

Public Document Pack

SCOTTISH BORDERS COUNCIL

MINUTES of Meeting of the SCOTTISH COUNCIL held in Council Chamber, Council Headquarters, Newtown St. Boswells on Thursday, 21 December, 2017 at 10.00 am

Present:- Councillors D. Parker (Convener), S. Aitchison, A. Anderson, J. Brown, S. Bell, K. Drum, G. Edgar, J. A. Fullarton, J. Greenwell, C. Hamilton, S. Hamilton, S. Haslam, E. Jardine, H. Laing, S. Marshall, W. McAteer, T. Miers, D. Moffat, S. Mountford, D. Paterson, C. Ramage, N. Richards, E. Robson, M. Rowley, H. Scott, S. Scott, E. Small, R. Tatler, E. Thornton-Nicol and T. Weatherston

Apologies:- Councillors H. Anderson, K. Chapman and G. Turnbull

In Attendance:- Chief Executive, Executive Director (P Barr), Executive Director (R Dickson), Service Director Assets & Infrastructure, Service Director Customer and Communities, Service Director Regulatory Services, Service Director Children & Young People, Chief Financial Officer, Chief Legal Officer, Clerk to the Council

1. **CONVENER'S REMARKS.**

- 1.1 The Convener welcomed Mr Ron Wilson and his wife Joan to the Chamber. He advised that Mr Wilson was retiring from his role as Secretary of the Border Union Agricultural Show and paid tribute to the service he had given to the Borders over the years. He further commented on the importance of the annual Countryside Day for school children. On behalf of the Council, the Convener presented Mr Wilson with a Border Reiver statue.
- 1.2 The Convener congratulated Toilet attendant Douglas Heatlie who won the Scottish individual cleaner at the UK Loo of the Year Awards earlier this month. Other staff, namely: Brian Mulvey, George Smith, Michael Masterton and Stephanie McLean, were also recognised at the Loo of the Year awards, with Scottish Borders Council winning best Scottish local authority for the maintenance of a number of public toilets across the area

DECISION

AGREED that congratulations be passed to those concerned.

2. **JO COX MEMORIAL EXCHANGE**

The Convener welcomed Sanna Aziz to the meeting. Sanna was a pupil at Galashiels Academy and she gave Members a short presentation on her recent trip to the USA as part of the Jo Cox Memorial Exchange. The trip had included visits to the Southern Poverty Law Centre in Alabama which dealt with pro-bono death row cases, LGBT rights, mapping hate groups, etc; the Broad Street Ministry Church in Philadelphia which worked with the homeless; the United Nations and Global Kids which worked with young people in New York, involving them in politics/decision making. The trip had concluded with a visit to the Holocaust Memorial Museum in Washington DC which had been very moving. Sanna answered Members' questions and the Convener thanked her for her presentation.

DECISION

NOTED.

3. **NHS BORDERS**

John Raine - Board Chairman, Jane Davidson - Chief Executive, Claire Pearce - Director of Nursing and Midwifery, and Dr Cliff Sharp - Medical Director of NHS Borders, were at the meeting to give Members their annual presentation on NHS Borders. Mr Raine

advised that there had been changes to the Board with the appointment of new Non-Executive Directors including Councillor Parker. The Boards Annual Report to the Cabinet Secretary had been well received with cancer waiting times above the national standard and financial targets being met. He commented on the commitment of both the NHS and the Council on health and social care integration. There were still areas for improvement including delayed discharges which had recently affected as many as 50 people. There was the continuing budget challenge and attendance at A&E had already increased by 6% going into winter. The Chief Executive reported on the progress of joint working and the recent key appointments of Dr Tim Patterson as Director of Public Health and Rob McCulloch-Graham as Chief Officer of Health and Social Care Integration. The Board was currently working on a proposal to collaborate with partners on Type 2 diabetes which accounted for 10% of the budget spend. With rates of diagnosis currently increasing by 6% - which would increase further as the number of older people grew - it was an area where preventative action was needed. The Director of Nursing and Midwifery had only been in post for 7 months but had introduced a “back to basics” campaign focusing on delivering excellence in care. She also commented on the challenges presented by an aging population and was working with Senior Charge Nurses to improve training on a number of areas including falls prevention, pressure damage and food and nutrition. The Medical Director commented on the difficulties in recruiting staff and the need for a more flexible workforce. The introduction of new GP contracts could result in problems in rural areas as the funding formula favoured deprived city areas. The NHS representatives answered Members’ questions on a number of areas including the future of Crumhaugh House in Hawick, rural deprivation, cross border working and waiting times. The need to change how the public interacted with Doctors was also discussed and included more use of Nurse Practitioners and conducting consultations by telephone or Skype. The Convener thanked Mr Raine and the officers for their presentation.

**DECISION
NOTED.**

4. **MINUTES**

The Minutes of the Meetings held on 2 and 30 November 2017 were considered.

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

5. **COMMITTEE MINUTES**

The Minutes of the following Committees had been circulated:-

Civic Government Licensing	20 October 2017
William Hill Trust	25 October 2017
Audit & Scrutiny	26 October 2017
Tweeddale Locality	1 November 2017
Planning & Building Standards	6 November 2017
Executive	7 November 2017
Local Review Body	8 November 2017
Hawick Common Good Fund	8 November 2017
Eildon Locality	9 November 2017
Police, Fire & Rescue and Safer Communities Board	10 November 2017
Audit & Scrutiny	13 November 2017
Hawick Common Good Fund	14 November 2017
Teviot & Liddesdale Locality	14 November 2017
Lauder Common Good Fund	15 November 2017
Civic Government Licensing	17 November 2017
Local Review Body	20 November 2017
Executive	21 November 2017
Community Planning Strategic Board	23 November 2017
Selkirk Common Good Fund	28 November 2017

Audit & Scrutiny	30 November 2017
Planning & Building Standards Executive	4 December 2017
Jedburgh Common Good Fund	5 December 2017
Kelso Common Good Fund	6 December 2017
Standards	6 December 2017
Galashiels Common Good Fund	7 December 2017
Innerleithen Common Good Fund	7 December 2017
	12 December 2017

DECISION

APPROVED the Minutes listed above subject to paragraph 6 below.

6. COMMITTEE MINUTE RECOMMENDATIONS

6.1 Teviot and Liddesdale Locality Committee

With reference to paragraph 7 of the Minute of the Teviot and Liddesdale Locality Committee held on 14 November 2017, it was recommended that the Convener write to the Chief Officer of the Scottish Fire and Rescue Service expressing concern that the Out of Hours Cardiac Arrest trial had been suspended.

DECISION

AGREED to approve the recommendation as detailed above.

6.2 Civic Government Licensing Committee

With reference to paragraph 3 of the Minute of the Civic Government Licensing Committee held on 18 November 2017, it was recommended that the Council should introduce a policy regarding the medical assessment of all taxi drivers.

DECISION

AGREED to approve the introduction of a policy requiring all taxi and private hire drivers licensed by Scottish Borders Council to be medically assessed to DVLA Group 2 standards:

- (i) From the age of 18 and thereafter reassessed at age 45**
- (ii) From age 45 onwards reassessed on a five year basis.**
- (iii) From Age 65 to be reassessed on an annual basis.**
- (iv) In the event of a disability or medical condition which may affect an applicant's ability to drive being disclosed to the Council's Licensing Team whilst the grant of a licence is in force.**

6.3 Audit & Scrutiny Committee

With reference to paragraph 2 of the Minute of the Audit & Scrutiny Committee held on 30 November 2017, it was recommended that Council approve the future Scrutiny work programme.

DECISION

AGREED to approve the Scrutiny Work Programme, as detailed in the Appendix to the Minute of 30 November 2017, for the period from January 2018 to March 2019.

7. OPEN QUESTIONS

The questions submitted by Councillors Paterson, Moffat, Ramage, Robson and S. Hamilton were answered.

DECISION

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

8. JEDBURGH INTERGENERATIONAL LEARNING CAMPUS

With reference to paragraph 6 of the Minute of the Executive Committee, there had been circulated copies of a report by the Service Director Children and Young People, following the completion of a public consultation process as set out in the Schools (Consultation)

(Scotland) Act 2010 (as amended), requesting that the Council approve the proposals to build an Intergenerational Learning Campus in Jedburgh, and thereafter formally close the Nursery, Primary, Secondary and Specialist Provision in Jedburgh. The report explained that following agreement to proceed with Phase 1 of the School Estate Review, including focused pre-consultations on the Education provision in several Borders towns including Jedburgh initial Ward Member and Community Council engagement and feasibility design work had been undertaken in the town since September 2016 to provide sufficient detail to allow pre-consultation engagement with the wider community. Pre-consultation events were held in Jedburgh on 25 and 26 April 2017 where a very positive response was received from over 500 people who attended over the two days. A statutory consultation was then undertaken in terms of the Schools (Consultation) (Scotland) Act 2010 from 8 May 2017 to 18 June 2017. Once the statutory consultation was completed a Consultation Report in respect of the proposals was prepared and published on 16 October 2017, a copy of which was appended to the report. The Consultation Report had been advertised in the press, with all interested parties given until 6 November 2017 to raise concerns or pose alternative solutions through written or electronic submissions. The Service Director advised that the Council had been commended on the success of the consultation process and Members were now asked to approve the proposals which would allow the Campus to proceed. Members expressed their support for the proposal and thanked the Service Director and her team for their work on this project.

DECISION

AGREED that:-

- (a) an Intergenerational Learning Campus be built in Jedburgh;**
- (b) once the Intergenerational Learning Campus was completed (expected date of new build completion March 2020) the following schools were permanently closed and pupils transferred to the Learning Campus in a planned move:-**
 - (i) Howdenburn Primary School;**
 - (ii) Howdenburn Nursery;**
 - (iii) Parkside Primary School;**
 - (iv) Parkside Nursery;**
 - (v) Jedburgh Grammar School;**
- (c) Howdenburn Schoolhouse be permanently closed with the educational support for secondary aged pupils with Additional Support Needs being transferred to the Intergenerational Learning Campus;**
- (d) the policy regarding pupils from Ancrum Primary School transitioning to Parkside Primary School for Primary 6 and Primary 7 be amended to facilitate transition to the Intergenerational Learning Campus;**
- (e) the primary school catchment zones were rezoned from Howdenburn Primary School and Parkside Primary School to the Intergenerational Learning Campus; and**
- (f) the secondary school catchment zone was rezoned from Jedburgh Grammar School to the Intergenerational Learning Campus.**

9. HAWICK FLOOD PROTECTION SCHEME

With reference to paragraph 9 of the Minute of 2 November 2017, there had been circulated copies of a report by the Service Director Assets and Infrastructure requesting that a final decision be made to confirm the proposed Hawick Flood Protection Scheme 2017 (the Scheme) with no modifications, under the Flood Risk Management (Scotland) Act 2009 (the FRM) and the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010. It

was also proposed that delegation of further authority to continue the Scheme's Detailed Design, the Advanced Works and procurement of a Main Works Contractor be granted. In November the Council made a preliminary decision to confirm the Scheme without modifications, while confirming full consideration of the Environmental information in making that decision. This was in accordance with paragraph 5 (1) of Schedule 2 of the FRM. Forty eight objections were received to the Scheme. All objections were deemed to be a 'valid objection' as defined within the FRM. The project team and the objectors engaged constructively to enable the eight objections from individuals and businesses within the flood zone and area affected by the works to remove their objections. The confirmation of the proposed Scheme without modification on 2 November 2017 triggered the notification to the 34 remaining objectors of the decision. Letters were issued to objectors on 8th and 9th November 2017. Following these notifications another 1 of the remaining objections was removed and therefore 33 now remained. As there were no objections from those with an interest in the land affected by flooding, or land affected by the works, there was no need to refer the matter to Scottish Ministers following the preliminary decision. While there were a number of extant objections it was not considered appropriate or necessary for the Council to hold a hearing to consider the proposed scheme. Rather it was proposed that the Council now proceed to make a final decision in accordance with paragraph 9 (1) of schedule 2 of the FRM. The parallel processes of Deemed Planning Permission and the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (i.e. CAR licence) had progressed well with the CAR licence being issued on 18th September 2017. The Scheme also received its Habitats Regulation Appraisal on 19 September 2017, which concluded that Scottish Borders Council (in their capacity as competent authority under the Habitat Regulations) considered that the proposal would not adversely affect the integrity of the site (River Tweed SAC (i.e. Special Area of Conservation)). Before making a final decision on a flood protection scheme with an Environmental Statement the Council must consider the environmental information to comply with Regulation 10 (3) of the FRM's 2010 Regulations. They must also state in their decision that they had done so. All local Members spoke in support of the project, paying tribute to the work of the Project Team and Councillor Marshall for his role with the Flood Group.

DECISION

AGREED to:-

- (a) make a final decision to confirm the proposed Hawick Flood Protection Scheme 2017 without modification, under Paragraph 9 (1) (a) of the Flood Risk Management (Scotland) Act 2009 and the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010; and**
- (b) confirm that the Council had taken into account the environmental information as detailed in section 8 of the report; and**
- (c) provide the Scheme's Project Executive with the authority to: continue the Scheme's Detailed Design; commence the Advanced Works; and undertake the procurement of a Main Works Contractor; and**
- (d) authorise the Scheme's Project Executive, in consultation with the Chief Legal Officer to manage any appeal against the Scheme in the event that such an appeal is made to the Sheriff Court; and**
- (e) provide the Scheme's Project Executive with the authority to request that the Scottish Ministers direct that planning permission be deemed to be granted in accordance with Regulation 14 of the FRM's 2010 Regulations after the commencement of the Scheme.**

DECLARATION OF INTEREST

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

10. **BUDGET UPDATE ON THE LOCAL GOVERNMENT FINANCE SETTLEMENT**

There had been circulated copies of a report by the Chief Financial Officer providing an update on the contents of the draft local Government settlement for 2018/19 published on 14 December 2017. The report provided confirmation of the level of grant that the Scottish Government proposed to allocate to Scottish Borders Council in 2018/19. It provided details on the main components of the grant settlement, updated funding assumptions made over grant levels, highlights significant movements from the previous grant settlement and provided Members with a revised resource total to allow political groups to plan for budget allocations in 2018/19. It was highlighted that the headline reduction in grant to local government next year would be 1.5%, compared to the 3% grant reduction assumed to date in budget planning totals. The draft settlement reduced the savings required in the budget from £13.46m to £9.663m. The variance was £3.797m when the updated funding position was compared with the 2018/19 draft plan shared with political groups. The Council's Corporate Management Team would continue to work with political groups to deliver budget proposals that ensured the Council was planning for longer term sustainability. It was noted in this regard that any headroom that could be created in the budget through the early delivery of savings would help to meet future projected funding gaps and fund spend to save initiatives particularly in respect to care services for both adults and children where significant future pressures were likely. The settlement required Councils to fund various items. These included, new burdens (including the expansion of early years child care), the ongoing process of health and social care integration and a range of pressures, the most significant of which were pay awards and older peoples demographics. Details of known pressures and required adjustments were detailed in the report. The report also explained that the capital settlement indicated a reduction in capital resources of £2.4m next year which would have to be funded.

DECISION

AGREED:-

- (a) **to note the updated information on the revenue and capital budgets for 2018/19 following publication of the draft local government finance settlement and that the figures contained in section 3 of the report be used by political groups in preparing their budgets for 2018/19 pending further information;**
- (b) **that Members would continue to work with Corporate Management Team to consider those savings measures proposed in budget packs and assess them for inclusion in the budget with a particular focus on the earliest possible realisation of benefits and a focus on spend to save initiatives; and**
- (c) **that Members would give due consideration to their political service priorities, for both revenue and capital, recognising the overall need to set a balanced budget for 2018/19 that is sustainable in the longer term.**

MEMBER

Councillor Marshall left the meeting.

11. **COMMERCIAL & COMMISSIONED SERVICES STRATEGY**

There had been circulated copies of a report by the Chief Financial Officer seeking approval of the Commercial & Commissioned Services Strategy 2018 - 2023 in order that it could be published to meet the legal deadline of 31st December 2017. The report explained that the Procurement Reform (Scotland) Act 2014 set out specific duties for contracting bodies (including Local Authorities). These duties included the publishing of a procurement strategy and, in due course during 2018, an annual report on delivery of the strategy. The introduction of this legislation, the challenging financial climate, and the opportunities presented by the Corporate Plan and Transformation Programme, all

combined to create a set of circumstances to positively refresh the Council's approach to procurement, commissioned and payment services through this new strategy. A copy of the Strategy was appended to the report. In response to a question it was noted that legislation did not allow the Council to require companies to pay the living wage but they did encourage it.

DECISION

AGREED to approve the Commercial & Commissioned Service Strategy as set out in Appendix 1 to the report.

12. CHARITY REORGANISATION UPDATE

With reference to paragraph 9 of the Minute of 30 March 2017, there had been circulated copies of a report by the Chief Financial Officer providing an update on the progress of the reorganisation of the Council's registered and unregistered Trust Fund Charities and proposes the amalgamation of some Trusts. The report explained that Scottish Borders Council currently administered a number of Trust Funds and Bequests for a range of purposes, which it inherited from previous Scottish Borders Town, County, District and Regional Councils. There was a mixture of Charities registered with HMRC, and subsequently OSCR (Office of the Scottish Charity Regulator) and some unregistered. Through the passage of time, the purpose or low value of the funds had resulted in many no longer being able to be disbursed. Following a report to Council on 30 January 2014, work had commenced on the establishment of 3 OSCR registered new Trusts and the reorganisation of Trusts into the new Trusts. On 21 May 2015, Council agreed to reorganise some of the registered Trusts into the 3 new Trusts and also amended the Scheme of Administration to establish Charitable Sub Committees and approve amendments to the Scheme of Delegation for grants to be disbursed from the SBC Education Trust and SBC Welfare Trust. A further report was approved on 30 March 2017 which agreed the dispersal of ten trusts to other organisations and agreed a process and timetable for the review of the remaining trusts. The aim of the review was to, where possible, reorganise the trusts into the 3 new OSCR registered Trusts, whilst preserving the ethos and locality of the original trusts. Two consultation meetings had been held in each locality area with invitations to all Members and Community Councils. Additional meetings had also been held with interested groups and members of the public. OSCR had also been consulted on the process and recommendations contained within the report. The various appendices to the report contained details of the proposed criteria to be used in the disbursement of grants from the Trusts, recommended amalgamations of individual into the 3 new Trusts, those which had been fully disbursed during the consultation, Trusts where work was currently ongoing with the Community to finalise either one-off projects or further recommended amalgamations and the remaining 50 Trusts where there was currently no recommended outcome. Members supported the proposals. Councillor Bell proposed that the fund for the re-painting of the Walter Scott Monument in front of the Clovenfords Hotel should be transferred to Neighbourhood Services as they always carried out the work. This was unanimously approved.

DECISION

AGREED to:-

- (a) note the consultation undertaken on the re-organisation of the Council's Charitable Trust Funds;**
- (b) approve the criteria detailed in Appendix 2 to the report for the SBC Community Enhancement Trust;**
- (c) approve the criteria detailed in Appendix 3 to the report for the SBC Welfare Trust;**

- (d) the amalgamation of the 70 individual Trusts detailed in Appendix 4 to the report into the SBC Welfare Trust, subject to approval from OSCR for those registered;
- (e) the amalgamation of the 99 individual Trusts detailed in Appendix 5 to the report into the SBC Community Enhancement Trust, subject to approval from OSCR for those registered;
- (f) note the ongoing work for the individual Trusts detailed in Appendix 6 to the report;
- (g) note that a further report would be presented by the Service Director for Children and Young People for the Education Trusts detailed in Appendix 7 to the report;
- (h) disband the Charitable Trusts Sub-Committees and remove these from the Scheme of Administration;
- (i) amend the Scheme of Delegation to replace the delegated authority for the Service Director Customer and Communities “to make payments to individuals or families from SBC Welfare Trust according to set criteria” with the following:
 - (i) Approve applications for funding up to the value of £500 from the SBC Community Enhancement Trust and SBC Welfare Trust;
 - (ii) Approve applications for grants from £501 to £2,500 to the SBC Welfare Trust, subject to the agreement of at least 50% of the Members in the relevant Wards; and
 - (iii) Approve applications for grants from £501 to £5,000 to the SBC Community Enhancement Trust, subject to the agreement of at least 50% of the Members in the relevant Wards.
- (j) amend the Scheme of Administration to add that the Executive Committee should approve grants from the SBC Welfare Trust and SBC Community Enhancement Trust, in situations where grant applications exceed the limits specified in the Scheme of Delegation or less than 50% of the Members in the relevant Wards are in agreement; and
- (k) that the Sir Walter Scott Statue Fund in the sum of £832 be transferred to Neighbourhood Services.

13. **TREASURY MANAGEMENT MID-YEAR REPORT 2017/2018**

There had been circulated copies of a report by the Chief Financial Officer presenting the mid-year report of treasury management activities for 2017/18, in line with the requirements of the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice, including Prudential and Treasury Management Indicators, and seeking approval for the revised Prudential and Treasury Management indicators. It was explained that 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 2017 and demonstrated that Treasury activity in the first six months of 2017/18 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 proposed revised estimates of these indicators in light of the 2016/17 out-turn and experience in 2017/18 to date for Council approval.

DECISION

(a) NOTED that:-

- (i) treasury management activity in the six months to 30 September 2017 was carried out in compliance with the approved Treasury Management Strategy and Policy; and**
- (ii) the Audit & Scrutiny Committee had scrutinised this report on 25 September 2017.**

(b) AGREED the revised Prudential and Treasury Management indicators as detailed in Appendix 1 to the report.

14. ARRANGEMENTS FOR BY-ELECTION IN THE SELKIRKSHIRE WARD

There had been circulated copies of a report by the Chief Executive providing information on the arrangements for the by-election to be held in the Selkirkshire Ward, following the resignation of Councillor Ballantyne. The report explained that Councillor Ballantyne resigned from the Council with effect from 30 November 2017. The Chief Executive, as Returning Officer, had fixed the date of the by-election for the subsequent vacancy in the Selkirkshire Ward as Thursday 22 February 2018, with the count taking place – by electronic means – on Friday 23 February 2018, starting at 10.00 a.m. There would be 13 polling stations located at St Mary's Hall, Cappercleuch; Boston Hall, Ettrick; Yarrow Village Hall; Kirkhope Village Hall; Philiphaugh Community Centre; Selkirk Parish Church Hall; Victoria Hall, Selkirk x 2; Ashkirk Village Hall; Lilliesleaf Village Hall; Midlem Village Hall; Bowden Village Hall; and Newtown Community Wing. Early indications were that the cost for the by-election was likely to be between £25k and £28k.

DECISION

NOTED the following arrangements for the by-election for the Selkirkshire Ward:-

- (a) Polling Day was fixed as Thursday, 22 February 2018; and**
- (b) the costs associated with the staffing, printing, supplies, venue hire, electronic equipment hire, and other expenses incurred by the Returning Officer, would be met from existing budget.**

15. COMMITTEE APPOINTMENTS/REPRESENTATIVES ON OUTSIDE BODIES

It was noted that some appointments needed to be made following the resignation of Councillor Harry Scott from the Administration and Councillor Ballantyne from the Council.

15.1 JCG Teachers

Councillor Mountford, seconded by Councillor Edgar, nominated Councillor Haslam and this appointment was unanimously approved.

15.2 Armed Forces and Veterans Champion

Councillor Haslam, seconded by Councillor S Hamilton, nominated Councillor Greenwell and this appointment was unanimously approved.

15.3 EDF Energy Torness Power Station Liaison Committee (2 places)

Councillor Haslam, seconded by Councillor Brown, nominated Councillor S. Scott. Councillor Bell, seconded by Councillor Fullarton, nominated Councillor Laing. Both appointments were unanimously approved.

15.4 Scottish Councils Committee on Radioactive Substances

Councillor Haslam, seconded by Councillor Miers, nominated Councillor Mountford and this appointment was unanimously approved.

15.5 Edinburgh Airport Consultative Committee

Councillor Haslam, seconded by Councillor Greenwell nominated Councillor C Hamilton. Councillor Bell, seconded by Councillor Paterson, nominated Councillor Moffat. There being two nominations in terms of Standing Order 43(a) the vote was taken by secret ballot. The counted votes were as follows:-

Councillor C Hamilton – 18 votes
Councillor Moffat – 9 votes

Councillor C Hamilton was accordingly appointed.

15.6 **Lowland Reserves Group**

Councillor Haslam, seconded by Councillor Edgar, nominated Councillor Greenwell and this appointment was unanimously approved.

15.7 **Live Borders**

Councillor Haslam, seconded by Councillor Weatherston, nominated Councillor Richards and this appointment was unanimously approved.

15.8 **Newtown Community Centre Wing**

Councillor Bell, seconded by Councillor Rowley, nominated Councillor Edgar and this appointment was unanimously approved.

DECISION

AGREED to approve the appointments as detailed above.

16. **URGENT BUSINESS**

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

17. **CALENDAR OF MEETINGS**

The Convener advised that changes were required to the calendar of meetings as follows:-

- (a) Additional Council meeting on 25 January 2018. It was also proposed to have a Council meeting on the last Thursday of every month and further details would be provided in due course;
- (b) Move the Executive Committee meeting from 13 February to 14 February 2018 to avoid a school holiday;
- (c) Move the Council meeting on 22 February 2018 to 1 March 2018 to avoid the Selkirkshire By-election; and
- (d) Move the Community Planning Strategic Board from 1 March to 8 March 2018 due to the change at (c) above.

DECISION

AGREED the changes detailed above.

18. **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

19. **MINUTES**

The private sections of the Council Minutes of 2 and 30 November 2017 were approved.

20. **COMMITTEE MINUTES**

The private sections of the Committee Minutes as detailed in paragraph 5 of this Minute were approved.

21. **COMMON GOOD AND TRUST FUND INVESTMENTS**

Member approved a report by the Chief Financial Officer on the appointment of a new Fund Manager.

Adjournment

The Convener adjourned the meeting at 1 p.m. for lunch and reconvened the meeting at 2 p.m.

22. **TWEEDBANK FUTURE DEVELOPMENT OPPORTUNITIES**

Members approved a joint report by the Executive Director (R. Dickson) and Service Director Assets and Infrastructure on future development opportunities at Tweedbank.

The meeting concluded at 3.35 pm

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**SCOTTISH BORDERS COUNCIL
21 DECEMBER 2017
APPENDIX I**

OPEN QUESTIONS

Questions from Councillor Paterson

To the Executive Member for Roads and Infrastructure

1. What has happened to the Council's Waste Management Plan which was approved by the previous Council on 25 June 2015? Can the Executive Member please tell us if this Administration has scrapped the previous Administration's plans for kerbside collections, and, if so, what plans do they have?

Answer from Councillor Edgar

The review of the kerbside collection service is a key component of the Council's Waste Management Plan that seeks to provide a waste service that is both fit for purpose and financially sustainable in the long term and this was recently discussed at a presentation provided by Waste Services on 4 October 2017, which was well attended by elected members.

It is anticipated that a report will be brought to Council in the early part of 2018, which will outline the findings of the review that has been undertaken with the support of Zero Waste Scotland.

2. Can the Executive Member please tell me what the take up is in Border Towns with regards collections of food waste and is it still accurate to say that Hawick has one of the worst collection rates of all Borders Town?

Answer from Councillor Edgar

I can confirm that the average participation level in the 5 Border towns which receive a food waste collection is 30.6%.

The town with the highest participation level is Peebles at 48.5% and the town with the lowest participation level continues to be Hawick at 21.6%.

Supplementary

Councillor Paterson asked if adverse publicity when collections began had affected collection rates in Hawick. Councillor Edgar advised that he did not think that was the case and that this was only a pilot scheme to see how people responded.

3. Can the Executive Member please let me know if there are any plans to do urgently required work to fix the very real problems with flooding at Ettleton Cemetery in Newcastleton with one Community Councillor saying that the burial lair had to be pumped out before his father was interred?

Answer from Councillor Edgar

The Council is currently undertaking a flood study in Newcastleton as set out within the Solway Flood Risk Management Plan 2016 – 2022. As this only looks at flood risk within Newcastleton and the catchment above the town, the Ettleton Sike – which runs next to the Ettleton Cemetery - is not considered within this study.

On 5th December, members of the Flood Team attended Newcastleton Community Council meeting and previewed the provisional flood study map outputs, whilst seeking feedback from the community. The issue with the Cemetery was not raised at that time.

The Neighbourhood Operations team however have noted that the operational implications of excavating land are that water can run off into those excavations. It is normal procedure therefore when preparing burial lairs prior to interment and during periods of wet weather, for water to be pumped out of those excavations prior to interment and backfilling.

At Eittleton Cemetery, the team are aware that drainage issues can occur, and where this is the case the burial lairs at those locations are no longer offered for purchase and members of the public are offered alternative burial lairs elsewhere within the cemetery.

The flood team and the neighbourhoods team have therefore been asked to jointly review the position and report back to the Service Director Assets & Infrastructure.

Supplementary

Councillor Paterson asked if Councillor Edgar did not consider that something needed to be done now given the views of the people of Newcastleton. Councillor Edgar reiterated that the matter had not been raised when the Flood team had met with the Community Council but that the matter was now to be reviewed.

4. Executive Member for Neighbourhoods and Locality Services

Some Councillors and candidates made a big thing about the amount of dog mess in Hawick before and during the last Council elections with much criticism of the previous administrations handling of the problem. Can the Executive Member please tell me what this Administration are doing other than trying to educate people about picking up after their dogs?

Answer from Councillor Aitchison

The Council continues to implement the Responsible Dog Ownership Strategy including enforcement. A report on the previously agreed strategy is emerging which details lessons learned and provides options for members for the Council to consider in its future approach to Responsible Dog Ownership in the Borders.

This scourge is a consistent problem nationally and locally and in order to turn this problem around we must take a longer term view and employ resources consistently and regularly recognising the many successes that a sustained programme will deliver and focus on those and the vast majority of responsible Dog Owners in the Borders.

Supplementary

Councillor Paterson asked if more should not be done about this problem which seemed to be getting worse. Councillor Aitchison advised that people knew that it was something they should not do and it was an abuse on society. The Council was looked upon as the people who tidy things up but with limited resources this was not always possible. He commented on the good work with primary schools in Galashiels which had made a difference in that area and emphasised the need for everyone to play their part with regard to this problem.

5. To the Leader

With the Chancellor making a big thing about the Borderlands deal, can the Council Leader please tell the Council what progress has been made regarding suggested programmes from SBC, and who will be representing Scottish Borders Council when we meet the other Councils involved in the Borderlands deal?

Answer from Councillor Haslam

Cllr Paterson, to date there have been preliminary discussions between the five Councils, the Scottish Government and the UK Government. Those discussions have addressed the possible themes around which a Deal might be developed. As I have previously made clear, infrastructure including hyperfast broadband, energy efficiency and supporting a low carbon economy are all areas of significance that we will seek to address. We will of course also make the case for extending the Borders Railway to Hawick and Carlisle via Newcastleton.

The governance arrangements around a Borderlands Deal have not been agreed yet, but to date I have been involved, along with Cllr Rowley as Executive Member for Business and Economic Development. The Chief Executive, Tracey Logan, has also been involved and I would expect this high level engagement to continue as the Borderlands proposals are developed in more detail in 2018. I believe that if any Deal is to be done it will have to benefit as many communities across

the Borders as is possible. As a Tweeddale Councillor you have my assurance this will not be a Deal that benefits just the Central Borders.

Supplementary

Councillor Paterson asked what would be done for the people in Newcastleton. Councillor Haslam advised that the Deal would benefit the whole of the Borders, not just the central part.

Questions from Councillor Moffat

To the Executive Member for Roads and Infrastructure

1. Greenlaw Parent Council has asked if consideration has been given to installing CCTV in Primary Schools for general security and where there have been previous and current issues with vandalism of the education buildings/grounds?

Answer from Councillor Edgar

Consideration has previously been given to the installation of CCTV cameras within Primary Schools and a number of schools currently have systems installed. Property Services are currently assessing the options for Greenlaw Primary School, which include:

- a) Full CCTV Installation
- b) Imitation camera installation
- c) Roaming/Movable camera installation (as part of a trial of new technology)

2. There is a current issue with pigeon droppings on the steps of Coldstream Town Hall and surrounding area; and the gutters need cleaned out.

- (a) Has consideration been given to adding more spikes to the frontage/ledges of the building to stop pigeons roosting?
- (b) Has any consideration been given to culling pigeons?
- (c) What are the current maintenance arrangements for Coldstream Town Hall?

Answer from Councillor Edgar

- a) Property Services are considering the installation of additional spikes.
- b) There has been no consideration of culling.
- c) Coldstream Town Hall remains the responsibility of SBC and is maintained by Property Services as a Council asset.

Supplementary

Councillor Moffat asked if more would be done to look after this building. Councillor Edgar advised that all properties were looked after, assessed and repaired when necessary.

3. To the Executive Member for Business and Economic Development

How are the Duns and Coldstream Business Parks being marketed, as there is a public perception that nothing is happening on either site? Is there any particular encouragement (e.g. financial or other support package) available for potential employers/businesses?

Answer from Councillor Rowley

Coldstream Business Park and the extension at Duns Industrial Estate have been advertised in the Scottish Institute of Directors magazine and marketed several times over the last 3 years in Commercial Property Monthly, a UK property magazine. The business development plots are also promoted on two websites, the Council's own internet pages and with CoStar who publicise UK and international property. There is prominent signage at the site entrances.

In addition to site specific enquiries, we encourage inward investment and local enterprises looking to expand to consider developing their businesses at Duns and Coldstream.

The plots are for sale at the market value for serviced business land. Businesses eligible to purchase are small and medium sized enterprises creating new jobs, and the land is available for Planning Use Classes 4, 5 & 6.

Whilst it may appear that nothing is happening on site, this is not the case. One plot at Coldstream is now 'under offer', while three other businesses also expressed interest in plots, but have not been able to take that interest forward. At Duns there are 3 businesses at the planning stage, and 5 previous enquirers have either changed their plans or decided that the capital investment required was too great.

Business Gateway can offer bespoke packages of support for these business growth opportunities. This can include professional help with developing business plans to seek finance. For plots at Coldstream and Duns, businesses could be eligible for Regional Selective Assistance, which is administered by Scottish Enterprise. Grants on a smaller scale may also be available through the Council's 'Scottish Borders Business Fund'. Loans are also potentially available through Business Loan Scotland and the Scottish Borders Business Loan Fund.

Supplementary

Councillor Moffat asked if local people and businesses had been discouraged because they did not meet the criteria for the sites, e.g. did not employ enough people or were in the wrong type of business. Councillor Rowley advised that the Economic Development service was working with businesses which did not meet the criteria but acknowledged that the original funding conditions did preclude some businesses.

Question from Councillor Ramage

To the Executive Member for Children & Young People

2018 is the Year of Young People which was launched by the Scottish Government recently although, as a council, we have been aware of this initiative for many months.

We run very successful projects throughout the year, Crucial Crew, Rural Day, Voice of my own to name but a few. Indeed our own Youth Borders was recognised as an example of best practise in a recent joint inspection for Children and Young People's services in the Scottish Borders which support 3500 young people.

Shetland have organised the BIG Takeover which is a brand-new, exciting event for young people that will deliver a full programme of arts, culture and sports on a scale that has never been seen before - they say! Can I ask what SBCs plans are for this coming Year of Young People 2018?

Answer from Councillor C. Hamilton

It is pleasing to see the reference to the commendation of the quality of youth services in the recent inspection of community learning and development in the Scottish Borders. It is important to note that strategic leadership and vision were highlighted as key strengths. As part of our vision we see young people as key leaders in their communities. Last year we started to plan for the Year of the Young Person (YOYP); the Children's Planning Group decided to recruit and appoint young champions from each secondary school who would represent the views of the young people in their local area. Work has started with the champions to gather ideas of what they want to see happening in the Borders as part of the YOYP.

In January the Champions are going to lead workshops involving young people across localities to pull together the main ideas for the YOYP and arrive at a programme which celebrates and develops existing events such as the Rural Schools Day for Primary 5 Children but also brings new events and develops more young people networks across the Scottish Borders.

The Planning Group have considered ideas too by looking at national activity already promoted for the YOYP and we were pleased to see that a number of activities being programmed for the YOYP already take place in the Borders. One idea we have had is a music and arts festival for secondary pupils at Springwood Park. Also all our secondary schools are expected to achieve their LGBTi chartered status in 2018 so we wish to celebrate this achievement.

The planning workshops led and facilitated by the young people early in 2018 will consider all existing events and all ideas for new events, activities and networks. The Director will look at budgets allocated for schools cluster working to ensure there is funding to support the ideas developed by the young people in this special year. The outcome of the January Workshops will be

presented to the Executive in February and Members will receive an invite to participate in the workshops too.

The YOYP is an exciting year but it is important that we build legacy out of it and this will be one of the themes within the workshops in January.

A full Comms strategy will be included as part of the Executive Papers in February.

The CYP Directorate very much welcomes Member involvement in the YOYP and looks forward to Member attendance at the workshops at the end of January. Please note dates /invites will be circulated week beginning 8th January.

Supplementary

Councillor Ramage asked that all Councillors play their part. Councillor Hamilton confirmed that there would be a full strategy and Councillors would be invited to join workshops led by young people.

Question from Councillor Robson

To the Executive Member for Children & Young People

Can the Executive Member advise whether the availability of Educational Maintenance Allowance is routinely highlighted to qualifying young people who have a Co-ordinated Support Plan?

Answer from Councillor C. Hamilton

The schools promote Educational Maintenance Allowance's during June and August. Schools are provided with information to be issued to pupils. It is also advertised on Radio Borders, SBC website and social media outlets throughout July, August and September. Posters and leaflets are also distributed to schools, contact centres, youth centres and libraries. A message is also sent to eligible pupils; this will include young people who have co-ordinated support plans.

As part of the Community Planning Partnership's Reducing Inequalities Strategy we have gathered information on the uptake of EMAs in localities. There are plans to make the application process much more accessible as we move forward and to provide support to families to make applications including those with children with CSPs.

Supplementary

Councillor Robson asked if the Council could ensure that out-with the promotion period that those receiving CSPs were notified in advance. Councillor Hamilton confirmed that she would liaise with the Service Director on this.

Questions from Councillor S. Hamilton

1. To the Executive Member for Business and Economic Development

Considering the disappointing announcement from the Royal Bank of Scotland the other week, can the Executive Member confirm if there is anything the council will be doing to mitigate the impact on residents from this abandonment of branch services in the borders?

Answer from Councillor Rowley

Cllr Hamilton, unfortunately I believe that the direction of travel on these closures is inevitable. But I also believe that these closures are premature and too drastic given our existing digital connectivity issues, poor transport and our significant aged demographic.

I think that RBS could, and should, come up with a better exit strategy that includes a phased branch-by-branch approach, a commitment to maintaining ATMs, or even introducing new machines that offer a wider range of services. I think they have options to reduce the negative impacts of these closures, whilst still achieving their goals.

RBS also need to make a greater commitment to business banking. We have an ambitious Council, a new Economic Agency, City Deal, Borderlands, Innovation and Business Parks and incubator hubs etc - is that the landscape for banks to retreat from?

I intend to challenge RBS to be more imaginative and will write formally to the bank's head office and push them on their evidence and encourage them to consider more imaginative models of community banking.

2. To the Executive Member for Roads and Infrastructure

The town of Jedburgh has been virtually forgotten about in recent years with regards to recycling and waste management. Since the election, constituents have asked repeatedly why is Jedburgh not being brought into line with other towns in the area and provided with some form of community recycling centre?

Answer from Councillor Edgar

The Council currently provides a network of 7 Community Recycling Centres across the Scottish Borders where residents can deposit waste and recycle.

A recent review of the Council's CRC provision has confirmed that it compares favourably with other similar Scottish Local Authorities and best practice guidance, as we provide 1 facility for every 8,262 households compared to the Scottish Average of 1 facility for every 18,358 residents.

In addition 96.5% of households are within a 20 minute drive of a facility, which increases to 98.9% within a 30 minute drive which is entirely in line with best practice guidance for rural areas.

While it is understood that a new facility in Jedburgh would be well received and well-used there is neither a business case nor the financial resources within the Waste Services budget to provide and support a facility without further significant investment. For example, Kelso and Selkirk Community Recycling Centres each cost in the region of £900,000 to develop excluding the ongoing annual revenue costs associated with staff, site maintenance, regulatory compliance and haulage.

The findings of the Community Recycling Centre review will be brought to Members shortly.

Supplementary

Councillor Hamilton asked if a centre in Jedburgh would not help overall recycling rates. Councillor Edgar acknowledged that this would help but something else would need to close to fund it.