

# Public Document Pack

## SCOTTISH BORDERS COUNCIL

MINUTES of Meeting of the SCOTTISH COUNCIL held in Council Chamber, Council Headquarters, Newtown St. Boswells on Thursday, 29 November, 2018 at 10.00 am

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Present:- Councillors D. Parker (Convener), S. Aitchison, A. Anderson, H. Anderson, J. Brown, S. Bell, K. Chapman, 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. Penman, C. Ramage, N. Richards, E. Robson, M. Rowley, H. Scott, S. Scott, E. Small, R. Tatler, E. Thornton-Nicol, G. Turnbull, T. Weatherston

In Attendance:- Chief Executive, Executive Director (R Dickson), Service Director Assets & Infrastructure, Chief Social Work and Public Protection Officer, Service Director Customer and Communities, Service Director HR, Service Director Regulatory Services, Joint Director of Public Health, Chief Financial Officer, Chief Legal Officer, Clerk to the Council

### 1. **CONVENER'S REMARKS.**

1.1 The Convener re-presented awards to the following:-

- Kirk Ford, Modern Apprentice - winner of national award for Street Lighting department Lighting Professionals (ILP) Student of the Year Award following receipt of an Exterior Lighting Diploma;
- Drivewise, represented by Graham Jones and Andy McLean who had won the Fleet Road Safety in the Community Award from Brake (Road Safety Charity), for the organisation that has worked hardest with its local community to improve road safety for all road users;
- Earlston Cluster Schools, represented by Mrs Kim Wilson and Jamie Wallace, who had received an award at the National Quality Improvement Awards in Glasgow for achieving results at Scale, presented by John Swinney; and
- Broomlands Primary School, represented by Lesley Munro who had received a Scottish Borders Design Award.

1.2 The Convener also mentioned the following:-

- Broomlands Primary School had also won the Glasgow Institute of Architects (GIA) award with Langlee Primary school being shortlisted. Broomlands Primary School was further recognised when it also won the Glasgow Institute of Architects "Supreme" Award which recognised the best of the best amongst the night's other successful schemes;
- Both Broomlands Primary School and the Tweedbank Masterplan had been shortlisted in the "Architects Journal" AJ Awards 2018;
- Jedburgh Intergenerational Community Campus had also won a prestigious Scottish Design Award, in the Future Building category;
- Amanda Hamilton (Attainment officer as seconded HT) was a finalist in the Quality Improvement Champion at the national Quality Improvement Awards in Glasgow;

1.3 The Convener advised that the following had been appointed as External Audit Committee Members:-

- Anson Clark – External Member of Scottish Borders Health and Social Care Integration Joint Board Audit Committee;

- Hayley Barnett – External Member of Scottish Borders Council Audit and Scrutiny Committee; and
- Michael Middlemiss - re-appointed as External Member Scottish Borders Council Audit and Scrutiny Committee

1.4 The Convener's Christmas card competition had been won by Brooke Hogg from Burnfoot Primary School.

1.5 The Escape Youth Café in Hawick organised the Top Teri Awards celebrating youth achievement in Teviot and Liddesdale. The first prize in the raffle was a limited edition Hawick Tartan Teddy Bear which had been won by Councillor Mark Rowley.

**DECISION**

**AGREED that congratulations be passed to those concerned.**

**2. MINUTE**

The Minute of the Meeting held on 25 October 2018 was considered.

**DECISION**

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

**3. COMMITTEE MINUTES**

The Minutes of the following Committees had been circulated:-

Local Review Body	15 October 2018
Executive	16 October 2018
Civic Government Licensing	19 October 2018
Chambers Institution Trust	25 October 2018
Audit & Scrutiny	1 November 2018
Planning and Building Standards	5 November 2018
Executive	6 November 2018

**DECISION**

**APPROVED the Minutes listed above.**

**4. BYELAWS TO PROHIBIT THE CONSUMPTION OF ALCOHOL IN DESIGNATED PUBLIC PLACES**

This report was deferred until the next meeting on 20 December 2018.

**DECISION**

**NOTED.**

**5. SHARED INTERNAL AUDIT SERVICES BETWEEN MIDLOTHIAN AND SCOTTISH BORDERS COUNCIL**

With reference to paragraph 2 of the Minute of 30 November 2017, there had been circulated copies of a report by the Service Director Regulatory Services seeking approval to continue with the Shared Internal Audit Services between Midlothian and Scottish Borders Councils which would also create the opportunity for a wider exploration of joint working activities and benefits. The report explained that within the context of reducing public sector funding, providing statutory services and challenges to deliver sustainable services, Officers in Midlothian and Scottish Borders Councils had identified that potential benefits could be realised by moving towards a joint working arrangement for the Internal Audit function across both Councils. Approval had been given to the interim appointment of a shared Chief Internal Auditor post between Midlothian and Scottish Borders Councils with effect from 1 December 2017 for a period of 12 months, following which a report would be presented on progress and future options. The report set out the challenges and benefits that had arisen during the Shared Internal Audit Services pilot, concluding that the benefits had outweighed the challenges, and identifying further opportunities for

consideration. It was proposed to continue the Shared Internal Audit Services as a permanent arrangement. Members welcomed the report and paid tribute to the Chief Internal Auditor for making this arrangement a success.

**DECISION  
AGREED:-**

- (a) the continuation of the Shared Internal Audit Services as a permanent arrangement to provide greater certainty and allow for longer term planning of work and teams, recognising that either Council could still decide to opt out/revert back at any time subject to an appropriate period of notice; and**
- (b) that there would be a wider exploration of joint working associated with the above in both the short and longer term across the Councils.**

**6. REVIEW OF HERITABLE ASSETS IN FORMER BURGHS OF COLDSTREAM, EYEMOUTH AND MELROSE**

There had been circulated copies of a report by the Service Director Regulatory Services on the outcome of work done to review the heritable property assets held by the Council within the former Burghs of Coldstream, Eyemouth and Melrose to ensure that the correct listing was recorded within the Accounts and Registers of the Council and to recommend actions concerning the creation of Common Good Funds for Coldstream, Eyemouth and Melrose. The report explained that the Council was required to maintain a Common Good Asset Register in accordance with Part 8 of the Community Empowerment (Scotland) Act 2015. An extract of the Asset Registers for the towns of Coldstream, Eyemouth and Melrose was appended to the report. The Council had undertaken work to review the assets recorded in Coldstream, Eyemouth and Melrose which were currently held within the Council's General Fund. The undernoted had been identified as assets which now required to be recorded as Common Good assets:

- Coldstream Museum, Coldstream
- Home Park, Coldstream
- Lees Mill, Coldstream (CS012/02)
- Home Park Play Area, Coldstream
- Lees Mill Play Area, Coldstream
- Home Park Pavilion Site and Pitch, Coldstream
- Brownsbank Park, Eyemouth
- Eyemouth Fort, Eyemouth
- High Street toilet, Eyemouth
- Melrose Town Hall, Abbey Street, Melrose (currently used as Scout Hall)

The Council's current Scheme of Administration required to be amended as it did not provide for Sub-Committees to administer Common Good Funds for the former Burghs of Coldstream, Eyemouth and Melrose, as at 1996 no assets were identified as being Common Good. As these were amendments to the existing Asset Register, the Chief Financial Officer would require to put in place measures to amend the Register and the annual accounts accordingly.

**DECISION  
AGREED:-**

- (a) to establish a Common Good Fund for Coldstream;**
- (b) to establish a Common Good Fund for Eyemouth;**
- (c) to establish a Common Good Fund for Melrose;**

- (d) that a Sub-Committee for Coldstream Common Good be included in the Council's Scheme of Administration;
- (e) that a Sub-Committee for Eyemouth Common Good be included in the Council's Scheme of Administration;
- (f) that a Sub-Committee for Melrose Common Good be included in the Council's Scheme of Administration;
- (g) that Coldstream Museum, Home Park (including the play area, pavilion site and pitch) and Lees Mill (and play area) be recorded as assets of the Coldstream Common Good Fund;
- (h) that Brownsbank Park, Eyemouth Fort and the High Street toilet be recorded as assets of the Eyemouth Common Good Fund;
- (i) that Melrose Town Hall be recorded as an asset of the Melrose Common Good Fund; and
- (j) that the Chief Financial Officer amend the Asset Register of the Council accordingly.

#### 7. **COMMUNITY ASSET TRANSFER POLICY AND GOVERNANCE REVIEW**

There had been circulated copies of a report by the Service Director Assets and Infrastructure seeking approval for a Community Asset Transfer Policy along with necessary changes to the Schemes of Administration and Delegation to enable compliance with the Community Empowerment (Scotland) Act 2015. The report explained that Part 5 of the Community Empowerment (Scotland) Act 2015 gave community bodies a right to make requests to all Local Authorities, Scottish Ministers and a wide-ranging list of public bodies, for the transfer of any land or buildings they felt they could better utilise. The Council's current Community Asset Transfer Guidance was produced in 2011 in partnership with the Development Trusts Association (Scotland) and took account of the Disposal of Land by Local Authorities (Scotland) Regulations 2010. This existing process had now been reviewed in the context of Part 5 of the Act and a new Asset Transfer Policy was proposed. The Council's proposed new Policy for the transfer of property assets to Community Transfer Bodies recognised that handing over the ownership or stewardship of an asset could have a valuable role in supporting and sustaining local communities. The proposed Policy was detailed in Appendix 1 to the report. Community Groups would be encouraged to discuss their proposals informally with Officers prior to any formal application. The start of the statutory timeline for processing an application was triggered by the receipt of a valid community asset transfer application. The Council had an obligation to determine an asset transfer request and issue a formal decision notice within no more than six months of an application's validation date. The legislation required that a 2-stage process was established. It was proposed that an Asset Transfer Group, comprising officers of the Council, would make the initial decision about an asset transfer request. Details of the Asset Transfer Group were contained in Appendix 2 to the report and would require amendments to the Council's Scheme of Delegation. Any appeal about a decision of the Asset Transfer Group would be heard by an Asset Transfer Appeals Committee, comprising Elected Members. Details of the Committee were contained in Appendix 3 to the report and would require to be added to the Council's Scheme of Administration. A further appeal was then available for applicants to Scottish Ministers. Members welcomed the report and the Service Director provided further clarification and answered Members' questions about the operation of the policy.

**DECISION**  
**AGREED to:-**

- (a) **approve the Asset Transfer Policy as detailed in Appendix 1 to the report;**
- (b) **delegate authority to the Clerk to the Council to amend the Scheme of Delegation to include details of the Asset Transfer Officer Group, as detailed in Appendix 2 to the report, to relevant Service Directors; and**
- (c) **add the Asset Transfer Appeals Committee, as detailed in Appendix 3 to the report, to the Council's Scheme of Administration.**

#### 8. **BREXIT RESPONSE TEAM UPDATE**

There had been circulated copies of a report by the Chief Executive providing an update on the activities of the Brexit Response Team (BRT) in monitoring and developing responses to the UK's exit from the European Union ('Brexit'). The report explained that a fluid and uncertain negotiating context had made detailed assessment and scenario planning highly challenging. In response, the work of the BRT had developed around anticipated immediate and short-term impacts, principally in respect of how they affected the capacity of the Council to carry out its responsibilities, but extending planning to include subjects where the Council had a duty of care. Accordingly, the focus of the BRT has been on:-

- Procurement and Market Impacts
- Funding
- People (Workforce, Customers and Citizens)
- Civil Contingencies
- Establishing Links to Community Planning Partners
- Risk Assessment

Additionally, activity had been undertaken in relation to matters relating to the Economy of the Scottish Borders under the headings of Private Business and Economic Resilience and Agriculture and Rural Development. The report looked at each of these areas, providing a synopsis of the issues, together with (where appropriate) a conclusion assessing the risks/opportunities and any actions the Council was taking or should consider taking by way of mitigation or to optimise opportunities. Members discussed the report and Councillor Rowley asked that the Chief Executive consider how Members could be involved going forward and asked that an extra recommendation be added requesting that regular update reports be provided to the Executive Committee. Councillor Bell also requested that an additional recommendation be added in the following terms:-

"to request that the Chief Executive write to the UK and Scottish Environment Secretaries (Michael Gove and Fergus Ewing) to state that "recognising specific challenges and opportunities in rural areas such as the Scottish Borders we ask that consideration be given to a fair and equitable distribution of Shared Prosperity funding to rural areas. We ask for there to be ring fenced Shared Prosperity funding for rural areas and priorities."

Both additional recommendations were unanimously approved.

#### **DECISION**

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

- (a) **to note the contents of the report and the activities of the Brexit Response Team in planning for Brexit;**
- (b) **to instruct the Brexit Response Team to continue its work and to report to Council as required and, in any event, to report to Council as we approach the 'Exit Date' of 29 March 2019;**

- (c) that the Chief Executive considers how Members could be involved going forward and that regular update reports be provided to the Executive Committee; and
- (d) to request that the Chief Executive write to the UK and Scottish Environment Secretaries (Michael Gove and Fergus Ewing) to state that “recognising specific challenges and opportunities in rural areas such as the Scottish Borders we ask that consideration be given to a fair and equitable distribution of Shared Prosperity funding to rural areas. We ask for there to be ring fenced Shared Prosperity funding for rural areas and priorities.

9. **LOCALITIES BID FUND PILOT - REVISION AND EXTENSION**

With reference to paragraph 9 of the Minute of 28 June 2018, there had been circulated copies of a report by the Service Director Customer and Communities setting out revised proposals for consideration with regards to the extension of the second round of the Localities Bid Fund pilot. The report explained that the pilot model for the first round of participatory budgeting had set out the framework for the initial allocation of funding, with a carry forward of any underspend to 2018 being agreed. This initial allocation of funding to promote community participatory budgeting through a Localities Bid Fund was part of a wider response to the Community Empowerment (Scotland) Act 2015. From the evaluation of the first round, which included feedback from Members, Area Partnerships, Community Councils, Project Leads and 181 responses from a public survey revised criteria for the second round was approved. The second round of the Localities Bid Fund pilot was launched on 1 July and closed for submissions on 1 October 2018. 28 applications were received, and the Borders Assessment Panel met on 18 October 2018 to assess the applications. At this meeting, it was agreed that there were not enough sustainable bids to enable a public vote to take place across the 5 local areas, and that revised draft criteria be drafted for consideration by the Borders Assessment Panel and brought back to Council for approval. Draft proposals for alternative criteria had been discussed with Members over the previous few weeks and the outcome of these discussions were reflected in the proposed criteria detailed in Appendix A to the report. The total allocation to this initial pilot was £500k. £208k was put forward for the 1<sup>st</sup> round with £204k awarded to community projects by the public. It was agreed that the balance of £296k could be carried forward to 2018 to fund the 2<sup>nd</sup> round and the breakdown of the fund was detailed in Appendix B to the report. Members discussed the revised scheme and emphasised the need for a good communication strategy and the need to provide pre-application assistance to groups.

**DECISION**

**(a) NOTED:-**

- (i) the financial breakdown of the pilot Localities Bid Fund as detailed in Appendix B to the report; and
- (ii) the proposed timetable detailed in Appendix C to the report.

**(b) AGREED:-**

- (i) to a relaunch of the Localities Bid Fund 2, and criteria as detailed in Appendix A to the report; and
- (ii) to the virement of the remaining Localities Bid Fund pilot budget to 2019/2020.

10. **A REFRESHED INTEGRATED CHILDREN & YOUNG PEOPLE'S PLAN 2018-2021 FOR THE SCOTTISH BORDERS**

There had been circulated copies of a report by the Interim Service Director Children and Young People proposing that the Council note the refreshed Integrated Children and Young People's Plan for the Scottish Borders 2018-2021, complying with the Children and Young People's (Scotland) Act 2014. The report explained that the Scottish Borders

Community Planning Partnership (CPP) was committed to safeguarding, supporting and promoting the well-being of all children and young people across the Scottish Borders, and this was carried out through the work of the Children and Young People's Leadership Group (CYPLG). The CYPLG partners of Scottish Borders Council, NHS Borders, Police Scotland, the Scottish Children's Reporter Administration and the Third Sector took an integrated approach to service planning (a requirement of the Children and Young People's (Scotland) Act 2014), and focused on shared priorities to deliver meaningful and sustainable improvements to the lives of all our children and young people. The CYPLG had reflected on a much changed national and local policy context as well as the issues facing Scottish Borders children and young people in their homes, in schools, and in their communities and had recognised the need to refresh the existing Integrated Children and Young People's Plan 2017-2020 plan to address this changing context. The CYPLG reviewed and revised its current approach and agreed to refocus on four key priorities, as detailed in the report, and a renewed commitment to involve children, young people and their families in the decisions about the services that affected them. The Service Director advised that the Plan had now been approved by the Community Planning Strategic Board. Members welcomed the report.

#### **DECISION**

**NOTED the Integrated Children and Young People's Plan for the Scottish Borders 2018-2021 as contained in Appendix 1 to the report.**

#### **11. ANNUAL REPORT OF THE CHIEF SOCIAL WORK OFFICER 2017/18**

There had been circulated copies of a report by the Chief Social Work and Public Protection Officer presenting the eleventh annual report on the work undertaken on behalf of the Council in the statutory role of Chief Social Work Officer (CSWO). The CSWO report, contained in the Appendix to the covering report, provided the Council with an account of decisions taken by the Chief Social Work Officer in the statutory areas of Fostering and Adoption, Child Protection, Secure Orders, Adult Protection, Adults with Incapacity, Mental Health and Criminal Justice. It also gave an overview of regulation and inspection, workforce issues and social policy themes over the year April 2017 to March 2018, and highlighted some of the key challenges for Social Work for the coming year. Members noted the excellent work carried out and the challenges faced by the Service. The difficulties in attracting staff were highlighted and the efforts that were being made to resolve this issue. In response to a question on the increase in domestic violence it was noted that some of this increase could be attributed to increased confidence in reporting.

#### **DECISION**

**AGREED to approve the report of the Chief Social Work and Public Protection Officer as contained in the Appendix to the report.**

#### **12. FINANCIAL REGULATIONS**

With reference to paragraph 10 of the Minute of 29 June 2016, there had been circulated copies of a report by the Chief Financial Officer seeking approval for an updated version of the Council's Financial Regulations. Financial Regulations were a key element in the governance arrangements for the Council. They focussed primarily on the financial control, management and administration of the Council's financial affairs and the Regulations had been last comprehensively reviewed in June 2016. Updates to the Financial Regulations reflected amendments to Financial Planning, the Council's virement rules, Procurement of Goods, Services & Works and Travelling, Subsistence and Other Expenses. Generally the Regulations had been brought up to date to reflect changes in management responsibilities and procedures. There were no substantial changes in terms of the principles behind the Regulations or the control arrangements currently in place. It was considered that following the implementation of Business World ERP (integrated Finance, HR & Procurement system) these amended Financial Regulations were fit for purpose in the new operating environment. Members supported the changes.

#### **DECISION**

**AGREED to approve the revised Financial Regulations, as contained in Appendix 1 to the report, for immediate implementation.**

**13. REVIEW OF THE STRUCTURE OF SCOTTISH LOCAL GOVERNMENT PENSION SCHEME - CONSULTATION RESPONSE**

There had been circulated copies of a report by the Chief Financial Officer seeking approval of the proposed consultation response to the review of the structure of Scottish Local Government Pension Scheme. This response was in the capacity of Scottish Borders Council as an employer within the Local Government Pension Scheme. Separate responses were due to be considered by the Pension Fund and Pension Fund Board on the 30 November 2018. Following a request from Scottish Government the Scheme Advisory Board launched a consultation process on the future structure of the Scottish Local Government Pension Scheme in June 2018. The consultation sought to establish the views of employee and employers representatives on the future structure of the LGPS in Scotland and whether outcomes could be improved through a revised structure. Responses to the consultation were due to be submitted no later than 7 December 2018. The review sought opinions on 4 options:

- Retain the current structure with 11 funds
- Promote cooperation in investing and administration between the 11 funds
- Pool investments between the 11 funds
- Merge the 11 funds into one or more funds

A draft response from the Council was contained in Appendix 1 to the report following agreement that separate responses would be submitted by the Pension Fund Board and the Pension Fund committee. Both these bodies had separate discrete functions from the Council acting in its capacity as a scheme employer and separate responses reflecting these different roles and responsibilities were considered appropriate. The Council response concluded that there was no reliable empirical case for change. The Council should therefore endorse the view that the uncertainty and dis-benefits associated with structural change significantly outweighed any potential benefits. If change was required the Council was recommended to support a voluntary collaboration model proposed under option 2, avoiding the need for pooling or expensive, time consuming and un-proven structural reform. Members agreed that there was no case for change and supported the proposed response.

**DECISION**

**AGREED to approve the proposed response, as contained in the Appendix to the report.**

**14. TREASURY MANAGEMENT - MID YEAR REPORT**

There had been circulated copies of a report by the Chief Financial Officer presenting the mid-year report of treasury management activities for 2018/19, in line with the requirements of the CIPFA Code of Practice, including 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 2018 and demonstrated that Treasury activity in the first six months of 2018/19 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 2017/18 out-turn and experience in 2018/19 to date for Council approval. This report had also been considered by the Audit and Scrutiny Committee. The Chief Financial Officer advised that recommendation (b) required to be amended.

**DECISION**

**AGREED:-**



- (a) to note that treasury management activity in the six months to 30 September 2018 was carried out in compliance with the approved Treasury Management Strategy and Policy; and
- (b) the Treasury Management Mid-Year Report 2018/19, as contained in Appendix 1 to the report, and approved the revised indicators.

#### **MEMBER**

Councillor Mountford left the meeting during consideration of the following item before the vote was taken.

#### **15. SECONDARY SCHOOL ESTATE REVIEW UPDATE GALASHIELS, HAWICK, PEEBLES AND SELKIRK**

- 15.1 With reference to paragraph 8 of the Minute of 26 April 2018, there had been circulated copies of a joint report by the Interim Service Director Children & Young People and Service Director Assets & Infrastructure providing an update of the continuing progress that had been made regarding the development of Individualised Strategic Plans for the school communities in Galashiels, Hawick, Peebles and Selkirk and recommended the next steps to be undertaken. In April 2018, Members approved the creation of Individualised Strategic Plans for Galashiels Academy, Hawick High School, Peebles High School and Selkirk High School. The report detailed the education models that were currently being considered; provided copies of the analysis that had been carried out regarding sites in Galashiels and Hawick; recommended the next steps to be undertaken in respect of each Plan, including the further engagement that was required with the wider communities; summarised the work carried out in each of the secondary schools that was planned for future maintenance; provided indicative costs and timetabling for the delivery of either a new secondary school or campus model in each of the 4 communities; and recommended a priority and sequence of investment across the 4 communities. Members had previously agreed that Hawick and Galashiels were both priorities for investment. Accordingly, architects had been appointed to prepare an Options Analysis for each town - considering the available sites that could accommodate either a new secondary school and/or a campus and to provide schematics of how the accommodation could fit for each model. The Options Appraisal Reports for Galashiels and Hawick were attached as Appendices 2 and 3 to the report. While both Galashiels and Hawick High Schools were both classed as Grade C in relation to Condition under the Core Facts data, Galashiels would require significantly more financial investment on an element by element fabric basis in order to remain a fully functioning asset with no impact on the delivery of the curriculum. It was therefore recommended that Galashiels was the first priority for investment given the current condition and suitability of the existing school in relation of the rest of the estate. Members discussed the proposals in detail and were divided regarding the priority order and timescales for the replacements of the four high schools. Councillor McAteer proposed an amendment which required a final report to be brought to Council in March 2018. The Chief Executive advised that until a meeting with the Scottish Government regarding future funding had been held it was not possible to meet that timescale.

The Convener adjourned the meeting for 10 minutes to allow the wording of the amendment to be agreed.

#### **15.2 VOTE**

*Councillor McAteer, seconded by Councillor Paterson, moved that the vote be taken by roll call and this was unanimously agreed.*

*Councillor Hamilton, seconded by Councillor Edgar, moved the recommendations contained in the report.*

Councillor McAteer, seconded by Councillor Marshall, moved as an amendment that the recommendations at paragraph 2.1 be replaced as follows:-  
“that elected members note the report and appendices and agree that a further more detailed report be brought to Council in March 2019 following Member briefings and after effective community engagement had been completed.”

**MOTION**

Councillor Aitchison  
Councillor Edgar  
Councillor Fullarton  
Councillor Greenwell  
Councillor C. Hamilton  
Councillor S. Hamilton  
Councillor Haslam  
Councillor Jardine  
Councillor Miers  
Councillor Parker  
Councillor Richards  
Councillor Rowley  
Councillor H. Scott  
Councillor S. Scott  
Councillor Small  
Councillor Tatler  
Councillor Weatherston

**AMENDMENT**

Councillor A Anderson  
Councillor H. Anderson  
Councillor Bell  
Councillor Brown  
Councillor Chapman  
Councillor Drum  
Councillor Laing  
Councillor Marshall  
Councillor McAteer  
Councillor Moffat  
Councillor Paterson  
Councillor Penman  
Councillor Ramage  
Councillor Robson  
Councillor Thornton-Nicol  
Councillor Turnbull

The Motion was accordingly carried by 17 votes to 16.

**DECISION**

**DECIDED to:-**

- (a) **approve the recommendations regarding the proposed next steps for the Individualised Strategic Plan of each of the schools;**
- (b) **Agree the proposed indicative sequence and priority for investment as:**
  - 1. **Galashiels**
  - 2. **Hawick**
  - 3. **Selkirk**
  - 4. **Peebles;**
- (c) **note the on-going improvement and maintenance works undertaken to date and planned for future; and**
- (d) **note that a further report would be prepared and presented to Members setting out a detailed delivery programme and the financial implications of progressing Galashiels as a first priority. The timescale of that report would be dependent upon further community consultation regarding the preferred education model and discussions on funding with Scottish Government and Scottish Futures Trust.**

**16. MOTION BY COUNCILLOR H. ANDERSON**

Councillor H. Anderson, seconded by Councillor Laing, moved the Motion as detailed on the agenda in the following terms subject to amendment to add the word “*continue to*” in two places:-

“As Universal Credit continues to roll out across Scottish Borders, we call on the Council to *continue to* proactively work with the Department of Work and Pension (DWP) to

assess and address the impact of rurality on the ability of people to both successfully claim Universal Credit and then comply with the strict criteria to continue to receive UC.

We specifically ask Council officers to *continue to* work with the DWP to assess the impact of costly and limited public transport infrastructure on both the ability of the individual to make the initial claim and then subsequently digitally evidence work searches in sparsely populated rural areas and what steps, if any, can be taken to mitigate any impact.”

Councillor Anderson and Councillor Laing spoke in support of the amended Motion which was unanimously approved.

**DECISION**

**AGREED to approve the Motion as detailed above.**

17. **REPRESENTATIVES ON OUTSIDE BODIES - CITY DEAL JOINT COMMITTEE**

It was reported that a substitute for Councillor Haslam on the City Deal Joint Committee needed to be appointed. Councillor Haslam, seconded by Councillor Turnbull, moved that Councillor Rowley be appointed and this was unanimously approved.

**DECISION**

**AGREED the appointment of Councillor Rowley.**

18. **OPEN QUESTIONS**

The questions submitted by Councillors Bell, Ramage, H. Anderson, McAteer, S. Hamilton and A. Anderson were answered.

**DECISION**

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

19. **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**

20. **MINUTE**

The private section of the Council Minute of 25 October 2018 was approved.

21. **COMMITTEE MINUTES**

The private sections of the Committee Minutes as detailed in paragraph 3 of this Minute were approved.

22. **HAWICK FLOOD PROTECTION SCHEME**

Members approved a report by the Service Director Assets and Infrastructure relating to adjustments to the delivery programme.

***The meeting concluded at 1.50 pm***

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**SCOTTISH BORDERS COUNCIL  
29 NOVEMBER 2018  
APPENDIX I**

**Question from Councillor Bell**

To Executive Member for Children and Young People

The four Pilots on a new High-School Library organisation were supposed to start at the beginning of this academic year. Against what criteria will these Pilots be judged a success, or otherwise? When will conclusions be reached on these Pilots and decisions taken in respect of the other High School Libraries?

Reply from Councillor C. Hamilton

Although the pilot was due to commence at the start of the academic year in August, procurement issues led to a delay of the self-scanners, electronic tagging of books and security gates. From August to October each library was manned to ensure full access for students. The pilot started on Monday 15 October and will be monitored throughout the session with a formal evaluation in April 2019.

Education officers meet with the headteachers of the pilot schools on a regular basis. Each school has literacy or library ambassadors (senior students) who are consulting with younger students about the facilities and are helping to shape improvements, with the support of the senior leaders in each school. All three schools report good access and no drop in usage this term.

Ultimately the library is to support young people's learning and literacy development. Their feedback will inform the pilot and changes will be made throughout in response to the needs identified. A final evaluation will take place in April 2019 and findings will inform final recommendations about service delivery to meet both the local need and national expectation of a service for 3-18year olds.

Education officers are keen to engage existing librarians in the redesign of a library service for all schools and settings across Scottish Borders that meets the expectation of the national strategy Vibrant Libraries, Thriving Schools (2018-2023).

Supplementary

Councillor Bell asked if Councillor Hamilton accepted that without criteria in advance, any decision would result in cynicism and disrespect for the Council. Councillor Hamilton undertook to obtain further information from officers.

**Questions from Councillor Ramage**

To Executive Member for Children and Young People

1. Can I preface my question by stating my concerns are about librarians and NOT librarian services. I have repeatedly been told about a survey that was completed by pupils in the Scottish Borders which has determined the set-up of a pilot scheme for staff-less libraries. Which schools took part in this survey and how many pupils? Why has it not been made public?

Reply from Councillor C. Hamilton

In March 2018, community engagement workshops were held at Galashiels Academy, Hawick High, Peebles High and Selkirk High schools, as part of the Schools Estate review. The workshops were arranged at each secondary school to allow pupils, staff and community members the opportunity to consider the present and future needs of the building both for learning but also from a community perspective.

**ATTENDANCE**

The events were held as follows:

	Date	Number of Attendees	
		Pupils	Staff/Parents/ Community
<b>Galashiels Academy</b>	13/3/2018	382	82
<b>Hawick High School</b>	20/3/2018	514	69
<b>Peebles High School</b>	21/3/2018	370	234
<b>Selkirk High School</b>	26/3/2018	390	80

## RESPONSE FORMS

An on-line Response Form was created on the Citizen Space platform. The details of website page and links were reported through the press release, social media and Groupcall. Lap tops were available at each engagement event to enable completion of the form and hard copies and details of the link were circulated.

In the period from 18 March to 16 April the Council received in excess of 510 completed forms. These comprised the following:-

	Total On-line Responses
<b>Galashiels Academy</b>	84
<b>Hawick High School</b>	92
<b>Peebles High School</b>	288
<b>Selkirk High School</b>	47

A further 385 forms were received later from pupils at Peebles High School.

The workshops stimulated a high level of engagement and debate. It was a particularly effective method for the pupils to share their views and comments. The consultation covered a wide range of aspects but specific questions about the library were **not** asked. However, during the engagement, libraries featured a lot with students stating that they wanted a change to current provision to include:

- more access to digital (hardware as well as wifi) – they spoke a lot about information retrieval being sourced digitally
- a different approach to study areas – smaller spaces/ different spaces/ range of spaces
- Available access both during the school day and beyond the school day
- Year round access, not just term-time access
- A community library at the school with a wider range of materials and users
- A more relaxed /social environment

Based on this feedback, and the national expectation of *How Good is Our School Library?* it was agreed that the library provision needed to be modernised to become more digitally focused. A pilot in three high schools would help to inform the redesign of the future service delivery model.

A summary report on the Secondary school Review was shared with elected members on 26 April 2018 to this effect.

### Supplementary

Councillor Ramage commented that there was no separate consultation on school libraries and Unison had collected opposing views. Councillor Ramage asked if it was accepted that these were valid views from pupils. Councillor Hamilton confirmed that the children were being listened to, the pilot seemed to be working well and children were still using libraries. There would be a full evaluation at the end of the pilot.

2. How many teachers are absent through stress within the Scottish Borders and how are schools coping with the added pressures that this brings with regards to supply teachers?

#### Reply from Councillor C. Hamilton

As of 22 November 2018 there are 18 teachers who are recorded as absent with the reason for absence in the category of Anxiety, Stress, Depression and Mental Health Illness. The system does not record whether or not this is personal stress or work-related stress.

The Council recognise the many reasons for stress; bereavement, relationship breakdown, financial concerns as well as work related matters, and the impact this can have on the individual and their family. The Council has effective systems for assisting individuals whether it is personal or professional stress that is leading to absence, and supporting their return to work when appropriate. These include:

- Employee Assistance Programme which provides free advice on a range of matters from financial to moving home.
- Counselling both face to face and telephone
- Mediation
- Personal resilience training
- Mindfulness training
- Drop in health check sessions
- Occupational Health Service

Ensuring continuity of learning for children when a teacher is absent requires careful planning and headteachers are commended for their efforts in reducing impact on learners. The Council has a year long recruitment drive to ensure an adequate bank of supply teachers are available to cover staff absence in our schools.

#### Supplementary

Councillor Ramage asked if numbers were monitored over time and if there were variations between schools. Councillor Hamilton advised that officers would be asked to provide a response.

#### **Question from Councillor H. Anderson**

##### To Executive Member for Adult Social Care

Scottish Borders Council currently ranks bottom of the league table for awarding Crisis Grants from the Scottish Government funded Welfare Fund, with only 38% of applicants being awarded grants and our average grant of £46 ranking as the lowest average payment of any Scottish Council.

How does the Executive Member explain our poor performance here?

##### Reply from Councillor Weatherston

Although our success rates for Crisis Grants are low when compared to other local authorities that does not, on its own, indicate poor performance in this area. Around 12% of applications which are refused are due to there being more appropriate forms of financial assistance, including assistance from DWP. This is an example of where we are using the national guidance to secure overall better outcomes for applicants. As you are aware, staff in this area offer a holistic service and 851 applicants in Q1 received welfare rights or benefit maximisation referrals. Ultimately, it is better to ensure that people get help to access what they are correctly entitled to than to rely on a crisis grant.

97% of those applicants that did have a successful claim were processed by the next working day, which is above the Scottish average, meaning applicants who are successful are able to access funds quickly to mitigate a crisis or disaster.

Whilst the success rate has been relatively low there is no indication of routinely incorrect decision making and the number of successful appeals is extremely low. Notwithstanding this, I'd like to reassure Members that Officers are continually reviewing practices and procedures and are carrying out a range of awareness sessions with key staff in SBC and partner organisations. They are also continuing to carry out benchmarking work with other local authorities. The latest

quarterly figures indicate an increase in success rates since Q1 and these will continue to be monitored.

#### Supplementary

Councillor Anderson was pleased to note the increase and asked that when applications were unsuccessful that we log what happens next so that we don't come bottom of the league.

Councillor Weatherston advised that he had been assured by officers that they were looking at this.

#### **Question from Councillor McAteer**

##### To the Executive Member for Business and Economic Development

In light of concerns being raised by Borders businesses that application of the current requirement to hold a public entertainment licence is neither fair nor being applied consistently, can the Executive Member for Business & Economic Development explain what action will be taken to address what is reported to be a 'long-standing' policy that may not be fit for purpose. In particular, can the Executive Member provide reassurance that all businesses are being treated fairly and that activities falling within the broad definition of 'entertainment' are being reviewed and updated appropriately.

##### Reply from Councillor Rowley

SBC resolved in April 1996 that a public entertainment licence under the Civic Government (Scotland) Act 1982 is required for the following types of premises and events:

*billiard, snooker and pool halls; circuses, concerts and concert halls; dance or mime performances; dance halls and discotheques; exhibitions; fireworks displays; funfairs; gymnasia; health clubs; ice rinks; laser displays; massage parlours; motor vehicle tracks or courses; paint ball games; pop concerts; raves; saunas; ten-pin bowling and indoor bowling centres; variety or musical shows; and video machine arcades.*

Licensing Officers are aware of the concerns raised by one Borders business that the implementation of this policy is unfair. The concern raised is that there is a disparity between the fees charged to Commercial Operators and that charged to Non - Commercial Operators. Commercial operators pay a fee of £185 for a 1 year licence or £550 for a 3 year licence. A fee of £79 is charged for a temporary licence. For non-commercial premises the rates are: £159 for 3 years or £54 for a one year licence. A fee of £39 is charged for a temporary licence. In addition, Commercial funfairs are subject to separate temporary commercial licences fees ranging from £49 for funfairs with 1-5 stalls, £159 for 6-20 stalls and £315 for in excess of 20 stalls.

The level of these fees is agreed annually by Council. I am not clear on where it is reported the policy is not fit for purpose, as that is a view to date only expressed by one individual business. It is therefore not clear that any action requires to be taken at all.

Officers seek to apply the policy consistently across the Borders area. Licensing Standards Officers have over the past two years been carrying out a number of visits to ensure premises that need a licence do indeed do so. In addition, when applications for occasional licences are received for an event that also requires a public entertainment licence that further licence is sought from the applicant.

#### Supplementary

Councillor McAteer advised that he had been given the impression that the policy needed revision as there was a set fee regardless of the size or complexity of the business. Councillor Rowley advised that he was not ruling out a review if the case was made and there would be a chance to look at this as part of budget through the annual setting of fees and charges.



## **Question from Councillor S. Hamilton**

### To The Leader

Will the Leader write to the Scottish Government in support of the COSLA fair funding campaign, to ensure that this year's local government settlement passes on the full benefit of the increased revenue from the Westminster Government?

### Reply from Councillor Haslam

The short answer to my friend's question is 'absolutely, yes'. Allow me to quote from CoSLA's Fair Funding Campaign:

*"The essential services that Local Government deliver are the foundations on which Scotland is built.*

*These essential services create opportunities for every citizen by strengthening communities and driving forward the economy. Financial threat to Local Government puts local economies and the Scottish economy at risk, but more importantly, puts communities at risk.*

*To build our economy and strengthen our communities we must support the foundations."*

From world class educator to connecting and supporting communities (whether through Community Choices or investment in Superfast Broadband) to driver of local and national economic development, (with £256M spent across Scotland last year and £2.8B in capital investment), councils have a pre-eminent place in delivering individual, family and community wellbeing.

Yet, in the last 5 years, while the Scottish budget has reduced in real terms by 0.4%, Local Government budgets have reduced 10 times that much - by 4%. That is a matter of choice. Just to stand still in 2019/20, councils need £549M. If new policies are not fully funded then these have to be funded by reducing core services. Despite this, already in 2019/20, Scottish Government has committed to funding new policies with a revenue cost of £325m. Again, that is a matter of choice.

Scottish Government has failed to attach any priority local government funding in its Medium Term Financial Strategy. Cold comfort for the individuals, families and communities which depend on us! This too is a matter of choice.

Members, we are long past the moment when Scottish Government should have made the right choice: the choice to protect the 'core' local budgets of councils that deliver essential services. However, the Scottish Government can go some small way to redeeming itself now. It can this year, give councils the resources they desperately need to protect our most vulnerable citizens and to maintain the essential services on which we all depend. It can roll back the burgeoning portfolio of pet projects which compels councils to cut deeper into those services not blessed by ministerial favour. And it can start giving councils multi-year budgets to facilitate long-term financial planning rather than the thin gruel of single year settlements.

This is a direction of travel I am only too happy to encourage and I will on that basis write to Scottish Government to urge its long overdue and desperately needed conversion.

### Supplementary

Councillor Hamilton asked if the response when received could be shared with Members and Councillor Haslam confirmed that would be the case.

## **Question from Councillor A. Anderson**

### To the Executive Member for Transformation & HR

For employees in receipt of Universal Credit, if pay is received earlier than the normal pay date in December, when the information is sent to HMRC and then is relayed to the DWP to decide on the monthly Universal Credit payment, it shows that the person may have been paid twice in the same assessment period. Thus, income from earnings is seen as double the usual amount and they potentially either do not receive any Universal Credit or receive a significantly reduced amount for this assessment period.

What measures have been taken by SBC to inform employees receiving UC of this issue?

Reply from Councillor Weatherston in the absence of Councillor Mountford

Employers are not notified by HMRC if any employees are in receipt of UC. Officers have assessed the potential impact as low. To ensure employees are aware we will be putting information on the staff section on the intranet and Internet.

Supplementary

Councillor Anderson asked if the Council would work with anyone receiving UC to mitigate any issues caused by variable wages. Councillor Weatherston confirmed he would raise this with Councillor Mountford.