

SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTE of Meeting of the EXECUTIVE
COMMITTEE held in the Council Chamber,
Council Headquarters, Newtown St Boswells,
TD6 0SA on Tuesday, 4 September, 2018 at
10.00 am

Present:- Councillors S. Haslam (Chairman), C. Hamilton, E. Jardine, T. Miers,
S. Mountford, M. Rowley, R. Tatler and T. Weatherston.
Also present:- Councillors J. Greenwell, S. Hamilton, N. Richards and S. Scott.
Apologies:- Councillors S. Aitchison and G. Edgar.
Absent:- Councillor G. Turnbull.
In Attendance:- Executive Director (P. Barr), Service Director Customer and Communities,
Chief Executive – Live Borders, Democratic Services Team Leader,
Democratic Services Officer (F. Walling).

1. **MINUTE**

The Minute of the Meeting held on 21 August 2018 was considered.

DECISION

AGREED that the Minute be approved and signed by the Chairman.

2. **OUR PLAN AND YOUR PART IN IT: SBC'S CORPORATE PERFORMANCE AND IMPROVEMENT REPORT (QUARTER 1 2018/19)**

2.1 With reference to the revised Performance Management Framework (PMF), approved by Scottish Borders Council on 30 August 2018, there had been circulated copies of a report by the Chief Executive, being the first performance report in the revised format, set across the four themes within the Corporate Plan 2018-2023. The report presented a high level summary of Scottish Borders Council's performance during Quarter 1 2018/19, with details contained within Appendices 1 and 2 to the report. Reporting was also included on the progress of change and improvement projects across Scottish Borders Council, replacing what was the separate Corporate Transformation report. The new reporting basis was explained in addition to a summary of additions and changes to indicators, which would now distinguish between Performance Indicators, where SBC had a direct influence and Context Indicators where SBC had an indirect influence. New indicators covering Asset Transfers and Participation Requests had been added under 'Empowered Vibrant Communities'. Also, to reflect the significant investment made by the Council during 2018/19, an overview of the work and impact of Police Scotland's Community Action Team was provided both within the report and in Appendix 2. The performance of Live Borders, who had delivered sport and cultural services as part of an integrated trust since April 2016, was presented in Appendix 3 to the report for Quarters 3 and 4 of 2017/18.

2.2 With the aid of a presentation, the Policy, Performance and Planning Officer, Sarah Watters, summarised the successes and challenges outlined within the report. In the ensuing discussion, Members welcomed the new reporting format both in respect of the summary in graphics and the more detailed analysis behind each performance indicator. They noted that this was work in progress and recognised that the reports would become increasingly meaningful over future quarters as comparative figures became available. In response to a comment that it would also be useful to have an impression of performance comparisons over a significant period of time Mrs Watters advised that this would be

picked up in the annual report in June of next year. Attention would also be given to the presentation of illustrative graphics in a colour blind compliant format. In response to a question about response-time to customer on-line communications the Service Director advised that this was being addressed as part of the Digital Customer Access Programme by putting in place a proactive response and update arrangement to ensure that customer needs were met efficiently on the website. Members moved on to consider the performance information presented for Live Borders activities in Quarters 3 and 4 of 2017/18. Members felt the report was helpful and they welcomed the inclusion of case studies to give examples of the impact of Live Borders during the year. Commenting on the downturn in number of volunteers/coaches during 2017/18 Chief Executive, Ewan Jackson, explained that this tended to be cyclical with numbers increasing when there were global sporting events taking place. A volunteering policy and plans developed through the Active Schools Plan was being extended to include cultural activities and he was confident that there would be an upward trend in the long term.

DECISION

NOTED:-

- (a) any changes to performance (and context) indicators outlined in Section 4 of this report;**
- (b) that this was the first report in the refreshed format, aligned to the new Corporate Plan and revised Performance Management Framework;**
- (c) that separate Transformation reporting would be discontinued, with reporting of Change and Improvement project progress now included within this quarterly Performance report;**
- (d) the performance summarised in this report for SBC and Live Borders and detailed within Appendices 1, 2 and 3, and the action that was being taken within services to improve or maintain performance.**

3. OVERVIEW OF SBC'S COMPLAINTS ANNUAL PERFORMANCE REPORT 2017/18

With reference to paragraph 7 of the Minute of the Executive Committee held on 19 September 2017, there had been circulated copies of a report by the Service Director, Customer and Communities which presented a summary of Scottish Borders Council's Complaints Annual Performance Report 2017-18 contained in an Appendix to the report. It provided a summary of the eight performance indicators that the Scottish Public Services Ombudsman (SPSO) required all Local Authorities to report against each year. The report explained that during 2017/18, SBC received 927 complaints, of which 670 were defined as valid. This showed an increase of 19% from 2016/17 when 563 valid complaints were received. This equated to 5.8 complaints per 1000 Borders population which was less than local authorities similar to us (5.9 per 1000 population), and compared very favourably to the average across Scotland of 11.0 complaints per 1000 population received during 2017/18. The year 2017/18 again saw an increase in complaints being received online (411, compared to 336 in 2016/17) but there had also been an increase in invalid complaints (257 in 2017/18 vs 196 in 2016/17), which indicated that online guidance may continue to need further refinement or clarification. It was noted that, from 1 April 2017, following the introduction of the new national Social Work Model Complaint Handling Procedure, SBC Social Work complaints were logged and dealt with in the same way as complaints from other SBC services, and therefore were included in the complaints report. There were approximately 60 Social Work complaints which, in the prior year, had been managed under a separate process and had contributed to the increase in 2017/18. In relation to timescales set by the SPSO, Scottish Borders Council continued to perform well against the Scottish averages and similar Scottish Local Authorities in relation to the 8 SPSO performance indicators. In presenting the report the Service Director Customer and Communities explained that work was being carried out to improve frontline (Stage One) responses and thereby reduce the number of

complaints that were escalated to Stage Two. A refreshed Customer Strategy would be included in Customer Service training across the Council. In a discussion of the report Members noted the importance of differentiating between a complaint and report of an issue. Members were pleased to see the inclusion within the report of the numbers of compliments received by the Council for services provided over the year.

DECISION

AGREED to:-

- (a) note the performance of handling complaints for the period 1 April 2017 to 31 March 2018;**
- (b) endorse the identified improvement actions presented at Section 4.10 of this report and within the “Next Steps” of the Appendix;**
- (c) approve the annual report at the Appendix, that will now be submitted to the SPSO and published on SBC’s website.**

4. NEW JEDBURGH INTERGENERATIONAL COMMUNITY CAMPUS

4.1 There had been circulated copies of a report by the Service Director Assets and Infrastructure seeking authorisation to enter into, on behalf of the Council, a contract in connection with the Design, Build, Finance and Maintain (DBFM) of Jedburgh Intergenerational Community Campus. As recorded in the private appendix of the Scottish Borders Council Minute of 27 June 2017, approval was given to commence the preparatory stages to deliver a new intergenerational community campus in Jedburgh. The Project Manager, Steven Renwick, advised that the project would be delivered with Hub South East Scotland Ltd and would be shared revenue funded between Scottish Borders Council and Scottish Government through its delivery agency, Scottish Futures Trust. During 2017 the statutory process to allow closure of the three schools in the town and the opening of the new campus was successfully completed and planning approval for the project was obtained on 8 January 2018. To maintain the overall programme commitment of an opening in March 2020, the Council entered into an enabling works contract in April 2018. On 5 June 2018, the scope of the enabling works was extended to include the construction of foundations and steelwork that would form part of the school building. Progress with this enabling works contract, managed using a Design and Build form of contract (“DBDA”), had been positive and in accordance with the agreed programme. The Council project team, with the support from external advisors, had concluded the preparatory work on the project and were ready to proceed to Financial Close early in October 2018. The Project Documents as listed in Appendix A to the report, which were not yet in final form and subject to further amendment, would be entered into on behalf of the Council. A guidance note, issued by Scottish Futures Trust in June 2015, that covered the principle of the structure of Design, Build, Finance and Maintain projects, was attached as Appendix B to the report.

4.2 In response to questions Mr Renwick gave further clarification about the funding issues outlined in the report. The Stage 2 submission, being the final commercial offer from Hub South East Scotland Ltd on 13 July 2018, was within the affordability cap set by Council on 27 June 2017. However, the construction inflation pressures that were seen during the Stage 2 market testing process meant that the only way of achieving this total had been by removing elements of the project that were able to be delivered by the Council directly, by using capital funding rather than revenue based funding. It was confirmed that all of the elements referred to did not trigger any capital contribution rules associated with revenue based funded projects. The report to Council on 27 June 2017 identified that Scottish Government would provide funding support in the form of revenue support covering 2/3rds of eligible project costs. This funding was fixed, with no allowance for further fluctuations in inflation. Mr Renwick explained that inflation had now placed a project pressure in the order of £1.5m for which the Scottish Government did not carry any risk. It was noted within the report that officers had asked Scottish Futures Trust on behalf of the Scottish

Government if they would be willing to recognise the change in Building Cost Information Service indices in relation to their funding. The reply unfortunately was that the funding was fixed in June 2017, based on the information to hand at that date and that no increase in Scottish Government funding would be made. Members noted that no elements of the project were at risk as a result of the financial pressure, the proposal was only to amend the way the Council's share was being funded and this should be made clear in a message to the communities involved. After further discussion Members agreed the report's recommendations which included delegation, to the Chief Legal Officer in consultation with the Chief Financial Officer, of approval of the final project documents listed in Appendix A to the report. There was also agreement with the Leader's proposal to write, on behalf of the Executive Committee, to the Deputy First Minister to ask that the Scottish Government accept its part in the risk of the project by paying its share of the increased cost brought about by inflation, highlighting Scottish Government's recent Empowering Schools Agreement with COSLA.

DECISION

(a) NOTED:-

- (i) the progress of the project to date; and**
- (ii) the continued undertaking of works under the Design and Build Development Agreement (DBDA) until Financial Close;**

(b) APPROVED:-

- (i) the Council entering into the DBFM project, following consideration of the content of this report and the progress of the works under the DBDA;**
- (ii) the delegation of the negotiation, finalisation and approval of the final terms of the Project Documents (as defined in Appendix A to this report) to the Chief Legal Officer in consultation with the Chief Financial Officer;**
- (iii) the Chief Legal Officer's use of their delegated authority under section 21.3 of the Financial Regulations and under the Scheme of Delegation to execute, deliver and manage the performance of the Project Documents (as defined in Appendix A to this report), noting that the project was an approved project identified as a major procurement for the purposes of section 21.3 of the Financial Regulations; and**
- (iv) the subscription by the Council of £10 equity in DBFM Co and the investment by the Council of £310,541 (plus a 5% buffer) subordinated debt in DBFM Co;**

(c) AGREED to request that a certified copy be produced of an extract of the minute of the proceedings of this meeting as verification that approval had been granted.

(d) AGREED that the Leader write, on behalf of the Executive Committee, to the Deputy First Minister requesting that the Scottish Government accept its part of the risk of the project and to fund its share of the increased cost brought about by inflation.

The meeting concluded at 11.25 am