

# Public Document Pack

## SCOTTISH BORDERS COUNCIL

MINUTES of Meeting of the SCOTTISH COUNCIL held in Council Chamber, Council Headquarters, Newtown St. Boswells on Thursday, 20 December, 2018 at 10.00 am

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Present:- Councillors D. Parker (Convener), S. Aitchison, A. Anderson, J. Brown, S. Bell, K. Chapman, G. Edgar, J. A. Fullarton, J. Greenwell, C. Hamilton, S. Hamilton, S. Haslam, H. Laing, 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

Apologies:- Councillors H. Anderson, K. Drum, E. Jardine, S. Marshall and W. McAteer  
In Attendance:- Chief Executive, Executive Director (P Barr), Executive Director (R Dickson), Service Director Assets & Infrastructure, Chief Social Work and Public Protection Officer, Service Director Customer and Communities, 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 represented the Inspire Award to Lisa Allan, CEDAR Co-ordinator (Children Experiencing Domestic Abuse Recovery) which she had received for her work with a group of 8 young people over the past 18 months.
- 1.2 The Convener advised that the Tweedbank Masterplan had been highly commended by AJ Architecture Awards. The Architects' Masterplan (Proctor and Matthews) for the Tweedbank Village Extension had received the following comment "this is an outstanding and thoroughly worked-through scheme which does something beautiful for a beautiful site".
- 1.3 The Convener thanked Councillor Thornton-Nicol for ensuring that all Councillors were now trained as "dementia friends".

### **DECISION**

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

### 2. **MINUTE**

The Minute of the Meeting held on 29 November 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:-

Major Contracts Governance Group	6 November 2018
Police, Fire & Rescue and Safer Communities Board	9 November 2018
William Hill Trust	14 November 2018
Lauder Common Good Fund	14 November 2018
Civic Government Licensing	16 November 2018
Local Review Body	19 November 2018
Executive	20 November 2018

Galashiels Common Good Fund  
Community Planning Strategic Board  
Peebles Common Good Fund  
Chambers Institution Trust  
Executive

20 November 2018  
22 November 2018  
28 November 2018  
28 November 2018  
4 December 2018

## **DECISION**

**APPROVED the Minutes listed above.**

### **4. BUDGET UPDATE ON THE LOCAL GOVERNMENT FINANCE SETTLEMENT**

There had been circulated copies of a report by the Chief Financial Officer providing an initial assessment of the planning assumptions that should now be followed in constructing the revenue plans for 2019/20 and in subsequent financial years following the publication of the Local Government Finance Settlement for 2019/20 on 17 December 2018. Now the draft Settlement had been received, the report updated the financial challenge facing the Council and set out a recommended approach to be followed to balance the budget. Reductions in the level of government grant being provided to the Council totaled 2.3% next year. This would see the resources available to the Council reduced by £4.604m when compared to resources available in 2018/19. The comparable figure for Local Government in Scotland was a cash reduction of 2.4%. Officers in planning for the settlement had been assuming a reduction in government grant of 1% in 2019/20 which was in line with average assumptions across Scotland. The actual cash reduction of 2.3% was significantly higher than estimated and presented greater challenges to the organisation. The settlement also contained a number of new statutory burdens which authorities were expected to deliver in 2019/20. This included a requirement to increase the funding available to the Integration Joint Board (IJB) by £2.496m when compared to the 2018/19 recurrent delegated budgets. Coupled with the reduction in Government grant, the Council would have to fund significant cost pressures next year that would require increases in the Council Tax, increases in fees & charges and a significant programme of cost reductions in order to balance the budget and protect core services. The settlement permitted the Council to increase the council tax by up to 3% to fund local services and offset the impact of grant reductions. The Settlement noted that £120m had been made available nationally and would be transferred from the health budget to local government in year for further investment in integration, including delivery of the living wage and uprating of free personal care. This funding was in addition to the £7.347m of delegated budget from the Integration Joint Board (IJB) in 2018/19. This funding was baselined and would continue. 2019/20 would be the second year of the 5 year financial plan which commenced in 2018/19. This longer term corporate approach to the budget would, by the end of 2018/19 have delivered over £60m of cost reduction savings thereby ensuring the Council had balanced its budget and delivered a small underspend in each year since the 5 year planning approach was first adopted in 2013/14. A corporate approach was again being taken to the development of the budget in 2019/20 focussed on transforming Council services, investment in new technology to reduce costs, greater operational efficiency, new ways of working and the prioritisation of core Council services. Members discussed the settlement and in response to a question the Chief Financial Officer advised that inflation was currently 2.3% which increased the budget challenge.

## **DECISION**

**NOTED the outcome of the local government settlement and the planning assumptions being made for the revenue budget for 2019/20.**

### **5. COUNCIL TAX 2019/2020**

There had been circulated copies of a report by the Chief Financial Officer providing information on the estimated impact of a 3% proposed increase in Council Tax in 2019/20. The report explained that Council Tax funded around 20% of local government net revenue expenditure in the Scottish Borders, the remainder coming from Government in the form of direct revenue support grant. The Council Tax in the Scottish Borders was the

sixth lowest in mainland Scotland and 9<sup>th</sup> lowest overall once the island Councils were included. Council Tax was a tax on domestic property which were banded based on their valuation at the 1991 levels and any new properties were also assessed on estimated values from 1991 and allocated to one of the 8 property bandings (A-H). The property bandings and the numbers of properties in each band for the Scottish Borders were listed in the report. An increase of 3% would generate an additional £1.8m of income. Members agreed that they would have preferred to only increase the rate by 1.5% but had no choice to accept a 3% increase.

#### **DECISION**

**AGREED to increase all Council tax bands A - H by 3% from 1 April 2019.**

#### **6. FEES AND CHARGES 2019/2020**

There had been circulated copies of a report by the Chief Financial Officer providing a schedule of proposed 2019/20 fees and charges as detailed in Appendix 1 to the report. The report explained that for 2019/20 the fees and charges were based on the approved 2018/19 charges plus an inflationary increase of at least 3% unless there was a business reason not to do so, such as charges being set nationally or if the increase would have a negative effect on usage. The increase in fees and charges was expected to generate an additional income of £150k. Members noted that the increase was in-line with inflation.

#### **DECISION**

**AGREED to approve the fees and charges schedule with effect from 1 April 2019, as detailed in Appendix 1 to the report.**

#### **DECLARATION OF INTEREST**

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

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

With reference to paragraph 4 of the Minute of 29 November 2018, there had been circulated copies of a report by the Service Director Regulatory Services providing an update on the current position regarding the Alcohol Byelaws and the next steps required should Council wish to progress the byelaws. The report explained that following engagement with the then five Area Forums, the Community Councils and the public over a seven month period in 2013/2014 a report on "Byelaws to Prohibit the Consumption of Alcohol in Designated in Public Places" was considered by Council in March 2014. The Service Director Regulatory Services was instructed to take matters forward under the statutory process. In terms of the statutory process, Letters of Content were required from the Police and the Procurator Fiscal. Draft Byelaws were forwarded to the relevant parties for their comment which took some time to be received. On receipt of the comments further revisals were required to the draft Byelaws. At this stage the Council's Licensing Officers' views on the comments received were also requested. Due to the comments received from all parties the draft Byelaws were further revised and fresh Letters of Content requested from the Police and Procurator Fiscal. The Council's decision of 2014 now required Officers to submit the draft Byelaws to the Scottish Government for comment, along with the Letters of Content from the Police and Procurator Fiscal. Thereafter a formal public consultation exercise would be carried out in terms of the Local Government (Scotland) Act 1973. Fuller details of the process are outlined in Section 4 of this Report. It had been over four and a half years since Council last considered this matter and it had therefore taken an exceptionally long period of time for this juncture to have been reached. For this reason, Members were being asked to consider whether or not they wished Officers to proceed as originally agreed. Members discussed the position and were divided on both whether such byelaws should be introduced and if there should be further consultation.

#### **VOTES**



acquisition of the Lowood site were expressed. With regard to the City Deal it was anticipated that the full business case would be available for Council consideration at the meeting on 31 January 2019 with any necessary amendments being brought to the 28 February meeting.

#### **DECISION**

##### **(a) NOTED:-**

- (i) the content of the report and the progress of development in respect of the projects at Tweedbank;**
  - (ii) the details of the acquisition of Lowood Estate; and**
  - (iii) the continued development of the City Deal proposals**
- (b) AGREED the proposed timing of report(s) to Council in respect of considering the Full City Deal Business Case.**

#### **MEMBER**

Councillor Aitchison left the meeting.

#### **9. SOUTH OF SCOTLAND ENTERPRISE BILL - PARLIAMENTARY CONSULTATION RESPONSE**

There had been circulated copies of a report by the Executive Director seeking approval of the Council's response to the Scottish Parliament's call for views on the recently introduced South of Scotland Enterprise Bill. The report explained that the South of Scotland Enterprise Bill was introduced in the Scottish Parliament on 24 October 2018 with the aim of ensuring that the new Agency was operational by 1 April 2020, subject to Parliamentary approval. The consultation on the Bill would close on 7 January 2019. Given the importance of the call for views to the Scottish Borders, it was vital that Scottish Borders Council submitted a considered and comprehensive response before that deadline. As part of Stage 1 of the Bill process the Council had been called to give evidence and Councillor Rowley, Executive Member for Business and Economic Development, would give evidence on behalf of the Council at a Parliamentary Committee meeting on 14 January 2019. It was recommended that Appendix 2 to the report was submitted to the Scottish Parliament as the formal response from Scottish Borders Council, subject to final agreement after discussions with South of Scotland Alliance partners. Councillor Robson advised that he felt there was an omission from the Bill regarding consultation with local authorities which was included at Part 1, Section 5 – 1(b) in the Enterprise and New Towns (Scotland) Bill 1990 setting up Highlands and Islands Enterprise. It was agreed that this be added to the Council's response.

#### **DECISION**

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

- (a) to note the significant progress being made in moving towards the establishment of the South of Scotland Enterprise Agency;**
- (b) that the draft response set out in Appendix 2 to the report subject to the amendment detailed in the narrative above be submitted to the Scottish Parliament as the Council's formal response to the call for views on the South of Scotland Enterprise Bill;**
- (c) to delegate responsibility for finalising the call for views submission to the Chief Executive, in consultation with the Leader, the Executive Member for Business and Economic Development and the Leader of the Opposition, and subject to further detailed discussions with South of Scotland Alliance partners; and**

- (d) to delegate responsibility for agreeing the response to the Finance and Constitution Committee's call for views to the Chief Executive, in consultation with the Leader, the Executive Member for Business and Economic Development and the Leader of the Opposition, and subject to further detailed discussions with South of Scotland Alliance partners.

10. **SCOTTISH BORDERS CHILD PROTECTION COMMITTEE ANNUAL REPORT 2017-2018**

There had been circulated copies of a report by the Chief Social Work and Public Protection Officer detailing the activities of the Child Protection Committee during the period 1<sup>st</sup> August 2017 – 31<sup>st</sup> July 2018 aimed at protecting children and young people in the Scottish Borders from abuse and neglect. The Annual Report covered the main activities of the multi-agency Child Protection Committee (CPC) and its Sub Committees. The report highlighted the continuing work being undertaken in the Scottish Borders to meet the Council's statutory duties to protect children and young people at risk of harm. This included information on the work of the Child Protection Committee, the statistical information collated and the significant training and development that had been provided in this area. Mr Michael Batty, Independent Chair of the Committee, was also present at the meeting. He explained that full membership of the Committee had been included for the first time and highlighted where referrals to the Committee were received. He advised that new national guidance was expected in January 2019 and this might impact the production of future reports. Members thanked Mr. Batty and the Committee for the work they were doing to keep children safe. The Convener commented on the sad death of Ann Blackie earlier in the year and her significant contribution to the work of the Committee which would be sorely missed.

**DECISION**

**NOTED the content of the Child Protection Committee Annual Report.**

11. **COMMITTEE MEMBERSHIP**

It was noted that a Member of the Executive Committee required to be appointed to the Community Planning Strategic Board. Councillor Haslam, seconded by Councillor Greenwell, moved that Councillor Turnbull be appointed and this was approved.

**DECISION**

**AGREED that Councillor Turnbull be appointed to the Community Planning Strategic Board.**

12. **MOTION BY COUNCILLOR LAING**

Councillor Laing, seconded by Councillor S. Hamilton, moved approval of her Motion as detailed on the agenda in the following terms:-

"From January 2019 there will be a total ban on burning of plastics on farms and farmers will be expected to find other means of disposal, primarily through recycling. Farmers will be required to recycle LDPE Silage Wrap, LDPE crop covers, LDPE polytunnel plastic, PP fertiliser bags, PP washed pails and HDPE drums and other items.

This is a welcome step in the battle to recycle all plastics and it will hopefully reduce the level of plastic ending up in landfill. Given the constant need to raise public awareness of the importance of recycling, we now ask officers to design and run a public information campaign to ensure all Borders residents better understand which materials, including plastics, can be recycled and know the best means of recycling them."

Councillor Laing circulated some information from Zero Waste Scotland and spoke in support of her Motion. Councillor Bell proposed that the words "to be led by Councillors" be added after the words "public information campaign" and this was accepted. The Motion was unanimously approved.

**DECISION**

**AGREED** the Motion above as amended.

13. **OPEN QUESTIONS**

The questions submitted by Councillors Bell, Ramage, Robson and Aitchison were answered.

**DECISION**

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

14. **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**

15. **MINUTE**

The private section of the Council Minute of 29 November 2018 was approved.

16. **COMMITTEE MINUTES**

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

17. **SCOTTISH WATER TANK AT SOUTH COMMON FARM, SELKIRK**

Members approved a recommendation from the Selkirk Common Good Fund Sub-Committee regarding the sale of land.

*The meeting concluded at 12.30 pm*

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**SCOTTISH BORDERS COUNCIL  
20 DECEMBER 2018  
APPENDIX I**

**Question from Councillor Bell**

To the Executive Member for Transformation and HR

In March 2016 the Council agreed a contract for delivery of ICT services. Associated with that were transformation programme savings dependant on the delivery of a step change in the ICT services; starting in 2016/17.

What were these targeted savings per year through to the present financial year and what is the level of savings actually achieved per year, on a permanent basis, up to the present date?

Reply from Councillor Mountford

Since signing the contract with CGI in March 2016 various briefings and updates have been provided to elected members regarding the progress of the ICT contract and benefits being delivered to the Council through the strategic partnership. These briefings have included updates on target delivery dates for ICT projects and the anticipated savings.

The contract with CGI is designed to place SBC at the forefront of technology in local government in Scotland. The benefits to be delivered go way beyond financial savings.

To date the benefits delivered include:- addressing under capacity and vulnerabilities associated with key person risk within the former in-house ICT staffing structure, removing risk associated with ICT recruitment, providing access to the technical expertise of a major international ICT provider, major investment undertaken to future proof the Council's ICT infrastructure, including:- a new helpdesk, moving file storage and backup facilities to the cloud, increased broadband capacity in our schools, providing greater resilience to ever increasing cyber security threats and a planned full refresh of the Council's curricular and office based desk top estate.

Much work, often not obvious to end users, has been completed to date to address legacy issues with the council's complicated ICT infrastructure and ensure this is fit for purpose both now and in the future.

The contract is also designed to deliver significant financial benefits through the introduction of new systems and ways of working and where delays have been encountered these have been reported to members along with performance monitoring information. Where necessary the associated savings have been re-profiled with alternative temporary measures put in place.

Turning specifically to the issue of savings, the original business case for ICT services approved by Council in March 2016 contained ambitious targets which were dependent upon the delivery of new technology. The savings required in 2016/17 per the business case was £0.747m. The saving required in 2017/18 was £1.393m and in 18/19 was £1.164k, an incremental total over the 3 years of £3.304m.

The savings actually delivered against this original target were zero in 2016/17, £0.572m in 17/18 and £0.942m in 18/19. Savings have increased year on year.

To date recurrent permanent savings of £1.514m have been delivered on an incremental basis. The savings on a cumulative basis are £ 2.086m to date.

Since 2016/17 the Council has delivered 46% of the savings originally envisaged by the Business Case on a permanent basis. The remaining 54% of savings required by the Business Case were delivered on a temporary basis from other budgets.

The Council's budget was balanced overall in 2016, 2017 and 2018 with small underspends delivered in each year.

Issues associated with the delivery of ICT infrastructure has impacted on the Council's transformation programme. Since the contract was signed however close working and ongoing dialogue and negotiation has been undertaken with CGI to ensure best value has been delivered. Where necessary savings have been re-profiled as set out in financial monitoring reports to elected members. CGI has also proactively worked with the Council to provide additional support to the ERP project.

The ERP project Business world is now nearing final completion following a major technical upgrade to "Milestone 7.2" which has been achieved on time and within budget. The technology associated with Business World, including the ability for managers to access detailed financial information from their desk top pc is now being rolled out. Recent feedback from managers is positive demonstrating a step change from the previous position whereby managers relied on finance staff to produce, re-format and interpret data for them.

Extensive project delivery work and process redesign is also ongoing associated with digital customer access and business process re-engineering, with CGI now providing dedicated business change support at no additional cost to the council.

It is anticipated that IT transformation savings required by the budget will be realised in full in the longer term during the course of the strategic partnership with CGI and more savings than originally envisaged may be possible.

#### Supplementary

Councillor Bell asked if officers could bring a report to Council on performance to show that these savings were on track. Councillor Mountford advised that there was no timetable for this but further briefings would be provided.

#### **Questions from Councillor Ramage**

##### To Executive Member for Children and Young People

1. My initial question was, "Can you inform council how many teachers are absent within the Scottish Borders because of stress and how schools are coping with the situation with regards to supply teachers."

My supplementary question, which has remained unanswered, from the last full council meeting was,

"What support is being offered to these teachers, do you monitor absences over time and is there a large variance in the percentage of absences across our schools" as I have had concerns relayed to me from a concerned parent.

##### Reply from Councillor C. Hamilton

As detailed in the previous response, there are a number of supports offered to employees absent from work, including:

- Employee Assistance Programme.
- Counselling both face to face and telephone
- Mediation
- Personal resilience training
- Mindfulness training
- Drop in health check sessions
- Occupational Health Service

Absences are monitored to ensure that support is being provided appropriately and in terms of the Council's Attendance Management policy.

The current absences due to stress are within 15 different schools and there is no pattern or variance that is causing concern.

### Supplementary

Councillor Ramage asked if staff were fully aware of the help available and Councillor Hamilton confirmed they were but agreed to speak to Councillor Ramage privately about any specific cases.

2. This question remained unanswered from the last full council meeting:

“Against what criteria will these [staff-less school library] Pilots be judged a success – or otherwise?”

### Reply from Councillor C. Hamilton

The purpose of the Library Pilot is to seek new and innovative ways of delivering this service to children and young people locally, in line with the new national guidance. As members will be aware, this pilot was instigated following young people identifying a wish for more digital access to library resources and more student space for study.

With regard to the evaluation of the pilots in Peebles, Gala and Kelso High schools, the key element in the evaluation of these pilots will be the experiences of children and young people who are using the library services. A real strength in this is that each of the schools mentioned, have pursued slightly different models of delivery, thus giving us a good basis to compare and contrast their respective experiences. It is likely that we will develop a questionnaire that will be issued to students in these schools so we can compare and contrast their experiences.

We would also be looking to seek the views of school staff who have experienced the pilots, in order to ensure that we factor in the views of this group into the evaluation.

### Supplementary

Councillor Ramage asked that pupils be asked as part of the assessment of the pilot what skills they had learned. Councillor Hamilton advised that a questionnaire would be issued to all users.

### **Questions from Councillor Robson**

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

How many injury accidents there have been in the last five years involving Council vehicles when operating during the collection of refuse or recycling from domestic premises?

#### Reply from Councillor Edgar

Officers from Waste, Fleet and Health & Safety have reviewed their records. These indicate that there has been only 1 injury accident which has occurred in the last five years involving a Council vehicle when operating during the collection of refuse or recycling.

This injury was incurred by a member of staff and happened in March 2015.

### Supplementary

Councillor Robson asked that nothing was done to put this record at risk and Councillor Edgar agreed with this.

#### 2. To the Executive Member for Children and Young People

Why is tendering for school transport for children with special needs on an annual basis?

#### Reply from Councillor C. Hamilton

SAN Transport contracts are not all arranged on an annual basis with some contracts remaining in place for a number of years. However, in the case of those SAN contracts which are renewed annually, this is usually done in order that contracts can be amended for changes in the child's educational, behavioural or emotional requirements and is related to their individual development as they progress through the education system.

### Supplementary

Councillor Robson asked that the children's interests especially where a child had problems with change should always be a paramount consideration. Councillor Hamilton agreed that this should always be the case.

### **Question from Councillor Aitchison (asked by Councillor Haslam in his absence)**

#### To The Executive Member for Finance

Does the Executive Member for Finance agree with me that, despite UK Government settlement to Scottish Government increasing year on year, the annual decreases in Scottish Government support for Local Government cumulatively, are now threatening delivery of core services. This affects every resident of Scottish Borders and the "cuts", which is what they are, are the true reason for the annual reduction in services in our towns and communities, and the Borders public should be aware of where the blame lies.

#### Reply from Councillor Tatler

Yes, according to figures published recently by COSLA in their paper "Fair funding for Council Services" the Scottish budget reduced by 0.4% in the five years to 2018/19 whereas reductions to local government over the same period totalled 4%, 10 times the overall cut to the Scottish Governments budget.

In 2019/20 Scottish Borders Council will see a further reduction in cash terms of 2.3% in its grant from Scottish Government. This equates to £4.6m in cash terms.

When you factor in the effects of inflation of 3.3% based on published RPI figures to November 2018 the cut is 5.6% in real terms.

Over the last 6 years 2013/14 – 2018/19 the council has had to make £60m of savings to meet pressures and offset reductions in government grant. More reductions will be required in future to balance the books.

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**SCOTTISH BORDERS COUNCIL  
20 DECEMBER 2018  
APPENDIX II  
BUSINESS CONSIDERED IN PRIVATE**

15. **MINUTE**

The private section of the Council Minute of 29 November 2018 was considered.

**DECISION**

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

16. **COMMITTEE MINUTES**

The private sections of the Minutes referred to in paragraph 3 of this Minute had been circulated.

**DECISION**

**APPROVED the Minutes.**

17. **SCOTTISH WATER TANK AT SOUTH COMMON FARM, SELKIRK**

There had been circulated copies of a report by the Service Director Assets and Infrastructure seeking approval of the sale of 4.63 acres of land to Scottish Water on the terms detailed in the report at a sale price of £65,000. A copy of the Extract from the Minute of the Selkirk Common Good Fund Sub-Committee held on 12 December 2018 recommending approval of the sale was circulated at the meeting.

**DECISION**

**AGREED to approve the recommendation of the Selkirk Common Good Fund Sub-Committee to sell 4.63 acres of land to Scottish Water on the terms detailed in the report at a sale price of £65,000.**

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