) 17 December 2015 (b) 11 February 2016</p> <p>(Copies attached.)</p>	5 mins																								
6.	<p>Committee Minutes</p> <p>Consider Minutes of the following Committees:-</p> <table style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="width: 60%;">(a) Police, Fire & Rescue and Safer Communities Board</td> <td style="text-align: right;">13 November 2015</td> </tr> <tr> <td>(b) Audit & Risk</td> <td style="text-align: right;">23 November 2015</td> </tr> <tr> <td>(c) Community Planning Strategic Board</td> <td style="text-align: right;">26 November 2015</td> </tr> <tr> <td>(d) Peebles Common Good Fund</td> <td style="text-align: right;">2 December 2015</td> </tr> <tr> <td>(e) Tweeddale Area Forum</td> <td style="text-align: right;">2 December 2015</td> </tr> <tr> <td>(f) Berwickshire Area Forum</td> <td style="text-align: right;">3 December 2015</td> </tr> <tr> <td>(g) Planning & Building Standards</td> <td style="text-align: right;">7 December 2015</td> </tr> <tr> <td>(h) Jedburgh Common Good Fund</td> <td style="text-align: right;">9 December 2015</td> </tr> <tr> <td>(i) Kelso Common Good Fund</td> <td style="text-align: right;">9 December 2015</td> </tr> <tr> <td>(j) Cheviot Area Forum</td> <td style="text-align: right;">9 December 2015</td> </tr> <tr> <td>(k) Pension Fund</td> <td style="text-align: right;">10 December 2015</td> </tr> <tr> <td>(l) Pension Board</td> <td style="text-align: right;">10 December 2015</td> </tr> </tbody> </table>	(a) Police, Fire & Rescue and Safer Communities Board	13 November 2015	(b) Audit & Risk	23 November 2015	(c) Community Planning Strategic Board	26 November 2015	(d) Peebles Common Good Fund	2 December 2015	(e) Tweeddale Area Forum	2 December 2015	(f) Berwickshire Area Forum	3 December 2015	(g) Planning & Building Standards	7 December 2015	(h) Jedburgh Common Good Fund	9 December 2015	(i) Kelso Common Good Fund	9 December 2015	(j) Cheviot Area Forum	9 December 2015	(k) Pension Fund	10 December 2015	(l) Pension Board	10 December 2015	5 mins
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	<p>(m) Petitions & Deputations 10 December 2015</p> <p>(n) Local Review Body 14 December 2015</p> <p>(o) Health & Social Care Joint Integration Board 14 December 2015</p> <p>(p) Teviot & Liddesdale Area Forum 15 December 2015</p> <p>(q) Civic Government Licensing 18 December 2015</p> <p>(r) Planning & Building Standards 11 January 2016</p> <p>(s) Audit & Risk 18 January 2016</p> <p>(t) Executive (Education Theme) 19 January 2016</p> <p>(u) Teviot & Liddesdale Area Forum 19 January 2016</p> <p>(v) Scrutiny 28 January 2016</p> <p>(w) Planning & Building Standards 1 February 2016</p> <p>(x) Executive (Economic Development Theme) 2 February 2016</p> <p>(Please see the separate Supplement containing Public Committee Minutes.)</p>	
7.	<p>Committee Recommendations (Pages 29 - 40)</p> <p>Consider Committee recommendations. (Copy attached.)</p>	5 mins
8.	<p>Open Questions</p>	15 mins
9.	<p>Proposals from the Social Work Charging Review (Pages 41 - 66)</p> <p>Consider report by Chief Social Worker on proposed updates to the Charging Policy 2015/16 to take account of feedback on the Policy and new national guidance and legislation. (Copy attached.)</p>	15 mins
10.	<p>New Measures to Control Dog Fouling (Pages 67 - 86)</p> <p>Consider report by Service Director Neighbourhood Services outlining a new, refreshed approach to tackling dog-fouling and setting it in the context of a wider strategic approach to responsible dog ownership. (Copy attached.)</p>	15 mins
11.	<p>SESplan: Finance & Governance Ratification (Pages 87 - 134)</p> <p>Consider report by Service Director Regulatory Services seeking ratification of SESplan budget proposals for 2016/17, and changes to the SESplan governance arrangements. (Copy attached.)</p>	10 mins
12.	<p>Amendment to the Scheme of Administration</p> <p>Consider amendment to the Scheme of Administration in respect of the constitution of the Health & Social Care Integration Joint Board to allow the membership to be changed to:-</p> <p>“Five Elected Members of Scottish Borders Council being:-</p> <p>(i) the Depute Leader (Finance)</p> <p>(ii) the Depute Leader (Health Service)</p> <p>(iii) Executive Member for Social Work</p> <p>(iv) two other Elected Members</p> <p>and, if approved, to appoint a Member to replace Councillor Parker.</p>	10 mins
13.	<p>Committee Membership</p> <p>Consider appointment of two Members to the Scrutiny Committee following the resignations of Councillors Mountford and Stewart.</p>	5 mins
14.	<p>Motion by Councillor McAteer</p>	

	<p>Consider Motion by Councillor McAteer in the following terms:-</p> <p>"That Scottish Borders Council agrees to write to the Scottish Government Minister for Local Government and Community Empowerment, on behalf of the local communities in and around Hawick which are being penalised by the seeming disproportionate weighting of the methodology used by the Local Government Boundary Commission for Scotland (LGBCS) for the 5th Review and the resultant proposed reduction in councillor numbers and significant changes to the existing Hawick ward areas. While recognising the desirability for electoral parity, this should not be at the cost of breaking up communities or creating artificial ones.</p> <p>The Minister is urged to reject any proposal to reduce both councillor numbers and wards in the Hawick area, and instead allow for a true reflection of the unique population and settlement distribution, and natural communities in and around Hawick, in accordance with the wishes of the local electorate.</p> <p>This letter should also be copied to the Local Government Boundary Commission for Scotland to allow the Commission to take this Motion into account when arriving at its final recommendations."</p>																						
15.	Any other Items Previously Circulated																						
16.	Any Other Items which the Convener Decides are Urgent																						
17.	<p>Private Business</p> <p>Before proceeding with the private business, the following motion should be approved:-</p> <p>"That under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 7A to the aforementioned Act."</p>																						
18.	<p>Minute (Pages 135 - 138)</p> <p>Consider private Section of Minute of Scottish Borders Council held on 17 December 2015. (Copy attached.)</p>	1 mins																					
19.	<p>Committee Minutes</p> <p>Consider the private sections of the Minutes of the following Committees:-</p> <table border="0"> <tr> <td>(a)</td> <td>Planning & Building Standards</td> <td>7 December 2015</td> </tr> <tr> <td>(b)</td> <td>Pension Fund</td> <td>10 December 2015</td> </tr> <tr> <td>(c)</td> <td>Civic Government Licensing</td> <td>18 December 2015</td> </tr> <tr> <td>(d)</td> <td>Executive (Education Theme)</td> <td>19 January 2016</td> </tr> <tr> <td>(e)</td> <td>Scrutiny</td> <td>28 January 2016</td> </tr> <tr> <td>(f)</td> <td>Planning & Building Standards</td> <td>1 February 2016</td> </tr> <tr> <td>(g)</td> <td>Executive (Economic Development Theme)</td> <td>2 February 2016</td> </tr> </table> <p>(Please see separate Supplement containing the Private Committee Minutes.)</p>	(a)	Planning & Building Standards	7 December 2015	(b)	Pension Fund	10 December 2015	(c)	Civic Government Licensing	18 December 2015	(d)	Executive (Education Theme)	19 January 2016	(e)	Scrutiny	28 January 2016	(f)	Planning & Building Standards	1 February 2016	(g)	Executive (Economic Development Theme)	2 February 2016	2 mins
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NOTES

- 1. Timings given above are only indicative and not intended to inhibit Members' discussions.**

- 2. Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.**

Please direct any enquiries to Louise McGeoch Tel 01835 825005
email lmcgeoch@scotborders.gov.uk

SCOTTISH BORDERS COUNCIL

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held in Council Headquarters, Newtown St. Boswells on 17 December 2015 at 10.00 a.m.

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

Apologies:- Councillors S. Marshall, J. Torrance.

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, Service Director Children & Young People, Chief Legal Officer, Chief Officer Audit & Risk, Waste Manager, Clerk to the Council.

1. CONVENER'S REMARKS

The Convener congratulated the following:-

- All the agencies and volunteers for their hard work during the recent flooding in Hawick and continued help with the clear-up operation. He also advised that a letter had been received from HM The Queen passing on her sympathy to all those affected and thanks to all those who had helped;
- Tony Hope, Lynn Kellet and Charlotte Gosling of the Council's cleaning services on being named overall winner at the recent Borders Business Diversity Awards;
- Jan Pringle, Burnfoot Community trust, Sam Coe, Cameron Architects and Sandra Blacklock, SBC Procurement Business Partner on receiving the Government Opportunity (GO) Award for Sustainability in Procurement which recognised the partnership approach relating to the new Burnfoot Community Hub;
- Councillor David Parker on receiving the Scottish Local Politician of the Year Award in recognition of his contribution to bringing the railway back to the Borders.

DECISION

AGREED that congratulations be passed to all those concerned.

2. CASH FOR KIDS

There had been circulated copies of a report by the Chief Executive providing an update on the fundraising activity associated with the opening of the Borders Railway. The Leader reported on the various fundraising events which had been held with the Charity Partner, Radio Borders Cash for Kids. He advised that 837 children in the Scottish Borders would receive a Christmas present this year as a result of the charity. Councillor Parker then presented a cheque for £14,177.15 to Candy Rafferty and Lynsey Graham representing Radio Borders.

DECISION

AGREED:-

- (a) to thank all those involved with the fund raising activity surrounding the opening of the Borders Railway;**

- (b) to thank Morrison Construction and ScotRail for their financial sponsorship of the events to commemorate the opening of the Borders Railway;
- (c) to note the total funding raised so far of £13,669.07;
- (d) that a payment of £10,005.92 would be made to Radio Borders Cash for Kids representing the remaining balance of the donation to be made to date; and
- (e) that all proceeds raised from the Mission Christmas events on 12th and 13th of December 2015 would be paid to Radio Borders Cash for Kids.

3. **MINUTE**

The Minute of the Meeting held on 12 November 2015 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:-

Health & Social Care Joint Integration	12 October 2015
Galashiels Common Good Fund	5 November 2015
Eildon Area Forum	5 November 2015
LLP Strategic Governance Group	10 November 2015
Standards	12 November 2015
Executive	17 November 2015
Hawick Common Good Fund	17 November 2015
Teviot & Liddesdale Area Forum	17 November 2015
Civic Government Licensing	20 November 2015
Scrutiny	26 November 2015
Executive	1 December 2015
Selkirk Common Good Fund	1 December 2015

DECISION

APPROVED the Minutes listed above.

5. **OPEN QUESTIONS**

The questions submitted by Councillors Mountford and Logan were answered.

DECISION

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

6. **NHS BORDERS**

The Convener welcomed Mr John Raine, Chairman, and Ms Jane Davidson, Chief Executive, of NHS Borders to the meeting. Mr Raine reported on the current areas of review within NHS Borders. These included the Clinical Services review which had various workstreams dealing with the operation of the Borders General Hospital. It was hoped to improve the flow of patients, improve critical care functions and outreach work. The use of locality based care was being examined and it was hope to improve clinician productivity to allow more face-to-face time with patients. Models of care being used in other areas were also being reviewed. A public engagement "Health in Your Hands" was being undertaken to find out what services were important to people. Following the recent annual performance review a letter had been received from the Cabinet Secretary which was largely complimentary and the 7 requirements arising from the health care environment audit of operating theatres had now been met. However, there was still room for improvement as the Board had recently received two damning reports from the Ombudsman. These were an area of concern and it had to be acknowledged that while it was good to be achieving targets

good person centric care was also a priority. The Cabinet Secretary had also acknowledged the solid progress being made in terms of the integration of health and social care. Ms Davidson commented on her experiences since being appointed in July and the importance of the Council and NHS working together for the good of the community. Mr Raine and Ms Davidson answered Members questions on health funding and local treatment of patients. The Convener thanked them for their attendance.

DECISION

NOTED.

7. PUBLIC HEALTH REPORT 2015

There had been circulated copies of the Public Health Report for 2015 which had been prepared by the Interim Joint Director of Public Health. The report aimed to provide timely and easily accessible information about health trends that identified key areas on which to focus preventative measures and develop health policies and strategies and to increase public and stakeholder understanding of the health of the population and the factors that affected it. The report summarised the key health data at different stages of the life course starting with local health outcomes for children and moving through adulthood to old age. Specific population topics and health inequalities were also highlighted together with the challenges for the Borders community in 2016. Dr Patterson commented on the main issues of obesity, alcohol, elderly and health inequalities, and advised that while smoking numbers were going down obesity was rising.

DECISION

NOTED the Public Health Report for 2016.

8. LOCAL DEVELOPMENT PLAN: EXAMINATION REPORT

With reference to paragraph 10 of the Minute of 25 September 2015, there had been circulated copies of a report by the Service Director Regulatory Services seeking agreement to the response to the proposed modifications arising from the Examination Report into the Proposed Local Development Plan, and to take forward the Local Development Plan as amended to formal adoption. The report explained that the Council had now received the Examination Report on the Proposed Local Development Plan following a number of delays. The Examination Report proposed modifications to the Plan, most significantly in relation to renewables policy and the supply of housing land. Whilst officers did not agree with the proposed modifications on these two matters, it was not considered that there was sufficient legal basis for the Council to decline to accept them. The Council was therefore recommended to accept the Reporter recommendations in full, and to proceed towards formal adoption of the Local Development Plan following the required process as set out in the report. Members expressed concern that the Reporter seemed to have ignored the Council's views and not taken account of the local context when applying Government policy. The following amendments to the wording of recommendation (d) were proposed:-

- Councillor Mountford proposed that the word "serious" be inserted before the word "concern"
- Councillor Cook proposed that "including meeting with the Chief Planner and Chief Reporter, if judged appropriate"
- Councillor Bell proposed that Crawford Beveridge, Chairman of the Planning Review Committee also be written to

These amendments were unanimously accepted.

DECISION

AGREED:-

- (a) the response to the proposed modifications as set out in Appendix B to the report;**

- (b) to take forward the Local Development Plan, as contained in Appendix C to the report, as amended by the agreed modifications, to formal adoption
- (c) to note the updates to the Environmental Assessment, the Habitats Regulation Assessment, the Equalities Impact Assessment and the Action Programme, as set out in Appendices D, E, F and G to the report; and
- (d) to write to the Government's Chief Planner, Chief Reporter and the Chairman of the Planning Review Committee expressing serious concern on the approach taken by the Reporter on Renewable Energy policy and Housing Land provision, and on the time taken to deliver the Examination Report, including meeting with the Chief Planner and Chief Reporter, if judged appropriate.

9. HOUSEHOLD SURVEY

There had been circulated copies of a report by the Chief Executive presenting the results of the Scottish Borders Household Survey 2015. Key results from the perception-based survey were highlighted, alongside relevant performance information and links to Scottish Borders Council's Corporate Transformation programme. The Scottish Borders Household Survey 2015, a copy of which was appended to the report, asked questions about a range of services provided by the Council and partner organisations. There was a response rate of 41% to the paper questionnaire (2,445 responses) and an additional 261 surveys were completed on-line. Since the 2013 Household Survey, Scottish Borders, like all councils, had faced major financial challenges and had worked hard to maintain high quality services with less resources. Some services had had to change and be reshaped and this had undoubtedly had an impact on customer satisfaction levels. However, residents were generally satisfied with the services provided to them; satisfaction levels with Scottish Borders Council remained high at 65% with the number rating the Council as 'Excellent' increasing. 84% of residents were satisfied with the cleanliness of the area in which they lived and 92% felt that their neighbourhood was either a 'very good' or 'fairly good' place to live. The proportion of residents who thought their area was a very good place to live had continued to rise from 52% in 2009, 54% in 2010, 55% in 2013 to 58% in 2015. The vast majority of respondents continued to report that they felt safe when alone in their area during the day (97%). Ms Clare Malster, Strategic Community Engagement Officer, gave a presentation which highlighted the main results from the survey. Members agreed this was an important tool to understand and obtain the views of the Borders public.

DECISION

AGREED the Household Survey results for publication and distribution.

MEMBER

Councillor Stewart left the meeting during consideration of the above item.

DECLARATION OF INTEREST

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

10. COMMERCIAL FOOD WASTE COLLECTION SERVICE CHARGES

There had been circulated copies of a report by the Service Director Neighbourhood Services proposing that the Council introduce a collection of food waste from non-SBC customers, where requested, for the remainder of 2015/16 and for all commercial premises from 1st April 2016 at the proposed charge rate set out in the report, and to the sale of biodegradable food waste liners and replacement food waste bin keys. The report explained that in order to meet the requirements of the Waste (Scotland) Regulations 2012, the Council must, by 1st January 2016, arrange for a food waste collection service from any commercial premise (except in rural areas) which requested it. A charge for non-SBC Commercial Waste customers was required to fulfil this legal obligation and to recover SBC costs. Following extensive consideration of the options available and the associated impacts, it had been ascertained that existing SBC Commercial Waste customers could be provided with the service upon

request at no additional cost until end March 2016. An addendum to existing general waste contracts was being made and the condition that there was no reduction in the level of their general waste contract during this period was applied thereby resulting in no subsequent loss of income to the Council. Regular monitoring of the new commercial waste service would take place to manage the service and ensure maximum levels of customer service. A review of other Local Authority and private sector charges had been undertaken along with an assessment of actual collection, haulage and treatment costs that would be incurred. Other Local Authority charges ranged from £2.18 to £11.99 for the uplift of a 140L wheeled bin. This review resulted in identifying the proposed charges for the new commercial service and these would form part of the 2016/17 Fees and Charges. Collection costs and tonnages would be monitored and a review carried out prior to April 2016 to ensure that proposed charges continued to cover the Council's costs for 2016/17. It was essential that the food waste bins were kept hygienic through the use of biodegradable liners and/or regular cleaning of the bin. The Council had therefore purchased large biodegradable food waste liners which would be made available for sale at Council Contact Centres. In addition, where keys for the lockable lids on the bins provided were lost, these could also be purchased.

DECISION

AGREED to approve the following proposed commercial food waste collection charges with immediate effect:

- (a) **The collection of food waste from non-SBC customers, where requested, for the remainder of 2015/16 and for all commercial premises from 1st April 2016 at the below charge rate.**

Bin Size	Total Charge Per Week (exc vat)	Total Charge Per Year (exc vat)
140 Litre	£5.90	£306.96
23 Litre	£1.35	£70.23

Multiple collections in a week would be charged at multiples of the above figures, for example 2 x 140 litre bins collected once a week =£11.80 per week (exc vat).

- (b) **The sale of biodegradable food waste liners and replacement food waste bin keys at the below charge rate.**

Roll of 35L compostable liners(25 liners per roll)	£3.15 (exc vat) per roll
Food waste bin key	£5.00 (exc vat) Per key

11. SCOTTISH POLICE AUTHORITY'S REVIEW OF POLICE GOVERNANCE

There had been circulated copies of a report by the Chief Executive on the proposed response to the Scottish Police Authority's Review of Police Governance. This review had been requested by the Cabinet Secretary for Justice and aimed to ensure that robust accountability arrangements for the future were in place. The report explained that the Chief Executive had received a letter, a copy of which was appended to the report, dated 17 November 2015 from Mr Andrew Flanigan, Chair of the Scottish Police Authority (SPA) requesting views on the Review of Police Governance. The deadline for replies was Wednesday, 16 December 2015 and an extension had been given in order to allow this response to be approved by Council. The remit of the Review covered national/local relationships, scrutiny, communication, and partnership working. The proposed Council response was based on the work carried out by its Police, Fire & Rescue and Safer Communities Board. The Board had been at the forefront in expressing its concern to the Scottish Police Authority and Police Scotland about the need for the stronger accountability

of policing in local areas and for more effective two-way communications between national policing and local Scrutiny Boards and local authorities.

DECISION

AGREED the response as set out in the report.

12. MID YEAR TREASURY MANAGEMENT REPORT

With reference to paragraph 4 of the Audit and Risk Committee Minute of 23 November 2015, there had been circulated copies of a report by the Chief Financial Officer presenting the mid-year report of treasury management activities for 2015/16, in line with the requirements of the CIPFA Code of Practice and seeking approval for the revised Prudential and Treasury Management indicators. The report was required as part of the Council's treasury management control regime. It provided a mid-year report on the Council's treasury activity during the six month period to 30 September 2015 and demonstrated that Treasury activity in the first six months of 2015/16 had been undertaken in full compliance with the approved Treasury Strategy and Policy for the year. Appendix 1 to the report contained an analysis of the performance against the targets set in relation to Prudential and Treasury Management Indicators, and revised estimates of these indicators in light of the 2014/15 out-turn and the latest projected out-turn for 2015/16 and sought approval of these.

DECISION

AGREED to:-

- (a) note that treasury management activity in the six months to 30 September 2015 was carried out in compliance with the approved Treasury Management Strategy and Policy; and**
- (b) approve the revised Prudential and Treasury Management Indicators as detailed in Appendix 1 to the report.**

13. DRAFT CALENDAR OF MEETINGS 2016-2017

There had been circulated copies of the draft calendar of meetings covering the period August 2016 to July 2017.

DECISION

AGREED to approve the meetings calendar, a copy of which forms Appendix II to this Minute

14. COMMUNITY LEARNING AND DEVELOPMENT STRATEGIC PLAN

With reference to paragraph 4 of the Minute of 20 October 2015, there had been circulated copies of a report by the Depute Chief Executive People seeking approval for the Community Learning and Development in the Scottish Borders Strategic Plan 2015-18. The report explained that at its meeting on 20 October 2015, the Executive Committee recommended that Scottish Borders Council receive a report for approval on the Community Learning and Development (CLD) Strategic Plan for 2015-18, which would include financial information regarding the delivery of the services to be provided. A copy of that amended Plan was appended to the report. The CLD local partnership which had been developed in the Scottish Borders involved CLD partners working together in each of the 9 learning communities to produce a detailed Plan for their own area. Those 9 Plans had then been collated to provide an overarching action plan for CLD in the Scottish Borders. The Core Objectives of the CLD Strategic Plan were to reduce inequalities and improve the wellbeing of Borders communities over the six Inequalities Themes through early intervention and prevention, building the capacity and resilience of the nine Learning Communities and the Voluntary Sector and improving partnership working. Details were contained in the Plan for the achievement of each of the Objectives, with planned outcomes, examples of planned programmes to deliver outcomes, who would benefit, who would deliver the learning, how CLD would make a difference, and how the achievement of Objectives would be measured.

DECISION
AGREED to:-

- (a) **approve the Community Learning and Development in the Scottish Borders Strategic Plan 2015 - 18; and**
- (b) **support the CLD Strategic Partnership to engage effectively with key CLD partners, facilitating contribution to the annual planning process with members taking an active role within the local area partnerships.**

15. **MOTION BY COUNCILLOR LOGAN**

Councillor Logan, seconded by Councillor Greenwell, moved the Motion as detailed on the agenda in the following terms:-

“The Scottish Borders Council agrees to amend the Council’s Scheme of Administration to allow the addition of three non-voting external members on the Scrutiny Committee and that these additional members will also be eligible to be non-voting members of a Scrutiny Working Group.”

Councillor Logan spoke to his Motion. A number of Members expressed concern that this matter had not been discussed by the Scrutiny Committee in advance. Councillor Archibald, seconded by Councillor Gillespie, moved as an amendment that “Scottish Borders Council should take no action in relation to the motion until the matter has been discussed in full by the Scrutiny Committee”.

VOTE

On a show of hands Members voted as follows:-

<i>Motion</i>	-	<i>2 votes</i>
<i>Amendment</i>	-	<i>26 votes</i>

The amendment was accordingly carried.

DECISION

DECIDED to take no action in relation to the motion until the matter had been discussed in full by the Scrutiny Committee.

16. **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

17. **Minute**

The private section of the Council Minute of 12 November 2015 was approved.

18. **Committee Minutes**

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

19. **ICT Review**

Members approved a report by the Corporate Transformation and Services Director on the future provision of ICT services to the Council.

20. **City Region Deal**

Members approved a report by the Chief Executive on participation in the development of a City Region Deal.

The meeting concluded at 1.00 p.m.

SCOTTISH BORDERS COUNCIL
17 DECEMBER 2015
APPENDIX I

Question from Councillor Mountford

To the Executive Member for Education

Please will you provide details of the financial savings and efficiency benefits that have accrued since the introduction of the asymmetric week in Borders schools?

Reply from Councillor Aitchison

The purpose of the creation of the asymmetric week was to enhance learning experiences for our children and young people and create opportunities for efficiencies and savings. In the secondary sector an asymmetric week enabled the implementation of a 33 period week and move away from an inefficient 30 period week, resulting in the alignment of timetables across secondary schools increasing curricular choices in the smaller secondary schools, but also allowing greater subject choice to all our students in the senior phase especially.

In our primary schools it has enhanced the opportunity to develop the four capacities: there is ample time for learning experiences in literacy and numeracy as well as greater opportunity for children to participate in sporting and cultural activities in their communities.

There has been more interaction at Senior level across all our schools and an increase in attainment in all levels of schools in both sectors. It is very difficult to quantify the qualitative benefits of the asymmetric week, but what we can say is that there has been an increase in attainment and our sports participation levels, including volunteering and Duke of Edinburgh participation have all increased and are higher than the national average in each respective performance area.

In terms of financial savings, it was clear that the 33 period had to go ahead to deliver our ambitious secondary school curriculum – this would have created a £500,000 budget cost in transportation in running separate primary and secondary transportation, therefore this additional cost has been negated. There are greater financial savings yet to be fully achieved as the new curriculum beds in and curriculum structures fully evolve and this is included within the current financial plan.

Supplementary

Councillor Mountford asked if Councillor Aitchison was satisfied that the disruption and inconvenience for parents particularly those of primary school children in rural areas was justified. Councillor Aitchison replied that he had expected more comments but had personally received no complaints. He had received positive comments on the benefits for children but was happy to speak to Councillor Mountford regarding any individual cases if there were problems.

Question from Councillor Logan

To the Executive Member for Roads and Infrastructure

The Scottish Information Commissioner recently ruled that the Scottish Borders Council should make a full disclosure in respect of a Freedom of Information request on a decision taken by the Council in March 2012 over a deal with New Earth Solutions (NES) to deliver a waste treatment plant at Easter Langlee. She states

“It is difficult to see how disclosure of this information three years on, could cause substantial prejudice to NES’s legitimate interests. Since March NES have submitted two sets of annual accounts..... which contain information on its “financial health. Given this, I find it difficult to accept that the withheld information should in any way dissuade future business partners from working with NES.”

Given the decision of the Commissioner do you now agree that the Scottish Borders Council should release an un-redacted copy of the full report presented to the Council on 25 October 2012 (Waste Treatment Project Contract Variation) together with the Risk and Mitigation Register and Minutes?

Reply from Councillor Edgar

Freedom of Information Requests are matters which are wholly delegated to officers. My understanding is that the decision made by the Scottish Information Commissioner did not in fact require full disclosure of that 2012 report. There has been insufficient time since we received your question to properly consider your request in the context of the Decision made by the Information Commissioner, the outstanding two requests being reviewed by the Information Commissioner and the contractual commitments the Council has. I have therefore asked officers to consider your question and will provide you with a written answer.

**SCOTTISH BORDERS COUNCIL
17 DECEMBER 2017
APPENDIX II**

**CALENDAR OF MEETINGS
AUGUST 2016 - JULY 2017**

Aug-16				
MON (SH)	1	AUG	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES (SH)	2	AUG		
WED (SH)	3	AUG		
THUR (SH)	4	AUG		
FRI (SH)	5	AUG		
SAT	6	AUG		
SUN	7	AUG		
MON (SH)	8	AUG		
TUES (SH)	9	AUG		
WED (SH)	10	AUG		
THUR (SH)	11	AUG		
FRI (SH)	12	AUG		
SAT	13	AUG		
SUN	14	AUG		
MON (SH)	15	AUG	LOCAL REVIEW BODY	10.00 a.m.
TUES	16	AUG	EXECUTIVE COMMITTEE (FINANCE/PERFORMANCE/TRANSFORMATION)	10.00 a.m.
TUES	16	AUG	HAWICK CGF SUB-COMMITTEE	4.00 p.m.
TUES	16	AUG	TEVIOT & LIDDESDALE AREA FORUM	6.30 p.m.
WED	17	AUG		
THUR	18	AUG	SCRUTINY COMMITTEE	10.00 a.m.
FRI	19	AUG	LICENSING BOARD	10.00 a.m.
FRI	19	AUG	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	20	AUG		
SUN	21	AUG		
MON	22	AUG	PENSION FUND INVESTMENT & PERFORMANCE SUB	10.00 a.m.
TUES	23	AUG		
WED	24	AUG		
THUR	25	AUG	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	26	AUG	POLICE, FIRE & RESCUE AND SAFER COMMUNITIES BOARD	9.30 a.m.
SAT	27	AUG		
SUN	28	AUG		
MON	29	AUG		
TUES	30	AUG	SELKIRK CGF SUB-COMMITTEE	3.00 p.m.
WED	31	AUG	PEEBLES CGF SUB-COMMITTEE	5.00 p.m.
WED	31	AUG	TWEEDDALE AREA FORUM	6.30 p.m.
Sep-16				
THUR	1	SEP	EDUCATION PERFORMANCE SUB-CTEE	10.00 a.m.
THUR	1	SEP	EMPLOYEE COUNCIL	3.00 p.m.
THUR	1	SEP	BERWICKSHIRE AREA FORUM	6.30 p.m.
FRI	2	SEP		

SAT	3	SEP		
SUN	4	SEP		
MON	5	SEP	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	6	SEP	EXECUTIVE COMMITTEE (EDUCATION)	10.00 a.m.
WED	7	SEP		
THUR	8	SEP	COMMUNITY PLANNING STRATEGIC BOARD	2.00 p.m.
THUR	8	SEP	GALASHIELS CGF SUB-COMMITTEE	4.30 p.m.
THUR	8	SEP	EILDON AREA FORUM	6.30 p.m.
FRI	9	SEP		
SAT	10	SEP		
SUN	11	SEP		
MON	12	SEP		
TUES	13	SEP		
WED	14	SEP	JEDBURGH CGF SUB-COMMITTEE	4.30 p.m.
WED	14	SEP	KELSO CGF SUB-COMMITTEE	5.30 p.m.
WED	14	SEP	CHEVIOT AREA FORUM	6.30 p.m.
THUR	15	SEP	PENSION FUND COMMITTEE	10.00 a.m.
FRI	16	SEP		
SAT	17	SEP		
SUN	18	SEP		
MON	19	SEP	LOCAL REVIEW BODY	10.00 a.m.
TUES	20	SEP	EXECUTIVE COMMITTEE (ECONOMIC DEVELOPMENT)	10.00 a.m.
TUES	20	SEP	TEVIOT & LIDDESDALE AREA FORUM	6.30 p.m.
WED	21	SEP	JCG: TEACHERS	2.00 p.m.
THUR	22	SEP	SCRUTINY COMMITTEE	10.00 a.m.
FRI	23	SEP	LICENSING BOARD	10.00 a.m.
FRI	23	SEP	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	24	SEP		
SUN	25	SEP		
MON	26	SEP	AUDIT & RISK COMMITTEE	10.15 a.m.
TUES	27	SEP		10.00 a.m.
WED	28	SEP	LAUDER CGF SUB-COMMITTEE	2.00 p.m.
THUR	29	SEP	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	30	SEP		
Oct-16				
SAT	1	OCT		
SUN	2	OCT		
MON	3	OCT	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	4	OCT	EXECUTIVE COMMITTEE	10.00 a.m.
TUES	4	OCT	LOCAL LICENSING FORUM	4.00 p.m.
WED	5	OCT		
THUR	6	OCT	PETITIONS & DEPUTATIONS COMMITTEE	10.00 a.m.
FRI	7	OCT		
SAT	8	OCT		
SUN	9	OCT		
MON (SH)	10	OCT		
TUES (SH)	11	OCT	-	-
WED (SH)	12	OCT		
THUR (SH)	13	OCT		

FRI (SH)	14	OCT		
SAT	15	OCT		
SUN	16	OCT		
MON	17	OCT	LOCAL REVIEW BODY	10.00 a.m.
TUES	18	OCT	EXECUTIVE COMMITTEE (EDUCATION)	10.00 a.m.
WED	19	OCT	JCG: STAFF	10.00 a.m.
THUR	20	OCT		
FRI	21	OCT	LICENSING BOARD	10.00 a.m.
FRI	21	OCT	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	22	OCT		
SUN	23	OCT		
MON	24	OCT		
TUES	25	OCT		
WED	26	OCT		
THUR	27	OCT	SCRUTINY COMMITTEE	10.00 a.m.
FRI	28	OCT		
SAT	29	OCT		
SUN	30	OCT		
MON	31	OCT	TRADING OPERATIONS SUB-COMMITTEE	10.00 a.m.
Nov-16				
TUES	1	NOV	EXECUTIVE COMMITTEE (ECONOMIC DEVELOPMENT)	10.00 a.m.
WED	2	NOV		
THUR	3	NOV		
FRI	4	NOV		
SAT	5	NOV		
SUN	6	NOV		
MON	7	NOV	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	8	NOV		
WED	9	NOV		
THUR	10	NOV	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	11	NOV	POLICE, FIRE & RESCUE AND SAFER COMMUNITIES BOARD	9.30 a.m.
SAT	12	NOV		
SUN	13	NOV		
MON	14	NOV	AUDIT & RISK COMMITTEE	10.15 a.m.
TUES	15	NOV	EXECUTIVE COMMITTEE (FINANCE/PERFORMANCE/TRANSFORMATION)	10.00 a.m.
TUES	15	NOV	HAWICK CGF SUB-CTEE	4.00 p.m.
TUES	15	NOV	TEVIOT & LIDDESDALE AREA FORUM	6.30 p.m.
WED	16	NOV		
THUR	17	NOV		
FRI	18	NOV	LICENSING BOARD	10.00 a.m.
FRI	18	NOV	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	19	NOV		
SUN	20	NOV		
MON	21	NOV	LOCAL REVIEW BODY	10.00 a.m.
TUES	22	NOV		
WED	23	NOV		

THUR	24	NOV	SCRUTINY COMMITTEE	10.00 a.m.
THUR	24	NOV	EDUCATION PERFORMANCE SUB-CTEE	2.00 p.m.
THUR	24	NOV	COMMUNITY PLANNING STRATEGIC BOARD	2.00 p.m.
FRI	25	NOV		
SAT	26	NOV		
SUN	27	NOV		
MON	28	NOV	ST ANDREWS DAY HOLIDAY	
TUES	29	NOV	EXECUTIVE COMMITTEE	10.00 a.m.
TUES	29	NOV	SELKIRK CGF SUB-CTEE	3.00 p.m.
WED	30	NOV	PEEBLES CGF SUB-COMMITTEE	5.00 p.m.
WED	30	NOV	TWEEDDALE AREA FORUM	6.30 p.m.
	Dec-16			
THUR	1	DEC	EMPLOYEE COUNCIL	3.00 p.m.
THUR	1	DEC	BERWICKSHIRE AREA FORUM	6.30 p.m.
FRI	2	DEC	-	-
SAT	3	DEC		
SUN	4	DEC		
MON	5	DEC	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	6	DEC		
WED	7	DEC	JOINT MEETING LICENSING BOARD/LLF	4.00 p.m.
WED	7	DEC	JEDBURGH CGF SUB-COMMITTEE	4.30 p.m.
WED	7	DEC	KELSO CGF SUB-COMMITTEE	5.30 p.m.
WED	7	DEC	CHEVIOT AREA FORUM	6.30 p.m.
THUR	8	DEC	PENSION FUND COMMITTEE	10.00 a.m.
THUR	8	DEC	PETITIONS & DEPUTATIONS COMMITTEE	10.00 a.m.
THUR	8	DEC	GALASHIELS CGF SUB-COMMITTEE	4.30 p.m.
THUR	8	DEC	EILDON AREA FORUM	6.30 p.m.
FRI	9	DEC		
SAT	10	DEC		
SUN	11	DEC		
MON	12	DEC		
TUES	13	DEC	TEVIOT & LIDDESDALE AREA FORUM	6.30 p.m.
WED	14	DEC	LAUDER COMMON GOOD FUND SUB-COMMITTEE	2.00 p.m.
THUR	15	DEC	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	16	DEC	LICENSING BOARD	10.00 a.m.
FRI	16	DEC	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	17	DEC		
SUN	18	DEC		
MON	19	DEC	LOCAL REVIEW BODY	10.00 a.m.
TUES	20	DEC		
WED	21	DEC		
THUR	22	DEC		
FRI (SH)	23	DEC		
SAT	24	DEC		
SUN	25	DEC		
MON (SH)	26	DEC	HOLIDAY	
TUES (SH)	27	DEC	HOLIDAY	
WED (SH)	28	DEC	HOLIDAY	
THUR (SH)	29	DEC	HOLIDAY	

FRI (SH)	30	DEC	HOLIDAY	
SAT	31	DEC		
Jan-17				
SUN	1	JAN		
MON (SH)	2	JAN	HOLIDAY	
TUES (SH)	3	JAN	HOLIDAY	
WED (SH)	4	JAN		
THUR (SH)	5	JAN		
FRI (SH)	6	JAN		
SAT	7	JAN		
SUN	8	JAN		
MON	9	JAN	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	10	JAN		
WED	11	JAN		
THUR	12	JAN		
FRI	13	JAN		
SAT	14	JAN		
SUN	15	JAN		
MON	16	JAN	AUDIT & RISK COMMITTEE	10.15 a.m.
TUES	17	JAN	EXECUTIVE COMMITTEE (EDUCATION)	10.00 a.m.
TUES	17	JAN	TEVIOT & LIDDESDALE AREA FORUM	6.30 p.m.
WED	18	JAN		
THUR	19	JAN		
FRI	20	JAN	LICENSING BOARD	10.00 a.m.
FRI	20	JAN	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	21	JAN		
SUN	22	JAN		
MON	23	JAN	LOCAL REVIEW BODY	10.00 a.m.
TUES	24	JAN	LOCAL LICENSING FORUM	4.00 p.m.
WED	25	JAN	JCG: STAFF	10.00 a.m.
THUR	26	JAN	SCRUTINY COMMITTEE	10.00 a.m.
FRI	27	JAN		
SAT	28	JAN		
SUN	29	JAN		
MON	30	JAN	TRADING OPERATIONS SUB-COMMITTEE	10.00 a.m.
TUES	31	JAN	EXECUTIVE COMMITTEE (ECONOMIC DEVELOPMENT)	10.00 a.m.
Feb-17				
WED	1	FEB	JEDBURGH CGF SUB-COMMITTEE	4.30 p.m.
WED	1	FEB	KELSO CGF SUB-COMMITTEE	5.30 p.m.
WED	1	FEB	CHEVIOT AREA FORUM	6.30 p.m.
THUR	2	FEB		
FRI	3	FEB		
SAT	4	FEB		
SUN	5	FEB		
MON	6	FEB	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	7	FEB		
WED	8	FEB		
THUR	9	FEB	SCOTTISH BORDERS COUNCIL (SPECIAL)	10.00 a.m.

FRI	10	FEB	POLICE, FIRE & RESCUE AND SAFER COMMUNITIES BOARD	9.30 a.m.
SAT	11	FEB		
SUN	12	FEB		
MON	13	FEB		10.00 a.m.
TUES	14	FEB	EXECUTIVE COMMITTEE (FINANCE/PERFORMANCE/TRANSFORMATION)	10.00 a.m.
WED	15	FEB	SELKIRK CGF SUB-COMMITTEE	3.00 p.m.
THUR	16	FEB	SCRUTINY COMMITTEE	10.00 a.m.
FRI	17	FEB	LICENSING BOARD	10.00 a.m.
FRI	17	FEB	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	18	FEB		
SUN	19	FEB		
MON	20	FEB	LOCAL REVIEW BODY	-
TUES	21	FEB	LAUDER COMMON GOOD FUND SUB-COMMITTEE	2.00 p.m.
TUES	21	FEB	HAWICK COMMON GOOD FUND SUB-COMMITTEE	4.00 p.m.
TUES	21	FEB	TEVIOT & LIDDESDALE AREA FORUM	6.30 p.m.
WED	22	FEB	JCG: TEACHERS	2.00 p.m.
THUR	23	FEB	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	24	FEB		
SAT	25	FEB		
SUN	26	FEB		
MON	27	FEB	PENSION FUND INVESTMENT & PERFORMANCE SUB	10.00 a.m.
TUES	28	FEB	PETITIONS & DEPUTATIONS COMMITTEE	10.00 a.m.
Mar-17				
WED	1	MAR	PEEBLES COMMON GOOD FUND SUB-COMMITTEE	5.00 p.m.
WED	1	MAR	TWEEDDALE AREA FORUM	6.30 p.m.
THUR	2	MAR	COMMUNITY PLANNING STRATEGIC BOARD	2.00 p.m.
THUR	2	MAR	BERWICKSHIRE AREA FORUM	6.30 p.m.
FRI	3	MAR		
SAT	4	MAR		
SUN	5	MAR		
MON	6	MAR	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	7	MAR	EXECUTIVE COMMITTEE	10.00 a.m.
WED	8	MAR		
THUR	9	MAR	EDUCATION PERFORMANCE SUB-COMMITTEE	10.00 a.m.
THUR	9	MAR	EMPLOYEE COUNCIL	3.00 p.m.
THUR	9	MAR	GALASHIELS CGF SUB-COMMITTEE	4.30 p.m.
THUR	9	MAR	EILDON AREA FORUM	6.30 p.m.
FRI	10	MAR		
SAT	11	MAR		
SUN	12	MAR		
MON	13	MAR		
TUES	14	MAR		
WED	15	MAR		
THUR	16	MAR	PENSION FUND COMMITTEE	10.00 a.m.
FRI	17	MAR	LICENSING BOARD	10.00 a.m.
FRI	17	MAR	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.

SAT	18	MAR		
SUN	19	MAR		
MON	20	MAR	LOCAL REVIEW BODY	10.00 a.m.
TUES	21	MAR	EXECUTIVE COMMITTEE (EDUCATION)	10.00 a.m.
TUES	21	MAR	LOCAL LICENSING FORUM	4.00 p.m.
TUES	21	MAR	TEVIOT & LIDDESDALE AREA FORUM	6.30 p.m.
WED	22	MAR		
THUR	23	MAR	SCRUTINY COMMITTEE	10.00 a.m.
FRI	24	MAR		
SAT	25	MAR		
SUN	26	MAR		
MON	27	MAR	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	28	MAR	AUDIT & RISK COMMITTEE	10.15 a.m.
WED	29	MAR	CHEVIOT AREA FORUM	6.30 p.m.
THUR	30	MAR	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	31	MAR		
Apr-17				
SAT	1	APR		
SUN	2	APR		
MON(SH)	3	APR		
TUES(SH)	4	APR		
WED(SH)	5	APR		
THUR(SH)	6	APR		
FRI(SH)	7	APR		
SAT	8	APR		
SUN	9	APR		
MON (SH)	10	APR		
TUES (SH)	11	APR		
WED (SH)	12	APR		
THUR (SH)	13	APR		
FRI (SH)	14	APR		
SAT	15	APR		
SUN	16	APR		
MON (SH)	17	APR	LOCAL REVIEW BODY	10.00 a.m.
TUES	18	APR		
TUES	18	APR		
WED	19	APR		
THUR	20	APR		
FRI	21	APR	LICENSING BOARD	10.00 a.m.
FRI	21	APR	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	22	APR		
SUN	23	APR		
MON	24	APR	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	25	APR		
WED	26	APR		
THUR	27	APR		
FRI	28	APR		
SAT	29	APR		

SUN	30	APR		
May-17				
MON	1	MAY	PUBLIC HOLIDAY	
TUES	2	MAY		
WED	3	MAY		
THUR	4	MAY	LOCAL GOVERNMENT ELECTIONS	
FRI	5	MAY		
SAT	6	MAY		
SUN	7	MAY		
MON	8	MAY		
TUES	9	MAY		
WED	10	MAY		
THUR	11	MAY		
FRI	12	MAY		
SAT	13	MAY		
SUN	14	MAY		
MON	15	MAY		
TUES	16	MAY		
WED	17	MAY		
THUR	18	MAY	SCOTTISH BORDERS COUNCIL (SPECIAL)	10.00 a.m.
FRI	19	MAY		
SAT	20	MAY		
SUN	21	MAY		
MON	22	MAY		
TUES	23	MAY		
WED	24	MAY		
THUR	25	MAY	SCOTTISH BORDERS COUNCIL (SPECIAL)	10.00 a.m.
FRI	26	MAY		
SAT	27	MAY		
SUN	28	MAY		
MON	29	MAY		
TUES	30	MAY		
WED	31	MAY		
Jun-17				
THUR	1	JUN		
FRI	2	JUN		
SAT	3	JUN		
SUN	4	JUN		
MON	5	JUN	PLANNING AND BUILDING STANDARDS EXECUTIVE COMMITTEE (ECONOMIC DEVELOPMENT)	10.00 a.m.
TUES	6	JUN		10.00 a.m.
WED	7	JUN		
THUR	8	JUN	SCRUTINY COMMITTEE	10.00 a.m.
THUR	8	JUN	COMMUNITY PLANNING STRATEGIC BOARD	2.00 p.m.
THUR	8	JUN	GALASHIELS CGF SUB-COMMITTEE	4.30 p.m.
THUR	8	JUN	EILDON AREA FORUM	6.30 p.m.
FRI	9	JUN	POLICE, FIRE & RESCUE AND SAFER COMMUNITIES BOARD	9.30 a.m.
SAT	10	JUN		

SUN	11	JUN		
MON	12	JUN	TRADING OPERATIONS SUB-COMMITTEE	10.00 a.m.
TUES	13	JUN	LAUDER CGF SUB-COMMITTEE	2.00 p.m.
WED	14	JUN	SELKIRK CGF SUB-COMMITTEE	3.00 p.m.
WED	14	JUN	PEEBLES COMMON GOOD FUND SUB-COMMITTEE	5.00 p.m.
WED	14	JUN	TWEEDDALE AREA FORUM	6.30 p.m.
THUR	15	JUN	PENSION FUND COMMITTEE	10.00 a.m.
THUR	15	JUN	EDUCATION PERFORMANCE SUB-COMMITTEE	10.00 a.m.
THUR	15	JUN	BERWICKSHIRE AREA FORUM	6.30 p.m.
FRI	16	JUN	LICENSING BOARD	10.00 a.m.
FRI	16	JUN	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	17	JUN		
SUN	18	JUN		
MON	19	JUN	LOCAL REVIEW BODY	10.00 a.m.
TUES	20	JUN	EXECUTIVE COMMITTEE (FINANCE/PERFORMANCE/TRANSFORMATION)	10.00 a.m.
TUES	20	JUN	HAWICK COMMON GOOD FUND SUB-COMMITTEE	4.00 p.m.
TUES	20	JUN	LOCAL LICENSING FORUM	4.00 p.m.
TUES	20	JUN	TEVIOT & LIDDESDALE AREA FORUM	6.30 p.m.
WED	21	JUN	JCG: TEACHERS	2.00 p.m.
WED	21	JUN	JEDBURGH CGF SUB-COMMITTEE	4.30 p.m.
WED	21	JUN	KELSO CGF SUB-COMMITTEE	5.30 p.m.
WED	21	JUN	CHEVIOT AREA FORUM	6.30 p.m.
THUR	22	JUN	PETITIONS & DEPUTATIONS COMMITTEE	10.00 a.m.
THUR	22	JUN	EMPLOYEE COUNCIL	3.00 p.m.
FRI	23	JUN		
SAT	24	JUN		
SUN	25	JUN		
MON	26	JUN	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	27	JUN	AUDIT & RISK COMMITTEE	10.15 a.m.
WED	28	JUN	JCG: STAFF	10.00 a.m.
THUR	29	JUN	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI (SH)	30	JUN		
Jul-17				
SAT	1	JUL		
SUN	2	JUL		
MON (SH)	3	JUL		
TUES (SH)	4	JUL		
WED (SH)	5	JUL		
THUR (SH)	6	JUL		
FRI (SH)	7	JUL		
SAT	8	JUL		
SUN	9	JUL		
MON (SH)	10	JUL		
TUES (SH)	11	JUL		
WED (SH)	12	JUL		
THUR (SH)	13	JUL		
FRI (SH)	14	JUL		
SAT	15	JUL		

SUN	16	JUL		
MON (SH)	17	JUL	LOCAL REVIEW BODY	10.00 a.m.
TUES (SH)	18	JUL		
WED (SH)	19	JUL		
THUR (SH)	20	JUL		
FRI (SH)	21	JUL	LICENSING BOARD	10.00 a.m.
FRI (SH)	21	JUL	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	22	JUL		
SUN	23	JUL		
MON (SH)	24	JUL		
TUES (SH)	25	JUL		
WED (SH)	26	JUL		
THUR (SH)	27	JUL		
FRI (SH)	28	JUL		

(SH) School Holiday

SCOTTISH BORDERS COUNCIL

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held in Council Headquarters, Newtown St. Boswells on 11 February 2016 at 10.00 a.m.

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

Apologies:- Councillors M. Cook, V. Davidson, J. Fullarton .

In Attendance:- Chief Executive, Depute Chief Executive (People), Depute Chief Executive (Place), Corporate Transformation and Services Director, Service Director Neighbourhood Services, Service Director Commercial Services, Service Director Regulatory Services, Service Director Children & Young People, Chief Financial Officer, Chief Officer Human Resources, Clerk to the Council.

DECLARATION OF INTEREST

Councillor Edgar declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

1. COUNCIL TAX – LONG TERM EMPTY DWELLINGS

There had been circulated copies of a report by the Service Director Neighbourhood Services on the new powers to increase Council Tax up to a maximum of 200% on long term empty dwellings and the positive financial impact from implementing the change which was being captured as part of the 2016/17 Financial Planning process. The report outlined the background of the new discretionary powers and the current position within Scottish Borders Council regarding discounts and exemptions applied to long term empty dwellings. It was explained that when the new powers were granted in April 2013 Scottish Borders Council was not in a position to implement the increase as the data held was insufficient to apply the regulations. Since then a data gathering and cleansing exercise had begun and was on-going to enable implementation on 1 April 2016. It was noted that the enhanced powers only related to long term empty properties and owners with second homes would not be affected by this change. The powers defined what constituted a long term empty property as one which had not been lived in for a period of at least 25 days in any rolling 12 month period. Owners would still be able to claim existing mandatory discounts and exemptions under the Council Tax (Exempt Dwelling) (Scotland) Order 1997. However, where the property was no longer eligible for the exemption, but remained unoccupied it would become eligible for the Council Tax increase after the property had been empty for one year from the date it became unoccupied. Homes that were being marketed for sale or let, or were undergoing renovation to bring them to a habitable standard, would be exempt from the Council Tax increase until they had been unoccupied for two years or more. Those homes would remain liable for Council Tax and would attract a discount of between 50% and 10%. New build properties were also exempt from the increase if they were genuinely being marketed for sale or let at a realistic price. Members generally approved the proposals. Councillor Ballantyne suggested that there be a review carried out in 3 years' time to ascertain how the scheme was working with particular regard to the use of discretionary exemptions, and this was unanimously approved.

DECISION

AGREED that:-

- (a) a levy of 200% to be applied on council tax charges for domestic properties that met the long term empty property criteria;
- (b) a civil penalty of £500 was imposed for non-compliance with the requirement to disclose relevant information on property status;
- (c) discretion to modify different classes of dwellings exempt from the additional charge was delegated to the Service Director Neighbourhood Services to be used in exceptional circumstances on a case by case basis;
- (d) the implementation date be from 1 April 2016; and
- (e) a review be carried out in 3 years' time to ascertain how the scheme was working, with particular regard to the use of discretionary exemptions.

2. BUDGET COMMUNICATIONS STRATEGY

There had been circulated copies of a report by the Chief Financial Officer on the steps taken to engage with stakeholders as part of the consultation exercise on the budget. The report highlighted the budget Communication Strategy used and provided feedback gathered from the Dialogue Community Engagement tool. As part of the agreed budget consultation exercise on the Revenue Financial Plan, the Dialogue Community Engagement tool was made available for a 13 week period to members of the public on the Council website. This interactive tool allowed residents and other stakeholders to provide ideas and suggestions on how the Council could do things differently to save money in a challenging economic climate. As at the end of January 2016 the Dialogue Community Engagement tool had generated 34 ideas and suggestions with 91 comments on these ideas. This feedback had been considered as part of the 2016-21 Financial Planning process. The Dialogue tool would remain open online and ongoing feedback would be considered during future Financial Planning cycles. Disappointment at the low level of engagement was expressed.

DECISION

NOTED:-

- (a) the budget Communication Strategy used;
- (b) the feedback from the Dialogue Community Engagement tool and how the Council had used this feedback to inform the Financial Planning process; and
- (c) that actual responses from residents with all comments were available on the Council's website and a copy had been made available in the Member's Library.

3. FINANCIAL STRATEGY 2016/17-2020/21

There had been circulated copies of a report by the Chief Financial Officer seeking approval for the financial strategy for the Council covering the period 2016/17 – 2020/21. The strategy provided the context for the overall financial management of the Council and covered the revenue budget, capital investment plans, the Council's treasury management arrangements and reserves policy. The report explained that the Council, in common with other public sector organisations, continued to face significant and on-going financial challenges as it aimed to provide the best possible services within the resources available. To deliver this plan the Council adopted a 5 year timeframe for revenue financial planning and had embarked upon an ambitious programme of transformation which aimed to modernise services and restructure the organisation. The corporate transformation programme required the Council to make best use of its people and its resources, focus efforts to look after the Borders and improve both efficiency and effectiveness. The plan had been amended and updated each year and despite the resource challenges facing the Council and wider public services had so far delivered underspends in 2013/14 and 2014/15. In the current year (2015/16) the latest monitoring projection indicated, despite pressures in a number of areas

that a balanced out turn position would be achieved. Since inception in 2013/14 the corporate transformation programme had supported the Council in delivering savings of £15.6m (this included the 2015/16 savings which were on track to be delivered). Firm figures had been published via the Local Government Finance Settlement for 2016/17 only and consequently it was recognised that beyond the next financial year the financial strategy could only be based on estimated resources. The updated 5 year plan was therefore based on the best information currently available and it would continue to be adapted over time to respond to changing circumstances. The strategy used an approach based on a quantified financial risk register to set ensure the Council retained sufficient reserves and the level of unallocated balances underpinning the 5 year plan. It was also highlighted that on 1st April 2016 the Integration Joint Board set up with NHS Borders would go live and this would have a major impact on financial planning and service delivery within the Borders going forward. The prudent approach which had been taken was highlighted and a copy of the Risk Register was appended to the report.

DECISION

AGREED to approve the financial strategy for 2016/17 – 2020/21 as set out below:-

- (a) continue to freeze council tax in 2016/17;**
- (b) set a prudent, sustainable budget in line with available resources;**
- (c) continue to invest in infrastructure through a sustainable capital programme financed by up to £20.485m loans charges per annum;**
- (d) maximise income while keeping fees charged to service users at an affordable level;**
- (e) continue to invest in corporate transformation and efficiency projects to deliver long term financial savings and service benefits;**
- (f) focus on preventative revenue and capital spend; and,**
- (g) maintain unallocated reserves of £5.64m for 2016/17 in line with the assessed risk register in contained in Appendix 1 to the report.**

4. CORPORATE TRANSFORMATION PROGRESS REPORT

With reference to paragraph 11 of the Minute of 12 February 2015, there had been circulated copies of a report by the Corporate Transformation and Services Director providing an update on progress in developing and delivering the Council's Corporate Transformation Programme. Significant progress had been made against the 8 priorities as set out in the Corporate Plan and, through the exceptional efforts of staff, savings of £15.6m had been realised across the first 3 years of the 5-year financial plan 2013/14-2015/16, including current year savings which were on track to be delivered. At the same time, significant operational efficiencies had been delivered while improving standards of service delivery in many areas. A combination of funding restrictions and increasing demand for services meant that if these continued to be delivered in the same way as currently provided, a funding gap would develop. As a result, £29.0m of savings needed to be made by 2020/21. Moving forward, the Council needed to become a leaner and more flexible organisation that continually sought to improve and innovate to provide better more efficient services. Technology would play a vital role in enabling this and would provide the Council with opportunities to rethink and redesign its business processes and make services available on an anytime, anywhere basis. Although the Corporate Transformation Programme was only in its first year, it had already delivered some significant achievements, most notably, around the implementation of the Borders Railway which was already bringing benefits for the economy of the area. Future work would ensure that these benefits were spread as widely as possible across the region. Other significant achievements included the launch of SB Cares as a wholly-owned, arm's-length organisation for the provision of adult social care services. This model, which could be replicated elsewhere, provided an innovative way of providing services with the commercial and operational flexibility to allow the Council to pursue income streams that offset the costs of providing critical services. Key programmes such as Customer First and ICT would bring about a comprehensive review of business processes, improving services and productivity as well as delivering savings. Further online services, including building standards, benefits and fault reporting, would be made available

to customers over the web in the year ahead. Rationalisation of property would continue and further opportunities to accelerate this would be identified and pursued. Steps to improve energy efficiency were already being planned and would be implemented to ensure that property running costs were reduced. In addition to this, projects such as reducing the number of business miles travelled by at least 20% and reducing the volume and cost of printing across the organisation would contribute to the delivery of savings. Members noted that this programme had placed the Council in a more favourable position than some other Councils in terms of the level of budget cuts required and would continue to help in future years.

DECISION

AGREED:-

- (a) to note the progress of the Programme to date; and**
- (b) the role of the Corporate Transformation Programme in delivering significant savings whilst continuing to provide high quality services.**

5. REVENUE AND CAPITAL RESOURCES AND COUNCIL TAX

There had been circulated copies of a report by the Chief Financial Officer on the estimated revenue and capital resources available from financial year 2016/17 following publication of the Local Government Finance Settlement on 16 December 2015. The report outlined the process supporting the construction of the draft revenue and capital Financial Plans from 2016/17 and identified the financial constraints and major risks which needed to be addressed. The Local Government Finance Settlement had confirmed resources from the Scottish Government through Revenue Support Grant and Non Domestic Rates of £201.711m. Additional funding over and above the Settlement had been confirmed to fund, Free School Meals, Teachers Induction Scheme, 1 + 2 languages and Discretionary Housing Payments (DHP). The only element of this additional funding which had been allocated to date and therefore reflected in the Financial Plan papers was £1.2m for Free School Meals. All other budgets would be created during 2016/17 when funding was confirmed. A further adjustment had been made to reflect predicted resources associated with Health and Social Care partnerships assumed at £5.3m. If this full level of funding was not forthcoming it would be reduced accordingly in line with the final distribution from Government. Assuming that Council Tax was frozen again at 2007/08 levels, the total revenue resources available to the Council for 2016/17 totalled £263.203m, as detailed in the report. The Corporate Management Team had worked together to support Members to set a corporate revenue and capital budget to meet identified pressures facing the Council. These pressures had arisen due to the continuing constraints on external revenue and capital funding from central government, the continuing freeze on Council Tax and the increasing pressures from demographics, inflation and employment costs. The revenue and capital budgets had been designed to ensure the effective deployment of funds available in line with the Council's corporate objectives and approved service plans.

DECISION

AGREED:-

- (a) to note the estimated revenue resources for 2016/17 to 2020/21;**
- (b) to note the estimated Capital Resources for 2016/17 to 2025/26 and the requirement to adhere to the prudential code for capital borrowing;**
- (c) a Band D council tax of £1,084 for financial year 2016/17, freezing the council tax at 2007/08 levels for the ninth successive year;**
- (d) to approve the following council taxes to be paid for 2016/17 in respect of chargeable dwellings:-**

Band	Proportion of Band D Tax	£
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A	6/9	7
B	7/9	8
C	8/9	9
D	9/9	1,0
E	11/9	1,1
F	13/9	1,2
G	15/9	1,3
H	18/9	2,1

(e) to proceed to consider the Administration's Financial Plan for 2016/17 and associated fees and charges schedule for 2016/17.

6. TREASURY MANAGEMENT STRATEGY 2016/17

There had been circulated copies of a report by the Chief Financial Officer seeking approval for the Treasury Management Strategy 2016/17. The report explained that the Treasury Management Strategy was the framework which ensured that the Council operated within prudent, affordable limits in compliance with the CIPFA Code. The Strategy for 2016/17 was appended to the report and reflected the impact of the Administration's Financial Plans for 2016/17 onwards on the prudential and treasury indicators for the Council. The significant changes from the 2015/16 Strategy were (a) the increase in Capital Financed from Revenue (CFR) for 2016/17 due to increased capital expenditure in 2016/17 resulting new projects and from acceleration of a number of projects such as Broomlands, Langlee and sports pitches, additionally borrowing requirements associated with the re-phasing of projects from 2015-16 into 2016-17 and future years have impacted on the total CFR; and (b) the increase in the Authorised Limit in 2017/18 associated with the completion of Kelso High School and the resulting Long Term liability and the increase in external borrowing resulting from the capital plan. It was noted that the draft Strategy had been reviewed by the Audit and Risk Committee and its recommendations were included in the report.

**DECISION
AGREED:-**

- (a) to approve the Treasury Management Strategy 2016/17 as set out in Appendix 1 to the report;**
- (b) that the Council reviews its capital expenditure plans going forward to ensure they remained realistic, affordable and sustainable; and**
- (c) to ensure that the revenue consequences of all capital projects were fully reviewed in all investment decisions.**

7. FINANCIAL PLAN FROM 2016/17 EQUALITY IMPACT ASSESSMENTS

There had been circulated copies of a report by the Chief Financial Officer providing assurance that any potential equality impacts of the proposals brought forward within the Council's Financial Plan from 2016/17 had been identified and would be managed accordingly. Initial Equality Impact Assessments had been undertaken in respect of the 36 key component revenue Financial Plan savings proposals and 36 Capital Plan proposals. Of these total proposals 64 had been held to have some relevance to the Council's duties under the Equality Act 2010. They potentially might impact in a positive or negative way on 1 or more equality groups and any potential negative impact would require ongoing management through their implementation stage, in terms of mitigating and alleviating these impacts. Any positive impacts identified at this stage should be maximised during the planning and implementation stage of the proposals. The outcomes of the assessments were contained in the appendix to the report. In response to a query it was confirmed that these would be published on the Council website.

DECISION

AGREED:-

- (a) to note the summary outcomes of the 72 Initial Equality Impact assessments undertaken in respect of the 2016/17 Financial Plan proposals ;**
- (b) to undertake further and ongoing Equality Impact work in respect of the 64 proposals where it had been identified that they had a relevance to the Council's duty under the Equality Act 2010, with specific reference to the equality groups on whom there may be possible negative impact;**
- (c) that where there was an identified relevance to the Council's statutory duty and there was a possible positive impact on one or more equality characteristic group, actions to maximise this impact were identified and implemented as part of the project planning and delivery of each proposal or project; and**
- (d) that where there was an identified relevance to the Council's statutory duty and where there was a possible negative impact on one or more equality characteristic group, actions to mitigate and alleviate this impact were identified and implemented as part of the project planning and delivery of each proposal or project.**

8. ADMINISTRATION'S DRAFT FINANCIAL PLAN FOR REVENUE AND CAPITAL

There had been circulated copies of the Administration's Draft Financial Plan which included the Draft revenue Financial Plan 2016/17 to 2020/21 and the Draft Capital Financial Plan 2016/17 to 2025/26. A copy of the list of Fees and Charges 2016/17 was also attached. Councillor Parker presented the budget. This had been a challenging year following the Government's comprehensive spending review and final figures had been received much later than usual. The new budget process had now been in place for 5 years and this had served the Council well in the current climate. It was acknowledged that staff were the Council's greatest asset and every effort had been made to minimise job losses. Councillor Parker paid tribute to the Corporate Management Team and the Finance staff for their efforts in pulling this budget together. Significant sums of money would continue to be spent by the Council and the closure of any facilities had been avoided. Councillor Parker highlighted many of the schemes and projects included in the budget. He also commented on the recent winter storms and flooding and paid tribute to the work of the Hawick Volunteer Flood Group. In light of the impact of these weather events he proposed two amendments to the draft budget as follows:-

- (a) to invest an additional £0.5m of revenue expenditure, £2.5m over the next 5 years, directly in works to improve the condition of the Borders road network. This would equate to a 14% increase over and above the inflation provided in the budget for roads materials; and**
- (b) that in recognition of the damage to Borders homes, towns and businesses caused by recent winter storms and as the Council placed the safety of its resident above all else it was proposed to honour the commitment to the people of Hawick by advancing £0.4m of capital funding to 2017/18 to deliver the Hawick Flood Prevention Scheme 6 months earlier than originally planned.**

Both of these amendments were unanimously approved. Councillor Ballantyne spoke on behalf of the Opposition and advised that they were in agreement with all the budget proposals except the proposed capital funding of £5.8m in respect of the Great Tapestry of Scotland Building. She did not consider that the business case was sufficiently robust and that it needed to be re-examined. Members discussed the budget in detail.

Vote

Councillor Parker, seconded by Councillor Mitchell, moved approval of the draft Financial Plan for Revenue and Capital as amended.

Councillor Ballantyne, seconded by Councillor Marshall, moved as an amendment that the allocation of £5.8m for the Great Tapestry of Scotland Building be removed from the Capital Plan.

Prior to the taking of the vote Councillor Logan, seconded by Councillor Turnbull, moved that Standing Order 41 be suspended to allow the vote to be taken by roll call.

On a show of hands Members voted as follows:-

For suspension - 13 votes

Against suspension - 17 votes

As the required majority had not been achieved the motion fell and voting then proceeded by a show of hands as follows:-

Motion - 21 votes

Amendment - 10 votes

The Motion was accordingly approved.

DECISION

DECIDED to approve the Revenue Financial Plan 2016/17 to 2020/21 and the Capital Financial Plan 2016/17 to 2025/26, as contained in the appendix to this Minute.

The meeting concluded at 12.40 p.m.

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SCOTTISH BORDERS COUNCIL 25 FEBRUARY 2016**STARRED ITEMS FROM COMMITTEE MINUTES****AUDIT & RISK COMMITTEE 23 NOVEMBER 2015****4. TREASURY MANAGEMENT MID-YEAR REPORT 2015/16**

There had been circulated copies of a report by the Chief Financial Officer which detailed the mid-year treasury management activities for 2015/16, in line with the requirements of the CIPFA Code of Practice and which included Prudential and Treasury Management Indicators. Following consideration by the Audit and Risk Committee, the report would then be presented to Council for approval. Appendix 1 to the report contained an analysis of the performance against the targets set in relation to Prudential and Treasury Management Indicators and proposed revised estimates of these indicators in light of the 2014/15 outturn and experience in 2015/16 to date for discussion by the Committee prior to presentation to Council for approval.

- 4.2 Ms Mirley, Corporate Finance Manager, made reference to her presentation during the Informal Briefing Seminar for all Elected Members on Borrowing and Treasury Management in Councils preceding this Committee meeting and referred to section 2.3 of Appendix 1 to the report, advising Members that this was a summary of the interest rates forecast by Capita Asset Services, the Council's treasury adviser. The report explained that the current approved budget for 2015/16 was £50.7m, a reduction of £7.7m from the originally agreed figure. This had been due to adverse timing movements in some areas of the Capital Plan and the report detailed the key drivers of the changes. An increase of £10.1m within Place department was linked to movements to the re-profiling post-contract award for the Selkirk Flood Protection Project and the acceleration of £1m for Roads investment; a reduction in estimated expenditure of £13.3m within People department as a result of the adjustment to remove Kelso High School project which would now be fully funded via a revenue grant from the Scottish Government; a reduction of £4.2m from the Chief Executive department in relation to the Next Generation Broadband (BDUK) project which was being funded from the General Capital Grant retained by the Scottish Government; and the removal of £0.3m for emergency and unplanned schemes. In addition, there had been a reduction in the approved budget for Funding for Other Relevant Expenditure by £16m which was largely related to the lack of uptake of borrowing by Registered Social Landlords (RSLs) and the National Housing Trust project via Bridge Homes LLP. Ms Mirley explained that the Scottish Government's guidance criteria for lending identified the Local Authority as the "lender of last resort", making it more difficult to lend to RSLs and had resulted in a lack of uptake.
- 4.3 With regard to the Capital Financing Requirement (CFR), the report explained that this had been recalculated in light of the changes to the Capital Plan and noted a reduction in the amount required from £276.1m to £266.6m. Ms Mirley referred to the funding section within the Capital Investment Plan and explained that any need to fund a notional amount would not necessarily require borrowing and might, for example, be funded using the Council's cash flow. The report explained the management of under / over borrowing against the CFR and noted that historically long term borrowing had been by fixed rate maturity loans. Ms Mirley advised that this was not necessarily how the Council would proceed in the future and it was noted that variable rate loans might be considered if there was a prolonged period of low interest rates. In terms of risk, Ms Mirley confirmed that the Council could access cash reserves but there was a risk if those reserves were insufficient to cover requirements.

DECISION

- (a) **NOTED that treasury management activity in the six months to 30 September 2015 had been carried out in compliance with the approved Treasury Management Strategy and Policy; and**

- * (b) **AGREED TO RECOMMEND that the Treasury Management Mid-Year report 2015/16, as contained in Appendix 1 to the report, be presented to Council for approval of the revised indicators.**

(This report was approved by Council at their meeting on 17 December 2015)

10 **CORPORATE RISK MANAGEMENT STRATEGY**

There had been circulated copies of a report by the Chief Officer Audit and Risk seeking agreement to present the revised Corporate Risk Management Strategy to Council for approval. Members were in agreement that the content of the document was appropriate but were concerned that the text did not flow in an easy-to-follow way and that the language was, on occasion, over-complicated. It was agreed that the Chief Officer Audit and Risk, in consultation with the Chairman, would revise the wording and language within the document and would circulate the amended Strategy to Members for information prior to its presentation to Council for approval.

DECISION

- (a) **NOTED the report;**
- (b) **AGREED that the Chief Officer Audit and Risk, in consultation with the Chairman, would revise the wording and language within the document and that the amended Strategy would be circulated to Members for information; and**
- * (c) **AGREED TO RECOMMEND that the revised Corporate Risk Management Strategy be presented to Council for approval.**

(Copy of Corporate Risk Management Strategy attached at Appendix 1.)

SCRUTINY COMMITTEE 28 JANUARY 2016

4. MEMBERSHIP OF SCRUTINY COMMITTEE

- 4.1 With reference to paragraph 15 of the Scottish Borders Council meeting of 17 December 2015, the Clerk to the Council advised that Council had decided to take no further action in respect of Councillor Logan's motion until the matter had been discussed in full by Scrutiny Committee.
- 4.2 Councillor Logan, seconded by Councillor Cockburn, had moved the Motion in the following terms:

“That Scrutiny Committee agree to recommend amendment of the Council's Scheme of Administration to allow the addition of three non-voting external members on the Scrutiny Committee and that these additional members will also be eligible to be non-voting members of a Scrutiny Working Group”
- 4.3 Councillor Logan spoke to his Motion, explaining that he considered it would be beneficial to Scrutiny to receive external members' views when carrying out reviews. He considered there would be demand from those who were interested in Scrutiny and they would bring a different set of skills to the Committee. Councillor Cockburn added that while Scrutiny was a good, strong Committee, having external members would bring an alternative perspective which would help inform debate, and make the Committee stronger still.
- 4.4 Councillor Nicol advised that, whilst it was beneficial to have independent members on Committees, Scrutiny Committee dealt with many different subjects, so it would therefore be beneficial to ask specific experts to attend Scrutiny Committees and working group meetings,

when appropriate. Councillor Nicol, seconded by Councillor Gillespie, moved as an amendment that there be no additional non-voting members on Scrutiny Committee.

VOTE

On a show of hands Members voted as follows

Motion - 2 votes

Amendment - 4 votes.

The amendment was accordingly carried.

DECISION

- * **DECIDED to RECOMMEND that there be no additional non-voting members appointed to the Scrutiny Committee.**

PLANNING & BUILDING STANDARDS COMMITTEE 1 FEBRUARY 2016

PUBLIC SPEAKING AT MEETINGS PROTOCOL

- 4. There had been circulated copies of the Public Speaking at meetings Protocol with recommended amendments in terms of the content of the presentation which allowed speakers to make reference to a maximum of two visual aids (photomontages, photographs, maps, plans, etc) that had been lodged properly with the Council in respect of the application being considered and a minimum of 8 days in advance of the Committee.

- * **DECISION**

AGREED TO RECOMMEND that the suggested amendments be incorporated into the Public Speaking at meeting Protocol as detailed in Appendix II to this Minute.

(Copy Protocol attached at Appendix II)

AUDIT & RISK COMMITTEE 18 JANUARY 2016

- 5. **TREASURY MANAGEMENT STRATEGY 2016/17**

- 5.1 There had been circulated copies of a report by the Chief Financial Officer presenting the proposed Treasury Management Strategy 2016/17 for consideration by the Audit and Risk Committee prior to Council approval. The report explained that the Treasury Management Strategy was the framework which ensured that the Council operated within prudent, affordable limits in compliance with the CIPFA (Chartered Institute of Public Finance and Accountancy) Code. The Strategy, which would be submitted to Council on 11 February 2016, was included as an Appendix to the report. It reflected the impact of the Administration's draft Financial Plans for 2016/17 onwards on the prudential and treasury indicators for the Council. As the Administration's current draft Financial Capital Plans for 2016/17 to 2025/26 would not be presented to Council for approval until 11 February 2016 the Strategy was subject to change.
- 5.2 The report contained a summary of the proposed indicators within the Strategy in Annex A to the Appendix. The Chief Financial Officer outlined the significant changes from the 2015/16 Strategy. There was an increase in the Capital Financing Requirement (CFR) for 2016/17 due to increased capital expenditure in 2016/17 resulting from new projects and from acceleration of a number of projects such as Broomlands PS, Langlee PS and 3G sports pitches. There were additional borrowing requirements associated with the re-phasing of projects from 2015-16 into 2016-17 and future years had impacted on the total CFR. There would also be an increase in the Authorised Limit in 2017/18 associated with the completion of Kelso High School and the resulting Long Term liability and the increase in external borrowing resulting from the capital plan. A table within the report, showing projected external debt over the next four years, indicated that the Council's external debt would

become closer to the prudent affordability limit as defined by the Operational Boundary. In response to a question, the Corporate Finance Manager gave an explanation of the principles of financing local authority debt over a 50 year timescale. She explained that the calculation and consequent movement of the Operational Boundary was related to the asset base and was not related to the revenue ability to service the capital spend. However in this respect Members were referred to the Prudential Indicators shown in a table within the Appendix which showed the ratio of Financing Costs to Net Revenue Stream. The Committee was in general agreement with the Chief Financial Officer that it would not be prudent to take decisions that would allow this ratio to increase beyond 10%, although it was suggested that there should be some flexibility around this value to allow the Council to respond if necessary to an unexpected event in terms of capital expenditure. It was recognised, however, that in terms of this ratio the Council would have limited ability to bring forward new capital projects over the next five years; as more capital would be needed to sustain the asset base and extend asset life.

DECISION

* **AGREED to RECOMMEND to Council that:-**

- (a) Council reviews its capital expenditure plans going forward to ensure they remain realistic, affordable and sustainable; and**
- (b) in all future capital projects, the revenue consequences of such projects be fully considered in arriving at investment decisions.**

(This was approved by Council at their meeting on 11 February 2016)

Introduction

Scottish Borders Council (SBC), like all organisations, faces a wide range of risks at all levels of the organisation. The Risk Management landscape is dynamic and, as local authorities increasingly moves towards arms-length delivery of essential services and partnership arrangements, the spectrum of risks to which SBC is exposed also increases.

Senior Management are committed to minimising these risks and recognise that effective Risk Management is one of the foundations of effective Corporate Governance.

SBC has made substantial progress in embedding Risk Management and awareness within business processes, with established and effective links to all related aspects of the Council's governance, planning and service delivery operations.

The refinements to the Council's approach to managing risks, and the focus of this strategy, will be to build on this foundation and add value by aligning Risk Management to the business planning and performance management process. This will ensure that the risks to achieving corporate objectives are systematically identified, analysed, evaluated, controlled and monitored.

The Council's strategy, supported by the Risk Management Process Guide (published on the Intranet), is underpinned by the Management of Risk (M_o_R) Guide and its associated framework, principles, approach and processes.

Key Elements of Effective Risk Management

The effective management of risks requires a strategy that has been sanctioned by, and has the clear support of, the Corporate Management Team, Elected Members and Chief Officers. Such a strategy is underpinned by:-

- o A clear and widely understood structure to secure implementation
- o A commitment to achievement
- o Appropriate training arrangements
- o Regular reporting arrangements.

Risk Management Objectives

The objectives of the Council's Risk Management Strategy are to:-

- o Integrate Risk Management into the culture of the Council
- o Manage risk in accordance with best practice
- o Anticipate and respond to changing social, environmental and legislative requirements
- o Prevent injury, damage and losses and reduce the cost of risk
- o Raise awareness of the need for Risk Management by all those involved with the delivery of Council services
- o Ensure there are adequate arrangements for compiling the Council's Annual Governance Statement with governance and Risk Management arrangements to support it.

These objectives will be achieved by:-

- Establishing clear roles, responsibilities and reporting lines within the Council for Risk Management and the Annual Governance Statement
- Providing opportunities for shared learning on Risk Management across the Council
- Offering a framework for allocating resources to identified priority risk areas
- Reinforcing the importance of effective Risk Management as part of the everyday work of employees by offering training
- Incorporating Risk Management into business planning and performance management
- Incorporating Risk Management considerations into partnership working and contractual arrangements
- Incorporating Risk Management considerations into the corporate project management arrangements
- Monitoring arrangements on an on-going basis.

The Status of Risk Management

Risk Management is as much a part of the duties of Council managers as are the control of budgets and the deployment of staff and equipment to deliver services.

When making decisions the risks and mitigations associated with a proposal is as important a part of the matters to be considered by elected members as the costs of and return on investment or the staffing implications of a proposal.

If the Council is to have a reasonable assurance that Risk Management is effectively in place it must be carried out in a systematic and structured manner and be subject to compliance testing and reporting.

Benefits

The real value of good Risk Management lies in the benefits it will deliver. Those benefits will be varied in their nature and extent and some might be more measurable than others, but they will all be important to the Council's reputation and ability to deliver improved and value for money public services. The benefits realised include:

- Improved business planning by focussing on the outcome not the process;
- More informed decision making process;
- Enhanced reputation and public confidence in its ability to deliver services;
- Fewer unpleasant surprises and crises through early warning of problems;
- More effective management of change;
- Prioritisation of resources and better value for money;
- Improved performance and achievement of objectives;
- Demonstrated good governance; and
- Innovation, as Managers more confidently exploit new opportunities that will in turn improve the way services are delivered or reduce the cost of delivery.

Management Arrangements

Risk Management is a fundamental part of corporate and service management. As such, it should be integrated with normal management processes.

As part of the business planning and performance management process risks will be identified and managed at 3 levels to reflect the varying perspectives:

- 1) Corporate / Strategic – ensuring that the Council's vision is implemented through the 8 corporate priorities and strategies
- 2) Directorate & Service – transforming strategy into action
- 3) Operational – maintaining appropriate levels of service and implementing actions

At each respective level the senior managers have primary responsibility for the management of all risks:

Level 1 – Corporate Management including Chief Executive, Depute Chief Executives and Service Directors

Level 2 – Service Directors

Level 3 – Service Managers

This arrangement clearly identifies accountability at the specific management levels to ensure that risk is being managed and effective monitoring is being carried out as part of the performance management process at the appropriate level throughout the Council.

This will also aid escalation of risks to ensure oversight and/or action at a higher level, as appropriate. Risks or actions to mitigate risks could be delegated to other levels.

Risk Management is not a one-off process. It is a continuous process because the decision making arrangements it underpins are continuous. Circumstances and business priorities can, and do, change, and therefore risks (both threats and opportunities) and their circumstances will be regularly reviewed as part of the business planning and performance management process. That way, risks and opportunities are directly linked to the achievement of business objectives which can then be prioritised using that information.

The process to be adopted is described in the Risk Management Process Guide (published on the Intranet). The Guide outlines the systematic and structured process to identify, analyse, evaluate, control and monitor risks.

The Council is engaged in a major change management programme, the Corporate Transformation Programme, which is being undertaken to:

- meet the evolving needs and expectations of customers;
- address the financial pressures placed on the Council; and
- strive to meet the efficiency gains and requirements of Best Value.

This adds a further specific area of risk exposure within the programmes and projects that underpin the delivery of corporate transformation.

- Programme – transforming corporate strategy into new ways of working that deliver measurable benefits to the organisation
- Project – delivering defined outputs to an appropriate level of quality within agreed time, cost and scope constraints

The Risk Management Process Guide will also be applied to programmes and projects. The use of MSP programme management methodology and PRINCE2 project management methodology provides a framework to ensure Programmes and Projects have their own operational risk registers which will continue to be monitored by individual programme and project boards. Material risks from these sources will be escalated to senior management as part of the regular reporting cycle so that any risks from potential interdependency failures can be properly assessed and appropriate action taken. This will ensure the benefits of effective Programme and Project Risk Management can be realised.

Training and awareness

To enable effective management of risks and associated internal controls and governance the Council recognises that it must continue to support its people to develop the appropriate skills and competencies,

Risk Management has been designated as one of the six Core Competencies for Managers. This has resulted in the development of a corporate Risk Management Training course that has been designed to improve Risk Management competency.

The Course Objectives are:

- Understand why managing risks is an essential part of Management responsibilities;
- Understand how managing risks is fundamental to business planning and monitoring;
- Be able to identify risks to achieving objectives and put actions in place to mitigate risks;
- Understand how risks are analysed, assessed, recorded and monitored in the Council.

The Council will communicate with employees and elected members to ensure awareness of effective Risk Management and good governance.

The Council will spread the word about good practice and this will be achieved by publishing relevant material within the Council using a variety of communication methods. The Council will incorporate the key message that internal control systems to minimise and mitigate risks are designed to deliver the benefits that are important to the Council's reputation and ability to deliver improved and value for money public services.

In the Council's dealings with outside individuals and organisations it will ensure that they are aware of the Council's approach to managing risk as part of sound governance.

Accountability

Accountability for performance must be an integral part of the Risk Management process and should cover two principal elements: -

- a) Delivering the Strategy to realise the associated benefits
- b) Implementing actions that contribute to mitigation of Risk

The Depute Chief Executives and Service Directors sign off an annual assurance statement on internal controls and governance operating in their departments and directorates / services which includes Risk Management. These along with other sources of assurance are used to inform the Annual Governance Statement by the Chief Executive which is scrutinised by the Audit and Risk Committee and then incorporated within the Annual Statement of Accounts.

A Standard Approach

A standardised approach will be implemented across the Council's operations to assist with the achievement and the demonstration of effective Risk Management:

- Governance through the Organisation Structure
- Adoption of a Single Standard – Management of Risk (M_o_R)
- Implementation of 'Risk Management Process Guide' enabling consistent application across the Council using best practice procedures
- Attendance at corporate Risk Management Training course by all Managers with responsibility for managing risks in the delivery of Business Plans, Programmes & Projects
- Corporate membership of the Association of Local Authority Risk Managers (ALARM)

Monitoring and Review

Internal Audit will continue to review the efficacy of Risk Management arrangements and associated internal controls put in place by Management and provide independent assurance on the effectiveness of the Risk Management Strategy and activities as part of its assurance on the Council's Corporate Governance arrangements.

The Audit and Risk Committee will oversee the adequacy and effectiveness of the Council's Risk Management systems and associated internal control environment through:

- scrutiny of annual reports on the assessment of risks and the monitoring of the Risk Management strategy, actions and resources;
- consideration of periodic presentations by Corporate Management to outline the strategic risks facing their directorates/services and internal controls and governance in place to manage or mitigate those risks.

APPENDIX II

Public Speaking at Meetings Protocol

Planning and Building Standards Committee

Introduction

Scottish Borders Council will permit public presentations on planning applications in the circumstances and subject to the limitations set out below.

The opportunity to make a verbal presentation applies only to applications that are determined by the Planning and Building Standards Committee. Separate arrangements apply to applications that are determined by Council and applications that are subject to review by the Local Review Body.

1. Speakers

Public speaking at the Planning and Building Standards Committee is at the discretion of the Chairman of the Committee. However, under normal circumstances the following Groups will be allowed to make verbal representations in respect of each planning application:

- Up to 3 objectors, who have already provided written representations during the course of the application process (Group 1)
- Up to 3 supporters, including the applicant or his/her agent who have already provided written representations during the course of the application process (Group 2).
- Any Member of the Council representing the Ward within which the application lies (Group 3).

Only one speaker per household will be permitted.

2. Registration

Parties will be advised of the opportunity to speak through acknowledgement of application and acknowledgement of representation letters.

Any supporter or objector who may wish to speak at Committee is required to register that interest in writing with the Planning case officer. Anyone registering such an interest will subsequently be notified when a particular application is due to be considered by Committee. Notification will normally be given one week before the date of the meeting. Parties will then be asked to re-affirm their wish to speak at the meeting to the Committee Clerk no later than 12.00 noon on the working day preceding the meeting.

Any Member, who is not a member of the Committee, wishing to speak at the Committee should register that request with the Committee Clerk no later than 12.00 noon on the working day preceding the meeting.

Where more than the permitted number of speakers have expressed an interest in speaking it is for parties to decide in advance of the Committee meeting who should speak. If agreement cannot be reached it shall be at the sole discretion of the Chairman to decide who should speak.

3. Time Allocation

Each Group of speakers (Group 1, Group 2 and Group 3) will be allowed up to six minutes in which to make their representations. Groups will be encouraged to nominate one speaker. Where this is not possible it will be for each group of speakers to decide in advance how the permitted time is allocated between individual speakers.

The allocation of time should be notified to the Committee Clerk prior to the commencement of the meeting. The allocation of time will be monitored by the Committee Clerk, and will be strictly enforced.

4. Content of Presentations

Presentations should focus on matters that have already been raised in writing. Presentations should not introduce new matters. Speakers should ensure that their statement relates only to relevant planning policies and material considerations directly related to the application under consideration. Speakers will give their presentations to the Committee from a lectern in the Council Chamber. During presentations reference can be made to a maximum of 2 visual aids (photomontages, photographs, maps, plans, etc) that have been lodged properly with the Council in respect of the application being considered and a minimum of 8 days in advance of the Committee. No other audio visual material or handouts will be permitted.

Guidance on what does and does not constitute a material planning consideration is available at the undernoted link.

<http://www.scotland.gov.uk/Publications/2009/07/03153034/11>

The Chairman may intervene to curb irrelevant or inappropriate comments, repetition of points made by an earlier speaker, or deviation from the matter being discussed. Direct comments or criticisms of a personal nature against any individual involved in the planning process will not be permitted.

5. Questions

There shall be no questioning or cross examination of any parties other than by the Committee Chairman who may question a speaker in order to clarify points he/she has made. At the conclusion of their presentation parties shall return to the public gallery and shall take no further part in the Committee proceedings.

6. Order of Speakers

Following a brief introduction of the item by the Chairman of Committee the order of speaking shall be as follows:

- Elected Member(s) who are not members of the Committee.
- Parties objecting to the application.
- Parties supporting the application.

Officers will present the item and their recommendation at the conclusion of the oral presentations following which the Members of the Committee will debate and determine the application.

7. Deferred Items

If an item has been deferred for a site visit or other reason, parties will not normally be invited to make further presentations unless the proposed development has changed significantly, and a further round of consultation has taken place.

8. Behaviour at Planning and Building Standards Committee Meetings

All those in attendance at Committee meetings must be aware that the purpose of the meeting is for Members of the Committee to make decisions on planning applications. Public Speaking procedures are intended solely to assist this process within the guidance set out above.

Any unreasonable or disruptive behaviour will lead to the removal of those persons from the Chamber and/or the suspension of the meeting.

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UPDATE TO SOCIAL WORK CHARGING POLICY

Report by Chief Social Work Officer

SCOTTISH BORDERS COUNCIL

25 February 2016

1 PURPOSE AND SUMMARY

1.1 This report proposes updates to the Charging Policy 2015/16. This is to take account of feedback on the Policy and new national guidance and legislation.

1.2 The Charging Policy was updated on 1 April 2015 following an extensive review. The policy introduced a number of changes, including an extension of the charging policy to people using self-directed support. Given new national guidance, legislation and feedback from people on the impact of the policy it has been updated with key stakeholders and some changes have been made to the non-residential charges. The Charging Forum will continue to meet to consider and address issues that will affect the policy.

The updates have been incorporated into the Charging Policy for 2016/17 and this draft Policy is attached in the Appendix.

2 RECOMMENDATIONS

2.1 I recommend that Scottish Borders Council:-

- (a) Approves the draft Charging Policy 2016/17 and any subsequent amendments.**
- (b) Notes the continuing work of the Charging Forum.**

3 BACKGROUND

- 3.1 A comprehensive review of social care charging was carried out in 2014 and the Charging Policy for Social Work Services was approved by Council in November 2014 and implemented on 1st April 2015.
- 3.2 The review aimed to deliver a number of key benefits:
- Sustainability of Services
 - Fairness and Equity
 - Consistency of Application
 - Consistency across Services
 - Compliance with Legislation
 - Ensuring full application of the Council's Policy on External Fees and Charges
- 3.3 The policy is being updated for 2016/17 due to four main drivers:
- New requirements through COSLA.
 - New legislation for Carers through the Waiving of Charges Regulations and the Carers (Scotland) Bill, 2014 which is expected to become legislation in 2017.
 - The impact of welfare reform which, for example, will in future impact on the flat rate charge for services.
 - Any issues raised by users and carers.
- 3.4 A charging review group has been established with representatives of stakeholder organisations and people who use services and carers i.e. BVCV (Borders Voluntary Care Voice), Citizens Panel, providers and Encompass, and council staff. The forum has highlighted key areas where the updated charging policy is working well and areas of charging which could be clearer. It has been helpful to gain direct feedback on charging and to consider recommendations made by the group.
- 3.5 The Charging Forum identified that the policy was working well in the following ways:
- (a) It is viewed as being more equitable:
- There are fewer flat rate charges and more charges based on an assessment of people's ability to pay;
 - Support for reablement has extended the 42 day free policy to include people at home as well as within a care home;
 - People receiving support through SDS are now included in the charging policy.
- (b) The timely notification people received of their new or revised assessed charge improved this year.
- (c) The charging policy leaflet with easy read version improved accessibility to information.
- 3.6 The Charging Forum identified that the policy could be improved by:
- (a) Taking into account the feedback from individual users, carers and stakeholders on the charges for weekly short breaks and for housing with care, and by improving communication to people about their charge.
- (b) Ensuring an appropriate method to take into account of disability related expenditure, as required by COSLA.

- (c) Improving equity by including all people under guardianship within the charging policy.

4 PROPOSED UPDATES TO CHARGING POLICY 2016/7

- 4.1 It is proposed that a small number of updates to the charging policy will take effect from 1 April 2016 and are detailed below.
- 4.2 The introduction of charging to people using self-directed support had a key impact on people whose budget is used only for a short break. It is proposed that people whose only support is a short break are financially assessed per week of short break rather than across 52 weeks. This will be of financial benefit to the cared-for person and recognises the importance of a break for Carers, in recognition of the forthcoming Carers legislation.
- 4.3 Following a number of representations from people a change to the housing with care rate is proposed. This only applies to a small number of tenants who live in rented accommodation where staff teams are available on site during the day. This introduces a £10 per week flat rate charge to all tenants receiving housing support and housing with care. People will continue to pay for housing support. This proposal replaces the capital linked flat charge of either £27.94 or £55.88 per week and recognises that some people are using a lower level of support through housing with care.
- 4.4 In line with COSLA guidance which has introduced the need to take into account disability related expenditure it is proposed to disregard 20% of the disability related benefits included in a financial assessment. This option offers the benefit of minimum administration for clients and for Council staff as a standard disregard is applied.
- 4.5 Currently people with a guardian under the Adults with Incapacity (Scotland) Act 2000 are financially assessed with an exemption for people whose guardian is the Chief Social Work Officer. There are twenty four people currently exempt. It is proposed that, for equity, the charging policy is extended to people whose guardian is the Chief Social Work Officer. Independent advocacy and the appeals process can be accessed if there is a need for further advice or representation on behalf of individuals.
- 4.6 It is proposed that planned income received through charging for equipment will be replaced by an alternative option agreed in discussion with NHS Borders. This will include resetting the baseline budget to ensure an equitable contribution from both organisations.
- 4.7 In line with the Scottish Government settlement agreed with COSLA the income threshold from which charging is applied will increase from 16.5% to 25%. This means people will have more of their money disregarded when calculating any charge.
- 4.8 Additional changes include clarifying the policy with respect to permitted work and to trust funds, and there has been a redrafting of letters to clients to ensure clear communication.
- 4.9 The following table summarises the proposed Charging Policy changes for non-residential support.

Support/Service	Current Policy 2015/16	Updated Policy 2016/17
Short breaks/respite is the only support and used to take weekly breaks.	The charge is based on the individual's social care budget being calculated over 52 weeks.	The charge is based on the individual's social care budget being calculated over the number of weeks of break.
Equipment through the joint service.	Ordering charge of £10 and fitting and maintenance charge of £25.	Equipment is not chargeable.
Disability related expenditure.	No automatic disregard for disability related costs such as extra heating, unless through the appeals panel.	If receiving a disability related benefit and have additional disability related costs then 20% of benefit be disregarded in the financial assessment.
Chief Social Worker is the Guardian.	No charge if receiving non-residential support.	Will have a financial assessment, as do other people with a guardian.
Housing with Care.	A flat rate charge of either £27.94 or £55.88 per week dependent on capital, and no housing support payment.	Housing support charge continues, with exemption for people on housing benefit. Plus a £10 flat rate charge for everyone receiving support through housing with care.
Charging threshold for income	People can have a level of income equivalent to income support or pension credit plus 16.5% before a charge is made.	People can have a level of income equivalent to income support or pension credit plus 25% before a charge is made.

5 IMPLICATIONS

5.1 Financial

There will be no change to the financial plan. While some of the updates in charges, e.g., for short breaks will reduce income to the Council there will be additional income through the extension of charging, e.g., guardianships and an allocation has been made within the local government financial settlement for the change to the charging threshold.

5.2 Risk and Mitigations

- (a) The risk of people declining social care support due to the changes in charging policy are mitigated by the disregard for disability related expenditure and the increase in income threshold before charging.

- (b) The financial assessment process includes a welfare benefits check to maximise potential income and also an appeals process for people where there is financial hardship or exceptional need.
- (c) To ensure people continue to receive appropriate support an appeals panel process is in place to consider individual circumstances in relation to any potential financial hardships or risk.

5.3 Equalities

- (a) A full Equalities Impact Assessment has been carried out on this proposal and equality was a strong feature of the review. The recommended proposals are designed to increase access and ensure equity.
- (b) The charging policy can be complex. These proposed changes within the Charging Policy 2016/17 aim to simplify some aspects. A communication plan will be put in place to ensure that people receive information that is accessible in a timely and appropriate way.

5.4 Acting Sustainably

There is no effect anticipated on the economy, social or environment arising from the proposals.

5.5 Carbon Management

There is no effect anticipated on the Council’s carbon emissions arising from the proposals in this report.

5.6 Rural Proofing

This report does not relate to a new or amended policy or strategy where rural proofing would be required.

5.7 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals in the report.

6 CONSULTATION

- 6.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR and the Clerk to the Council have been consulted and any comments received have been incorporated into the final report. Corporate Communications have also been consulted.
- 6.2 The proposals which form the basis of this report are the result of the work of the Charging Forum, which includes representatives of stakeholder organisations, including people who use services and carers. This Forum will continue to meet to monitor and review the policy.

Approved by

Name Elaine Torrance
Title Chief Social Work Officer

Signature

Author

Name	Designation and Contact Number
Susan Henderson	Planning Manager 01835825080

Background Papers: Client contribution and charging policy for social work services 2015/6, Scottish Borders Council, 20 November 2014.

Previous Minute Reference: Scottish Borders Council 20 November 2014, paragraph 7.

Appendix: Draft Charging Policy for Residential and Non-Residential Support 2016/17.

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Susan Henderson can also give information on other language translations as well as providing additional copies.

Contact us at People Department, Scottish Borders Council Newtown St Boswells, 01835 824000.



Scottish Borders Council Social Work Services

Charging Policy for Non-Residential and Residential Care Services 2016/17

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Related links

Charging Policy 2016-17, Guidance and FAQs and Guidance (Easy-Read) (link to be added once available)

Charging Appeals Procedure

http://www.scotborders.gov.uk/info/1347/social_care_and_health/230/social_work_comments_and_complaints/3

Information on Free Personal Care

http://www.scotborders.gov.uk/info/1453/care_at_home/223/care_at_home

Homecare Calculation of Financial Information 2016-17
(link to be added once available)

Charges for 2016-17
(link to be added once available)

Complaints Procedure

http://www.scotborders.gov.uk/info/1347/social_care_and_health/230/social_work_comments_and_complaints

Charges for Residential Accommodation Guidance (CRAG).

http://www.sehd.scot.nhs.uk/publications/CC2014_02.pdf

1. DEFINITIONS

Below is a list of terms used within the Charging Policy and their definitions:

Convention of Scottish Local Authorities (COSLA)

The organisation responsible for issuing national guidance on non-residential social care charges in Scotland.

Financial Assessment

The process undertaken which looks at a person's income and capital to determine their contribution towards their care package.

Person

Any individual who meets established eligibility criteria and who is receiving support or services from the Council.

Person's Contribution

The amount of money per week that the person will be asked to pay towards their care following financial assessment.

Support Plan

A record of the agreed outcomes and support to promote the person's independence in the community following the needs assessment.

Scottish Borders Council

The Local Authority responsible for provision of social work services.

Individual Budget

The agreed amount of money which is required to achieve agreed personal outcomes and manage any associated risks.

Self-Directed Support (SDS)

The Self-Directed Support (Scotland) Act 2013 was implemented on 1 April 2014. This legislation places new duties on Local Authorities and aims to ensure that people can decide how their support is planned and provided. All people newly assessed who are eligible for social care and all people at point of review are supported using the SDS approach. One of the duties is to offer implementation through one of four options:

1. The making of a direct payment by the local authority to the supported person for the provision of support.
2. The selection of support by the supported person and the making of arrangements for the provision of it by the local authority on behalf of the supported person.
3. The selection of support and the making of arrangements for the provision of it by the local authority.
4. The selection by the supported person of two or more of the above options.

There are some restrictions to the offer of the 4 options, for example people in long term residential care are not offered a direct payment and people in crisis or requiring short term support may not be offered the options unless they need ongoing support.

Third Party

Any person acting on behalf of someone receiving a service through the Council.

2. POLICY STATEMENT

This is the Charging Policy of Scottish Borders Council, Social Work Services, and explains how we will work out how much people who use our services will have to pay towards the cost of the services they receive. The policy covers non-residential and residential services.

The policy is intended to help staff, service providers, people who use our services and other interested groups to understand how we will calculate the cost of services and charges to be applied.

It is envisaged Self-Directed Support will be fully implemented during 2017. By that date all service users will have a financial assessment to determine their individual contribution to their package of care. After that date the only flat rate charges that will continue to be applied will be for meals, transport, housing with care, extra care housing, housing support for people in sheltered housing and Bordercare Alarms.

However in order to ensure there is continuity of resource leading up to 2017, and to allow time for phasing in the policy and completing updated financial assessments for all service users, consideration has been given to updating the current charging policy.

This is to be applied on an interim until the new charging policy is phased in.

3. PRINCIPLES ON WHICH THE CHARGING POLICY IS BASED

In preparing the charging policy the Council is committed to adhering to a set of underlying principles which are identified below. These are:

- (a) A fair charge – we will not charge more than the cost of providing the service
- (b) A commitment to equity – people who use our services will be treated fairly
- (c) A commitment to transparency – people who use our services will know how and why they are being charged for a particular service
- (d) A commitment to full compliance with national guidance and legislation including:

National Assistance Act 1948
Social Work (Scotland) Act 1968
National Assistance (Assessment of Resources) Regulations 1992
Community Care and Health (Scotland) Act 2002
Mental Health (Care and Treatment) (Scotland) Act 2003
COSLA's Guidance on Charging for Non-Residential Services
COSLA's Guidance on Charging Policies That Enable People to Remain in Their Own Home, issued in 2002 and updated in 2006
National Guidance on Self-Directed Support under Section 5(1) of the Social Work (Scotland) Act 1968

Housing (Scotland) Act 2001 (Housing Support Services Information)
Regulations 2002
Guidance on Free Personal and Nursing Care in Scotland
Social Care (Self-Directed Support) (Scotland) Act 2013

- (e) Ability to Pay - all people who use our services will contribute towards the cost of the service they use on the basis of their income and assets. In the fullness of time flat rate charges will be minimised to reflect this decision.

4. AIMS OF THE CONTRIBUTION POLICY

The policy aims to:

be transparent so people who use our services are clear about how much they are paying for the services they receive
detail which services are subject to a flat rate charge, i.e., payable by all regardless of their income and capital
ensure that people are aware of their rights and responsibilities
have a clear and transparent appeals process
have an easily accessible comments and complaints policy

5. GOOD PRACTICE GUIDANCE

A review of the latest COSLA guidance has been undertaken and has identified that the Council broadly complies with the national guidance.

If any service user is able to demonstrate that they are suffering undue financial hardship due to the contribution they are required to make they will continue to be able to apply to the Council for consideration of a review of their charges.

All applications for a review of charges will be treated individually and will be reviewed by the Appeals Panel. Any discretion applied will be reviewed as part of the annual reassessment process.

Anyone not satisfied with the calculation of their contribution will be encouraged to discuss their concerns with staff involved in the assessment and charging process. People who remain dissatisfied will be entitled to pursue their complaint through the Council's complaints procedures.

This Charging Policy will be formally reviewed on an annual basis.

6. CHARGING FOR NON-RESIDENTIAL CARE

6.1 Services that are free

Provision of care - children's services
Criminal Justice social work services
Information and advice
Needs assessment
Care management
Services to people with a mental illness who are detained in hospital or on a community based treatment order under the Mental Health Care and Treatment (Scotland) Act 2003 provided this is written into the person's care and treatment plan. Services to people who have been assessed by a Mental Health Officer under the Mental Health Care and Treatment (Scotland) Act 2003 as requiring treatment and support in a community setting as an alternative to hospital detention for a period of up to 42 days.
Personal care for people 65 years and over
Homecare Services for 42 days on discharge from hospital
Intermediate Care / Re-ablement for the first 42 days
All services received by people in receipt of Palliative Care (where a DS1500 form has been completed by the person's doctor)
Minor adaptations and equipment
Night support service for the first 42 days
Laundry services for people who have severe incontinence
This policy does not apply to permanent or unplanned short break admissions to a care home where charging is governed by The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2012 with guidance provided by the Scottish Government's Charges for Residential Accommodation Guidance (CRAG).

6.2 Services for which we will charge

Homecare – non personal care
Personal care to people under 65
Night Support Service after first 42 days
Extra Care Housing
Housing with Care
Housing Support and Community Support
Care and Support Services for people with assessed needs
Day Care
Transport
Lunch Clubs
Meals provided at day centres
Meals at Home and the provision of a freezer and/or microwave where required.
Service following assessment of need
Intermediate Care / Re-ablement after first 42 days
Bordercare Alarm
Shopping Service
Adaptations provided through Private Sector Housing Grant (PSHG)
Respite breaks & flexible short breaks
Key safes

7 TYPES OF CARE AND APPLICABLE CHARGES UNTIL SELF-DIRECTED SUPPORT IS PHASED IN:

7.1 Homecare

Homecare will be charged at a weekly rate based on the assessable income the person who uses the service has. This is in line with the COSLA guidance.

The assessment of contribution for charges for Homecare Services is carried out in accordance with Scottish Borders Council's agreed charges for services (which are reviewed and published annually). A financial information form is completed for any chargeable homecare services assessment.

7.1.1 Contribution towards the cost of service – Homecare (including Personal Care, Housing and Community Support)

The financial assessment will calculate a maximum weekly charge for the person receiving services. The person will pay the assessed charge, or the hourly rate, whichever is less in the following way:

The person's contribution towards the cost of homecare is based on their income (including assumed income from capital), less any allowances in line with COSLA guidance and disregards for rent, service charge, mortgage, building insurance, and council tax payable. The resulting balance (after rounding down to the nearest pound) is referred to as a residual resource.

If the person's income including tariff income exceeds these allowances, s/he will be required to contribute 55% of their residual resources towards their care.

7.1.2 Full Charge – Homecare (including Personal Care, Housing and Community Support)

People who do not wish to declare their financial resources will be charged £12.80 per hour for homecare services provided including community and housing support. There is no weekly ceiling on the maximum charge.

7.2 Housing Support and Community Support

People who receive Housing Support and Community Support, including where this is provided by a commissioned service, will be assessed to pay in-line with the charging policy for homecare. They will not be asked to pay more than the cost of providing the service as notified by their service provider.

7.3 Intermediate Care / Re-ablement/Assessment Beds

Provision will be free for all for the first 42 days, but chargeable thereafter regardless of the circumstances. This service will then be charged as per the respite guidelines for residential care or homecare for those in their own homes.

7.4 Flexible Short Break in the person's own home

The hours received as flexible short breaks will be chargeable as per homecare. People already paying an assessed charge will have no additional cost.

7.5 Flexible Short Break out-with the person's own home (excluding respite in a registered residential care provision)

Breaks taken using the short break facilities at Station Court, Duns will be charge at a rate of £15 per household per night towards the cost of the accommodation. The care hours received as flexible short breaks will be chargeable as per homecare. People already paying an assessed charge will have no additional cost for care. People already paying the full hourly charge for homecare will pay an additional amount based on the additional hours they receive on the break.

Flexible short breaks (an annual payment is made in advance) will be charged on a residential respite assessment for the number of weeks detailed in the person's care plan.

7.6 Night Support Service

The night support service will be provided free of charge for the first 42 days. Where the service continues after 42 days, a £10 weekly administration charge will be applicable, to cover transport and administration of the Night Support Service.

7.7 End of Life Care

If the person meets the criteria for End of Life Care as confirmed by the NHS – no charge is made for any service.

7.8 Independent Living Fund (ILF)

Anyone receiving ILF will be financially assessed and will be asked to make a contribution based on their assessable income they receive and any capital held. Any contribution they make to Scottish Borders Council will be deductible from the contribution people are required to make towards their ILF.

7.9 Shopping Service

Service is charged at £3.42 per delivery.

7.10 Day Care

Day Care which is provided in a day centre run by or commissioned by Scottish Borders Council and is registered with the Care Commission is chargeable for

the person's placement at a flat rate charge of £3.00 per day for up to a full day's attendance.

Where possible, this will be payable through the Direct Debit mechanism as payment collected at the day centre will be phased out over time in line with the introduction of Self-Directed Support and contributions based on financial assessment. This charge applies to all groups of people who use our services.

There may be further charges for particular activities and an additional daily charge of £3.20 will apply if a person has lunch at the day centre. These charges will continue to be applied at the Centre after the phasing in of Self-directed Support.

7.11 Key Safes

Key safes will be charged at a one off rate of £20 for the safe and the fitting of it where assessed as being needed.

7.12 Adaptations and equipment

Adaptations are provided free of charge except in the situation where someone qualifies for a Private Sector Housing Grant (PSHG) where there is a charge for administration fee, and if applicable, an assessed contribution towards the adaptation (means tested).

7.13 Discharge from hospital for people over 65

In accordance with COSLA guidance, any new or additional services put in place following discharge from an unplanned admission to hospital will be free for the first 42 days. Chargeable hours already in place prior to admission will be chargeable from day following discharge.

Meals provided which are provided prior to admission will be chargeable after being discharged from hospital.

This free service does not apply in cases where admission to hospital is on a regular basis or a frequent basis as part of regular treatment or ongoing care arrangements.

We will not charge people who are 65 or over on the date of discharge for personal care.

7.14 Temporary or emergency admission to hospital or care home

If a person aged 65 or over was receiving services before a temporary admission to hospital or care home, a charge will not be made for existing services while they are away from home. There may be some types of support for which a charge will still be made e.g. housing with care where the charge will be for up to 42 days from being admitted to hospital .

If the service is a flat rate charge, the charge will be applied for any full week of service provision received. A schedule of all flat rate charges will be made available to people who use our services. The costs for Bordercare Alarm will continue until notice is received to remove the Bordercare Alarm.

8 TYPES OF CARE AND APPLICABLE CHARGES THAT WILL REMAIN IN PLACE ONCE SELF-DIRECTED SUPPORT IS PHASED IN:

8.1 24 Hour Housing Support (including Extra Care Housing)

The arrangements for people who receive 24 hour housing support packages including Extra Care Housing have been reviewed to ensure that there is clarity about charges for these services. This will ensure equity and consistency in charging for similar services.

Includes:

Extra Care Housing for older people
(Extra Care Housing offers an alternative for people who would otherwise need to go into a residential care home. It provides specially adapted individual apartments, with care staff available to provide assistance as needed 24 hours a day).

24 Hour Housing Support
Adults, including those with a learning disability in supported living, who receive a 24 hour support package in the Community i.e. have a sleepover or a share of a sleepover.

For people where 24 hour support is provided in the community a flat rate of £89.40 per week will be applied. This will cover support costs and related accommodation costs which are not classified as free personal care such as housing support. People using such services should be entitled to Attendance Allowance, Disability Living Allowance and Personal Independence Payment.

This flat rate will be updated on an annual basis in line with the following calculation:

Half low rate of Attendance Allowance plus Severe Disability Premium/Addition (SDP) or
Half the middle rate of Disability Living Allowance (care component) plus Severe Disability Premium (SDP)
Half the standard rate of Personal Independence Payment (daily living component) plus Severe Disability Premium (SDP)

People with capital over the capital level of £26,250 (subject to COSLA agreement), will be charged double the flat rate charge of £89.40 per week i.e. £178.80.

This capital level is in line with the current residential capital level under the Charging for Residential Accommodation Guidance which is reviewed on an annual basis. The capital level for Community Based services will be increased in line with this guidance in the future.

8.2 Housing with Care

This is a service for service users who would usually be identified as having a need for ongoing support. It is aimed at supporting people to live as independently as possible in their own tenancies. On-site support and care is provided flexibly, typically over a 15 hour period (7am–10pm), seven days per week.

This service is charged on a flat rate basis of £10.00 per week. This flat rate is supplementary to any existing housing support charges.

Set rate charges will remain for people in housing complexes not yet established as housing with care developments. Flat rate charges are set annually based on the contract value of the housing support.

8.3 Bordercare Alarm and Telecare – standalone service

Bordercare Alarm is charged at £3.00 per week, regardless of tenure.

Telecare technology which requires the use of a Bordercare Alarm will be charged in accordance at the standard rate of the Bordercare Alarm at £3.00 per week.

Telecare technology put in place for a specified short period of time for assessment purposes will not be charged. Telehealth care technology (devices monitoring vital health statistics, e.g. blood pressure, and linking direct to NHS services) will not be charged.

8.4 Meals Delivery Service

Service is charged at a minimum of £2.99 per meal, based on full cost recovery. In addition, if the provision of a freezer and/or microwave is required, a charge of 50p per item per week will be applicable.

8.5 Lunch Clubs

Service is charged at £3.20 per meal.

8.6 Transport

If transport is provided to attend a Social Work facility a flat rate charge of £2.00 per day will payable for internal day centres by the person using this service. Where transport is arranged by Scottish Borders Council to attend a social enterprise opportunity and external day centres, the charge will also be applicable. These charges will be made on a placement rather than attendance basis.

9. SELF-DIRECTED SUPPORT

Government legislation has introduced Self-Directed Support as the method of delivering social care and support which will enable people to have more choice and control over how their support needs are met. The amount of money required to manage the risks of a person's situation and achieve their agreed outcomes in relation to health, wellbeing, social inclusion, independence and responsibility will be referred to as their Individual Budget.

The maximum contribution payable will be the full amount of the Individual Budget or the person's assessed contribution as determined by the financial assessment, whichever is less. This will be based on an annual individual budget paid over 52 weeks. The exception is payments for a week's short break, where this is the only support, where the maximum contribution will be per week of short break.

A financial assessment will be offered to all clients to ensure that they only pay what they can afford. A financial assessment will take into account income, savings, and capital, whilst allowing a predetermined level of income for general living expenses as well as relevant disregards. Where a person has income below this amount, they will not be asked to make a contribution towards the cost of their care. An income maximisation assessment will also be available to ensure that all benefit entitlement has been applied for.

This approach allows Self-Directed Support to continue to be phased in and charges will be applied fairly and transparently, whether they are on the traditional model of service provision or have moved to the Self-Directed Support mechanism.

It is envisaged Self-Directed Support will be fully implemented within 2017 and that the approach to people's contribution to their support will then be in operation across all Social Work Services. After that date as detailed in Section 8 the only flat rate charges that will continue to be applied will be for meals, transport, housing with care, housing support within sheltered housing, extra care housing and Bordercare Alarms.

9.1 The financial assessment process to determine individual contributions for Self-Directed Support

The aim is to ensure that people in receipt of Social Work services are not placed in financial hardship as a consequence of the way in which the services are charged for. This is in line with COSLA and Scottish Government guidance on charging policies. The principles focus on:

- Ability to contribute, providing full financial details have been provided
- Income
- Equity
- Transparency
- Compliance with national guidance

These principles are subject to full financial details being provided by the person. In all cases though, the Council will ensure that the person's contribution is minimised as much as possible.

Everyone in receipt of chargeable community care services undergoes a financial assessment to determine how much they can afford to pay towards the cost of the services they receive.

Everyone is offered an income maximisation assessment to ensure that they are receiving all the benefits to which they are entitled. People who do not want to provide financial information will be required to pay the full cost of their care, with the exception of any free personal care element.

Where a full financial assessment has been completed within the last 12 months, information previously collected will be used to calculate the person's contribution. Contributions will be reviewed in April each year to coincide with increases in pensions and benefits.

Everyone will be advised in writing of their contribution. Contributions will be payable from the date the person first receives support. If the financial assessment is completed after this date, contributions will be backdated to the date the person first received support.

Everyone is treated equally. An individual's ability to pay does not affect the provision of care/support.

9.2 Calculating the person's contribution

In accordance with COSLA's Guidance for Contributions Applying to Non-Residential Social Care Services, the amount a person has to contribute should be set according to their ability to pay. In the first instance this requires an assessment of the person's income and capital. In all cases income and capital is treated in accordance with the guidance.

The thresholds are set by the Government annually and will be updated each year. For 2015/2016 they are as follows:

Income

Weekly Charging Threshold: £132 for those under pension age
£195 for those over pension age

Capital

Capital Threshold: £10,000

Taper Rates

The taper rate is the percentage of residual income that is then used to calculate how much of a client's income above the threshold figure is taken into account in calculating the charge. This is set at 55%, meaning that 45% of a service user's residual income is disregarded when working out the charge, or 55% will be taken into account.

9.3 Income not taken into account

Certain types of income will not be taken into account when assessing a person's ability to make a contribution. These are:

- Disability Living Allowance Mobility Component
- Personal Independence Mobility Component
- The high rate element of Disability Living Allowance Care Component, Personal Independence Payment Daily Living Component, and Attendance Allowance (£82.30). People in receipt of the high rate element will only have the Middle Rate of Disability Living Allowance Care, the standard rate of Personal Independence Payment or Lower Rate of Attendance Allowance taken into account.
- Independent Living Fund payments
- All benefits paid for or on behalf of dependent children
- Child Benefit
- Disability payment in respect of a child / children
- First £10 of War Disablement / War Widows Pension
- Winter Fuel payments
- Christmas Bonus paid with benefits
- All income received for a person's partner
- Permitted Work in line with DWP Assessment

Note – If a person is assessed as being entitled to a welfare benefit, but refuses to claim, the financial assessment will include the amount of income equivalent to that benefit entitlement.

9.4 Income Allowances

Certain allowable costs will be deducted from the person's income before calculating what they can afford to pay. These will normally be housing costs such as mortgage (both interest and capital payments), rent, ground rent and council tax. Housing costs taken into consideration in the calculation will be net of any benefits received. A 20% disregard will be applied to any disability related expenses included in the financial assessment to allow for disability related expenditure. Disability related benefits are Attendance Allowance, Disability Living Allowance (care component) and Personal Independence Payment Daily Living Component.

	Under pensionable age	Over pensionable age
COSLA guidance requires that people have a level of income equivalent to income support or pension credit (depending whether under or over pensionable age) plus 25% (rounded up to the next pound) before a contribution is required. The Council will use the single person above working age allowance for everyone. This is determined as follows:		
DWP Basic Allowance	£105.35	£155.60

25% of DWP Basic Allowance	£26.33	£38.90
Council Personal Allowance	£132.00	£195.00

It is expected that the Personal Allowance should be used to cover a person's daily living expenses such as, food, gas, electricity, telephone, internet and insurance payments (with exception on building insurance).

9.5 Capital and Savings

Capital includes any savings, investments and property owned other than the person's main residence. Capital invested in bonds with life assurance and the value of the person's main residence will be fully disregarded.

Capital up to £10,000 will be disregarded. A weekly income of £1 per week for every £500 in capital over the threshold limits will be included in the calculation. This means that people will be asked to contribute £1 per week for every £500, or part thereof, they have in savings or assets.

Where someone has been awarded a compensation payment, as a result of personal injury, whether as a result of a court judgment or out of court settlement, which has been awarded in respect of anticipated future care costs, this will be taken into account as capital when calculating their contribution. This will include compensation payments held in trust. Where someone has a trust fund that is not due to an award made as a result of personal injury then the CRAG (Charges for Residential Accommodation Guidance guidelines) apply for residential and non-residential care services.

Cases where capital has been 'gifted', moved into bonds or otherwise transferred will be assessed on an individual basis to determine whether or not the value of the capital should be taken into account in the financial assessment. Please see section 10.7 – Deprivation of capital.

9.6 Incorrect financial assessment

If it is discovered that an incorrect financial assessment has led to someone being charged too much or too little, a new financial assessment will be undertaken and the correct charge will be applied from date of the revised assessment.

If there are changes in an individual's circumstances that may affect the current financial assessment, increases or reductions in income or expenditure e.g. award of Attendance Allowance, Disability Allowance, Personal Independence Payment, Employment Support Allowance, Pension Credit or Income Support, it is essential to notify the Social Work Service and request a reassessment. Failure to do this may result in an individual being liable to pay a backdated charge.

10. ADDITIONAL INFORMATION

10.1 Appeals against charges

The Council is committed to review and reconsider changes in circumstances where the person does not have the means to pay or has special circumstances which the service has not been aware of. The appeals process is available for a person to have any of their charges reviewed including a waiver of charges and takes account of the risk to the client of not receiving that support. The Appeals Panel will consider appeals for all services including flat rate and assessable charges. The appeals procedure can be found at the following link: http://www.scotborders.gov.uk/info/1347/social_care_and_health/230/social_work_comments_and_complaints/3

Anyone who remains dissatisfied with the outcome of their appeal will be entitled to pursue their complaint through the Council's normal complaints procedure. The procedure and related information can be found at the following link:

http://www.scotborders.gov.uk/info/1347/social_care_and_health/230/social_work_comments_and_complaints

10.2 Debt Recovery

Scottish Borders Council will have the right to pursue all charges not paid, by people assessed as being able to pay, through the Council Corporate Debt Recovery procedure.

10.3 Up-rating of charges

All charges will be reviewed on an annual basis in line with any Department of Works and Pensions up-rating and policy or legislative changes.

10.4 Charging for Residential Services

The legal basis for charging for residential services is the National Assistance Act 1948 and the National Assistance (Assessment of Resources) Regulations 1992.

Council will continue to follow the Charges for Residential Accommodation Guidance (CRAG). The detailed guidance can be found at the following link: http://www.sehd.scot.nhs.uk/publications/CC2014_02.pdf

Parents or guardians of Children under 18 who are accommodated will not be required to make a contribution towards their child's care.

10.5 Information for people using our services about charging

People who use our services will be given information about charges at the time of assessment and a Financial Information Form will be completed where a financial assessment is required.

The person will be advised in writing of their assessed charge and they will be asked to check that the information used in the calculation is correct. Charges will be applied from the first date the service is received.

10.6 Financial assessment – treatment of income and capital

Financial assessments will be carried out in terms of the above legislation for respite, temporary and permanent residential care.

The assessment is based solely on the individual's own financial resources including their share of any resources they jointly hold with their partner, spouse or other party (this will normally be regarded as 50% unless there is documentary evidence to the contrary).

10.7 Deprivation of capital

If a local authority has evidence that a person has deprived themselves of a capital asset in order to avoid or reduce accommodation charges then it may treat the person as still possessing that asset when assessing ability to pay. In some circumstances, the Council may be able to recover the cost of care from the person who received the capital asset or the person may be assessed as though they still own it.

If anyone has any doubts about this advice they are requested to discuss this in advance of taking any actions which may be considered deprivation of capital.

10.8 Hospital absence

When a person living in a care home is admitted to hospital they will be expected to pay 100% of their assessed contribution for 42 days as long as it appears likely that the person will be returning to the care home. The situation will be reviewed at this stage. If the person is able to return to the care home they will continue to pay for their bed during their absence.

Where the Council is paying Free Personal Care and/or Free Nursing Care, entitlement ceases after 14 days of absence from the care home and consequently the Council will cease to make such payments to the provider from the 15th day of absence in line with The Community Care and Health (Scotland) Act 2002. Individuals will therefore be responsible for the full amount should their stay in hospital last longer than 14 days.

10.9 Planned absence

Where a person living in a care home is absent temporarily, on holiday or similar circumstances, the Council will continue to pay 100% of our contracted contribution for up to 42 days. Where a planned absence is for more than 14 days the Council will cease to make Free Personal Care and/or Free Nursing Care payment to the provider from the 15th day of planned absence in line with The Community Care and Health (Scotland) Act 2002.

You can get this document on audio CD, in large print and various other formats by contacting us at the address below. In addition, contact the address below for information on language translations, additional copies or to arrange for an officer to meet with you to explain any areas of the publication that you would like clarified.

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NEW MEASURES TO CONTROL DOG FOULING

Report by Service Director Neighbourhood Services

SCOTTISH BORDERS COUNCIL

25 February 2016

1 PURPOSE AND SUMMARY

- 1.1 This report outlines a new, refreshed approach to tackling dog-fouling and sets it in the context of a wider strategic approach to responsible dog ownership.**
- 1.2 In 2014 the Scottish Household Survey people rated animal nuisance, such as noise and dog fouling, as the most common problem in their neighbourhood and this is an increasing trend. Within the Scottish Borders there has also been an increase in the number of reports of dog fouling.
- 1.3 The Council has a number of statutory duties relating to dogs, and in looking at the problem of dog fouling, it is essential that this is considered in the wider context of responsible dog ownership. A strategy and action plan have been developed taking this into account.
- 1.4 Due to ongoing concerns expressed to the Council, Officers have been investigating options to enhance its environmental enforcement activities. This report outlines a proposal to appoint a private company to carry out focused enforcement activity for a pilot period of twelve months.

2 RECOMMENDATIONS

- 2.1 I recommend that the Council approves:-**
 - (a) the Responsible Dog Ownership Strategy & Action Plan.**
 - (b) trialling a new approach to enforcement through the rollout of a twelve month pilot scheme.**
 - (c) the appointment of an external contractor for the duration of the pilot.**

3 BACKGROUND

- 3.1 Scottish Borders Council is committed to maintaining and improving a high quality environment which is recognised as one of the key priorities in the Council's Corporate Plan.
- 3.2 Dog fouling is unpleasant, unpopular and a health hazard. It is an issue which can cause significant health and social impacts.
- 3.3 Failing to clean up after a dog has fouled, in a public place, is an offence under The Dog Fouling (Scotland) Act 2003.
- 3.4 Police and designated Council Officers can issue Fixed Penalty Notices where an offence has occurred. The charge is currently £40, which can increase to £60 if not paid within 28 days. Offenders can be reported to the Procurator Fiscal and may be fined up to £500 if convicted.
- 3.5 Due to continued budgetary challenges the Warden Service, which focussed on the enforcement of the Act, was withdrawn in March 2013.
- 3.6 The Council also has a duty in terms of the Control of Dogs (Scotland) Act 2010 and the Dangerous Dogs Act 1991 which is done by the Dog Control Officer.
- 3.7 The core duties sit within the broader role of improving responsible dog ownership; coordinating stray dog's regulation, partnership working on education and advice, and contributing to the national framework and consultations.

4 CURRENT POSITION

- 4.1 In the 2014 Scottish Household Survey people rated animal nuisance, such as noise and dog fouling, as the most common problem in their neighbourhood and this is an increasing trend.
- 4.2 The public can report dog fouling to the Council and from this information; it demonstrates that the problem is increasing. As shown below at Table 1, there has been an increase in reports of 16% from 2013/14 to 2014/15.

Year	No. of Incidents Reported	Berwickshire	Cheviot	Eildon	Teviot & Liddesdale	Tweeddale
2013/14	385	43	56	104	131	39
2014/15	446	69	38	170	106	63

Table 1

- 4.3 Neighbourhood Operations teams have the responsibility for dealing with dog fouling. Since the removal of the Warden Service, resources have very much focussed on the cleaning up of dog fouling and to a certain degree education and prevention.
- 4.4 It is recognised through the increase in reported instances as well as feedback from the public, communities and Elected Members, that a more effective approach is required.

5 RESEARCH

- 5.1 In developing the new proposed approach, Officers have investigated and considered best practice from other Local Authorities not just in Scotland but across the UK. Discussions have centred on what strategies are effective in reducing dog fouling and some key themes came from this.
- A focus on prevention and changing behaviour is key.
 - Introduction of Enforcement Officers targeting known trouble spots
 - Targeted, community focussed campaigns have delivered good results.
 - Engaging the community and encouraging volunteers to get involved.
 - Developing strong partnerships with key interest organisations.
 - Involving local businesses in campaigns.
 - Working with schools.

6 PROPOSED STRATEGIC APPROACH

- 6.1 In investigating effective approaches to tackling dog-fouling, it is clear that addressing dog ownership, and particularly irresponsible dog ownership, is key to success. In light of this, and taking the Council's overall duties relating to dogs into account, a Responsible Dog Ownership Strategy & Action Plan has been developed and is outlined at Appendix 1. It has the following key aims and objectives:
1. To educate dog owners in the principles of responsible dog ownership.
 2. To raise awareness of the legal responsibilities associated with dog ownership.
 3. To reduce the number of dog fouling instances through education, partnership working and enforcement.
 4. To improve the use of information and intelligence and share this with key partners.
 5. To clarify and raise awareness of the roles and responsibilities of Scottish Borders Council and those of key partners including Police Scotland.
 6. To improve and simplify the way in which members of the public can report instances of dog fouling.
 7. To work more closely with communities on developing local solutions.
 8. To ensure that robust enforcement action is taken, where appropriate.

- 6.2 In order to meet the objectives, high level actions has been developed which sit alongside each of the six delivery objectives. The actions draw upon a number of resources available to the Council as a whole, as well as those of key partners and other appropriate organisations and groups. These will be reviewed on an annual basis.

7 ENFORCEMENT POWERS

- 7.1 The Dog Fouling (Scotland) Act 2003 provides local authorities with enforcement powers to tackle dog-fouling. These powers allow two quite separate routes for the penalising of such offences. Those routes are in fact entirely separate with only very limited opportunities for cross-over.
- 7.2 Section 5 of the Act provides that an authorised officer of the local authority, or a police constable may issue a Fixed Penalty Notice, this is payable to the local authority and is intended as an alternative to prosecution.
- 7.3 As from 1 April 2016, the fixed penalty for dog fouling will rise to £80 bringing it in line with the penalty for littering offences. If unpaid within 28 days the penalty will increase to £100.
- 7.4 Instead of a fixed penalty notice, the Local Authority can choose to notify the matter to the Procurator Fiscal for prosecution through the criminal courts. It is then a matter for the discretion of the Procurator Fiscal as to whether criminal proceedings should be raised. Prosecution can only be brought within six months of the offence having been committed.
- 7.5 The Scottish Government is also considering how to make further improvements to the enforcement arrangements including a more robust system to tackle the issue of collecting unpaid penalties. Officers and the Executive Member for Environmental Services have already met with the Minister of Safer Communities & Legal Affairs and will continue to be involved in the Stakeholder Forum focussed on improvements.

8 PROPOSAL FOR NEW ENFORCEMENT ARRANGEMENTS

- 8.1 Due to ongoing concerns expressed to the Council, and the planned increase in the amount of the fixed penalty, Officers have been investigating options to enhance its environmental enforcement activities. In doing so a key consideration has been the financial climate and the need to reduce revenue budgets.
- 8.2 From the research carried out it is clear that there is an emerging private sector that can provide enforcement services to local authorities based on the income generated from fixed penalties covering the costs involved. As well as considering a more robust internal approach to enforcement extensive discussions have taken place with two private contractors. Based on the experience and feedback from other local authorities there are clearly benefits in considering the approach developed by the private

contractors.

- 8.3 Officers are therefore recommending that a private contractor is appointed for a twelve month pilot as outlined in table 2 below. From signing a contract they estimate a 6-8 week period lead in time to full deployment. This is to allow recruitment and training.

Proposed service

Service provided by a nationally established company with the deployment of 2 FTE Enforcement Officers reporting to an established management resource. Staff will be recruited locally and will be identified as Council staff. They will work on a day to day basis from Council offices and closely with Neighbourhood Operations and Safer Communities staff. They will target main problem areas for dog fouling and littering. Fixed penalties will be issued and collected using their existing technology solution. They will also prepare files for prosecution.

All income collected from penalties will be retained by the company.

They will also fulfil an education/awareness role by being Environmental Champions and doing work with schools.

Benefits

- Dedicated and focused resource on enforcement activity.
- Experienced and have a good track record in this area.
- Modern IT solution to penalty regime.
- Will deal with the administration of collecting penalties.
- Flexible resource.
- All training provided.

Table 2

- 8.4 It is important to note that providing an enforcement service for dog-fouling alone would not be financially viable for any private contractor. Because of this littering offences including fly tipping will also be tackled in the twelve month pilot. This will be carried out in accordance with the Environmental Protection Act 1990 and will be a significant change to how littering has previously been dealt with within the Scottish Borders that Members should be aware of. Officers will now progress work on developing a similar strategy and action plan to tackle littering.
- 8.5 Officers are strongly recommending running a pilot for a twelve month period. This will allow time to test the new approach, evaluate the success of it, and understand what impact the increase in penalties and potential prosecutions has on the offence and recovery rates, before recommending a longer term solution.
- 8.6 To support the robust approach to tackling dog fouling and littering offences, the Council will refer cases to the Procurator Fiscal for prosecution. A meeting has taken place with the Procurator Fiscal where it was agreed that he would support the Council in tackling these issues. As criminal proceedings must commence within six months of the date of the

offence, court time will be scheduled in agreement with the Procurator Fiscal.

9 FINANCE

9.1 Financial

- (a) The costs of engaging a private contractor to carry out the enforcement activity for the twelve month pilot will be met from the income from fixed penalties and existing budgets.
- (b) The Council will look to maximise its access to external funding to support the delivery of the strategy and action plan.
- (c) The costs of the fixed metal signage will be met from the minor capital works budget.

9.2 Risk and Mitigations

- (a) The proposal of engaging a private contractor to provide an enforcement service is a new approach for the Council. There is a reputational risk that they will be seen to be taking a more aggressive approach to issuing fixed penalties. This will be mitigated by working with the contractor on a partnership basis and from running a pilot.
- (b) There are proven health risks associated with dog fouling. This risk can be mitigated by improved control.
- (c) In making it easier to report instances of dog fouling there is a risk that the numbers of reports increases. Information will be analysed carefully to identify any trends.

9.3 Equalities

The Responsible Dog Ownership Strategy and Action Plan will not unfairly discriminate any of the Protected Characteristics. The Dog Fouling (Scotland) Act 2003 excludes and exempts on the basis of Disability and Age.

9.4 Acting Sustainably

- (a) This report highlights that there are social impacts which require to be monitored and reviewed.
- (b) Improved control of dog fouling and encouraging responsible dog ownership will benefit the public, improving the cleanliness of towns, villages and open spaces across the Borders.

9.5 Carbon Management

There are no effects on carbon emissions.

9.6 **Rural Proofing**

The Responsible Dog Ownership Strategy and Action Plan will not unfairly discriminate against rural communities.

9.7 **Changes to Scheme of Administration or Scheme of Delegation**

There are no changes to be made.

10 CONSULTATION

10.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR, and the Clerk to the Council are being consulted and any comments will be incorporated into this report.

10.2 The Chief Executive, the Safer Communities Manager, the Neighbourhood Area Managers, the Regulatory Manager and Corporate Communication are also being consulted.

Approved by

Jenni Craig

Service Director Neighbourhood Services Signature

Author(s)

Name	Designation and Contact Number
Jenni Craig	Service Director Neighbourhood Services
Jacqueline Whitelaw	Business Officer PLACE

Background Papers:

Previous Minute Reference:

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Responsible Dog Ownership Strategy & Action Plan

This strategy sets out what the Council will do to encourage and promote responsible dog ownership, and the Council's commitment to tackling the antisocial behaviour of irresponsible dog owners.

2015 - 2018



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Introduction

Owning a dog can bring great pleasure and in many ways enriches our lives. This strategy recognises that the majority of dog owners do behave responsibly by caring for pets and fulfilling both their legal and moral obligations. However, it is also recognised that there are a small minority of owners whose behaviour, and consequently the manner in which they allow their dogs to behave, is irresponsible, antisocial and in some instances criminal.

The strategy outlines how Scottish Borders Council will encourage and promote responsible dog ownership and enforce available legislation to address dog control issues.

Dog control issues such as fouling, stray dogs and nuisance dogs can adversely affect the environment and people's enjoyment of it. This strategy sets out how we intend to tackle nuisance dog activity and the anti-social behaviour of irresponsible dog owners.

The Council's Corporate Plan

Scottish Borders Council's Corporate Plan 2012/13 – 2017/18 sets out the overarching vision for the Scottish Borders and the Council. Our vision is 'to seek the best quality of life for all the people in the Scottish Borders, prosperity for our businesses and good health and resilience for all our communities'.

The Plan also identified a number of broad aims and a set of priorities that support a number of areas where the Council has a role to play namely, 'Maintaining and improving our high quality environment' and 'Building the capacity and resilience of our communities and voluntary sector.'

The 'Maintaining and improving our high quality environment' theme is concerned with our high quality environment is maintenance and enhanced.

- **We will continue to provide frontline responses in emergencies e.g. severe weather or flooding, but will increasingly work with communities so they can mitigate the effects of such situations and help us to respond safely at a local level**

The 'Building the capacity and resilience of our communities and voluntary sector' theme is about helping communities to help themselves; we will relieve some of the burden on the public sector as well as ensuring that communities stay safe and resilient.

- **We must explore the ways in which we can work with communities**
- **Strengthen the capacity of the voluntary sector to support their involvement in the delivery of public services**

The Council has listened to the views expressed by local people about local issues and the impact these issues have on quality of life. Antisocial behaviour and crime, was considered

to be the most important area the Council can influence. This strategy acknowledges these views and therefore provides a response that:

- **Focuses on behavioural change, prevention and tackling the underlying causes of dog fouling, straying and the antisocial behaviour of irresponsible dog owners, and**
- **Strengthens the Council's approach to enforcement of the law as and where this is necessary**

Strategic Aims and Objectives

This strategy aims to protect public health by

- Reducing dog fouling
- Reducing incidents relating to noise caused by dogs
- Respond to reports of stray dogs and injury caused by dog attacks

It also aims to promote the welfare of dogs.

The overarching objective of the Responsible Dog Ownership Strategy is the promotion and encouragement of responsible dog ownership and the specific objectives of this strategy can be summarised as follows:

- To educate dog owners in the principles of responsible dog ownership.
- To raise awareness of the legal responsibilities associated with dog ownership.
- To reduce the number of dog fouling instances through education, partnership working and enforcement.
- To improve the use of information and intelligence and share this with key partners.
- To clarify and raise awareness of the roles and responsibilities of Scottish Borders Council and those of our key partners including Police Scotland.
- To improve and simplify the way in which members of the public can report instances of dog fouling.
- To work more closely with communities on developing local solutions.
- To ensure that robust enforcement action is taken, where appropriate.

Strategic Context

Responsibility for a dog's actions ultimately rests with the owner or where the owner is absent, the person in control of the dog. However, Scottish Borders Council and its partners, including POLICE Scotland, SSPCA, Registered Social Landlords (RSLs) and Community Groups share a number of responsibilities, including , enforcement responsibilities in relation to dangerous dogs, out of control dogs and dog welfare. These responsibilities are summarised below:

The Council

- **Collection of stray dogs**
- **A 'duty of care' to the animals in its care i.e. collected stray dogs**
- **Primary responsibility for the enforcement of dog fouling legislation**

In addition to the above, the Council is also responsible for:

- **The investigation and enforcement of statutory nuisances including noise from barking dogs, nuisance attributable to the manner in which animals are kept and accumulations of dog mess on private land, and**
- **The licensing of animal boarding establishments, pet shops and dog breeders**
- **Taking action on out of control dogs under the Control of Dogs (Scotland) Act 2010 and preventing such dogs becoming dangerous dogs.**
- **Taking action in conjunction with the Police, on dangerous dogs including those breeds that are prohibited by the Dangerous Dogs Act 1991. Authorised Council Officers can seize any prohibited dog or dog they consider to be dangerously out of control provided it is in a public place.**

The Police

- **Primary responsibility for dangerous dogs including those breeds that are prohibited by the Dangerous Dogs Act 1991. Officers are permitted to seize any prohibited dog or any dog they consider to be dangerously out of control whether it is in a public or private place subject to a warrant being obtained if a dangerous dog is thought to be within private locked premises.**
- **Primary responsibility under the Guard Dogs Act 1975**
- **Responsibility for dogs worrying livestock**

Scottish Society for Prevention of Cruelty to Animals (SSPCA)

- **Investigate abuse and prevent cruelty**
- **Rescue animals in danger**
- **Find pets new homes**

This strategy recognises the need for effective partnership working with these and other agencies and also with community groups and voluntary organisations, as it is through these partnerships that long term behavioural changes can be achieved and sustained.

Delivery

Broadly speaking, the Council aims to achieve its objectives by way of the following:

Education and Awareness

The Council will seek to ensure that information and advice is made available to both dog owners, and to persons who may be experiencing antisocial behaviour caused by irresponsible dog owners thereby improving access to the right services and organisations.

Special emphasis will be placed on ensuring that young persons have access to advice and information and are educated in the ways of responsible dog ownership as they will not only be dog owners in the future, but also have the opportunity now to influence the behaviour of parents and other adults and young people around them. We will therefore investigate the most appropriate and effect ways of engaging younger people and bringing these messages to them.

To underpin the above and the Council's broader activities around the promotion of responsible dog ownership, we will formulate a Communications Plan to ensure that key messages are communicated using a variety of media (including the appropriate use of signage).

Actions on Education and Awareness

- **Raise awareness of the legal responsibilities associated with dog ownership**
- **Provide information and advice to dog owners to enable and support compliance with the law**
- **Review and improve use of all communication tools, maximising use of social media, and develop a communications plan**
- **Look at better use of resources who are currently working with schools such as the Waste Services team and the Dog Control Officer**
- **Introduce the use of Street Stencils to tackle dog fouling in known problem areas**
- **Introduce new bins to known dog fouling hotspots which can carry key messages/publicity material**
- **Review signage across all bins**
- **Identify key sites for new anti-dog fouling metal signs**

Action on Education and Awareness Example – Anti Dog Fouling Media Film

We have commissioned an anti-dog fouling media film from pupils of Hawick High School.

The School has a team of pupils who regularly produce video news bulletins to keep their fellow students, teachers and parent's up to date with school and local events. These are broadcast via their own YouTube Channel, through their Facebook and Twitter pages.

The team have produced a two minute news report video which discusses the health risks of dog fouling and includes interviews with local dog walkers. The team have also coined the slogan – ‘Bag the poo – any litter bin will do’.

The video will support the launch of the Council’s new Dog Fouling Strategy and will be linked to the Council’s website and social media channels.

Promotional Activities and Events

The Council will seek to enable, facilitate and deliver a range of promotional activities and events working in partnership with other agencies, businesses, and voluntary and community groups.

These activities and events may involve Council Officers, charities and interest groups, national organisations and suppliers of services and products.

Actions on promotional Activities and Events

- **Support and participate in local and national campaigns**
- **Actively support Keep Scotland Beautiful and work with them to develop key campaigns locally**
- **Participate in the national Dog Fouling Strategy Forum**

Action on promotional Activities and Events Example – Micro Chipping Campaign

The Scottish Government is introducing compulsory micro chipping of dogs on 1 April 2016, which will aim to reunite lost or stolen dogs with their owners.

The Council has played a positive role in supporting this initiative, working alongside The Dogs Trust and the People’s Dispensary for Sick Animals (PDSA) to hold a series of free micro chipping events in 2015.

Over 1,000 dogs were chipped during 2015, with one event at Hawick seeing an impressive 184 dogs chipped.

In addition, the Council is supporting the first sponsored dog walk event taking place in Galashiels on Sunday 13 March 2016. The event, run by Gala Cricket Club and Borders Pet Rescue (BPR), will see the BPR offer micro chipping for a small fee to cover costs.

Community Empowerment

Our communities and individuals within these communities have an important role to play in influencing behaviour and the provision of support, advice and assistance to other dog owners, and potentially to those affected by the actions of irresponsible dog owners.

The Council is keen to explore how it can support people and businesses in coming together to do things for themselves that will have a positive impact on their communities, environment and quality of life:

Actions on Community Empowerment

- **Work with communities on developing local solutions**
- **Develop an ‘anti-dog fouling toolkit’ which can be used by local communities**
- **Promote key initiatives e.g. The Green Dog Walkers and the WOOFs campaign**

Actions on Community Empowerment Example – Green Dog Walkers

The Green Dog Walkers (GDW) campaign was patented by Falkirk Council and has been running since 2008. Each GDW Licence holder is provided with a “Green Dog Walkers Tool Kit” which can be used by community groups and volunteer organisations which become an official GDW group.

The philosophy behind the campaign is to change public attitudes so that it becomes socially unacceptable to fail to clean up after your dog which will ultimately result in a reduction in dog fouling across the area.

The secret to a successful GDW campaign is the volunteer groups and dog owners who are the ones “on the ground” running the pledge stalls, gathering pledgers, participating at local dog events, local fairs, setting up in local parks and carrying out surveys to measure the success of the project.

Scottish Borders Council has purchased a Licence and will be working in partnership and supporting community groups to set up and progress their own local GDW group.

Sharing Information and Intelligence

We will work closely with partner agencies to develop and agree protocols for sharing intelligence and other information. This will enable us to make the most effective use of resources by targeting areas affected by dog fouling.

Actions on Information and Intelligence

- **Improve the use of information and intelligence and share this with key partners**
- **Make it easier for members of the public to report instances of dog fouling**
- **Through campaigns, encourage the public’s support in tackling dog fouling and highlight the importance of providing information**
- **Provide regular reports**

Actions on Information and Intelligence Example – Reporting Dog Fouling

Members of the public can report incidents of dog fouling in person, by telephone or online. A recent change to our online reporting form now enables more detailed information to be provided on where the dog fouling occurred (i.e. nearest home or business address or the number of the nearest lamppost). We will share this intelligence with key partners and ensure resources are targeted effectively.

Enforcement

Unfortunately, not all dog owners will respond positively to the responsible dog ownership messages we will communicate. Enforcement therefore has a key role to play in terms of achieving our strategic objectives and is there to support and complement the other themes such as education and awareness and promotional activities and events.

The Council will closely examine all legal duties, powers and provisions i.e. the enforcement tools at its disposal, and will determine not only the appropriateness of each tool, but also the most efficient and effective way to use these including, for example the range of officers from within the Council, external agencies and third parties who may be authorised to take action such as issue of fixed penalty notices.

We will work to ensure that all enforcement is well targeted, effective and fair and will be tough on those who commit serious breaches of the law.

Actions on Enforcement

- **Trial a new targeted approach to enforcement for a 12 month period**
- **Review the number of 'Authorised Officers' across the Council who can issue Fixed Penalty Notices**
- **Carry out a review of enforcement across the Council to make best use of resources**
- **Continue to work with Keep Scotland Beautiful and the Scottish Government to improve the effectiveness of enforcement arrangements**
- **Work with the Procurator Fiscal in bringing successful prosecutions**

Actions on Enforcement Example – Procurator Fiscal

Officers met with the local Procurator Fiscal to discuss the issue of dog fouling in the Scottish Borders and to gauge his willingness to bring such matters to the court. The meeting was very positive. The Fiscal intimated that he certainly would be willing to raise such proceedings, and provided advice on matters such as the quality of evidence which would be needed to secure conviction and the timescales and processes within which such offences would need to be reported.

A key action during 2016/17 will be to progress appropriate cases to the Procurator Fiscal to further support the strong message that failure to deal with dog-fouling will not be tolerated.

Partnerships

As previously stated, effective partnerships have a pivotal role to play in delivering our strategic objectives. We will seek to strengthen existing partnerships with POLICE Scotland, SSPCA, but will also look to establish new and effective partnerships with Community Councils, Youth Groups, Schools, RSLs, Communities, Local Rescue Centres and individuals.

We recognise that a great deal of knowledge, skills and passion exists amongst responsible dog owners and we will seek to harness this energy, making effective use of this previously untapped resource by bringing together communities of interest with a common desire to effect the necessary changes in behaviour and attitudes, making irresponsible dog ownership socially unacceptable.

Action on Partnerships

- **Clarify and raise awareness of the roles and responsibilities of partners**
- **Identify opportunities for Partnership working**

Actions on Partnerships Example – Dog Control Officer

Scottish Borders Council has a Dog Control Officer, whose primary role is assessing whether dogs involved in reported incidents have been out of control, establishing what level of formal intervention is appropriate and monitoring compliance with any Dog Control Notices served. In this role the Dog Control Officer has established working relationships with Police Scotland the SSPCA and the Procurator Fiscals service. The Dog Control Officer is also responsible for making arrangements for stray dogs and works closely with local and national organisations in the kennelling and re-homing of strays. In a wider context the Dog Control Officer has a role in promoting responsible dog ownership. Promotional work can be wide ranging and a number of opportunities will be explored with both local and national partners in this regard.

Resources

Officers from across Scottish Borders Council have a role to play in delivering the objectives of this strategy, including:

- **Neighbourhood Operations – responsible for the Council’s parks, open spaces, footpaths and responding to reports of dog fouling**
- **Regulatory Services – responsible for the investigation of statutory nuisance complaints, enforcement and collection of stray dogs**
- **Legal and Licensing – responsible for the licensing of Animal Boarding establishments and Pet Shops**
- **Safer Communities – responsible for coordinating the multi-agency approach to Anti-Social Behaviour**

Wherever possible, officers will be trained and developed to enable them to respond to a wider range of environmental issues in order to maximize Council resources. Resources will also be flexible to enable a targeted, intelligence-led approach to enforcement.

Performance Monitoring and Review

The effectiveness of the strategy and the progress against the associated Action Plan will be routinely monitored. This will allow the highlighting of successes and will also provide the opportunity of the early identification and review of any areas of concern.

Alternative format/language paragraph

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SESPLAN: FINANCE AND GOVERNANCE RATIFICATION

Report by Service Director Regulatory Services

SCOTTISH BORDERS COUNCIL

25 February 2016

1 PURPOSE AND SUMMARY

- 1.1 This report seeks ratification of SESplan budget proposals for 2016/17, and changes to the SESplan governance arrangements.**
- 1.2 The SESplan budget for 2016/17 is proposed to be set at £286,336, with each authority expected to contribute £46,550.
- 1.3 Revised SESplan governance arrangements are proposed, including the formalisation of the two year cycle for Convener and Vice-Convener to better relate to the Plan preparation cycle.

2 RECOMMENDATIONS

2.1 I recommend that the Council:-

- (a) Agrees to ratify the SESplan budget proposals for 2016/17.**
- (b) Agrees to ratify the revised SESplan Governance arrangements.**
- (c) Notes the potential for the Governance arrangements to be amended to deal with sequential and typographical errors as set out in paragraph 3.8.**

3 BACKGROUND

- 3.1 At its meeting on 14 December 2015 the SESplan Joint Committee discussed and agreed the operating budget for 2016/17 (SESplan report attached as **Annex 1**), and amendments to the Constitution, Scheme of Delegation and Financial Rules (SESplan report attached as **Annex 2**). This report seeks agreement of the Council to the ratification of the decisions from those SESplan reports.

SESplan Budget Proposals 2016/17

- 3.2 The 2016/17 budget for SESplan has been set at £286,336 (see **Annex 1**). Total member contributions are set at £279,300, with £46,550 being the share for each authority. This level of funding is the same as that for 2015/16.
- 3.3 Funding from each authority has reduced from a previous level of £49,000 in 2013/14.
- 3.4 The SESplan budget for 2016/17 includes fixed costs (staffing, rent, administration) at £264,336. Variable costs (technical support, contingency) are set at £22,000.

SESplan Revised Governance Arrangements

- 3.5 The main changes relate to the formalisation of the two year rotation of the Convener and Vice-Convener to better relate to the plan production cycle, and to the removal of the need to ratify draft Supplementary Guidance (see **Annex 2**).
- 3.6 Ratification of all key stages of the preparation of the Strategic Development Plan (Main Issues Report and Proposed Plan) will still be required, as will the adoption of Supplementary Guidance.
- 3.7 In addition, the SESplan report also includes the adoption of standing orders in relation to the management and operation of the Joint Committee.
- 3.8 There are some potential amendments to the proposed wording that might be considered as follows-
- a) Scheme of delegation (para 2.3k): removal of the word 'statutory' would enable non-statutory Supplementary Guidance to be approved without ratification.
 - b) Constitution (para 10.3, final sentence): replace 'Joint Committee' with 'SESplan Board' as this will usually be an operational matter.
 - c) Standing Orders (para 5): should refer to 'six' constituent Councils.

4 IMPLICATIONS

4.1 Financial

The Council will be required to fund its member contribution towards the continued operation of SESplan. Budget for £46,550 for 2016/17 (as set out in paragraph 4.2) will be required. This is in line with current Council budgeting.

4.2 Risk and Mitigations

SESplan is the strategic development authority for Edinburgh and the South East of Scotland set up by the Scottish Government. The Council therefore has a duty to contribute to its effective operation.

4.3 Equalities

There are no direct adverse equality implications arising from this report.

4.4 Acting Sustainably

There are no direct economic, social or environmental effects arising from this report.

4.5 Carbon Management

There are no effects on carbon emissions arising from this report.

4.6 Rural Proofing

This report does not relate to new or amended policy or strategy and as a result rural proofing is not an applicable consideration.

4.7 Changes to Scheme of Administration or Scheme of Delegation

There are no changes required to the Council's Scheme of Administration or Scheme of Delegation as a result of this report.

5 CONSULTATION

5.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR and the Clerk to the Council have been consulted and their comments incorporated into this report.

Approved by

Brian Frater

Service Director Regulatory Services

Signature

Author(s)

Name	Designation and Contact Number
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Background Papers: None

Previous Minute Reference: None

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For Decision	✓
For Information	

ITEM 8 – FINANCE

Report by: Ian Angus, SDP Manager

Purpose

This Report presents the following for SESplan Joint Committee consideration:

- Expenditure against the approved Operating Budget for 2015 / 2016 up to October 2015;
- Total forecast expenditure against the approved Operating Budget for 2015 / 2016; and
- Operating Budget for 2016 / 2017, 2017 / 2018 and 2018 / 2019.

Recommendations

It is recommended that the SESplan Joint Committee:

1. Notes the expenditure against the approved Operating Budget for 2015 / 2016 up to October 2015 as set out in Appendix 1;
2. Notes the total forecast expenditure against the approved Operating Budget for 2015 / 2016 as set out in Appendix 1;
3. Approves the Operating Budget for 2016 / 2017 as set out in Appendix 1;
4. Notes the Operating Budgets for 2017 / 2018 and 2018 / 2019 as set out in Appendix 1;
5. Agrees that member contributions for financial year 2016 / 2017 will be set at £46,550 (excluding VAT) per authority, payable to Fife Council by the 30 April 2016; and
6. Notes that Member Authorities will be required to ratify the approval of the Operating Budget for 2016 / 2017 at Recommendation 3 of this Report and to make their required contributions by the due date.

Resource Implications

As set out below and in Appendix 1.

Legal and Risk Implications

There are risks to the process if sufficient funding is not available to progress the Strategic Development Plan (SDP) at a rate which provides up to date strategic planning policy context for the timeous progression of the member authorities' Local Development Plans (LDP), as is required by the relevant legislation. All risks and responses to these are detailed in the SESplan Risk Register and reported to Joint Committee on an annual basis.

Policy and Impact Assessment

No separate impact assessment is required.

1. Operating Budget 2015 / 2016

Monitoring Expenditure to Date

- 1.1 The Annual Audit identified one action related to the presentation of financial monitoring reports to the Joint Committee. This was identified as a risk as the Joint Committee may not be fully informed of the ongoing financial position and emerging financial risks of the Authority. It was agreed at the 28 September meeting of the Joint Committee that detailed financial monitoring reports would be submitted for Committee consideration twice a year with one occasion being at the end of each financial year. This Report therefore notes the total expenditure to October 2015 of £151,014 against the approved Operating Budget for 2015 / 2016 of £300,874 (See Appendix 1).
- 1.2 To date spend on variable costs totals around £25,917. Expenditure on technical support to date includes amongst other items around £16,210 for GIS and graphics support provided by Scottish Borders and City of Edinburgh, £1,300 for placing the statutory notice advertising the publication of MIR2 within the Scotsman newspaper, £3,600 for printing hard copies of MIR2 and supporting documents for distribution to Community Councils, Member Authority planning receptions, key agencies and neighbouring authorities amongst others and £900 consultants fees for finalising the second SESplan Housing Need and Demand Assessment for robust and credible assessment by the Centre for Housing Market Analysis within the Scottish Government.
- 1.3 In terms of income, to date, Fife Council only has paid the required contribution of £46,550. Invoices have been raised and forwarded to Member Authorities (City of Edinburgh, East Lothian, Midlothian, Scottish Borders and West Lothian) for the remaining member contributions of £232,750 to be paid.

Forecast Expenditure against Approved Operating Budget

- 1.4 This Report also notes the total forecast expenditure in 2015 / 2016 relative to the Operating Budget for 2015 / 2016 which was approved at SESplan Joint Committee on the 15 December 2014 (See Appendix 1).
- 1.5 The 2015 / 2016 Budget included provision for staffing within the Core Team of the SDP Manager, Lead Officer (0.8 FTE), Planner and Temporary Planner (contract to December 2016). To provide technical and administrative support to the Core Team, a Student Planner was appointed on a temporary (one year) full time contract in August 2014. The contract was extended for a further year in August 2015 on a part time basis (0.4 FTE) and will end in August 2016.
- 1.6 There is a forecast total overspend of £4,792 on staffing in 2015 / 2016 due to additional costs related to maternity leave (assumed 12 months from January 2016).

- 1.7 In terms of other fixed costs there is a forecast total overspend of £1,800 on travel expenses and mileage, with total forecast spend for 2015 / 2016 estimated at £5,100. This is primarily a result of the relocation expenses for the Core Team associated with the office accommodation move from Edinburgh to Livingston which are payable for a four year period (December 2014 – December 2018). Ordinary travel expenses have also increased following the move from central Edinburgh to Livingston and it has been assumed that expenses will remain at the £5,100 level for 2016 / 2017 and into 2017 / 2018 and 2018 / 2019. Additional travel expenses were also incurred in the current financial year as a result of the Main Issues Report 2 consultation.
- 1.8 There is a total forecast underspend of £3,000 on administration support. It was envisaged that administration support would be sought from West Lothian Council to assist with the Main Issues Report 2 consultation. Administration support was not required and it is anticipated that minimal support will be required over the period to March 2016. The total allowance has therefore been reduced from £4,000 to £1,000 to cover any administration support should it be required.
- 1.9 The forecast is that the full variable budget of £44,000 will be spent over the financial year 2015 / 2016.
- 1.10 The difference between income and expenditure in 2015 / 2016 will be covered by funding expenditure from reserves brought forward from prior years.

2. Operating Budget 2016 / 2017 and Forecast Operating Budgets 2017 / 2018 and 2018 / 2019

- 2.1 Appendix 1 sets out a proposed Operating Budget for the financial year, 2016 / 2017. As is required under SESplan's Financial Rules, the Budget is presented for discussion and approval by the Joint Committee before ratification of that decision by the Member Authorities.
- 2.2 The 2016 / 2017 Operating Budget includes an allowance for staffing within the Core Team of the SDP Manager, Lead Officer (1 FTE – Maternity Leave cover over the period January 2016 – January 2017), Planner and Temporary Planner, a total of £227,199. The existing contract for the Temporary Planner ends in December 2016. It is proposed that the Temporary Planner post will be extended for a further year to December 2017. This will provide for stability within the Core Team over the period to submission of Strategic Development Plan 2 to Ministers (programmed for Spring 2017), allow for work streams relating to engagement and improved graphics to be progressed and take forward the actions from the lessons learned in the Main Issues Report 2 consultation.
- 2.3 The Student Planner post at 0.4 FTE will end in August 2016. There is no allowance for continuation of the Student Planner post.
- 2.4 The SESplan Core Team is also reliant on resources within the Member Authorities to assist with processing of responses received on consultations as well as technical assessments related to

transport, the spatial strategy and housing amongst other topics. It should be noted that there is a risk to the preparation of the SDP in not maintaining the resource within the Core Team, since the resources within Member Authorities to backfill any SESplan resource gaps are also limited and increasingly under pressure.

- 2.5 Accommodation costs within West Lothian Civic Centre in Livingston have been assumed at £7,500 in 2015 / 2016 with an increase of 1.5% per year for inflation. The Core Team moved into the Civic Centre in December 2014. Confirmation of the heads of terms and lease for the SESplan accommodation has been sought but the contract has yet to be signed with West Lothian Council. The issue has been identified as a risk on the SESplan Risk Register in the meantime.
- 2.6 In terms of IT / Software, the Operating Budget includes £12,000 for Objective and £1,500 per annum for Objective Connect. These systems allow management of the drafting of the plan and supporting documents and consultations on these and the sharing of papers with members and other stakeholders. Also included is the annual hosting of the SESplan website and recharge for West Lothian IT services who provide IT hardware and support to the Core Team.
- 2.7 Audit fees in 2014 / 2015 were £3,380 and costs have been assumed to be the same in future years (i.e. no reduction but also no inflation). The Budget also includes some provision for administrative support from West Lothian on an annual basis.
- 2.8 The 2016 / 2017 Operating Budget includes £20,000 for spend on technical support plus £2,000 contingency. The largest spend in this financial year will relate to GIS / Graphics support for the Proposed Plan and the Proposed Plan Period for Representations, primarily the costs of placing the statutory advert and printing hard copies of the Plan for distribution to Members Authorities and Community Councils amongst others.
- 2.9 The 2017 / 2018 Operating Budget includes £25,000 for spend on technical support plus £2,500 contingency. The largest spend in this financial year will relate to the Examination. The Examination for Strategic Development Plan 1 cost just under £25,000, therefore the Budget for 2017 / 2018 is considered realistic. However there is likely to be a requirement for Hearings on the Proposed Plan which may require the use of the contingency budget. TAYplan will be submitting its Proposed Plan for Examination ahead of SESplan and costs associated with that will provide an indication of likely costs for SESplan.
- 2.10 The 2018 / 2019 Operating Budget includes £20,000 for spend on technical support plus £2,000 contingency. The largest spend in this financial year will relate to pre Main Issues Report 3 engagement and evidence gathering.
- 2.11 Reserves would be maintained at around £20,000 per annum in each of the three years.

- 2.12 Each member authority is liable for one sixth of the annual Operating Budget. Members' contributions are payable to Fife Council on or before 30 April each year. In 2008, the members agreed a budget of £360,000 (£60,000 per authority). The actual budget for 2008 / 2009 only required a contribution of £17,000 per authority. The contributions increased to £40,000 per annum in 2009 – 2012, due to the Core Team then having a full staff complement and the costs of preparing the Main Issues Report and Proposed Plan. The one off government grant and 'carry forwards' were spent over these years and exhausted at the point when costs were expected to be the greatest, in 2012 - 2013.
- 2.13 Due to this combination of pressures, an increase in members' contributions to £49,000 per authority in 2012 / 2013 was agreed by the Joint Committee at its meeting on the 5 December 2011. Contributions were set at that level taking into account cyclical changes to the variable costs such as the Examination process and activity on SDP2 and to provide certainty to Member Authorities and the SESplan Budget planning process.
- 2.14 In anticipation of savings in 2014 / 2015, including in accommodation costs following the relocation of the Core Team, then expected early in that year, the Joint Committee agreed that a target of 5% savings would be set for 2014 / 2015 and following years. This is equivalent to a £2,450 reduction in the Member Authorities' annual contributions and this was refunded to members in 2014 / 2015. It was agreed that SESplan's costs continue at a reduced level in 2015 / 2016 and that contributions were maintained at £46,550 in 2015 / 2016. It is proposed that contributions continue to be maintained at £46,550 per authority per annum over the next three years.

3. Conclusion

- 3.1 The SESplan Financial Rules state that Member Authority contributions are to be in place by the end of April each year, within one month of the start of the financial year. It will therefore be requested that £46,550 be paid to Fife Council on or before the 30 April 2016.
- 3.2 It is requested that all member authorities take steps now in their budget setting to ensure that contributions will be in place by the start of the next financial year.

Appendices

- 1 SESplan Operating Budget 2015 / 2016 (Expenditure to October 2015 and Total Forecast) and Three Year Operating Budget (2016 / 2017 - 2018 / 2019)

Report Contact alice.miles@sesplan.gov.uk / 01506 282880

Report Agreed By: Ian Angus, SDP Manager

Author Name: Alice Miles, Lead Officer

APPENDIX 1 – SESPLAN OPERATING BUDGET 2015 / 2016 (EXPENDITURE TO OCTOBER 2015 AND TOTAL FORECAST) AND THREE YEAR OPERATING BUDGET (2016 / 2017 - 2018 / 2019)

Appendix 1 - SESplan Operating Budget 2015 / 2016 (Expenditure to October 2015 and Total Forecast) and Three Year Operating Budget (2016 / 2017 - 2018 / 2019)

DESCRIPTION	2015 / 2016 Operating Budget	2015 / 2016 Expenditure to October 2015	2015 / 2016 Forecast	2015 / 2016 Variance	2016 / 2017 Operating Budget	2017 / 2018 Operating Budget	2018 / 2019 Operating Budget
Single Status Staff Costs	218,708	121,972	223,500	4,792	227,199	217,384	220,984
Training	2,000	250	2,000	0	1,000	1,000	1,000
Rent	7,500	-2,084	7,500	0	7,613	7,727	7,843
Travel Expenses / Mileage	3,300	2,862	5,100	1,800	5,100	5,100	5,100
IT / Software	16,000	1,955	16,000	0	16,000	16,240	16,484
Telephone Rental	516	86	516	0	524	532	540
Audit Fees	3,350	0	3,350	0	3,400	3,400	3,400
Administration Support	4,000	0	1,000	-3,000	2,000	2,000	2,000
Consumables	1,500	56	1,500	0	1,500	1,500	1,500
Fixed	256,874	125,097	260,466	3,592	264,336	254,883	258,851
Technical Support	40,000	25,917	40,000	0	20,000	25,000	20,000
Contingency 10%	4,000	0	4,000	0	2,000	2,500	2,000
Variable	44,000	25,917	44,000	0	22,000	27,500	22,000
Expenditure	300,874	151,014	304,466	3,592	286,336	282,383	280,851
Member Authority Contributions	-279,300	-46,550	-279,300	0	-279,300	-279,300	-279,300
Sales	-250	0	-250	0	-250	-250	-250
Income / Interest on Revenue Balance	-1,000	0	-1,000	0	-1,000	-1,000	-1,000
Income	-280,550	-46,550	-280,550	0	-280,550	-280,550	-280,550
Net	20,324	104,464	23,916	3,592	5,786	1,833	301
(Take From) / Add to Reserves	-20,324		-23,916	-3,592	-5,786	-1,833	-301
NET TOTAL	0		0	0	0	0	0
Usable reserve balance	-30,512		-26,920	3,592	-21,134	-19,301	-19,000
Usable reserve balance at 1/4/15	-50,836						
Usable reserve as % of expenditure			-8.8%		-7.4%	-6.8%	-6.8%
Additional contributions							
Target reserve (1 month's operating costs)					23,861	23,532	23,404
Shortfall on target reserve of 1 month's operating costs					0	0	0
Councils					6	6	6
Additional contribution required per council					0	0	0

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For Decision	✓
For Information	

ITEM 10 – SESPLAN GOVERNANCE REVIEW

Report by: Ian Angus, SDP Manager

Purpose

This report introduces proposed amendments to SESplan’s Constitution, Scheme of Delegation and Financial Rules to accord with decisions of the Joint Committee, clarify and update details in these documents. The current governance documents are available on the [SESplan website](#). The report also proposes the adoption of Standing Orders to assist in the management of the operation of the Joint Committee.

Recommendations

It is recommended that the SESplan Joint Committee:

- a) Approve the amendments to the SESplan Constitution as set out in Appendix 1 and incorporated in the Constitution attached as Appendix 2 to this report;
- b) Approve the proposed amendments to the Scheme of Delegation, as set out in Appendix 1 and incorporated in the Scheme of Delegation attached as Appendix 3 to this report;
- c) Approve the proposed amendment to the Financial Rules, as set out in Appendix 1 and incorporated in the Financial Rules attached as Appendix 4 to this report;
- d) Refer the amendments to the SESplan Constitution, the Scheme of Delegation and Financial Rules (a, b and c above) to the constituent Councils for ratification;
- e) Remit the Clerk to prepare a revised Constitution and Scheme of Delegation for execution by the SESplan constituent Councils on the amendments being duly ratified; and
- f) Adopt the draft Standing Orders, as set out in Appendix 5 to this report.

Resource Implications

The changes proposed would result in a reduction in member and officer time required to deal with ratification processes.

Legal and Risk Implications

All risks are detailed in the SESplan Risk Register and reported to Joint Committee on an annual basis.

Policy and Impact Assessment

No separate impact assessment is required.

1. Background

- 1.1 The governance of SESplan is set out in its Constitution, Scheme of Delegation and Financial Rules. This framework was established by the SESplan Joint Committee in August 2008 and subsequently ratified by the six member authorities. At that time, it was agreed to keep these arrangements under review. Any changes to the three documents must be agreed by the six member authorities. At its meeting on 5 December 2011, the Joint Committee agreed amendments to the Constitution, Scheme of Delegation and Financial Rules to facilitate the timeous progress of the SDP and to adopt more proportionate financial reporting requirements. These amendments were ratified by all member authorities. The documents, as amended, are available at the [SESplan website](#).
- 1.2 On 18 November 2013, the Joint Committee agreed the appointment of the Convener and Vice Convener for 2014 and 2015. This report proposes amendments to the Constitution to formalise this cycle. Consideration of this matter also offers an opportunity to update and clarify other details within the Constitution, Scheme of Delegation and Financial Rules.

2. Constitution, Scheme of Delegation and Financial Rules

- 2.1 The amendments proposed to the Constitution, Scheme of Delegation and Financial Rules and the reasons for making these are summarised in Appendix 1 to this report. The most significant amendments relate to the rotation of the Convenership and Vice Convenership and a clarification regarding requirement for the ratification of decision to publish draft Supplementary Guidance for consultation.
- 2.2 At its meeting on 18 November 2013, the Joint Committee agreed that, to provide greater continuity to the process of preparing the SDP, it would be helpful if the Convenership and Vice Convenership of the Committee ran for two years rather than one, as specified in the Constitution. It was noted also that, in terms of SDP2, this would broadly accord with key stages in the preparation process leading to submission of the Proposed Plan to Ministers in early 2017. The amendments proposed to Section 5 of the Constitution formalise the arrangements for the rotation of these roles every two years.

- 2.3 The Constitution specifies that all major decisions about the content of the Strategic Development Plan, with the exception of the submission of the Proposed Plan to Ministers when no Modifications are proposed, must be ratified by each of the six member authorities. The Joint Committee is to agree a Scheme of Delegation with the member authorities which defines the nature and amount of authority delegated from the councils to the Joint Committee. The Scheme of Delegation is to be kept under review and can only be amended with the agreement of the member authorities.
- 2.1 The Scheme of Delegation notes that all major decisions on SDP content must be ratified by all six member councils and specifies that decisions to approve the MIR, Proposed Plan and modifications to the Proposed Plan must be ratified. The ratification of a Joint Committee decision relating to the SDP takes 4 - 6 weeks but SESplan Core Team resources are applied to other aspects of the project throughout the period, reducing the impact on the programme. The need for ratification does, however, reduce the scope to manage the timetable, for example around council recesses, and requires resources of the member authorities. Reducing the situations in which ratification is required could enable the timely progress of the plan and associated documents and bring efficiencies in terms of SESplan and member authorities' resources.
- 2.2 It is considered that decisions to approve the Main Issues Report, Proposed Plan and modifications to the Proposed Plan are major decisions on SDP content and it would not be appropriate to extend delegation to include these at this time. It is proposed however that the Scheme specifies that the Joint Committee may approve the publication of Supplementary Guidance for consultation. Any Supplementary Guidance which is to be prepared must be specifically identified in the approved plan and must be limited to the provision of further information or detail in respect of policies or proposals set out in the plan. Such guidance must be consistent with the approved plan. The decision to adopt the Supplementary Guidance following consultation would continue to require ratification by the member authorities.
- 2.3 While maintaining member authorities' control of the process, there are potential efficiencies to member authorities and the Core Team in reducing the requirement for the ratification of Joint Committee decisions, for example ratification of the decision to publish a Main Issues Report for consultation. Control could be maintained, for example, by enabling the triggering of a ratification cycle by any member at any stage before and including the

relevant meeting of the Joint Committee. The potential for efficiencies will arise in the preparation of the MIR for SDP3, estimated to be in 2019 - 2020.

- 2.4 It is noted also that, at this stage, the outcome of the current review of the planning system in Scotland is unknown but may necessitate a review of the governance of the SDPA. In this context, it is proposed that the Scheme of Delegation continues to be kept under review.

3. Standing Orders

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- 3.1 In common with those of the other SDPAs, SESplan's constitution enables the Joint Committee to adopt Standing Orders but, to date, SESplan has not done this. Each of the other SDPAs has adopted such regulations to assist in clarifying the arrangements for the management of their business. For the same reason, it is recommended that the Joint Committee adopt Standing Orders as set out Appendix 5, attached to this report.

4. Conclusions

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- 4.1 SESplan's Constitution must be updated to amend the arrangements for the rotation of the Convener and Vice Convenership of the Joint Committee to accord with the decision of the Joint Committee on this matter. This allows the Joint Committee the opportunity to clarify and update other, more detailed aspects of the Constitution, Scheme of Delegation and Financial Rules. It will be helpful also to take the opportunity to adopt Standing Orders to assist in the management of the operation of the Joint Committee.

Appendices

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- Appendix 1 Proposed amendments to the SESplan Constitution, Scheme of Delegation and Financial Rules
- Appendix 2 SESplan Constitution including amendments 14 December 2015
- Appendix 3 SESplan Scheme of Delegation including amendments 14 December 2015
- Appendix 4 SESplan Financial Rules including amendment 14 December 2015
- Appendix 5 SESplan Standing Orders

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Report Agreed By: Ian Angus, SDP Manager

Author Name: Ian Angus, SDP Manager

APPENDIX 1 – Proposed amendments to the SESplan Constitution, Scheme of Delegation and Financial Rules

Proposed amendments to the SESplan Constitution, Scheme of Delegation and Financial Rules

Constitution		
Paragraph	Amendment	Reason
1.3d	Remove reference local plans.	Updating to accord with statute.
1.3f	Replace reference to 'structure plans' with 'development plans'.	Updating to accord with statute.
1.3g	Replace 'strategies in structure plans or the SDP' with 'the spatial strategy of the SDP'.	Updating to accord with statute.
1.3g	Delete 'according to a Scheme to be agreed by Member Councils'.	Updating to accord with the SESplan Project Board decision on 2 November 2012 that the principles should be reflected in the roles and responsibilities of the Project Board, Operational Group and Core Team but that there should not be a scheme or 'code'. Note – the currently adopted Constitution is inconsistent in its use of 'code' and 'scheme'.
3.1	Delete.	This paragraph repeated what is established in statute, that the Joint Committee will be advisory only but its advice and decisions will be considered by the member authorities.
3.4	Remove para 3.4, which referred to Edinburgh and Lothians Structure Plan Joint Liaison Committee.	Updating to reflect the superseding of the Structure Plan by the approved SDP and the dissolution of the Joint Liaison Committee.
5.1-5.2 and 5.4-5.5	Amendments to establish a rotation of the Convenership and Vice Convenership of the Joint Committee once every two years.	Updating to accord with the decision of the Joint Committee on 18 November 2013.
9.7	Remove reference to amendments to the 'Code of Practice'.	Updating to accord with the SESplan Project Board decision on 2 November 2012 that the principles should be reflected in the roles and responsibilities of the Project Board, Operational Group and Core Team but that there should not be a scheme or 'code'.
14.1	Remove reference to the review of the 'Code of Practice'.	Updating to accord with the SESplan Project Board decision on 2 November 2012 that the principles should be reflected in the roles and responsibilities of the Project Board, Operational Group and Core Team but that there should not be a scheme or 'code'. Note – The amended Constitution retains the role of the Joint Committee to comment on planning applications referred to it by Member Councils.

Scheme of Delegation		
Paragraph	Amendment	Reason
2.3h	Remove references to consultation 'code of practice' but retain delegation to the Joint Committee to advise on planning proposals referred to the Joint Committee by member authorities.	Clarification and to accord with amendment to para 1.3g, 9.7 and 14.1 of Constitution.
2.3i	Remove reference to 'local plans'.	Updating to accord with statute.
2.3k - New	Add 2.3k: 'Approving draft statutory Supplementary Guidance prepared in accord with the SDP for consultation'	To delegate the power to the Joint Committee to approve draft Supplementary Guidance for consultation without the requirement for ratification of that decision by Member Councils.
2.3l	Replace 'Adoption of the Action Programme' with 'Adoption and updating the Action Programme'.	Clarification.
2.5	Insert 'following the statutory period for representations' following 'any modifications' in first sentence	Clarification.
2.4 – 2.6A	Amendments to clarify text.	Clarification. There is no change in the substance of the section.
3.1a	Replace 'Recruitment below the management level' with 'Recruitment of the Strategic Development Plan Manager and project team'.	Clarification of increased delegation to the Project Board and to reflect practice.

Financial Rules		
Paragraph	Amendment	Reason
Audit	Amend to confirm that SESplan audit will be completed by independent auditor.	Update to accord with a statutory requirements.

Edinburgh and South East Scotland Strategic Development Plan Joint Committee: Constitution

1 Strategic Development Planning Authority Duties, Objectives and Powers

1.1 The following planning authorities comprise the Strategic Development Planning Authority (“the Authority”) for the Edinburgh city region: the City of Edinburgh Council, East Lothian Council, Fife Council, Midlothian Council, Scottish Borders Council and West Lothian Council. This group of authorities has a statutory duty under section 4 of the Planning etc. (Scotland) Act 2006 (“the Act”) to work together and prepare, and keep under review, a Strategic Development Plan (SDP) for the Edinburgh city region.

1.2 The Statutory duties of the Authority are to

- a) submit to Scottish Ministers, within a period of three months from designation as an SDPA, a plan showing the proposed boundary of the SDP area, with a justification statement as required by Section 5 of the Act;
and,
- b) prepare, monitor and keep under review a Strategic Development Plan for the strategic development area.

1.3 Its other aims shall be to:

- c) agree programmes of joint working to deal with matters arising from the above;
- d) advise and make recommendations to the six Member Councils on conformity of local development plans with the Strategic Development Plan and on other issues arising from the statutory duties;
- e) liaise with and make representations to central Government, Scottish Enterprise and other bodies and agencies as necessary on matters of relevance to strategic planning in the SDP area;

- f) respond to and comment on development plans, planning applications and other development proposals submitted to the Joint Committee for comment by adjoining non-Member Councils;
- g) receive reports from the Member Councils on development management matters that raise significant issues for the spatial strategy of the SDP, or would have significant cross-boundary impacts; and
- h) take such other action as may be necessary from time to time to sustain the policies contained in the SDP.

1.4 The Authority is empowered to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of these aims and objectives. Unlike Regional Transport Partnerships, primary and secondary legislation confers no independent powers to SDPAs. Specifically, the SDPA has no legal power to borrow money, give grants, employ staff, acquire land or enter into contracts. Where these are necessary, a constituent council will perform these functions on behalf of the SDPA.

2 The Joint Committee

2.1 The duties of the Authority will be carried out by a joint committee of members representing the constituent authorities. This will be called the Edinburgh and South East Scotland Strategic Development Plan Joint Committee (“the Joint Committee”). The following provisions set out a constitution for the Joint Committee.

3 Joint Committee Constitution

3.1 The Joint Committee shall have twelve members, to be appointed from the members of the six Member Councils. Each Member Council shall appoint two members to the Joint Committee.

3.2 The “constituent authorities” means the City of Edinburgh Council, East Lothian Council, Fife Council, Midlothian Council, Scottish Borders Council and West Lothian Council.

4 Appointment of Members by Member Councils

4.1 Each of the Member Councils shall appoint members to the Joint Committee and such members shall stay in office until re-appointed or replaced by the Member Councils. Each of the Member Councils, following an Ordinary Election, shall as soon as practicable appoint or re-appoint members.

4.2 A local authority member shall cease to be a member of the Joint Committee when he or she ceases to be a member of the constituent council which appointed him/her or on the appointment of another member in his/her place.

4.3 The Joint Committee shall have the ability to co-opt additional non-voting members to represent other interests or provide specialist expertise, for example a representative from the regional transport partnership.

5 Appointment of Convener and Vice-Convener

5.1 The Joint Committee shall be convened and chaired by one authority, which said role will commence on January 1 of the relevant year. The role will rotate every two years. The sequence of rotation of this role will be alphabetical by Council, unless otherwise determined by the Joint Committee.

5.2 The Joint Committee shall, at its final meeting in the second year of the Convenor's term of office appoint a Convener from the Committee members representing the authority which will next convene and chair the Joint Committee, to hold office for two years.. The Joint Committee shall appoint a Vice-Convener from the Committee members representing the authority to next take on the role of convening and chairing the Joint Committee, to hold office for two years.

5.3 The Convener, (or in his/her absence, the Vice-Convener) shall preside at any meeting. In the absence of (both) the Convener and the Vice-Convener, the members shall appoint another member to chair the meeting.

5.4 The administration of the Joint Committee will be the responsibility of the authority convening and chairing the Joint Committee.

6 Substitution

6.1 Any member of the Joint Committee may be represented by another member of the same authority.

6.2 A person appointed as a substitute shall have the same powers at the meeting as the member whom he or she is representing.

7 Vacancies

7.1 Where a casual vacancy occurs the Member Council shall appoint a new member.

- 7.2 Where a vacancy occurs in the case of the Convener, the Vice-Convener shall assume the office of Convener until the anticipated expiry of the outgoing Convener's term of office.
- 7.3 Where a vacancy occurs in the case of the Vice-Convener, the Joint Committee shall appoint a replacement until the anticipated expiry of the outgoing Vice-Convener's term of office.
- 7.4 The proceedings of the Joint Committee shall not be invalidated by any vacancy or vacancies amongst members or any defects in the method of appointment of any of its members.

8 Quorum

- 8.1 The quorum of the Joint Committee shall be four, provided that not less than three Member Councils are represented.

9 Meetings

- 9.1 The Joint Committee shall meet not less than 2 times per year.
- 9.2 The Convener, in consultation with senior officers of the Member Councils shall fix the date, time and place of meetings, subject to any previous agreement by the Joint Committee.
- 9.3 A member council can request a special meeting in exceptional circumstances where a matter requires to be considered by the Joint Committee sooner than the schedule permits.
- 9.4 Meetings shall be held in public and the Local Government (Access to Information) Act 1985 shall apply.
- 9.5 All matters coming before the Joint Committee shall be decided by the majority of members present and voting thereon. In the case of equality of votes, the person presiding at the meeting will have a second or casting vote, except in the case of appointment of members, in which case the decision shall be by lot.
- 9.6 The Joint Committee, on simple majority, shall have the power to make representation on strategic planning matters and related issues to Member Councils or, where appropriate, the Scottish Government and other organisations. Documents can be published, and evidence given, in the name of the Joint Committee with the agreement of all Member Council. Individual councils have the right to separately put forward contrary views.

- 9.7 The Joint Committee shall have the power to adopt standing orders regulating its business.
- 9.8 Senior officers of each authority will have the right to submit individual reports and recommendations to the Joint Committee.

10 Professional Support

- 10.1 Professional support for the work of the Joint Committee shall be provided by a Strategic Development Plan Manager and a small dedicated team of officers. The SDP Manager will be managed by a project board comprising senior officers from each of the Member councils. Its duties shall include agreeing reports to be presented to the Joint Committee.
- 10.2 From time to time, planning officers and technicians in the Member Councils may be required to provide professional and technical support to the work of the small dedicated team.
- 10.3 The Member Councils shall use their reasonable endeavours to meet any request from the Joint Committee or the SDP Manager for the secondment of appropriate/relevant staff to help prepare, monitor and review the SDP. Any such secondment will be on terms as may be agreed between the Member Council and the Joint Committee.

11 Financial Arrangements

- 11.1 The Joint Committee shall have no dedicated budget of its own. Financial support will be provided by the Member Councils on the basis of an equal, one-sixth share of all costs incurred in relation to the Joint Committee and its operations.
- 11.2 The level of financial devolution will be kept under review by the Joint Committee and can be amended with the agreement of all Member Councils.
- 11.3 For employment law purposes and to aid financial accountability, one SDPA Member Council will act as the employing authority, to be agreed by the Member Councils. The Member Councils will pay to that council one-sixth of the total costs reasonably incurred by it in connection with employing the dedicated team.
- 11.4 Financial contributions from the constituent authorities to the work of the Joint Committee generally, not including dedicated team staff costs, will be channelled through one council, to be agreed by the Member Councils.

12 Scheme of Delegation

- 12.1 The Joint Committee will agree a Scheme of Delegation with the Member Councils. This will define the nature and amount of authority delegated from those councils to the Joint Committee, and from the Joint Committee to officers.
- 12.2 All major decisions, for example about the content of the Strategic Development Plan, but with the exception of submission of the Proposed Plan to Scottish Ministers when no Modifications are proposed, will require to be ratified by each of the six constituent member authorities. The level of delegated authority to the Joint Committee from Member Councils, and from the Joint Committee to officers, shall be governed by a separate Scheme of Delegation to be agreed by the councils.
- 12.3 The Scheme of Delegation will be kept under review by the Joint Committee and can only be amended with the agreement of all the Member Councils.

13 Commencement and Variation

- 13.1 This constitution shall be deemed to have commenced on xxxx (*date to be added on date of execution*) and may be varied only by the agreement of all the Member Councils.

14 Consulting on Planning Proposals

- 14.1 The Joint Committee shall have an advisory role in relation to planning proposals referred to it by Member Councils.

15 Annual Report

- 15.1 The Joint Committee will prepare an annual report on its work to each of the Member Councils on or around 31 August each year.

1.0 SCHEME OF DELEGATION

Powers delegated in this scheme must be carried out within the financial parameters set out by the separate minute of agreement on finance.

1.1 Commencement of the Scheme

The scheme shall commence and have effect as from xxxx (*date of execution to be added*).

1.2 The Interpretation of the Scheme

In the scheme the following words shall have the meanings assigned to them, that is to say:-

Member Councils are the City of Edinburgh, East Lothian, Fife, Midlothian, Scottish Borders and West Lothian Councils;

2006 Act means the Planning etc. (Scotland) Act 2006;

“SESplan” means the Strategic Development Planning Authority for Edinburgh and South East Scotland;

“Officer” means an official carrying out a function of SESplan, whether the project board or its appointees, directly employed, seconded or otherwise.

1.3 Alteration of Scheme

This scheme of delegation will be kept under review and can be amended with the agreement of all Member Councils.

2.0 DELEGATION FROM MEMBER COUNCILS TO SESPLAN

2.1 Member Councils delegate to the joint committee (“SESplan”) the power to discharge the following functions conferred by the 2006 Act on the Member Councils as joint SDPA authorities.

2.2 This delegation does not prevent any or all the member councils from discharging those statutory functions.

2.3 Delegation covers:

- a) Approving responses to relevant consultations from other bodies;
- b) Managing work on SDP preparation, monitoring and review;
- c) Initiating public consultation and stakeholder engagement;
- d) Setting a programme for relevant studies to assist in the preparation of the SDP;
- e) Recruiting and managing staff in the SDP project team;
- f) Arrangements for team premises;
- g) Authorising spending within the financial parameters set out by the separate agreement on finance;
- h) Advising on planning proposals referred to the Joint Committee by member councils;
- i) Advising and making recommendations to the Member Councils on conformity of local development plans with the strategic development plan;
- j) Approving background documents to the Strategic Development Plan including background technical papers, Equalities Impact Assessment, Schedule of Responses to the Main Issues Report, Monitoring Statement and the Development Plan Scheme;
- k) Approving draft statutory Supplementary Guidance prepared in accord with the SDP for consultation; and
- l) Adopting and updating the Action Programme.

2.4 Reports will be submitted to individual Member Councils, for information only, on substantive decisions taken and action authorised under delegated authority.

2.5 At the stage of submitting the Proposed Plan to Scottish Ministers the Joint Committee can decide, following consideration of representations received during the statutory period for representations, to submit the Proposed Plan without making any modifications. In addition to those functions listed at 2.3 above, where, and only where, the Joint Committee decide to make no changes, then the Joint Committee is authorised under delegated authority to submit the Proposed Plan and Summary of Unresolved Issues directly to Scottish Ministers without requiring the decision to be ratified by the Member Councils.

2.6 Other than those matters detailed in 2.3 and 2.5 above, and that matter detailed in 2.6A below, all other major decisions on SDP content will require to be ratified by all six Member Councils.

2.6A When the proposed plan is to be submitted to Scottish Ministers, the 2006 Act allows one or more Member Council to set out alternative proposals, along with their reasons for those alternatives. Therefore when the proposed plan is being submitted to Ministers (otherwise than in accordance with paragraph 2.5 above) ratification by at least four out of the six Member Councils will be required to allow the proposed plan to be submitted to Ministers

2.7 **Urgent Matters**

Where urgent decisions are required to be taken and do not fall within the scope of delegation to SESplan, Member Councils will convene special committee meetings, if necessary, to ensure that decisions can be made timeously and to prevent delay to the preparation of the SDP.

2.8 **Disputes**

If SESplan fails to reach consensus on matters delegated to it, then the matter will be referred to individual Member Councils. This provision does not apply in the circumstances of para 2.5 above.

3.0 **DELEGATION FROM SESplan TO OFFICERS**

3.1 SESplan delegates to officers:

- a) Recruitment of the Strategic Development Plan manager and project team, so long as such posts are within the approved structure and budget
- b) Day to day management of staff in the SDP project team

- c) Liaison with and representation of SESplan to central government and other bodies as necessary on matters relating to the SDP area
- d) Implementation of financial resources as authorised by SESplan
- e) Preparation of SDP up to drafting main stage outputs:
 - i. Preparation of main issues report and supporting documents – subject to approval by SESplan, and ratification by all Member Councils.
 - ii. Preparation of proposed plan – subject to approval by SESplan, and ratification by Member Councils
 - iii. Modification of proposed plan – subject to approval by SESplan and ratification by all Member Councils
- f) Initiation and management of consultation exercises subject to agreement of SESplan
- g) Responding to relevant consultations from other bodies
- h) Commissioning studies to assist in the preparation of the SDP

3.2 The provisions of the scheme of delegation to officers are intended to assist in the efficient and effective management of SESplan's activities. Officers must pay due regard to the need for appropriate periodic reporting of delegated decisions to SESplan.

3.3 **Urgent Matters**

Where urgent decisions are required to be taken to allow work on the SDP to progress and they do not fall within the scope of delegation to officers, SESplan will, if necessary, convene a special committee meeting.

SESplan FINANCIAL RULES

General

These rules apply to the operation of SESplan's finances. SESplan is the strategic planning authority for Edinburgh and South East Scotland. Its membership comprises East Lothian Council, City of Edinburgh Council, Fife Council, Midlothian Council, Scottish Borders Council and West Lothian Council ("the member councils").

All transactions will be conducted in accordance with Fife Council's regulations, schemes and procedures.

Partner Liability

Fife Council, as Lead Authority, will adopt the role of "Partnership Banker" and will pay all legitimate approved expenditure including staffing & premises costs and hold all partnership balances which will be carried forward to the next financial year, unless agreed otherwise by the Joint Committee.

Fife Council will ensure that any monies that it receives on behalf of SESplan under its role as 'Partnership Banker' are clearly identified within its accounts and recorded separately from the rest of the Council's finances. Interest charged/accrued on any credit or debit on the SESplan budget will be retained within the identified SESplan accounts.

All partner authorities are liable equally for all legitimate approved expenditure and any other liabilities incurred. All partner authorities also have equal ownership over any SESplan assets.

Fife Council will invoice the other Partner Authorities at the beginning of each financial year to obtain their total annual contribution to the agreed SESplan budget.

This invoice will include VAT at the appropriate rate.

In the event that another partner authority incurs legitimate approved expenditure directly then they must invoice Fife Council, with VAT, to recover this. This expenditure will then be included in SESplan's costs.

Budget Setting

Operating Budgets for the next financial year should be proposed by the Strategic Development Plan (SDP) Manager, approved by the SESplan Joint Committee and ratified by the member councils by the end of December.

Authorising Expenditure

All expenditure relating to the SESplan budget is the responsibility of the Strategic Development Plan Manager and must be within budgets agreed by the Project Board.

No official may incur any expenditure beyond the agreed SESplan budget unless it has firstly been approved by the Project Board, in accordance with the SESplan Scheme of Delegation.

Suppliers' Invoices

The Strategic Development Plan Manager will be responsible for ensuring that invoices are properly certified for payment and for approving other officers who may authorise invoices and the limits of their authority.

All Invoices must be made out to Fife Council, to ensure payment. Any Invoices that are made out to the partnership directly or any other authority cannot be paid by Fife Council.

External Funding

Any external funding received in connection to the project from Central Government, Local Government and any other sources will be held by Fife Council.

Salaries and Wages

Appointments of all employees shall be made in accordance with the procedures approved by Joint Committee through the SESplan scheme of delegation and accord with the approved establishment, grade and rates of pay.

The processing and payment of salaries and wages shall be done through Fife Council's bureau payroll system.

Legitimate travel, hospitality and other expenses incurred in the course of duty, shall be reimbursed through Fife Council's bureau payroll system.

Audit

Expenditure & income will be recorded within Fife Council's financial ledger and will be audited by an independent auditor under Part VII of the Local Government (Scotland) Act 1973. Fife Council's internal audit service will act as SESplan's internal auditors.

Reporting Requirements

Every SESplan Joint Committee report is required to include the financial consequences of proposals for the current and future years to be stated.

The Treasurer, who will be an identified employee of Fife Council, in conjunction with the Strategic Development Plan Manager, is required to submit detailed monitoring reports to the SESplan Joint Committee **twice a year, with one occasion being at the end of each financial year**. These reports will compare actual expenditure to date and projected/final outturn expenditure with the budget position.

Further Information

For further information regarding these Financial Rules, please contact Lesley Burnie (Finance), Fife Council, Fife House, North Street, Glenrothes, KY7 5LT. Telephone - 03451 555 555 extension 444128. Email - lesley.burnie@fife.gov.uk.

STANDING ORDERS

of

**THE EDINBURGH AND SOUTH EAST SCOTLAND
STRATEGIC DEVELOPMENT PLANNING AUTHORITY
JOINT COMMITTEE**

These Standing Orders shall apply and have effect on and from the day they are adopted by the Joint Committee with such amendments as may be made by the Joint Committee from time to time. These Standing Orders shall also apply, so far as relevant, to Sub-Committees.

PART I

MEETINGS AND PROCEEDINGS OF THE JOINT COMMITTEE

Days and Times of the Meetings

1. (1) The ordinary meetings of the Joint Committee shall be held in accordance with the timetable to be determined by the Joint Committee.
- (2) All other meetings of the Joint Committee shall be held at such place and on such date and at such hour as the Joint Committee may, from time to time, direct.
2. The Convener, or, in his or her absence, the Vice-Convener, may in special circumstances (of which the Convener or the Vice-Convener, as the case may be, shall be the sole judge) alter the date of any ordinary meeting of the Joint Committee.

Special Meetings

3. The Clerk shall call a meeting of the Joint Committee at any time on being required to do so by the Convener or, in his or her absence, the Vice-Convener, or on receiving a requisition in writing for that purpose signed by at least three members of the Joint Committee specifying the business proposed to be transacted at the meeting, which meeting shall be held within fourteen days of receipt of the requisition.

Calling of Meetings

4. (1) Notice of all meetings of the Joint Committee shall be given by the Clerk and the notice shall specify the business proposed to be transacted at the meeting and the order in which such business is to be brought before the meeting.
- (2) Not less than three clear days before a meeting of the Joint Committee a summons to attend the meeting, specifying the business to be transacted thereat and signed by the Clerk shall be left at or sent by post either to the usual place of residence of every member of the Joint Committee or Sub-Committee thereof or (if a member gives notice in writing to the Clerk that he or she desires summonses to be sent to

some address specified in the notice other than his place of residence) to that other address.

- (3) Want of service of a summons on any member of the Joint Committee shall not affect the validity of a meeting of the Joint Committee.

Quorum

5. No business shall be transacted at a meeting of the Joint Committee unless four members representing no less than three of the four constituent Councils are present.

Order of Business

6. The business of the Joint Committee at an ordinary meeting shall (unless otherwise directed by the Convener who may, at his/her discretion, alter the order of business at any stage) proceed in the following order:-
 - (a) Minutes of the Joint Committee and Committees and Sub-Committees thereof.
 - (b) Ordinary business including business on agenda at the request of members.
 - (c) Matters of urgency of which no previous notice has been given, provided that consideration of any such matters shall be subject to the provisions of Standing Order 7.

Matter of Urgency

7. An item of business shall not be considered at a meeting of the Joint Committee unless either:-
 - (a) a copy of the agenda including the item (or a copy of the item subject to exclusion as provided for in terms of Section 50B(2) of the Local Government (Scotland) Act 1973) is open to inspection by members of the public at the offices of the Constituent Authorities for at least three days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or
 - (b) by reason of special circumstances, which shall be specified in the minutes, the Convener of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

Convener / Vice Convener

9. A Convener and a Vice-Convener shall be appointed by the members of the Joint Committee at its first meeting. The Convener and Vice-Convener shall not both be persons appointed by the same Council. The Convener, if present, shall preside at meetings of the Joint Committee and in his or her absence the Vice-Convener shall preside. If both are absent another member of the Joint Committee, chosen by the members present, shall preside.

Powers and Duties of Convener

10. It shall be the duty of the Convener:-
- (a) to preserve order, and to ensure that every member of the Joint Committee shall have a fair hearing;
 - (b) to decide all matters of order, competency and relevancy;
 - (c) to decide between two or more members of the Joint Committee wishing to speak by calling on the member who has first caught his or her eye; and
 - (d) to ensure that due and sufficient opportunity is given to members of the Joint Committee who wish to speak to express their views on the subject under discussion.
11. The decision of the Convener on all matters within his or her competency shall be final, and shall not be open to question or discussion.
12. Deference shall at all times be paid to the authority of the Convener. When he or she rises to speak he or she shall be heard without interruption.

Membership

13. (1) With regard to the allocation of places on the Joint Committee, should it be necessary or expedient for any of the constituent authorities to change their nominated representatives at any time, other than at the meeting of the Joint Committee immediately following an election, it shall be competent for such changes to be intimated to the Joint Committee and the change shall have effect from the next meeting of the Joint Committee.

- (2) Notwithstanding the provisions of any Standing Order, it shall be competent for substitutions to be intimated and effected for individual meetings of the Joint Committee.

Suspension of Members

14. If any member of the Joint Committee disregards the authority of the Convener, or obstructs the meeting, or conducts himself or herself offensively at the meeting, such member may be suspended for the remainder of the sitting. A motion to suspend a member shall be made and seconded without discussion and forthwith put to the meeting. Any member of the Joint Committee so suspended shall forthwith leave the meeting and shall not without the consent of the meeting again enter the meeting, and if any member so suspended refuses to leave the meeting when so required by the Convener he or she may immediately by order of the Convener be removed from the meeting by a Joint Committee officer or by any other person authorised by the Convener to remove him/her.

Adjournment

15. (1) In the event of disorder arising at any meeting of the Joint Committee, the person in the chair may adjourn the meeting to a date he or she may fix or which the Convener of the Joint Committee may afterwards fix, and the quitting of the chair by the Convener shall be the signal that the meeting is adjourned.
- (2) The Joint Committee may, at any of their meetings, adjourn the same to such date as they may then fix, failing which as the Convener of the Joint Committee or, in his or her absence, the Vice-Convener, may thereafter fix.
- (3) A motion for the adjournment of the meeting may be made at any time (not being in the course of a speech) and shall have precedence over all other motions. It shall be moved and seconded without discussion, and shall forthwith be put to the meeting.

Reception of Deputations

16. (1) All applications requesting the Joint Committee to receive a deputation shall be in writing, duly signed, addressed and, where possible, delivered to the Clerk at least five clear working days prior to the date of the meeting at which the subject may be considered. Any later requests for deputations to be received shall be reported to the meeting and shall be dealt with in accordance with the provisions of the remainder of this Standing Order.

- (2) An application requesting the Joint Committee to receive a deputation shall in the first instance be submitted to the Joint Committee and the deputation shall, if so resolved, be received and heard by the Joint Committee.
- (3) No deputation exceeding ten in number shall be received by the Joint Committee.
- (4) Not more than two speakers on any deputation shall be heard, and the time allowed to the deputation for speaking shall not exceed seven minutes except at the discretion of the Convener.
- (5) Any member of the Joint Committee may put any relevant question to the deputation, but no member shall express an opinion upon, nor shall the Joint Committee discuss, the subject on which the deputation has been heard, until the deputation has withdrawn.

Order of Debate

17. (1) Any member of the Joint Committee desiring to speak at any meeting of the Joint Committee shall indicate accordingly and when called upon shall address the Convener, and direct his/her speech:-
 - (a) to the matter before the meeting by proposing, seconding, or supporting a motion or any amendment relative thereto;
 - (b) to a point of order; or
 - (c) to asking a question.
- (2) A member shall not speak supporting a motion or any amendment until the same shall have been seconded.
- (3) Subject to the right of the mover of a motion to reply, a member shall not speak more than once on the same issue at any meeting of the Joint Committee, except on a point of order, or with the permission of the Convener, in explanation or to clear up a misunderstanding in regard to some material part of his/her speech, in which case he/she shall introduce no new matter.
- (4) The mover of an original motion shall have a right of reply, but he/she shall introduce

no new matter, and, after he/she has commenced his/her reply, no other member shall speak on the issue except as provided in the immediately preceding paragraph of this Standing Order.

Motions and Amendments

18. (1) The import of all motions and amendments shall be stated immediately on their being proposed to the meeting by the mover before being spoken to.
- (2) All amendments must be relative to the motion and after the first amendment has been voted upon, all subsequent amendments must be substantially different from the first amendment.
- (3) In any case where a motion or an amendment has been duly seconded neither the motion nor the amendment, as the case may be, shall be altered in substance or withdrawn without the consent of a majority of the members present.
- (4) Whenever an amendment upon an original motion has been moved and seconded, no further amendment shall be moved until the result of the first amendment has been determined. If an amendment be rejected, further amendments to the original motion may be moved. If any amendment be carried, such amendment shall take the place of the original motion and shall become the motion upon which any further amendments may be moved.

Closure of Debate

19. A motion that the debate be adjourned, or that the question be now put, may be made at any stage of the debate, (not being in the course of a speech), and such motion, if seconded, shall be the subject of a vote without further debate.

Method of Voting

20. (1) The vote of the Joint Committee shall be taken by calling the roll of those present, beginning with the Convener, and the voting shall be recorded in the minutes.
- (2) After the Convener or the Clerk has announced the issue on which the vote is to be taken, no member shall interrupt the proceedings in any way whatsoever (except that, in the case where his or her name has not been called, a member may direct attention to the fact and request that his or her name be called) until the result of the division has been intimated.

- (3) A member who is absent from the meeting when his or her name is called in a division shall be entitled to record his or her vote if he or she enters the meeting before the result of the division has been intimated, provided the attention of the Clerk is directed to the return of such member before the result of the division has been intimated.

Casting Vote

21. Subject to the provisions of any enactment and of any Statutory Order or Instrument the person presiding at a meeting of the Joint Committee shall in the case of an equality of votes have a second or casting vote except where the matter which is the subject of the vote relates to the appointment of a member of the Joint Committee to any particular office or Committee, in which case the decision shall be by lot.

Points of Order

22. (1) Any member of the Joint Committee may, at any meeting of the Joint Committee, speak upon a point of order if he or she does so as soon as it arises, and if he or she states that they are making a point of order and forthwith states the point of order to which they rise.
- (2) The member who is then addressing the Joint Committee shall cease speaking, and the member who makes the point of order shall, when he/she has concluded, also cease speaking. No other member shall be entitled to speak to the point of order raised except by permission of the Convener.
- (3) The Convener shall thereupon decide the question, and, thereafter, the member who was addressing the Joint Committee at the time the point of order was raised shall be entitled (if the ruling permits him or her so to do) to continue to speak, giving effect to the ruling of the Convener.

Inclusion of Business on Joint Committee Agenda at the Request of Members

23. Subject to the provisions of the Local Government (Scotland) Act 1973 any Member of the Joint Committee who wishes brought before the Joint Committee any matter which can be competently considered thereby, shall submit to the Clerk a detailed written statement and notice of the matter not later than five clear working days before the issue of the agenda and papers to Members in order that the Clerk in terms of sections 50B, 50C and 50F of the 1973 Act may determine whether exempt information as included in Schedule 7A to the

said Act is likely to be disclosed. A member whose item is included on an agenda in terms of this Standing Order shall, when that item is rendered, be called upon to speak first.

Alteration or Revocation of Previous Resolution

24. (1) Subject to the provisions of paragraph (2) of this Standing Order, no resolution of the Joint Committee shall be altered or revoked except by a subsequent resolution made by the Joint Committee and arising from a recommendation, involving alteration or revocation, approved by a majority of the members present at a meeting of the Joint Committee. Provided that no resolution shall be altered or revoked within six months of its adoption.
- (2) The alteration or revocation of any resolution of the Joint Committee shall not affect or prejudice any proceedings, action, or liability competently done or undertaken under any such resolution prior to its alteration or revocation.

Admission of Press and Public

25. (1) Subject to paragraphs (2) and (3) of this Standing Order, every meeting of the Joint Committee shall be open to the public and press.
- (2) The public and press shall be excluded from any meeting of the Joint Committee during consideration of an item of business whenever it is likely, in view of the nature of the business, that, if they were present, information would be disclosed which was confidential in terms of Part IIIA of the 1973 Act.
- (3) The Joint Committee may, by resolution, exclude the public and press from any meeting of the Joint Committee during consideration of an item of business whenever it is likely, in view of the nature of the business, that, if they were present, information would be disclosed which falls within one or more of the categories of exempt information in terms of Part IIIA of the 1973 Act.
- (4) A resolution under paragraph 3 of this Standing Order shall:-
- (a) identify the proceedings or the part of the proceedings to which it applies; and
 - (b) state, in terms of the Act the category or categories of exempt information concerned.

Suspension of Standing Orders

26. It shall be competent, subject to the provisions of Standing Order 32(2), for a member of the Joint Committee at any time to move the suspension of any Standing Order as far as applicable which motion shall without any discussion be moved and seconded and be put to the meeting, and the motion shall be held to be carried if supported by a simple majority of those present and voting.

The Ethical Standards in Public Life Etc. (Scotland) Act 2000

27. All members of the Joint Committee shall be guided by the provisions of the Code of Conduct for Councillors.

PART II

CONSTITUTION, MEETINGS AND PROCEEDINGS OF SUB-COMMITTEES

These Standing Orders shall also apply, so far as relevant, to Sub-Committees.

Appointment of Sub-Committees

28. The Joint Committee may, as they shall deem necessary from time to time, appoint Sub-Committees for the fulfilment of any of the functions of the Joint Committee.
29. The Constitution of Standing Sub-Committees shall, so far as is practicable, reflect the geographical balance of the Joint Committee's membership.

Membership of Sub-Committees

Delegation to Sub-Committees

30. Subject to the provisions of the constitution, any enactment and of any Statutory Order, Instrument, or Scheme, the Joint Committee may at any time delegate any function to a Sub-Committee or a Principal Officer of the Joint Committee.

Quorum of Sub-Committees

31. Unless otherwise stipulated by the Joint Committee the quorum of all Sub-Committees shall be four.

PART III

REVISION OF STANDING ORDERS

- (1) Subject to the terms of any enactment and of any Standing Order, Instrument or Scheme, the foregoing Standing Orders may be altered or revoked at any ordinary meeting of the Joint Committee, if at least seven days prior notice of the motion is given to the Clerk and the motion for alteration or revocation is supported by a majority of the Joint Committee present and voting.

- (2) The preceding paragraph of this Standing Order shall not apply to these Standing Orders or portions thereof which incorporate the provisions of Statutes or of Statutory Orders or Instruments which cannot be altered or revoked by the Joint Committee.

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