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SCOTTISH BORDERS COUNCIL THURSDAY, 19 DECEMBER, 2019

A MEETING of the SCOTTISH BORDERS COUNCIL will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST. BOSWELLS on THURSDAY, 19 DECEMBER, 2019 at **9.30 AM**

J. J. WILKINSON,
Clerk to the Council,
12 December 2019

BUSINESS		
1.	Convener's Remarks.	
2.	Apologies for Absence.	
3.	Order of Business.	
4.	Declarations of Interest.	
5.	Minute (Pages 3 - 18) Consider Minute of Scottish Borders Council held on 31 October 2019 for approval and signing by the Convener. (Copy attached.)	2 mins
6.	Committee Minutes Consider Committee Minutes. (Separate Supplement to follow.)	5 mins
7.	Fit for 2024 Update (Pages 19 - 28) Consider report by Chief Executive. (Copy attached.)	15 mins
8.	Borderlands Inclusive Growth Deal - Governance Arrangements (Pages 29 - 118) Consider report by Executive Director. (Copy attached.)	15 mins
9.	Best Value Audit Report (Pages 119 - 188) Consider report by Chief Executive. (Copy attached.)	15 mins
10.	Public Play Facilities Strategy Update (Pages 189 - 196) Consider report by Service Director Assets and Infrastructure. (Copy attached.)	15 mins
11.	Flood Risk Management (Scotland) Act 2009 - Borders Flood Studies (Pages 197 - 204)	5 mins

	Report by Service Director Assets and Infrastructure. (Copy attached.)	
12.	Peebles High School - Options appraisal Report by Service Director Assets & Infrastructure. (Copy to follow.)	5 mins
13.	Open Questions	15 mins
14.	Any Other Items Previously Circulated	
15.	Any Other Items Which the Convener Decides Are Urgent	
16.	Private Business Before proceeding with the private business, the following motion should be approved:- “That under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 7A to the aforementioned Act.”	
17.	Minute (Pages 205 - 206) Consider private Section of Minute of Scottish Borders Council held on 31 October 2019. (Copy attached.)	1 mins
18.	Committee Minutes Consider private Sections of Committee Minutes. (Separate supplement to follow.)	
19.	Shared Service Model with Midlothian Council (Pages 207 - 214) Consider report by Chief Executive. (Copy attached.)	10 mins

NOTES

1. **Timings given above are only indicative and not intended to inhibit Members' discussions.**
2. **Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.**

Please direct any enquiries to Louise McGeoch Tel 01835 825005
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SCOTTISH BORDERS COUNCIL

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held in Council Headquarters, Newtown St. Boswells on 31 October 2019 at 10.00 a.m.

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, 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, T. Weatherston

Apologies:- Councillors S. Marshall, G. Turnbull.

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

1. **CONVENER'S REMARKS**

The Convener congratulated:-

- (a) Chris Bell from Amey and Richard Parry from Transport Scotland who had received the Highways Award for "Road Safety Scheme of the Year" for the BGH Junction;
- (b) Caroline Dunmar and Pauline MacFarlane (who could not be present), from the West Linton Village Nursery who had been awarded an Early Learning and Childcare Innovation Award by Children's Minister Maree Todd for their ground breaking peer mentoring staff programme;
- (c) Kate Pearson, Sam Elliot and Bryan McGrath (who could not be present) for their work on the Tour of Britain;
- (d) Ray Cherry and Ian Sharp for their work on the Jim Clark Museum project;
- (e) Ray Cherry and Ralph Nicholson who had been awarded a SPACES Award for their work on the Support Bases at Galashiels Academy;
- (f) Paul Frankland, David Murphy and Dale Johnstone for their work on the Melrose 3G Pitch project; and
- (g) Paul Frankland, David Johnston, Roy Thomson and Rodney Pow for their work on the A72 Dirtpot Corner project.

DECISION

AGREED that congratulations be passed to those concerned.

2. **MINUTE**

The Minute of the Meeting held on 26 September 2019 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:-

Tweeddale Area Partnership	27 August 2019
Police, Fire & Rescue and Community Safety Board	30 August 2019
Berwickshire Area Partnership	5 September 2019
Pension Fund	12 September 2019
Pension Fund Board	12 September 2019
Community Planning Strategic Board	12 September 2019
Eildon Area Partnership	12 September 2019
Local Review Body	16 September 2019
Jedburgh Common Good Fund	16 September 2019
Executive	17 September 2019
Major Contracts Governance	17 September 2019
Kelso Common Good Fund	17 September 2019
Teviot & Liddesdale Area Partnership	17 September 2019
Civic Government Licensing	20 September 2019
Audit & Scrutiny	23 September 2019
Cheviot Area Partnership	25 September 2019
Planning & Building Standards	7 October 2019
Executive	8 October 2019

DECISION

APPROVED the Minutes listed above.

4. POLICE SCOTLAND

The Convener welcomed Chief Constable Iain Livingstone to the meeting. A paper providing an update on the key issues relating to policing in Scotland was tabled and the Chief Constable highlighted the main points. He explained the financial challenges being faced which had seen around £200m being lost since 2012, which was equivalent to the cost of 3 of the legacy forces prior to the formation of Police Scotland. However, the force had increased in numbers with 1000 new officers. Savings had been made by reducing the numbers at higher ranks from 34 to 11. The early years had been dedicated to the harmonisation of provision across Scotland and this had been too rigid in the beginning; it was now recognised that one size did not fit all. There were specialist officers that could be deployed if required to deal with particular incidents like homicides, sieges or events such as the Jim Clark Rally. The Community Officers should be the first port of call but specialist officers would be provided when required. The threats facing the public were changing. Children were no longer safe in their bedrooms with the increasing rise in cybercrime so police were needed where the crimes were being committed - this included organised crime and terrorism. Public support was needed to provide a service fit for the modern era. The Chief Constable answered Members' questions on a range of topics including online crime, the benefits of the CAT team, diversity of officers and dealing with calls from the public. The Chief Constable ended his presentation by explaining the way policing was provided needed to change. Around 2.5m calls were received each year and it was essential to provide the right type of support. There would be greater use of mobile devices by officers which would allow them to stay out in the community. These were being brought in on 4 November in the Borders following successful trials elsewhere. Detection rates across Scotland were good with every murder having been solved. The Convener thanked Chief Constable Livingstone for his presentation.

DECISION

NOTED the presentation.

5. BUDGET PLANNING ASSUMPTIONS 2020/21

There had been circulated copies of a report by the Chief Financial Officer providing an initial high level assessment of the broad planning assumptions being used in developing the revenue and capital plans for 2020/21 and future years. The Chief Financial Officer advised

that in light of the current political uncertainty it was now unlikely that the budget settlement would be received on 12 December as this was the date of the General Election. A briefing on Capital Expenditure was to be provided for Members after the Council meeting. The report explained that key assumptions regarding the budget fell into the following categories:

- Local Government Finance Settlement - Revenue Support Grant (RSG) and Non-Domestic Rates (NDR);
- Council Tax levels;
- Pay inflation (agreed nationally);
- Non-pay inflation (e.g. PPP contract, care home contracts, utility costs);
- H&SC funding;
- Borrowing Limits to support capital investment;
- Major changes required to capital plan with respect to Schools and Investment in the Care estate.

Each of the categories above had been reassessed in line with the latest information available with any resultant financial implications being included in the first draft of the 2020/21 budget papers. Further reports would be brought forward to Council as part of the budget development process for 2020/21. Members noted the current position.

DECISION

NOTED the planning assumptions being made for the revenue and capital budget planning process for 2020/21.

6. ALCOHOL IN DESIGNATED PUBLIC PLACES CONSULTATION – STAGE 1

With reference to paragraph 7 of the Minute of 20 December 2018, there had been circulated copies of a report by the Service Director Regulatory Services providing an update on the responses to the consultation on Alcohol in Public Places and to determine the next steps. The report explained that following agreement by the Council to conduct a full consultation on whether an alcohol byelaw should be introduced in the Scottish Borders it was decided that a two stage consultation would be commenced. The initial stage establishing two matters:

- Whether the consumption of alcohol in public places was a problem that required to be addressed?
- Would preventing alcohol being consumed in public help meet the licensing objectives?

Depending on the results of that Stage 1 consultation a second stage consultation might then be carried out to consider options in more detail. The results from Stage 1 were set out in Appendix 1 to the report. Whilst the responses to Stage 1 indicated a wide variety of views on the matter, there was considerable support particularly from key stakeholders to progress to Stage 2. Members discussed the proposals in detail and were divided in their views as to whether the Council should progress to stage 2 of the process.

VOTE

Councillor Greenwell, seconded by Councillor A. Anderson, moved that the recommendations (a) and (b) (ii) in the report be approved with the addition of Eyemouth and Peebles to the towns where pilots would be carried out.

Councillor Jardine, seconded by Councillor S. Hamilton, moved as an amendment that no further action be taken.

Councillor Haslam moved that the vote be taken by Roll Call and this was unanimously approved.

MOTION

*Councillor Aitchison
Councillor A. Anderson*

AMENDMENT

*Councillor Brown
Councillor S. Hamilton*

Councillor H. Anderson
Councillor Bell
Councillor Chapman
Councillor Drum
Councillor Edgar
Councillor Fullarton
Councillor Greenwell
Councillor C. Hamilton
Councillor Laing
Councillor Moffat
Councillor Paterson
Councillor Ramage
Councillor Robson
Councillor Small
Councillor Tatler
Councillor Thornton-Nicol
Councillor Weatherston

Councillor Haslam
Councillor Jardine
Councillor McAteer
Councillor Miers
Councillor Mountford
Councillor Parker
Councillor Penman
Councillor Richards
Councillor Rowley
Councillor H. Scott
Councillor S. Scott

The Motion was carried by 19 votes to 13.

DECISION

DECIDED to:-

- (a) instruct officers to proceed to Stage 2; and**
- (b) that the Stage 2 consultation should consider the introduction of a pilot Alcohol Byelaw for specific towns only, being Eyemouth, Galashiels, Hawick and Peebles. The period after which the pilot should be reviewed would also form part of the Stage 2 consultation.**

7. ORDER OF BUSINESS

The Chairman varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting.

8. CARE HOME INVESTMENT UPDATE

There had been circulated copies of a report by the Service Director Assets and Infrastructure on the prioritised investment requirements in the care home estate, with the exception of Deanfield in Hawick which had already been approved by Council, for consideration as part of the forthcoming financial planning process 2020/21. The report set out the current condition, the capital upgrade requirements and the annual revenue budget required to maintain the interior and exterior fabric of the Council's Care Homes to an appropriate standard. The investment proposed would not only improve the quality of the homes but would extend their useful lifespan in the medium term. The report demonstrated that a capital investment of approximately £1.52m would be required to maintain the interior and exterior of the four remaining homes to bring them up to an appropriate standard. It also indicated that ideally a revenue budget of £1600 per bed per annum would be required to maintain the homes to that standard, which would be in line with typical industry standards. The Care Home estate consisted of five homes located in Eyemouth, Galashiels, Hawick, Innerleithen and Kelso. The facilities were opened during the 1960's and 1970's with the most modern ones opening in the 1980's. A full condition survey had been undertaken on all the Care Homes which had identified that over the next five years a significant number of works would be required to bring them up to an appropriate standard. The Care Home estate required investment to improve its current condition. Conditions across the estate varied, for example, fixture and fittings throughout were aged, kitchens were in need of replacement or doors and windows required replacement. Decoration was required both internally and externally. Individual bedrooms and bathrooms/ensuites may require complete overhaul to meet modern care standards or new furniture may be required throughout. The investment required included appropriate elements of the building fabric, plant, plumbing and

wiring. Prior to discussion, the Chief Executive commented on a recent inaccurate press report on care homes which had been published without any comment being sought from the Council and caused unnecessary concern for clients and their families. The Service Director confirmed that no emergency works were required and all care homes were currently fit for purpose and that these works were required to keep them at an acceptable standard. Councillor Haslam proposed that recommendation (c) be amended to add the words “be considered as part of the budget process” and this was unanimously accepted. Members welcomed the report.

**DECISION
AGREED:-**

- (a) to note the current condition of the Care Home Estate;**
- (b) the requirement to prioritise capital investment in the estate to bring it up to an appropriate standard and that this would be considered as part of the capital financial planning process for 2020/21 and future years; and**
- (c) that the requirement for an annual revenue budget of typically £1,600/bed/annum to maintain the properties at that appropriate standard be considered as part of the budget process.**

9. CONVENTION OF THE SOUTH OF SCOTLAND AND SOUTH OF SCOTLAND REGIONAL ECONOMIC PARTNERSHIP

There had been circulated copies of a report by the Chief Executive seeking approval for the establishment of a Convention of the South of Scotland, the setting up of a South of Scotland Regional Economic Partnership (REP); and to show how the REP would link into the Scottish Borders Community Planning Partnership. The report explained that in March 2019 the Leaders of Scottish Borders Council, Dumfries and Galloway Council and the South of Scotland Economic Partnership met with Fergus Ewing MSP, the Cabinet Secretary for the Rural Economy. At that meeting, it was agreed that a Convention of the South of Scotland be formed to act as the national interface between key public sector partners in the South of Scotland and Scottish Government Cabinet Secretaries and Ministers. This followed the established practice in the Highlands and Islands. The setting up of the Convention was highlighted by the Scottish Government in announcing its Programme for Government (2019/20) published on 3 September 2019. The South of Scotland Alliance (comprising Scottish Borders Council, Dumfries and Galloway Council, Scottish Enterprise and representation from the private sector) had led the development of the proposals for both a Convention and a REP. As part of this task, the Alliance had worked with Scottish Government to understand the role that the Convention of the Highlands and Islands played in ensuring alignment across all the key public sector partners. The South of Scotland Alliance discussed and supported detailed proposals for the establishment of a Convention of the South of Scotland and a Regional Economic Partnership at its meeting on 20 September 2019. It was intended the REP would build on the work of the South of Scotland Alliance and be co-chaired by Dumfries and Galloway and Scottish Borders Councils. It was proposed the REP would comprise local public sector partners, and representatives from business, and the third sector. The REP was where strategic interactions between the local partners and the Agency would take place. The REP’s most important role would be to develop, agree and oversee delivery of the South of Scotland Regional Economic Strategy. It was considered that the establishment of the REP would necessitate changes to the structure of the Scottish Borders Community Planning Partnership. This was because joint partnership working on economic development would now be taken through the REP and its wide ranging membership taken from both the Scottish Borders and Dumfries and Galloway. It was proposed that the REP would replace the current Scottish Borders Economy and Low Carbon Delivery Team and its associated sub groups and link directly into the Scottish Borders Community Planning Partnership. Mr Dickson advised that recommendation (c) should have also included the appointment of 2 members to the Convention. Members

supported the proposals. Councillor Haslam, seconded by Councillor Bell, moved the appointment of Councillors Haslam and Rowley to the Convention of the South of Scotland and Councillors Bell, Haslam, Miers and Rowley - with Councillor Robson as a substitute - to the South of Scotland Regional Economic Partnership. This was unanimously approved.

DECISION

AGREED:-

- (a) the South of Scotland Alliance's proposals for the establishment of the Convention of the South of Scotland as set out in the report;**
- (b) the South of Scotland Alliance's proposals for the setting up of the South of Scotland Regional Economic Partnership as set out the report;**
- (c) the appointment of Councillors Haslam and Rowley to the Convention of the South of Scotland and Councillors Bell, Haslam, Miers and Rowley (with Councillor Robson as a substitute) to the South of Scotland Regional Economic Partnership;**
- (d) that the South of Scotland Regional Economic Partnership should replace the current Scottish Borders Economy and Low Carbon Delivery Team, and its associated sub-groups, and link directly into the Scottish Borders Community Planning Partnership; and**
- (e) that these proposed changes to the Community Planning Partnership were presented to the Partnership's Strategic Board for approval.**

10. CHIEF SOCIAL WORK OFFICERS ANNUAL REPORT APRIL 2018 – MARCH 2019

There had been circulated copies of a report by the Chief Social Work and Public Protection Officer containing the twelfth annual report on the work undertaken on behalf of the Council in the statutory role of Chief Social Work Officer. The 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. The Report of the Chief Social Work Officer was appended to the covering report. The Report also gave an overview of regulation and inspection, workforce issues and social policy themes over the year April 2018 to March 2019, and highlighted some of the key challenges for Social Work for the coming year. Mr Easingwood answered Members' questions on a number of issues including looked after children, recruitment of foster carers, and the child poverty index. He undertook to provide further information to Members and advised that a Public Protection Model was currently being developed.

DECISION

AGREED to approve the Annual Report.

11. RESPONSE TO CONSULTATION BY BRITISH TELECOM ON PROPOSED REMOVAL OF PAYPHONES IN THE SCOTTISH BORDERS

There had been circulated copies of a report by the Chief Executive seeking agreement to a response to the consultation by British Telecom on public payphone removals in the Scottish Borders. The report explained that Scottish Borders Council received details from British Telecom (BT) in July 2019 of a consultation on the proposed removal of 95 payphones in the Scottish Borders. This was part of a wider consultation taking place across Scotland by BT on public payphone removals. According to BT, a key driver behind the consultation was the decline in the overall use of payphones due to increasing mobile phone coverage and the need to reduce costs. Ofcom, the telecommunications regulator, had delegated the responsibility for responding to public payphone removal consultations to Local Authorities. This involved gathering views from local communities and providing a reasoned response

either objecting or agreeing to the removal of payphones. In developing the Council response on the future of the payphones identified by BT for removal, a set of risk criteria had been developed with Scottish Borders Council's Emergency Planning service. This was because payphones needed to be seen as a key part of the resilience, emergency and community safety infrastructure of local communities. The criteria for supporting the retention of payphones based on this assessment comprised:

- The quality of mobile network coverage in terms of access to the main mobile phone networks (based on an assessment of the information on the Ofcom web site).
- Proximity to main arterial routes i.e. A68/A7/A1/A702/A697/A72
- Closeness to important nationally recognised walking routes i.e. the Southern Uplands Way, St Cuthbert's Way, John Buchan Way, Borders Abbey Way and the Berwickshire Coastal Path.
- Usage for police and emergency service calls i.e. 101/999/111 calls based on information provided by Police Scotland and BT.
- Closeness to the coast or a fresh water location which was considered high risk.
- Usage by local communities (8 and more calls over the past year).
- Whether the payphone was the final one in a village community.

Each payphone had been assessed against this criteria. The Council had also carried out a consultation with local community councils and their responses had been considered. The resultant recommendations on whether to retain, remove, or for the community to adopt a payphone, were shown in Appendix 2 to the report. Based on this assessment 11 payphones had been identified for removal, 2 for adoption and 82 for retention. Some community councils - particularly in villages where the only payphone had been proposed for removal by BT - had expressed an interest to adopt a payphone but this would mean the telephony would need to be removed. Also other community councils expressed concerns about the poor maintenance and the need for payphones to be cleaned in a more effective way. There was a need to discuss with BT whether solutions could be found to these problems particularly through closer working with local communities.

DECISION AGREED:-

- (a) the response as set out in Appendix 2 to the report to British Telecom's consultation on the removal of public payphones; and**
- (b) to discuss with BT the possibilities of:**
 - (i) Providing emergency only phones instead of payphones in communities where there was a very low usage;**
 - (ii) Communities being able to adopt payphones and keep emergency only telephony; and**
 - (iii) Working with communities on ways to clean and maintain payphones in a more effective manner.**

12. REVIEW OF POLLING PLACES AND POLLING DISTRICTS

With reference to paragraph 11 of the Minute of 28 March 2019, there had been circulated copies of a report by the Chief Executive detailing the outcome of the Review of Polling Districts, Polling Places and Polling Stations and seeking approval for various changes to be made. The report explained that at its meeting on 28 March 2019, the Council agreed to undertake a review of its current polling districts, polling places and polling stations. Since then, consultation had been carried out with all stakeholders and contacts for all polling places had been notified and asked to complete a detailed questionnaire to assess their suitability for continued use. A public consultation was also carried out via the Council website. While polling places were in a variety of venues across the Borders, overall they were in reasonable condition, fit for purpose and supported by their local community. In light

of the responses received and the review of the existing polling places and polling districts a small number of changes were proposed. These changes mainly involved the tweaking of polling district boundaries in response to requests from electors and communities. It was recommended that these changes be implemented when the new Register of Electors was to be published in December 2019. There was one change to a polling place in Peebles proposed for implementation at a later date. The Democratic Services Team Leader advised that now that a General Election had been announced it was likely that the Register of Electors would be published earlier than 1 December and that the proposed changes to polling districts would therefore be introduced at an earlier date than proposed in the report.

**DECISION
AGREED:-**

- (a) **to note the responses received to the consultation from the various stakeholders, as detailed in the report and Appendix 1;**
- (b) **to minor amendments to polling districts within Ward 1, Ward 4, Ward 7 and Ward 11, as shown on the maps at Appendix 2 of the report, to take effect when the new Register of Electors was published; and**
- (c) **that the Gymnasium at Peebles High School be replaced as a polling place if a suitable alternative became available.**

13. MOTION BY COUNCILLOR DRUM

Councillor Drum, seconded by Councillor Chapman, moved approval of his Motion, as detailed on the agenda in the following terms and with the addition of the words “mental health” before awareness sessions:-

“The estimated cost of Mental Ill Health to UK Employers is between £33billion and £42 billion each year. The Health and Safety Executive (HSE) estimate that 1 in 4 people will experience a mental health problem at some point during their working life.

Councillors meet and work with constituents, external partners and other individuals who may be experiencing mental health issues.

Council previously approved mental health awareness sessions to recognise and be more aware of Dementia and given the benefit of such interventions, we now request that Scottish Borders Council bring forward a detailed programme of officer or third sector led awareness sessions for all councillors and staff.

This will ensure we can become more aware of the symptoms and signs in those who we meet, while carrying out our role as SBC Councillors.”

Councillor Drum spoke in support of his Motion which was unanimously approved.

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

14. MOTION BY COUNCILLOR H. ANDERSON

Councillor H. Anderson, seconded by Councillor Rowley, moved approval of her Motion as detailed on the agenda in the following terms:-

“Scottish Borders Council welcomes the additional Scottish Government funding for the Citizen’s Rights Project and new charity, Settled, to provide support to vulnerable people and people with complex needs on obtaining settled status, particularly those in remote and rural areas.

Given the low levels of application for settled status to date, Scottish Borders Council will take a lead in ensuring that all EU nationals living, working or studying in the Borders are aware of the Settled Status scheme and are encouraged to apply. Scottish Borders Council believes that people who have settled here from elsewhere in the EU significantly enrich our society. They are vital to the health of our rural economy, working in the key sectors of

hospitality, farming, medical and care provision. They are welcome and the Council wants them to stay.

To that end, the Council will ensure information about the Settled Status and associated schemes are prominently publicised through our Connect Newsletter, on our website and in associated materials produced by the council for distribution to public offices, health centres and GP practices, community centres and other public venues.”

Councillor Anderson spoke in support of her Motion which was unanimously approved.

DECISION

AGREED to approve the Motion as detailed above

15. OPEN QUESTIONS

The questions submitted by Councillors Laing, Paterson, S. Hamilton and H. Anderson were answered.

DECISION

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

MEMBER

Councillor McAteer left the meeting during the item above.

16. URGENT BUSINESS

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

17. CALENDAR OF MEETINGS

The Clerk to the Council advised that following the announcement that a General Election would be held on 12 December 2019 a number of meetings would require to be cancelled. A copy of the amended calendar was tabled at the meeting.

DECISION

AGREED to approve the amended meetings timetable as contained in Appendix II to this Minute.

18. PRIVATE BUSINESS

DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in Appendix III to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1, 6, 8 and 9 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

19. Minute

The private section of the Council Minute of 26 September 2019 was approved.

20. Committee Minutes

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

The meeting concluded at 1.55 p.m.

SCOTTISH BORDERS COUNCIL
31 OCTOBER 2019
APPENDIX I

OPEN QUESTIONS

Question from Councillor Laing

To Executive Member for Neighbourhoods and Locality Services

Deborah Arnott of Action on Smoking and Health has said that growing up in a smoke free environment is one of the best ways of ensuring that children are not attracted to smoking.

In an effort to de-normalise smoking behaviour, there are a growing number of locations across the country where smokers are being requested not to smoke in the vicinity of children's playparks.

Can the executive member advise if Scottish Borders Council has any plans to adopt this policy and install "No Smoking" signs at our public play areas?

Reply from Councillor Aitchison

The Council is piloting the promotion of anti-smoking signage within its new destination play parks, with signs currently asking people to "*Please refrain from smoking within the play area*".

Questions from Councillor Paterson

To Executive Member for Roads and Infrastructure

1. With Scottish Borders Council still being 100% behind the extension of the railway to Carlisle via Newcastleton, do you not think that it's imperative that we have at least one officer of the Council in place to be working with Government Ministers and Officials to reiterate and push the Councils case that the extension of the Borders railway has to take the route from Galashiels or Tweedbank to Hawick and from Hawick to Carlisle via Newcastleton. It is my understanding that at present there is no dedicated officer to deal with this important issue. Will this be rectified as quickly as possible?

Reply from Councillor Edgar

A single dedicated officer would not be an appropriate approach in this instance. A number of senior Council officers are involved in the ongoing discussions around the extension of the Borders Railway from Carlisle to Tweedbank. These officers will continue to promote this major project to both UK Government and Scottish Government.

2. Can the Portfolio Holder please give me feedback from the recycling wagon now doing a trial period in Jedburgh: is it proving to be a success and are the majority of materials dumped in the wagon green waste? I am regularly being asked by my constituents in Newcastleton to ask this question

Reply from Councillor Edgar

The Jedburgh Mobile Recycling Service Pilot commenced on the 8 September and will run until the 22 December 2019. Detailed feedback on the performance of the trial will be provided once the trial has ended.

In the interim, we can confirm that as of the 25 October the Council has received 69 responses to the online consultation and a total of 9.5 tonnes of material have been deposited by residents, the majority of which (i.e. over 90% or 8.7 tonnes) has been garden waste.

Supplementary

Councillor Paterson asked if there were any plans to extend this service to other areas of the Borders. Councillor Edgar advised this would be discussed once the results of the consultation were known.

3. To Executive Member for Business and Economic Development

What steps are the Council taking to ensure that businesses in the Borders do not get unduly penalised in the latest round of trade wars with the American Republican Administration imposing tariffs on the export of cashmere and other luxury goods exported from Scotland to America. This action could well have far reaching effects on the Textile industry and other industries like single malt whisky.

Reply from Councillor Rowley

The Council shares the concerns being raised about the impact of tariffs on the export of cashmere and other luxury goods manufactured in the Scottish Borders. However, this is clearly a matter for the UK Government to address. This is a 'reserved' matter that the Scottish Government has no control over, and which the Council has no direct influence over either. I believe that the industry has been effective in making its concerns known to the UK Government and understand that the Government is working closely with the US Government, the European Union, and European partners to agree a negotiated settlement.

4. To Executive Member for Community Safety

With two police officers from the Scottish Borders being sent to London to help the Met Police deal with the possible problems arising from the protests and possible riots from the Extinction Rebellion in London can I be assured that the 12 extra officers that SBC are paying for will not be sent to any other town or city in the UK and they will continue doing the job that we are paying them to do and that is police the streets of the Scottish Borders?

Reply from Councillor Haslam in the absence of Councillor Turnbull

I have been advised that neither of the two officers deployed to London (following a mutual aid request) came from the Council funded Community Action Team.

Both these officers have since returned to their normal policing duties within the Borders.

In the event it became necessary to deploy a funded officer in this way their place would be back filled with another officer in order that (funded) officer numbers are maintained.

Question from Councillor S Hamilton

To Executive Member for Planning and Environment

The Executive member for Planning & Environment is no doubt aware of the current level of disruption caused by the large amounts of scaffolding being used to support the dangerous building on the High Street/Exchange Street, Jedburgh. On behalf of residents and businesses who are being affected by this could he please give us an update on the current position and brief outline on the next steps?

Reply from Councillor Miers

Officers are continuing to engage with owners to achieve a negotiated purchase of the property. Agreement has been reached with two of the owners, negotiation is still on-going with the other four.

In tandem with this negotiation officers are progressing a Compulsory Purchase Order (CPO), should this prove necessary. The necessary papers were submitted to Scottish Government on 13th September and are currently undergoing technical assessment.

Officers have also been securing the necessary statutory approvals for the demolition of the existing building and preparing the tender documentation. This will enable demolition work to start as soon as ownership is secured. A listed building consent application and a staged building warrant are currently being processed by the Council for the demolition.

Architects have been appointed to develop a design for the replacement building taking account of the approved design brief and the requirements of the potential end user of the building.

In the meantime officers will continue to monitor the building to ensure public safety is maintained and provide members and the local community with periodic updates on progress of the project.

Supplementary

Councillor Hamilton advised that there appeared to be a lack of information at Community Council meetings and asked that the report frequency be increased. Councillor Miers agreed that this could be done.

Questions from Councillor H Anderson

1. To Executive Member for Business and Economic Development

In October 2018 Scottish Borders Council agreed a motion which called on the council to convene an early meeting with key stakeholders in farming and rural civic society to explore both the important contribution they can make towards improving local prosperity and to identify the potential barriers they were facing. It was also hoped that this meeting would strengthen the council's understanding of the key contribution these farmers and rural leaders could make towards the work of the South of Scotland Enterprise and the potential Borderlands Initiative.

How has this commitment been progressed?

Reply from Councillor Rowley

The commitment has been progressed. However, progress has been challenging given the uncertainties around Brexit and the consequent challenge in identifying the most appropriate focus for discussions

I understand you agreed to the work being managed jointly through SoSEP and the Council which is both helpful and appropriate. To date discussions have taken place with the Deputy First Minister at his meeting with the South of Scotland Alliance and with The Cabinet Secretary for Rural Affairs and Agriculture through the South of Scotland Economic Partnership. I also understand you have corresponded with the Cabinet Secretary on the matter and that he indicated his support for this initiative.

At a meeting with the Cabinet Secretary attended by the Partnership, and the Leaders of Scottish Borders Council and Dumfries and Galloway Council there was agreement that sectoral meetings were to be arranged to facilitate the type of discussion your Motion intended. These discussions are important for the reasons your question highlights and in shaping the focus and activity of the new Enterprise Agency.

The Partnership commissioned work directly with the agriculture sector to augment the work completed with other businesses. That work will be completed next month and will form the basis for a sectoral discussion.

In parallel the strategic land use pilots continue and they will also provide valuable learning and input to the forthcoming discussions.

The likely timescale for a further sectoral meetings including Agriculture is between now and the end of January.

Supplementary

Councillor Anderson commented on the lack of a formal structure for updating those who had submitted motions. Councillor Rowley undertook to discuss this with officers.

2. To Executive Member for Adult Social Care

In November 2018 Cllr Weatherston in his capacity as the portfolio holder for Adult Social Care was asked for an explanation of the fact that Scottish Borders Council had the second lowest rate of spend through the Welfare Fund and also had the highest rate of applicant refusals. Can we now be updated on whether there has been any change in the performance of the Fund over the last 12 months?

Reply from Councillor Weatherston

Figures published by the Scottish Government in July 2019 detailing Scottish Welfare Fund activity across Scotland, for the year ended March 2019 show changes in the performance of the Scottish Welfare Fund.

The figures show that our overall Scottish Welfare Fund expenditure increased by 34% from 2017/18 to 2018/19 this is for both Community Care Grants and Crisis Grants.

Crisis Grant award rates increased over the year with an acceptance rate of 54% in Quarter 4 compared to 38% in Quarter 1 when you last asked me about this. This is in the context of an 8% increase in the number of applications for Crisis Grants within the Scottish Borders over the year, achieved in part from greater awareness of the fund.

Only 8 Local Authorities including Scottish Borders increased their award rates within this period, the others reported no change or a decline.

During Quarter 4 96% of those applicants that did have a successful claim were processed by the next working day, which is directly in line with the Scottish average, meaning applicants who are successful are able to access funds quickly to mitigate a crisis or disaster.

Officers are continually reviewing practices and procedures and will continue to carry out awareness sessions with key staff within the Council and partner organisations.

One area of success to note is the improvement of links between Scottish Welfare Fund and Homeless Services. This has resulted in positive outcomes which include reducing the time applicants spend in temporary accommodation once they have signed for their tenancy assisting their resettlement into the community after living an unsettled way of life.

**SCOTTISH BORDERS COUNCIL
31 OCTOBER 2019
APPENDIX II**

**CALENDAR OF MEETINGS - NOVEMBER-DECEMBER 2019
AMENDMENTS REQUIRED FOR GENERAL ELECTION**

SAT	2	NOV		
SUN	3	NOV		
MON	4	NOV	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	5	NOV	MAJOR CONTRACTS GOVERNANCE GROUP	2.00 p.m.
TUES	5	NOV	TWEEDDALE AREA PARTNERSHIP	7.00 p.m.
WED	6	NOV	-	-
THUR(SH)	7	NOV	POLICE CAT MEMBER/OFFICER STRATEGIC OVERSIGHT GROUP	9:30 a.m.
FRI (SH)	8	NOV	POLICE, FIRE & RESCUE AND SAFER COMMUNITIES BOARD	9.30 a.m.
SAT	9	NOV		
SUN	10	NOV		
MON	11	NOV		
TUES	12	NOV		
WED	13	NOV		
THUR	14	NOV	EILDON AREA PARTNERSHIP	6.00 p.m.
FRI	15	NOV		
SAT	16	NOV		
SUN	17	NOV		
MON	18	NOV	LOCAL REVIEW BODY	10.00 a.m.
TUES	19	NOV	EXECUTIVE COMMITTEE (FINANCE/PERFORMANCE/TRANSFORMATION)	10.00 a.m.
TUES	19	NOV	KELSO CGF SUB- COMMITTEE	5.15 p.m.
TUES	19	NOV	TEVIOT & LIDDESDALE AREA PARTNERSHIP	6.30 p.m.
WED	20	NOV	JEDBURGH CGF SUB-COMMITTEE	4.30 p.m.
WED	20	NOV	PEEBLES CGF SUB-COMMITTEE	5.00 p.m.
THUR	21	NOV	COMMUNITY PLANNING STRATEGIC BOARD	2.00 p.m.
FRI	22	NOV	LICENSING BOARD	10.00 a.m.
FRI	22	NOV	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	23	NOV		
SUN	24	NOV		
MON	25	NOV	AUDIT & SCRUTINY COMMITTEE	10.15 a.m.
TUES	26	NOV	HAWICK CGF SUB-CTEE	4.00 p.m.
WED	27	NOV	CHEVIOT AREA PARTNERSHIP	6.30 p.m.
THUR	28	NOV	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	29	NOV	PENSION FUND COMMITTEE/PENSION BOARD	10.00 am
SAT	30	NOV		
Dec-19				
SUN	1	DEC		
MON	2	DEC	ST ANDREWS DAY HOLIDAY	
TUES	3	DEC	EXECUTIVE COMMITTEE (ECONOMIC DEVELOPMENT)	10.00 a.m.
WED	4	DEC	JOINT MEETING LICENSING BOARD/LLF	4.00 p.m.
WED	4	DEC		
THUR	5	DEC	GALASHIELS CGF SUB-COMMITTEE	10.00 a.m.

CANCELLED

NEW DATE
CANCELLED
CANCELLED
CANCELLED

CANCELLED
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CANCELLED

THUR	5	DEC	EMPLOYEE FORUM	3.30 p.m.	CANCELLED
THUR	5	DEC	BERWICKSHIRE AREA PARTNERSHIP	6.30 p.m.	CANCELLED
FRI	6	DEC			
SAT	7	DEC			
SUN	8	DEC			
MON	9	DEC	PLANNING AND BUILDING STANDARDS	10.00 a.m.	
TUES	10	DEC	POLICE CAT MEMBER/OFFICER STRATEGIC OVERSIGHT GROUP	2.00 p.m.	CANCELLED
TUES	10	DEC	HAWICK CGF SUB-CTEE	4.00 p.m.	MOVED
WED	11	DEC	SELKIRK CGF SUB-COMMITTEE	3.00 p.m.	CANCELLED
THUR	12	DEC	AUDIT & SCRUTINY COMMITTEE	10.00 a.m.	CANCELLED
THUR	12	DEC	INNERLEITHEN COMMON GOOD FUND SUB-COMMITTEE	3.00 p.m.	CANCELLED
FRI	13	DEC			
SAT	14	DEC			
SUN	15	DEC			
MON	16	DEC	LOCAL REVIEW BODY	10.00 a.m.	
TUES	17	DEC	WILLIAM HILL TRUST SUB-COMMITTEE	1.30 p.m.	
TUES	17	DEC	LAUDER COMMON GOOD FUND SUB-COMMITTEE	2.00 p.m.	
WED	18	DEC			
THUR	19	DEC	SCOTTISH BORDERS COUNCIL	10.00 a.m.	
FRI	20	DEC	LICENSING BOARD	10.00 a.m.	
FRI	20	DEC	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.	
SAT	21	DEC			
SUN	22	DEC			

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FIT FOR 2024

Report by Chief Executive

SCOTTISH BORDERS COUNCIL

19 December 2019

1 PURPOSE AND SUMMARY

- 1.1 **The purpose of this report is to provide elected members with an updated overview of the approach being taken to the Council's Fit for 2024 (FF24) strategic transformation programme. It presents: progress made on delivery during 2019; an outline of the current programme plan; its required financial objectives; and summarises the inherent risks.**
- 1.2 The Council's FF24 Strategic Transformation Programme was agreed by elected members on 28 February 2019. This report provides the first update on progress made during the initial six months of the programme. During this time the programme's structure, scope, governance arrangements, plan and financial quantum have been, or continue to be, developed.
- 1.3 This report reminds members of the rationale, drivers for and approach to the undertaking of the FF24 programme. It highlights also that to be successful, it must deliver over £19m of cashable efficiency benefits as outlined in the Council's 2019/20 five-year revenue financial plan.
- 1.4 The FF24 approaches, including process improvement, digital technology and service redesign methodology are presented in this report, through which the ambitions of the programme will be delivered.

2 RECOMMENDATIONS

- 2.1 **I recommend that Members:-**
 - a) **Note the early development work undertaken on the FF24 Transformation Programme, and proposals for future service areas of focussed activity.**
 - b) **Note the progress towards the 2019/20 savings target of £0.850M, and details of future programme savings plans.**

- c) Agree to receive further updates as part of the budget development process 2020/21 and at regular intervals thereafter as part of the Council's quarterly financial and performance monitoring arrangements.**

3 BACKGROUND

FF24 Programme Vision

3.1 In February of this year, members approved the inception of FF24, the Council's new five-year programme of strategic transformation that will run initially from 2019/20 to 2023/24. The over-arching aims of the programme are to reshape Scottish Borders Council services in order that they:

- are more adaptable and effective and efficient;
- meet the current and emerging challenges facing the organisation, not least in an ongoing period of increasing demand, financial constraint and increased uncertainty; and
- maximise outcomes for the people and communities of the Scottish Borders it serves.

3.2 Within the February 2019 report, a number of factors underpinning the heightened requirement for comprehensive review and structured, effective transformation of what the Council does and why, where and how it does it were outlined including:

- Financial drivers
- Legislative and other prescribed changes
- Environmental factors
- Technological developments
- Increasing Demand and Expectations

3.3 FF24 is therefore the Council's vision for not only the next five years, but for preparing itself, particularly in terms of agility, adaptability, efficiency and sustainability, for its long-term future. The template through which this will be achieved follows the four key principles of the Christie Commission report (prevention, involvement, partnering and efficiency) and promote the sustainable development goals of the Scottish Government's National Performance Framework. Both these aspects feature strongly within the Council's Corporate Plan. Indisputably, involving people, empowering communities and working in partnership are the most fundamental methods through which the Council can better meet future needs.

3.4 As part of the 2019/20 Revenue Financial Plan, Scottish Borders Council approved the FF24 strategic transformation programme and its need to deliver targeted efficiency savings over the five-year life of the programme of almost £18m.

FF24 Programme Approach

3.5 FF24 requires to: be wholly comprehensive; cover all services and all aspects of service delivery; and be ambitious in its targeted outcomes. The approach requires to be structured and evidenced.

3.6 The programme is governed by the FF24 Programme Board. This is constituted by a number of senior council officers and meets on a frequent and regular basis (currently fortnightly). Progress reports on the

programme are also regularly made to the Council's Corporate Management Team.

- 3.7 An initial series of CMT-led staff engagements roadshows were held across nine areas and at Council HQ. Further Social Work review events were held in five different localities for staff and two area-based events for key partners/stakeholders, including NHS and community/3rd Sector organisations. Staff engagement sessions are currently taking place for colleagues in services within the scope of the Roads and Infrastructure service review. A variety of information has been made available to staff and stakeholders through newsletters, intranet communication, and continued promotion of the #YourPart campaign.
- 3.8 SBC has adopted the Scottish Approach to Service Design (SAtSD) to ensure that identification of need and the models of future service provision are user-centred and user-led, working in partnership with individuals and organisations to design them. A cohort of Council Officers benefitted from the Scottish Government course 'Scottish Approach to Service Design' in early 2019, and this approach has been woven in to the FF24 programme. For example, across the social work review we have interviewed service users to map their journeys and experiences to ensure we are looking at services from a user centric position to redefine the service offerings across the Council to meet both the changing expectations of our citizens and the challenges for the Council in delivering these services.
- 3.9 Digital is embedded at the heart of the FF24 programme, to provide services that will continue to meet the expectations and needs of citizens of the Borders with the programme looking to leverage the investment made in digital technologies.

4 FF24 WORK TO DATE

- 4.1 The FF24 builds upon transformation activity undertaken since 2013/14. The programme promotes a whole council approach to review, evaluation and redesign of services. The programme now incorporates the Digital Transformation Programme, including: Inspire Learning, Digital Customer Access (DCA), Office 365, Business Intelligence, Print Strategy and Confirm Upgrade, Health & Social Care Digital Programme, Children & Young People Digital Projects, Social Work system developments and Workforce Management projects.
- 4.2 The Council is a partner within, and is also working with, the Health and Social Care Partnership to deliver a range of transformational projects such as Transitional Care and Specialist Dementia facilities, and new models of care.
- 4.3 Cross-cutting Service Reviews are a major part of FF24 and are led corporately to ensure a consistent, single Scottish Border's Council approach including external challenge. Two examples of service reviews already initiated are: Fleet and Passenger Transport; and Social Work. A brief summary of the work carried out so far is included below.

Social Work Review

4.4 The work undertaken has provided insight into how the system currently functions and how it performs. This has informed a number of business cases / mandates for change that are being progressed towards decisions for implementation. The work has included the following:

- Financial analysis of performance of Social Work expenditure over last three years to identify areas of financial pressure and opportunities for shifting expenditure through more preventative intervention.
- Benchmarks for expenditure across comparator Scottish Local Authorities to identify areas of under or over-investment.
- Documented and critiqued range of customer journeys/experiences across physical disability, learning disability, children in the care system and older people.
- Observations and analysis of key processes to identify areas for greater use of technology and streamlining of existing processes.
- In-depth analysis of how a Social Worker spends their time to identify the amount of time spent with service users compared to desk-based, meeting based or travelling.
- Face to face engagement sessions with over 200 professionals, third sector and care providers across health and social work to capture their input into opportunities for more joined-up, preventative and efficient support to those in need.

4.5 At this stage the emerging recommendations below have been segmented into initiatives to optimise current delivery, enablers for change and transformational change.

Optimising current delivery

- Increased regular reviews of current care plans to ensure alignment with individual client needs.
- Using technology to ensure greater control over expenditure at the point of care packages being approved.
- Increased focus on monthly performance in terms of productivity, outcomes for service users and financial expenditure.
- Better use of technology so that service users can be supported more safely and with more dignity by fewer different care professionals.
- Benchmarking charging policies with national levels.

Enablers for change

The focus for enabling transformation change is on implementing new structures and processes in partnership with health, communities and the voluntary sector to deliver more joined-up and more preventative support for those at risk. The emerging themes are:

- The need to develop a "trusted assessor" model that avoids a client's care pathway being delayed or the individual being subjected to multiple assessments.
- Exploring mobile and tablet-based software to allow all professionals to work in an agile manner, including undertaking assessments and accessing/updating client data remotely.
- Increased focus on "reablement" to support people more intensively for a shorter period of time so that they regain greater independence thereafter.

- Building on the success of the What Matters Hubs with local communities to help connect people more securely into local support and extend the model into closer partnership working with health.

Transformational Change

Demographic forecasts dictate the need for truly transformational change across health and care. The vision is that integrated teams based in localities will deliver:

- More responsive services where people have emerging needs.
- Better connect people into the local community and keep them safer for longer.
- Allow for single assessments that reduce duplication.
- Allow closer working with GP practices to deliver earlier intervention and avoid costly and avoidable health and care crises.

Fleet and Passenger Transport Review

4.6 Across fleet and passenger transport the work undertaken has included the following:

- Financial analysis of investment and expenditure across both service areas.
- Comparisons through a national benchmarking process of the relative cost and performance of fleet management.
- Audit of plant & vehicles and analysis of utilisation of vehicles.
- Analysis of miles per gallon rates to identify opportunity to invest into tracker technology to improve management control and visibility of driver behaviour.
- Analysis of procurement process and identified headline business case for medium-term investment into technology to streamline the process.
- Analysis of external procurement expenditure and identified a number of areas to purchase more economically.
- Observations and analysis of key processes within fleet management.
- Considerations of best practice in terms of different service models / structural options to streamline management and delivery of fleet and passenger transport.
- Initiated a pilot to evaluate the benefit of “routing software” to streamline and reduce the costs of transport for home to school transport for mainstream and children with additional needs.

Business Process Improvement and Digital Transformation

4.7 Through intensive business process improvement work and maximum use of digital technology, SBC will seek to transform into a highly effective, lean and fast-moving organisation. This work stream focuses on ways which are faster, cheaper and better. Improvements can be both major catalysts for organisation redesign or incremental smaller changes that add up to significant benefits over time. A key aspect of this work is fully utilising technology that the Council already has such as Business World and Mosaic.

4.8 Over time, process improvement expertise will be further developed across SBC staff, creating a sustainable culture of mainstreamed process improvement. A wide range of projects across the Council are currently underway and are due to complete over the next few months covering services in Health and Social Care, Customer & Communities, Finance & Procurement and HR.

Social Work Financial Assessments

- 4.9 Currently preparing to go-live with a new method of assessing the contribution which a social care client is required to make for their package of care. At present the process can be problematic, resulting in delays in informing the client of their contribution. In future we will be utilising the functionality within the Mosaic social care information system to carry out this task. This will be paired with new mobile working technology which will enable our staff to carry out this assessment wherever it is required in the most efficient way possible. Data will be input directly into Mosaic which will eliminate the current requirement to re-input the same information. The financial processes will be fully integrated with Business World, increasing the efficiency of the process and improving management information. This change will deliver benefits to the Council and an improved level of service to our social care clients.

Loans Charges

- 4.10 Finance officers are currently undertaking a review of loans fund advances outstanding at the 31st March 2019 to ensure the Council makes a prudent provision each year for the repayment of outstanding borrowing. This exercise will ensure that the statutory repayment of debt is linked more closely to the life of assets which have previously been financed through borrowing. The initial work undertaken has identified savings of approximately £0.400m in the current year and further work is being undertaken as part of the budget development process for 2020/21 to identify what further efficiency is possible.

Making Better Use of Our Properties

- 4.11 A series of property-related engagement events are being planned and rolled out across Border communities. These events seek to work with both communities and partners to establish how services and properties can be reconfigured in each of our main towns. Early events relating to the investments in the Learning Estate have already been held in Jedburgh, Earlston and Eyemouth. Lessons learned from these events will be used to inform events in other towns and communities over the coming year.

5 DELIVERY OF FINANCIAL EFFICIENCIES

- 5.1 The FF24 savings target in 2019/20 is £850k. This target will be exceeded by the work undertaken to date which will deliver ongoing benefits of £1.012m which will be reflected in the 2020/21 budget. These savings are from: £0.190m – people and structures; £0.422m Business Processes & Digital Transformation; and £0.400m from loan charges profiling. All of the actual or projected savings are recurring, with the projected full-year effect for some, considerably more than what is being delivered over a short space of time this financial year.

6 NEXT STEPS

- 6.1 A further report will be made to Council as part of the financial planning process for 2020/21 and beyond. This will include a detailed plan covering five years and detailing the areas of the budget to be reviewed.

6.2 Further in-depth reviews are due to commence immediately around Roads & Infrastructure and Community Development & Capacity Building. These projects, which are now at the initiation stage, will follow the evolving FF24 approaches, including extensive staff engagement, business process engineering, financial analysis and benchmarking exercises.

7 IMPLICATIONS

7.1 Financial

There are no costs attached to any of the recommendations contained in this report in the current year. The Programme team is funded by an approved budget in 2019/20 and is on track to deliver the savings required in the current year. The future financing of the team will be addressed as part of the budget process for 2020/21. The affordability of the 2019/245-year revenue financial plan is however dependent on the delivery of and estimated £19.212m of cashable efficiency savings attributable from the timely and full delivery of the FF24 programme. The Council's HR Policies and Procedures will be utilised to manage and mitigate any staffing changes/reductions as a result of the outcomes of the programme wherever possible.

7.2 Risk and Mitigations

Slippage or non-delivery of any aspect of the programme will result in a failure to deliver the full efficiency saving targeted within the 2019/20 financial plan. Given the level of savings required and the extensiveness of the programme itself, this is a prevalent risk. Periodic summary, exception and status reports to regular and frequent Board and Corporate Management Team meetings will provide early indications of any such risk, enabling timely and effective remedial action to be agreed and implemented.

7.3 Equalities

It is anticipated that there are no adverse equality implications associated with this report. Equality Impact Assessments will be undertaken on all proposals for transformation emanating from the programme as these are agreed, prior to their implementation.

7.4 Acting Sustainably

There are no known economic, social or environmental impacts arising from the proposals contained within this report at the current time.

7.5 Carbon Management

There is no known carbon emission impact associated with this report.

7.6 Rural Proofing

This report does not amend rural proofing policy or strategy.

7.7 Changes to Scheme of Administration or Scheme of Delegation

There are no changes required to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals contained within this report.

8 CONSULTATION

8.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR, the Clerk to the Council and Corporate Communications have been consulted and any comments received have been incorporated into the final report.

Approved by

Tracey Logan
Chief Executive

Signature

Author(s)

Name	Designation and Contact Number
Paul McMenamin	Finance Business Partner
Jason McDonald	Senior Manager – Business Strategy & Resources

Background Papers:

Previous Minute Reference: Scottish Borders Council 28 February 2019 Item 1

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

Contact us at Jason McDonald, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, Tel: 01835 824000, email JAMcDonald@scotborders.gov.uk

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BORDERLANDS INCLUSIVE GROWTH DEAL – GOVERNANCE ARRANGEMENTS

Report by Executive Director

SCOTTISH BORDERS COUNCIL

19 December 2019

1 PURPOSE AND SUMMARY

- 1.1 **This report sets out the Collaboration Agreement that will establish the formal governance of the Borderlands Inclusive Growth Deal (the Deal) and seeks the approval of Members for the Council to enter into the Agreement.**
- 1.2 The report also sets out the operational requirements of the Borderlands Inclusive Growth Deal and the need to establish a programme management office (PMO) to support the delivery of the Deal. It seeks approval from Members to contribute to the shared costs for the PMO. Alongside its four partner Councils, Scottish Borders Council has been progressing work on the development of a Borderlands Inclusive Growth Deal. This work has involved close liaison with both UK and Scottish Governments in order to develop a small number of strategic programmes and projects. It will be essential that these programmes and projects complement the South of Scotland Enterprise Agency proposals and support the inclusive growth agenda.
- 1.3 UK and Scottish Governments have committed to fund £345m over 10-15 years for the Borderlands Inclusive Growth Deal, with £150m available for Scotland. The Borderlands Partnership now needs to move onto a formal footing, based on the Collaboration Agreement set out in Appendix 1. The partners are also progressing the establishment of a Programme Management Office to ensure the effective operation of the Deal and the Borderlands Partnership in future.

2 RECOMMENDATIONS

- 2.1 **I recommend that Scottish Borders Council:-**
 - (a) **Agrees to enter into a formal agreement with its Borderlands partners as set out in the Collaboration Agreement in Appendix 1;**
 - (b) **Notes that the Agreement contained in Appendix 1 is the final draft, but that there may be a requirement for minor amendments to the Agreement as it is prepared for signature;**
 - (c) **Agrees that approval of any further amendments to Agreement be delegated to the Chief Executive in**

consultation with the Leader and Executive Member for Business and Economic Development;

- (d) Agrees that the Council will support the formation of the Programme Management Office (PMO) and contribute a pro-rata share of the budget, as set out in Appendix 2, at an initial cost of £98, 766, to be funded in the current year from existing Economic Development budget, and subject to future budget planning process;**
- (e) Notes that the budget for the PMO set out in 6.3 is for the initial requirements and that further capacity may be required as the Deal enters its full delivery phase, and this will be the subject of future reports and budget planning;**
- (f) Notes that there is considerable further work to support the long term cross-border programme and that consideration will be required through the budget process to the allocation of future revenue and capital to support both the development and delivery of the Borderlands Inclusive Growth Deal, subject to further reporting to Members;**
- (g) Agrees to appoint the Leader as the Council's representative on the Partnership Board and that the Executive Member for Business and Economic Development be the substitute as required by the Collaboration Agreement; and**
- (h) Notes that further reports will be presented to Council to consider the progress from Heads of Terms to Final Deal Agreement.**

3 BACKGROUND

- 3.1 The Council received an update report on the Borderlands Inclusive Growth Deal and the Heads of Terms agreement at its meeting on 26 June 2019. This report provides Members with an update on the Heads of Terms agreement signed on 1 July 2019 and sets out what is required to complete the final deal agreement, including the requirement to enter into a formal Partnership Agreement with the other four partner Councils.
- 3.2 UK and Scottish Governments have both committed to working with the Borderlands Partnership with a financial 'quantum' of £260m from UK Government committed in the Spring Statement and £85m confirmed from Scottish Government, giving a total of £345m over 10-15 years for the Borderlands Inclusive Growth Deal. In total, there is £150m available for Scotland, comprising £65m from UK Government and £85m from Scottish Government.
- 3.3 The Borderlands Inclusive Growth Deal supports the Scottish Borders Economic Strategy 2023 as the outcomes from the Deal seek to achieve inclusive economic growth. The Inclusive Growth Deal complements the opportunities presented by the establishment of the South of Scotland Enterprise and the preparatory work for the new Agency being carried out by the South of Scotland Economic Partnership. It will also complement the projects being implemented as part of the Edinburgh and South East Scotland City Region Deal.

4 COLLABORATION AGREEMENT

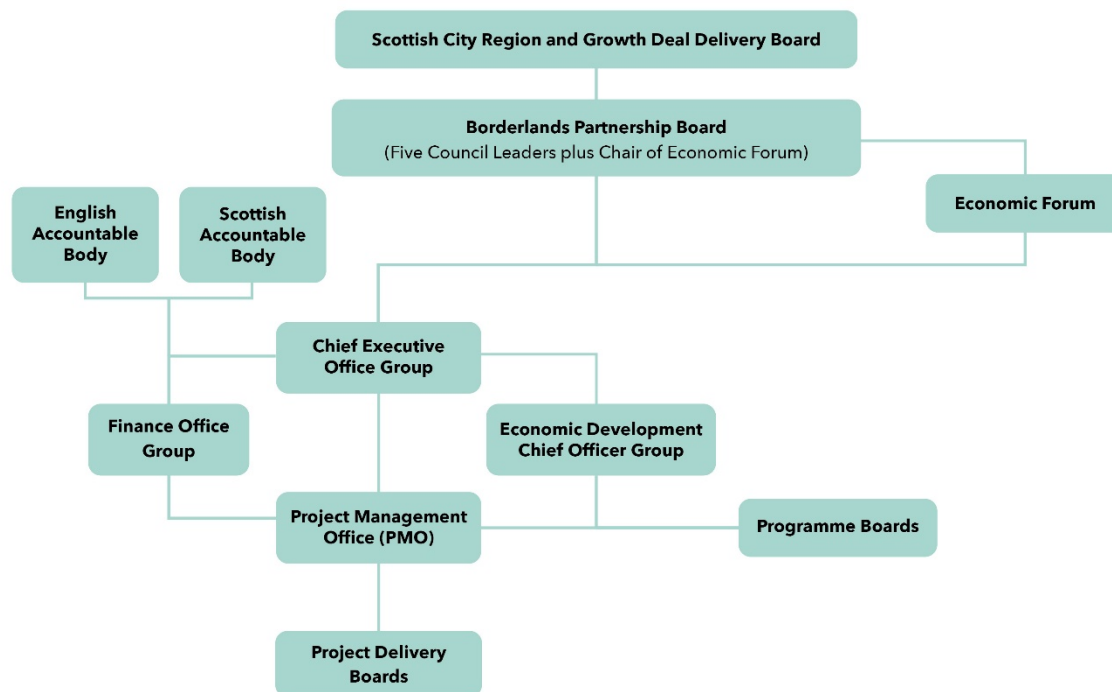
- 4.1 Until now the Borderlands Partnership has operated on an informal basis under the principles of a Memorandum of Understanding where each of the partners agreed to co-operate to reach agreement on the Heads of Terms for a Deal. The arrangements relating to the Borderlands Partnership now need to move towards a formal governance arrangement in order to proceed to Final Deal Agreement.
- 4.2 Given that the Borderlands Inclusive Growth Deal extends over two countries this presents challenges in terms of putting in place appropriate governance arrangements. Burness Paull, Solicitors, were appointed by the partners to provide advice on governance for the Deal. It should be noted that there are no existing precedents for Scottish and English local authorities participating in an integrated initiative of this kind. Burness Paull has therefore advised that rather than attempting to create a legal structure (e.g. a joint committee), the governance model should be based on the principle of public authorities wishing to collaborate, with the structure being designed to support that collaboration and thereby support delivery of the Borderlands Inclusive Growth Deal.
- 4.3 The key objectives for the governance of the Borderlands Inclusive Growth Deal are to:
 - Ensure appropriate decision making on the investment of Growth Deal funding
 - Ensure appropriate transparency in relation to the investment and expenditure of public funding
 - Establish a strategic relationship with UK and Scottish Governments that

- serves to support the economic interests of the Borderlands area
- Provide a strategic forum for collaboration on shared economic challenges and opportunities within the Borderlands area

4.4 To achieve these objectives, it is proposed that a legally-binding Collaboration Agreement, as set out in Appendix 1, is entered into between the five participating local authorities for a period of 15 years from 2019/20. This will govern the decision making of the Borderlands Partnership and will commit the Participating Authorities to work together in setting the strategy and in exercising oversight and control of the Borderlands Inclusive Growth Deal funding.

4.5 The Borderlands Inclusive Growth Deal proposes the following governance structure:

Draft Borderlands Partnership Governance



4.6 The composition and Rules of Procedure for the Borderlands Partnership Board is set out in the Collaboration Agreement (see Appendix 1). The Collaboration Agreement also covers the Economic Forum, Chief Executives Group, the Finance Directors Group and Economic Development Chief Officers Group. The Collaboration Agreement captures the roles and responsibilities of the partner organisations, including:

- Programme Management Office (PMO) – this will be a shared PMO function with responsibility for monitoring and reporting on the programme delivery. This will be funded by each of the authorities paying their proportionate share, which will be based on the amount of funding provided to each area through the Deal.

- The Deal requires Accountable Bodies to receive and distribute the funds from Government and to be accountable to Government for the proper management and allocation those funds. The cross-border nature of the Deal requires two Accountable Bodies; Northumberland County Council is the Accountable Body for the English authorities and Dumfries and Galloway Council is the Accountable Body for the Scottish authorities. The Accountable Bodies will work closely with the PMO.
- The Chief Executives Group, Finance Group and Economic Development Chief Officers Group will provide additional assurance and guidance on the work of the PMO to inform the Partnership Board decision making.
- The secretariat will be provided by the PMO for publication of meeting agendas, papers and minutes, ensuring transparency of the board decisions and governance compliance.

5 ECONOMIC FORUM

- 5.1 UK and Scottish Governments have requested that there is private sector representation and engagement in the Borderlands Inclusive Growth Deal. It is planned that an Economic Forum will be established to provide the mechanism for achieving this. Each of the five local authorities will nominate two private sector representatives to join the Economic Forum following an open recruitment process. In addition to the ten positions, there will be an additional four places to include Cumbria LEP, North East LEP and two places for South of Scotland Enterprise, or other agreed organisation. The members of the Economic Forum will nominate a Chair who will become a member of the Borderlands Partnership Board.

6 PROGRAMME MANAGEMENT OFFICE

- 6.1 An essential element to ensure the smooth delivery and operation of the Deal is to establish a Programme Management Office (PMO). The PMO will provide the monitoring and reporting function for the Partnership and ensure that all necessary reports are compiled and submitted to the Partnership Board and the Scottish and UK Governments. In addition, the PMO will provide all of the organisational and secretariat functions of the Deal. The PMO will also co-ordinate the communications activities of the Deal and ensure that all communications from the Partnership are consistent with the communications protocol agreed with Government.
- 6.2 It is proposed that the PMO be established in phases in line with the increase in activity as the delivery of Deal builds up. In the first instance, the PMO will consist of a manager, 2 programme officers and an administrator. In due course, a finance officer and specialist monitoring and evaluation officers may be required to ensure the proper reporting on the progress of the Deal implementation.
- 6.3 In line with the requirements of the two Governments and the Collaboration Agreement, the responsibility for establishing and resourcing the PMO lies with the partner Councils. Based on the planned initial structure of the PMO, a budget requirement has been developed and agreed with the Chief Executives' Group and the Partnership Board subject to approval by each Council. The initial budget requirement as set out in Appendix 2, is £531,000 per annum. It has been agreed with partners, subject to approval by each Council, that the budget responsibility should be allocated pro rata, according to the share of the Deal funding that is

allocated to each Council area. In the case of Scottish Borders Council that would be 18.6% of the budget, amounting to £98,766 per annum for the lifetime of the Deal. It should be noted that the budget requirement may increase as the PMO requirements of the Deal expand and that this will be the subject of future reports to Members.

7 FINAL DEAL AGREEMENT

7.1 The progress to Final Deal requires significant further development of the business cases supporting the projects and programmes set out in the Heads of Terms which was signed on 1 July 2019. Following HM Treasury 'Green Book' guidance, each project or programme requires an approved Outline Business Case (OBC). In order to develop the OBC, each project must now develop detailed design and implementation costs which will form the basis of the OBC. In addition, each OBC will have to set out the anticipated outcomes and benefits of the project and demonstrate that these represent value for money.

8 IMPLICATIONS

8.1 Financial

- (a) In order to develop and gain approval of the necessary Outline Business Cases there will be a requirement to allocate additional officer time to Borderlands and draw on the economic development budget to provide additional expert assistance on the technical aspects of the business cases. In addition, as the business cases are developed, they will identify the total capital requirement for the projects some of which will lie outside of the Borderlands funds and may require support from the Council.
- (b) Officers are developing the budget requirements for both the completion of the Final Deal Agreement and delivering the projects once the Deal is approved. These considerations will form part of the normal budget process. Consideration of these options will form part of the annual Financial Planning process in order that Elected Members can take decisions on budget priorities as part of the Council's financial planning approach.
- (c) There are also financial implications for the Council's revenue budget, with funding required for the establishment and operation of the Programme Management Office (PMO) and potential revenue costs associated with the development of the Full Business Cases required prior to the Final Deal Agreement being signed. These costs are in addition to the staff time taken in developing the Deal proposals. The staff time is covered by existing revenue budgets. Any PMO costs in 2019/20 will be met by existing budgets in the Economic Development Service. The £98,766 annual cost of the Council's contribution towards the PMO costs for future years will need to be identified as part of the Council's financial planning approach.

8.2 Risk and Mitigations

- (a) At present, the key risk for the Council is considered to be the reputational risk of not strongly supporting the Borderlands Inclusive Growth Deal and thus failing to secure positive investments from the UK and Scottish Governments if the Deal moves forward

successfully. This risk is being mitigated by Council officers and senior Elected Members engaging closely with partner Councils to develop the Borderlands Inclusive Growth Deal, and in due course, any associated negotiations with UK and Scottish Governments. The establishment of the PMO is another control to ensure the success of the Deal.

- (b) Partnership working will always present challenges. However, the Council and partners involved in the Borderlands Inclusive Growth Deal are committed to working together to ensure its success and positive additional investments from the UK and Scottish Governments. Risk registers will be developed and appropriately managed for each of the programmes and projects which support the work of the Partners. The future Governance arrangements, including establishing an accountable body, will also mitigate the risks of partnership working, as it will ensure that due process is followed.

8.3 **Equalities**

Consideration will be given to social impacts including equality, health and diversity issues as part of the development of the Outline Business Cases. This recognises that Inclusive Growth is at the heart of the Borderlands Deal ambitions’.

8.4 **Acting Sustainably**

The Borderlands Inclusive Growth Deal will have a focus on Inclusive Growth and low carbon economy. It is expected that there will be a range of positive impacts for the local economy, communities and potentially the environment.

8.5 **Carbon Management**

The Borderlands Inclusive Growth Deal may have positive implications for carbon emissions in the Scottish Borders, but these will not be clear until further detailed work has been undertaken on the potential programmes and projects.

8.6 **Rural Proofing**

Rural proofing is not required because this project does not change Council strategy or policy.

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

No changes to either the Scheme of Administration or the Scheme of Delegation are required as a result of the proposals in this report.

9 **CONSULTATION**

- 9.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR, Communications and the Clerk to the Council have been consulted and their comments have been incorporated into the report.

Approved by

Rob Dickson
Executive Director

Signature

Author(s)

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Background Papers: N/A

Previous Minute Reference: Council, 26 June 2019

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

Contact us at Bryan McGrath, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, Tel: 01835 826525, email bmcgrath@scotborders.gov.uk

COLLABORATION AGREEMENT

among

CARLISLE CITY COUNCIL

CUMBRIA COUNTY COUNCIL

DUMFRIES AND GALLOWAY COUNCIL

NORTHUMBERLAND COUNTY COUNCIL

and

SCOTTISH BORDERS COUNCIL

BORDERLANDS INCLUSIVE GROWTH DEAL

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COLLABORATION AGREEMENT

among

- (1) **CARLISLE CITY COUNCIL** established under the Local Government Act 1972 and having its principal office at Civic Centre, Carlisle, Cumbria, CA3 8QG (“**CaCC**”);
- (2) **CUMBRIA COUNTY COUNCIL** established under the Local Government Act 1972 and having its principal office at Cumbria House, 117 Botchergate, Carlisle CA1 1RD (“**CuCC**”);
- (3) **DUMFRIES AND GALLOWAY COUNCIL** established under the Local Government etc. (Scotland) Act 1994 and having its principal office at Council Offices, English Street, Dumfries, DG1 2DD (“**DGC**”); and
- (4) **NORTHUMBERLAND COUNTY COUNCIL** established under the Local Government Act 1972 and having its principal office at County Hall, Morpeth, NE61 2EF (“**NCC**”); and
- (5) **SCOTTISH BORDERS COUNCIL** established under the Local Government etc. (Scotland) Act 1994 and having its principal office at Council Headquarters, Newtown St Boswells, Melrose, Scottish Borders, TD6 0SA (“**SBC**”)

(CaCC, CuCC, DGC, NCC and SBC being together referred to as the “**Participating Authorities**”)

BACKGROUND:

- (A) The Participating Authorities have been working in partnership to develop proposals for a Growth Deal (known as the “Borderlands Inclusive Growth Deal”) to unlock the potential for sustainable and inclusive economic growth across the combined area served by the Participating Authorities.
- (B) The Participating Authorities consider that the benefits of the Growth Deal, in promoting and improving the well-being of the respective areas served by the Participating Authorities (and the people within those areas), will only be maximised if they collaborate with each other in performing the public tasks associated with oversight and delivery of the Growth Deal; and they consider that collaboration, under the framework set by this Agreement, represents the best means to maximise the impact of the Growth Deal in achieving the objectives (which they have in common) underlying their participation in the Growth Deal.
- (C) It is anticipated that the formal documentation to put the Growth Deal in place [will be signed shortly]; and it is therefore appropriate that the provisions governing the collaborative arrangements among the Participating Authorities with regard to

oversight and delivery of the Growth Deal should be recorded in a formal Collaboration Agreement, in the interests of ensuring that a robust governance framework is in place.

- (D) The Participating Authorities intend that this Collaboration Agreement should fulfil the requirement to establish a sound governance structure as part of the Growth Deal Monitoring and Reporting Framework (as defined below) to be overseen by the Scottish City Region and Growth Deal Delivery Board.
- (E) CaCC, CuCC and NCC (in exercise of their powers under section 1 of the Localism Act 2011) and DGC and SBC (in exercise of their powers under section 20 of the Local Government in Scotland Act 2003) wish to enter into this Collaboration Agreement accordingly.

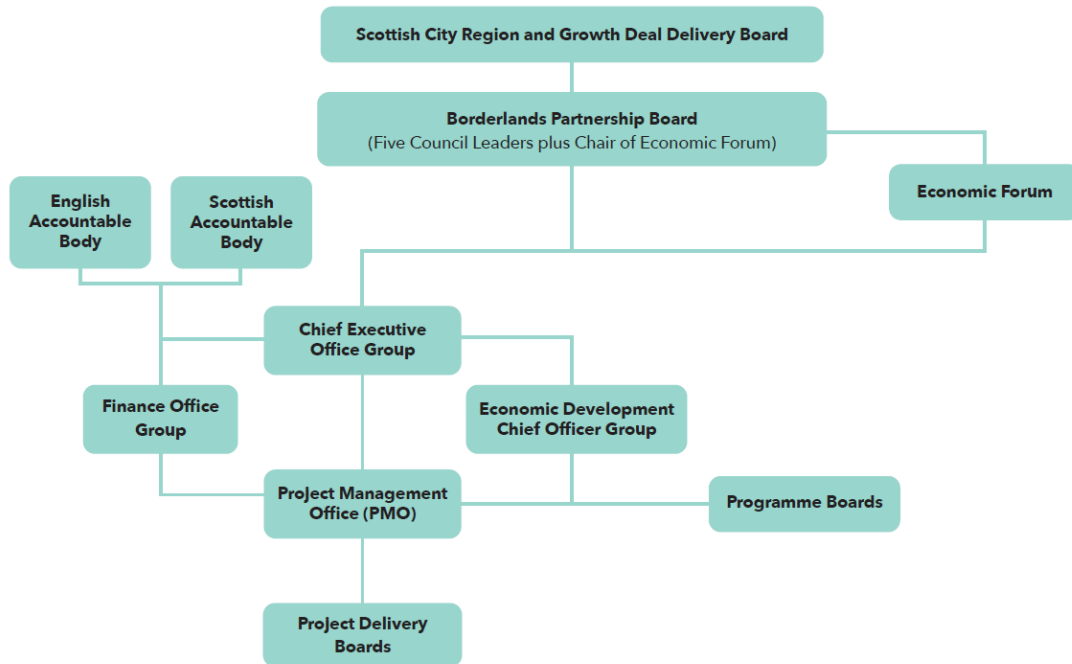
IT IS AGREED as follows:

1 DEFINITIONS AND INTERPRETATION

- 1.1 The definitions and principles of interpretation set out in Part 1 of the schedule annexed to this Collaboration Agreement shall apply throughout this Collaboration Agreement and throughout the Schedule.

2 GOVERNANCE FRAMEWORK

The governance framework in respect of the Growth Deal will involve the following elements:



3 PARTNERSHIP BOARD

- 3.1 The composition of the Partnership Board shall be as prescribed in Part 2A of the Schedule.
- 3.2 The remit of the Partnership Board is to provide strategic direction and exercise high level oversight and overall control, serving as the forum for joint decision-making at the highest level within the governance framework set by this Collaboration Agreement (but subject to clause 3.5) in relation to the delivery of the Growth Deal; in particular, the Partnership Board shall:
- 3.2.1 ensure that the delivery of the Growth Deal is carried out in a manner which aligns with the strategic objectives underlying the Growth Deal and so as to maximise impact in terms of furtherance of those objectives;
 - 3.2.2 retain a watching brief regarding changes in the wider environment, with a view to revisiting and refining the strategic objectives underlying the Growth Deal and/or the approaches taken to delivery, as required;
 - 3.2.3 receive reports from the Chief Executives' Group and the Finance Directors' Group and (through such reports) monitor and evaluate, at high level, progress with the Growth Deal Projects, as well as the impact of the Growth Deal in furthering the strategic objectives underlying the Growth Deal;
 - 3.2.4 exercise oversight at high level in relation to the use of the Growth Deal Programme Budget, and in particular to ensure that such funds are used in accordance with the conditions attaching to the Growth Deal Programme Budget and in line with principles of best value;
 - 3.2.5 ensure that there is full compliance at all times with the Monitoring and Reporting Framework;
 - 3.2.6 maintain an overview in relation to key risks associated with delivery of the Growth Deal, and ensure that proactive steps are taken to manage and mitigate such risks;
 - 3.2.7 ensure (to the extent that it is able to do so) that sufficient resources are made available within the PMO to enable the PMO to carry out its functions effectively and in a manner which allows delivery of the Growth Deal Projects to proceed in line with anticipated timescales;
 - 3.2.8 monitor the effectiveness of the Economic Forum, the Programme Boards and the Project Delivery Boards in carrying out their respective functions;
 - 3.2.9 seek to resolve any dispute or difference which may arise among the Participating Authorities from time to time in relation to any aspect of the Growth Deal (but without prejudice to the provisions of clause 20 (dispute resolution));
 - 3.2.10 retain a watching brief regarding other projects, initiatives and strategic developments outside the Growth Deal and, to the extent that it is able to do so, seek to ensure that:

- 3.2.10.1 the delivery of the Growth Deal aligns with the delivery of such other projects; and
 - 3.2.10.2 the delivery of such other projects aligns with the delivery of the Growth Deal Projects;
 - 3.2.11 promote the Growth Deal; and
 - 3.2.12 explore other areas for potential collaboration between and among the Participating Authorities.
- 3.3 Without prejudice to the preceding generality, and by way of illustration only, the remit of the Partnership Board shall include the following roles and responsibilities; in particular, the Partnership Board shall:
 - 3.3.1 provide strategic direction and oversight of the Growth Deal Programme Budget including the overall strategy and commissioning of proposals;
 - 3.3.2 approve business cases for projects and programmes within the Growth Deal for submission to UK and Scottish Governments – to include approval at each stage of the business case process (Strategic Outline Business Case, Outline Business Case and Full Business Case);
 - 3.3.3 determine priorities for investment of the Growth Deal Programme Budget including any decisions regarding the reallocation of funding within the Growth Deal Programme Budget;
 - 3.3.4 where decision making on business cases is delegated by UK and/or Scottish Government, be responsible for such decisions;
 - 3.3.5 approve the terms of reference for sub-groups operating under the remit of the Partnership Board and approve any delegated authority of such sub-groups;
 - 3.3.6 approve the financial plan prepared by the PMO (and which has been endorsed by the Finance Directors’ Group);
 - 3.3.7 approve monitoring and evaluation reports for submission to UK and Scottish Governments; and
 - 3.3.8 maintain oversight of Growth Deal programme risks.
- 3.4 In carrying out its work, the Partnership Board shall give due consideration to reports and recommendations issued by the Chief Executives’ Group and Finance Directors’ Group from time to time; as well as taking full account of reports and recommendations issued by the PMO, the Economic Forum, the Programme Boards and the Project Delivery Boards.
- 3.5 Subject to paragraph 3.6.6, the Partnership Board shall have no authority to implement, or direct the implementation of, any matter of the nature referred to in clause 3.6, without the prior written approval of each of the Participating Authorities.
- 3.6 The matters to which clause 3.5 shall apply are as follows:

- 3.6.1 any financial commitments beyond those encompassed within the Growth Deal;
 - 3.6.2 any change in the PMO Host Employer or the Accountable Bodies;
 - 3.6.3 any amendments to this Collaboration Agreement or the Monitoring and Reporting Framework;
 - 3.6.4 any matter which would result in an Accountable Body being in breach of its obligations and/or legal duties under and in relation to the Growth Deal and/or the Monitoring and Reporting Framework;
 - 3.6.5 any matter outside of the Growth Deal which is wholly funded by a Participating Authority or Participating Authorities using funding which falls outside the Growth Deal Programme Budget; and
 - 3.6.6 any other matter where the Participating Authorities agree in writing that it should apply.
- 3.7 The proceedings of the Partnership Board shall be governed by the rules of procedure set out in Part 2B of the Schedule.

4 ECONOMIC FORUM

- 4.1 The composition of the Economic Forum shall be as prescribed in Part 3A of the Schedule.
- 4.2 The remit of the Economic Forum is to provide an opportunity for wider stakeholders – with a particular focus on economic development agencies and the business community (including social enterprises) – to contribute towards maximising the impact of the Growth Deal in stimulating inclusive economic growth within the area served by the Growth Deal; in particular, the Economic Forum shall:
- 4.2.1 advise and provide appropriate challenge to the Partnership Board, to properly reflect the wider economic interests of the Borderlands Region in its decision-making, including the development of business cases for proposed Growth Deal Projects;
 - 4.2.2 champion, co-ordinate and offer advice to the Partnership Board on priorities for skills, business growth and regeneration, and ensure that these are delivered in alignment with local needs and aspirations whilst delivering against the Growth Deal priorities;
 - 4.2.3 maintain appropriate channels of communication and escalate decisions as necessary with third party organisations;
 - 4.2.4 advise the Partnership Board on how best to engage with the business community regarding the Growth Deal;
 - 4.2.5 advise on economic priorities for the business communities across the Borderlands Region; and
 - 4.2.6 utilise business networks to promote and support the successful delivery of Growth Deal Projects.

- 4.3 The Chair of the Economic Forum shall, in addition to his/her functions in chairing meetings of the Economic Forum and taking the role of spokesperson in relation to communications issued on behalf of the Economic Forum, serve as a member of the Partnership Board.
- 4.4 The Chair of the Economic Forum (or, if he/she is unavailable, his/her substitute) will have the following remit, in his/her capacity as a member of the Partnership Board:
- 4.4.1 he/she must carry to the Partnership Board the perspectives of all of the members of the Economic Forum, not just her/his own views (or the interests of the specific industry grouping from which he/she was drawn);
- 4.4.2 similarly, he/she is expected to convey to the Partnership Board any special interests or issues of concern arising from the different geographies falling within the Borderlands Region;
- 4.4.3 he/she must convey to the Partnership Board the consensus or majority view (identified as such) reached by the Economic Forum in its own deliberations.
- 4.5 The proceedings of the Economic Forum shall be governed by the rules of procedure set out in Part 3B of the Schedule.

5 CHIEF EXECUTIVES' GROUP

- 5.1 The composition of the Chief Executives' Group shall be as prescribed in Part 4A of the Schedule.
- 5.2 The Chief Executives' Group shall:
- 5.2.1 support the Partnership Board in overseeing the delivery of the Growth Deal;
- 5.2.2 exercise oversight and direction in relation to the work of the PMO, including management of the PMO (primarily through management of the Growth Deal Manager) and monitoring its performance in carrying out its work;
- 5.2.3 highlight to the Partnership Board key issues (whether for noting or decision) arising from the reports and recommendations issued from time to time by the PMO, and provide appropriate guidance and recommendations to the Partnership Board in relation to issues of that nature; and
- 5.2.4 provide leadership in key themes and priorities of the Growth Deal in furtherance of and consistent with the policies and directions issued by the Partnership Board from time to time.
- 5.3 The Chief Executives' Group shall, at least five Business Days prior to each meeting of the Partnership Board, issue to the Partnership Board a report which shall describe in detail and provide commentary and recommendations regarding the work in delivery of the Growth Deal carried out since the period covered by the preceding report (or, in the case of the first meeting of the Partnership Board, since the date of this Agreement).

- 5.4 The proceedings of the Chief Executives' Group shall be governed by the rules of procedure set out in Part 4B of the Schedule.

6 FINANCE DIRECTORS' GROUP

- 6.1 The composition of the Finance Directors' Group shall be as prescribed in Part 5A of the Schedule.

- 6.2 The remit of the Finance Directors' Group shall be to ensure financial probity, and address issues of risk and assurance, in relation to the delivery of the Growth Deal; in particular, the Finance Directors' Group shall:

6.2.1 support the PMO, the Chief Executives' Group, the Economic Development Chief Officers' Group and the Partnership Board in overseeing the Growth Deal's finances;

6.2.2 support the Partnership Board in ensuring that financial plans are set having regard to, and in alignment with, the business cases approved by the UK Government and Scottish Government from time to time;

6.2.3 ensure that the sums expended from the Growth Deal Programme Budget accord with the financial plan approved by the Partnership Board from time to time;

6.2.4 consider quarterly financial reports, and escalate any significant risks to the Partnership Board through the Chief Executives' Group and, where the Finance Directors' Group considers it appropriate, directly to the Partnership Board;

6.2.5 collate financial information across the various Growth Deal Projects, including performance against budget;

6.2.6 support the preparation and approval of the Growth Deal Operating Budget and the Growth Deal Programme Budget;

6.2.7 take a proactive approach to the management of cash flow in respect of the Growth Deal as a whole, such approach being agreed through the preparation of the Growth Deal Operating Budget and the Growth Deal Programme Budget;

6.2.8 provide financial information to the Accountable Bodies, in a manner which enables the Accountable Bodies to fulfil their respective responsibilities in this regard to the UK Government and/or (as applicable) the Scottish Government;

6.2.9 have such other roles and responsibilities as are referred to under the heading "Remit" in Part 5A of the Schedule

- 6.3 The proceedings of the Finance Directors' Group shall be governed by the rules of procedure set out in Part 5B of the Schedule.

7 ECONOMIC DEVELOPMENT CHIEF OFFICERS' GROUP

- 7.1 The composition of the Economic Chief Officers' Group shall be as prescribed in Part 6A of the Schedule.

- 7.2 The remit of the Economic Development Chief Officers' Group shall be to support the Chief Executive's Group and Partnership Board in relation to the delivery of the Growth Deal and ensuring that it is aligned towards achieving its sustainable and inclusive growth ambitions; in particular, the Economic Development Chief Officers' Group shall:
- 7.2.1 provide advisory support to the PMO;
 - 7.2.2 provide advice on business cases for projects and programmes and any other matters associated with the Growth Deal;
 - 7.2.3 establish a strong relationship with the Economic Forum;
 - 7.2.4 capture and communicate business requirements for changes to, and development of economic policy and commission associated appropriate interventions in relation to the Growth Deal;
 - 7.2.5 work collaboratively with all partners to address barriers to sustainable and inclusive economic growth and drive efficiency in relation to the Growth Deal;
 - 7.2.6 bring together intelligence and expertise to maximise private sector (including social enterprise) and other external investment in the Growth Deal and to secure sustainable and inclusive growth.
- 7.3 The proceedings of the Economic Development Chief Officers' Group shall be governed by the rules of procedure set out in Part 6B of the Schedule.

8 PROGRAMME MANAGEMENT OFFICE

- 8.1 The composition of the PMO, as at the date of this Agreement, is as specified in Part 7 of the Schedule.
- 8.2 The Partnership Board shall keep the composition of the PMO under review, and shall recommend to the respective Participating Authorities such adjustments to the composition of the PMO as the Partnership Board may consider appropriate from time to time, whether to reflect changes in the volume of work requiring to be dealt with by the PMO as the Growth Deal progresses, the need for additional specialist expertise within the PMO, or otherwise.
- 8.3 Each of the Participating Authorities confirms that it recognises the significance of the PMO resource as a key factor in determining the pace at which delivery of the Growth Deal can proceed; and each of the Participating Authorities commits to giving due consideration to any request from the Partnership Board from time to time for additional resource within the PMO.
- 8.4 The PMO shall:
- 8.4.1 act as the primary point of contact of the Participating Authorities with Scottish and UK Governments in respect of the Growth Deal;
 - 8.4.2 co-ordinate and develop the evaluation framework in respect of the Growth Deal and shall manage the communications protocol for the Growth Deal with both UK and Scottish Governments;

- 8.4.3 act as the primary point of contact between the decision making structures within the overall governance framework of the Growth Deal and the Accountable Bodies;
- 8.4.4 manage the Growth Deal Operating Budget and report to the Chief Executives' Group, the Finance Directors' Group, the Economic Development Chief Officers' Group and the Accountable Bodies regarding performance against the Growth Deal Operating Budget (including appropriate explanations in relation to any variance as against the amount or timing of anticipated spend from that budget);
- 8.4.5 manage the Growth Deal Programme Budget and report to the Chief Executives' Group, the Finance Directors' Group, the Economic Development Chief Officers' Group and the Accountable Bodies regarding performance against the Growth Deal Programme Budget (including appropriate explanations in relation to any variance as against the amount or timing of anticipated spend from that budget);
- 8.4.6 have responsibility for overseeing and co-ordinating delivery of the Growth Deal Projects by the respective Delivery Partners;
- 8.4.7 report to the Economic Development Chief Officers' Group and the Chief Executives' Group, and through the Chief Executives' Group to the Partnership Board;
- 8.4.8 liaise with and support the Finance Directors' Group and the Economic Development Chief Officers' Group, as appropriate;
- 8.4.9 provide administrative and secretariat support to the Partnership Board, the Economic Forum, the Chief Executives' Group, the Finance Directors' Group, the Economic Development Chief Officers' Group, the Programme Boards and the Project Boards, including the preparation, circulation and, where appropriate, publication of reports, agendas and minutes;
- 8.4.10 convey strategic decisions from the Partnership Board to the Economic Forum, the Programme Boards and the Project Boards;
- 8.4.11 give effect to decisions of the Partnership Board by putting in place funding agreements (in the name of the relevant Accountable Body), and transfers of funding, to Delivery Partners (including the preparation of legal agreements and co-ordinating their issue, execution and delivery by the relevant Accountable Body);
- 8.4.12 within delegated limits and in accordance with the PMO Host Employer's regulations, manage the procurement and appointment of external consultants to be funded by the Growth Deal Operating Budget, and (where requested on behalf of the relevant Delivery Partner) in relation to individual Growth Deal Projects;
- 8.4.13 escalate to the Economic Development Chief Officers' Group, Finance Directors' Group and Chief Executives' Group (for onward referral to the Partnership Board and Accountable Bodies, where appropriate) any major issues such as serious cost overruns on Growth Deal Projects, which require a strategic view given the potential impact on the overall Growth Deal;

- 8.4.14 highlight at an early stage any issues of concern regarding performance on the part of individual Delivery Partners, so that appropriate remedial steps can be taken;
- 8.4.15 carry out an ongoing monitoring and recording role, assessing progress and spend across the respective Growth Deal Projects, which role shall include (without limitation):
 - 8.4.15.1 procuring, establishing and maintaining the Growth Deal management database to record all information relating to the Growth Deal which requires to be gathered and retained for the purposes of the Monitoring and Reporting Framework;
 - 8.4.15.2 maintaining and archiving all documentation relating to the Growth Deal ;
 - 8.4.15.3 providing appropriate post-approval support to Growth Deal Projects (e.g. arranging project inception visits);
 - 8.4.15.4 managing and undertaking the project claims and monitoring process in respect of Growth Deal Projects, including:
 - (a) processing Growth Deal Project claims and preparing such claims for approval and payment by the relevant Accountable Body in accordance with the approved payment procedures; and
 - (b) preparing Growth Deal Project reporting for Accountable Bodies for onward reporting to the UK and Scottish Governments and the Partnership Board;
 - 8.4.15.5 managing and operating the frameworks and mechanisms (as determined from time to time by the Chief Executives' Group) in relation to financial management, risk management, programme, project and performance management in respect of the Growth Deal as a whole, including (without limitation) those expressly provided for under the Monitoring and Reporting Framework);
 - 8.4.15.6 acting as the principal liaison with Programme Boards and Project Delivery Boards, and providing technical support to Delivery Partners and the Programme Boards as required (a) to develop the business case for programmes and projects (b) to co-ordinate the submission of such programme and project business cases to the UK and Scottish Governments; and generally ensuring efficient and co-ordinated delivery across the various strands represented by the overall Growth Deal;
 - 8.4.15.7 managing communications (under the direction of the Chief Executives' Group and with the support of the Economic Development Chief Officers' Group, as regards key messages), including the preparation and posting of material on the Growth Deal website and the issue of updates via social media; and

8.4.15.8 assisting with the implementation of stakeholder engagement strategies.

8.5 In carrying out its role, the PMO must use every effort to secure that decision-making at Partnership Board level is based on reliable, comprehensive and unbiased information; and similarly that decisions taken at Partnership Board level are implemented efficiently, effectively and without bias.

8.6 The staffing and operation of the PMO shall be governed by the provisions set out in Part 8 of the Schedule.

9 PROGRAMME BOARDS

9.1 The number of Programme Boards, and the core focus of each Programme Board, shall be as determined from time to time by the Partnership Board.

9.2 The composition of each of the Programme Boards shall be as prescribed from time to time by the Partnership Board; the Partnership Board shall, when appointing individuals to each Programme Board, seek to ensure a broad geographic, sectoral and gender balance.

9.3 Each of the Programme Boards has the role of providing strategic direction and leadership (in line with the policies and directions issued by the Partnership Board and Chief Executives' Group from time to time) for the programme assigned to it, with the purpose of ensuring effective management and development of that programme, including the delivery of the overall masterplan for that programme.

9.4 Within that overall role, the specific remit for each of the Programme Boards shall be as determined by the Partnership Board from time to time.

9.5 Each of the Programme Boards shall, in carrying out its role, give effect to the directions, strategies and policies set by the Partnership Board from time to time.

9.6 For the avoidance of doubt, the Partnership Board may (at its discretion) introduce an additional Programme Board, merge two or more Programme Boards and/or disband any Programme Board at any time.

10 PROJECT DELIVERY BOARDS

10.1 The number of Project Delivery Boards, and the core focus of each Project Delivery Board, shall be determined from time to time by the Partnership Board, in line with the relevant proposals for each Project in the form approved through the OBC Process.

10.2 The composition of each of the Project Delivery Boards shall be in accordance with the requirements of the relevant Project approval obtained through the OBC Process; and, subject to complying with such requirements, shall be as prescribed from time to time by the Participating Authority or Participating Authorities delivering the Project.

10.3 Each of the Project Delivery Boards has the general role of overseeing the delivery of the Growth Deal Project or Projects assigned to it; within that overall role, the specific remit for each of the Project Delivery Boards shall be as determined by the Partnership Board from time to time.

- 10.4 Each of the Project Delivery Boards shall, in carrying out its role, give effect to the directions, strategies and policies set by the Partnership Board from time to time.
- 10.5 For the avoidance of doubt, the Partnership Board may (subject to any new Project or a change to an existing Project or Projects being approved through the OBC Process) introduce an additional Project Delivery Board, merge two or more Project Delivery Boards and/or disband any Project Delivery Board at any time.

11 STAKEHOLDER ENGAGEMENT

- 11.1 The Participating Authorities acknowledge that stakeholder engagement is a key consideration in the context of the Growth Deal; the key mechanisms by which stakeholder engagement will be achieved are as follows:
 - 11.1.1 by the holding of engagement events across the Borderlands Region, as appropriate;
 - 11.1.2 by providing regular communications about the progress of the Growth Deal using a variety of media;
 - 11.1.3 through involvement where appropriate in the Programme Boards and Project Delivery Boards;
 - 11.1.4 through the holding of meetings with individuals and groups of stakeholders as considered appropriate for the implementation of the Growth Deal.

12 ACCOUNTABLE BODIES

- 12.1 Dumfries and Galloway Council will have the role of accountable body as regards (a) the Scottish Government funding for the Growth Deal and (b) that part of the UK Government funding which relates to Growth Deal Projects physically located in Scotland.
- 12.2 Northumberland County Council will have the role of accountable body as regards that part of the UK Government funding which relates to Growth Deal projects physically located in England.
- 12.3 The role of the Accountable Bodies shall include:
 - 12.3.1 entering into legal agreements with the UK and Scottish Governments in respect of the Growth Deal;
 - 12.3.2 reporting to UK and Scottish Governments in accordance with the Monitoring and Reporting Framework.
- 12.4 The Participating Authorities acknowledge and agree that the following key principles shall apply as regards the two Accountable Bodies:
 - 12.4.1 the Accountable Body in each case will require to have confidence in the overall governance structure, to ensure that decision-making can be approached in a balanced and equitable way while respecting the responsibilities attaching to certain of the Participating Authorities as Accountable Bodies;

- 12.4.2 the risks associated with the role of Accountable Body (vis-à-vis the Scottish and UK Governments) should be shared by all five Participating Authorities in accordance with clause 12.20;
- 12.4.3 the transfer of Growth Deal funding from an Accountable Body through to the Participating Authority or Participating Authorities (or a Delivery Partner which is not one of the five Participating Authorities, if the funding is not routed through a Participating Authority) who is/are delivering a given Growth Deal Project will be dealt with via a grant mechanism or such other arrangement as may be agreed in writing among the Participating Authorities from time to time; and on the basis that the terms and conditions of the grant (or other arrangement) will be set out in a funding agreement between the relevant Accountable Body and the relevant Delivery Partner.
- 12.5 The Participating Authorities acknowledge and agree that a key part of the role of the Chief Executives Group, the Economic Development Chief Officers' Group, the PMO and the Finance Directors' Group shall be to support the Accountable Bodies in fulfilling their responsibilities as the accountable bodies in respect of the Growth Deal Programme Budget, including their responsibilities relating to monitoring, reporting and evaluation.
- 12.6 For the avoidance of doubt, the grant conditions associated with the provision of funding out of the Growth Deal Programme Budget to a Project Delivery Partner shall include:
- 12.6.1 all relevant conditions attaching to the provision of the relevant funds by the UK Government and/or (as the case may be) the Scottish Government to enable the Accountable Bodies to comply with those conditions; and
- 12.6.2 such other conditions as may be approved by the Chief Executives' Group from time to time.
- 12.7 In any case where a single Growth Deal Project receives funding from both Accountable Bodies, the grant arrangements in respect of that Growth Deal Project shall be structured in such a way as to ensure that the relevant checks and balances take account of any differences which may apply under each strand of funding; subject to that, however, there should be commonality in the grant arrangements so far as possible.
- 12.8 Each Accountable Body shall maintain a separate account within its financial ledger to which all grant funding and other income relating to the Growth Deal shall be credited, and out of which all grant funding advanced to Delivery Partners for the purpose of delivery of Growth Deal Projects shall be debited.
- 12.9 Claims for payment out of the Growth Deal Programme Budget shall be submitted by a Delivery Partner to the PMO in the form of the Borderlands Growth Deal Grant Claim Form for review, assessment and processing by the PMO prior to forwarding to the Accountable Body for authorisation and payment; and (subject to clause 12.10) providing in each case the Accountable Body is satisfied, acting reasonably, that the Borderlands Growth Deal Grant Claim Form has been validly completed and includes all of the information required under the Monitoring and Reporting Framework and the claim is valid (by reference to the provisions of this Agreement, the provisions of the relevant funding agreement between the Accountable Body and the relevant Delivery Partner and such recommendations as the Chief Executives' Group may issue from time to time), the claim shall be paid by the Accountable

Body to the relevant Delivery Partner in accordance with such timetable as may be approved from time to time by the Chief Executives' Group.

- 12.10 In the event of any dispute between the Delivery Partner which has submitted the claim and the Accountable Body in relation to the validity of a claim under clause 12.9, the matter will be determined by the Chief Executives' Group; the Accountable Body shall be bound to give effect to any such determination by the Chief Executives' Group accordingly (but on the basis, for the avoidance of doubt, that clause 12.20 shall apply).
- 12.11 The Accountable Bodies will draw down funds from the Scottish Government and UK Government on the following basis:
- 12.11.1 for Growth Deal Projects approved by the UK Government and/or Scottish Government prior to the signing of the Growth Deal, the grant will be paid by the UK Government to Northumberland County Council, as the Accountable Body for England and/or via grant-in-aid by the Scottish Government to Dumfries and Galloway Council, as the Accountable Body for Scotland; and on the basis that the he profile of payments will reflect when grant is required by the Project Delivery Partner as indicated in the full business case (for the avoidance of doubt, no grant will be paid to Accountable Bodies in advance of need);
- 12.11.2 upon finalisation of the Growth Deal, grant monies will be paid to Accountable Bodies under the conditions of an Annual Grant Offer Letter, and on the basis that he profile of grant payments will reflect the multi year profile agreed for the Growth Deal
- 12.12 The Chief Executives' Group, supported by the PMO, the Economic Development Chief Officers' Group and the Finance Directors' Group, will be responsible for monitoring the financial expenditure associated with delivery of Growth Deal Projects, and in particular determining whether the expenditure in respect of any budget head exceeds the level for that budget head set in the financial projections for the relevant period set out in the relevant business case (including any adjusted version adopted from time to time where such adjusted version has the approval of the Chief Executives' Group) and as more particularly set out in the Growth Deal Programme Budget.
- 12.13 In the event of the PMO becoming aware of any actual or prospective expenditure which causes or is likely to cause the level for any such budget head to be exceeded or underspent, the PMO shall notify the Chief Executives' Group, the Economic Development Chief Officers' Group, the Accountable Bodies and the Finance Directors' Group, who will review options for addressing the situation and thereafter issue appropriate directions to the relevant Delivery Partner.
- 12.14 Without prejudice to the provisions of clause 12.12, each Accountable Body shall maintain accurate and complete accounting records in respect of the Growth Deal Programme Budget and shall prepare and submit to the Chief Executives' Group (through the PMO) monthly financial reports in such form as the Chief Executives' Group may reasonably require; such financial reports will include up to date information on income and expenditure budgets and financial projections in respect of the Growth Deal Projects.
- 12.15 Each Accountable Body shall seek to manage cash flow in respect of the Growth Deal so as to minimise the amount of any cash shortfall and/or the period for which

any such cash shortfall subsists; if particular cash flow difficulties emerge which cannot be fully managed on that basis, the Accountable Body will escalate the matter to the Chief Executives' Group as soon as reasonably practicable.

- 12.16 In order to minimise any cash shortfalls within the Accountable Bodies, as a principle, grant will be paid in arrears, based on defrayed expenditure, to Delivery Partners; on an exceptional basis, however, and where need can be justified, grant may be paid in advance to Delivery Partners which are not Participating Authorities.
- 12.17 If Accountable Bodies are required to borrow to facilitate cashflow in accordance with clause 12.16, the borrowing shall be undertaken at Public Works Loan Board rates, and the cost of borrowing shall form part of the Growth Deal Operating Costs.
- 12.18 Each Participating Authority located in Scotland (a “**Scottish Participating Authority**”) agrees that, in respect of any loss or liability incurred by the Accountable Body located in Scotland or any claim against that Accountable Body (including the costs of defending any such claim, and any award of expenses) it shall, to the extent that that loss, liability or claim arises out of, or in connection with, any breach by that Scottish Participating Authority of its obligations under this Agreement or its obligations under any funding agreement (in respect of sums advanced from the Growth Deal Programme Budget) between that Accountable Body and that Scottish Participating Authority, be liable for that loss, liability or claim;
- 12.19 Each Participating Authority located in England (an “**English Participating Authority**”) agrees that, in respect of any loss or liability incurred by the Accountable Body located in England, or any claim against that Accountable Body (including the costs of defending any such claim, and any award of expenses) it shall, to the extent that that loss, liability or claim arises out of, or in connection with, any breach by that English Participating Authority of its obligations under this Agreement or its obligations under any funding agreement (in respect of sums advanced from the Growth Deal Programme Budget) between that Accountable Body and that English Participating Authority, be liable for that loss, liability or claim; and
- 12.20 The Participating Authorities acknowledge and agree (without prejudice to the provisions of clauses 12.18 and 12.19) that any loss, liability or claim arising out of, or in connection with, the Accountable Bodies complying with their obligations under this Agreement in giving effect to joint decisions made within the governance framework set by this Collaboration Agreement should be shared among all Participating Authorities in the proportions set out in clause 13.1; and each of the Participating Authorities undertakes to each Accountable Body that it will be liable in respect of any such loss, liability or claim (including the costs of defending any such claim, and any award of expenses) to the extent required to give effect to that principle.

13 GROWTH DEAL OPERATING COSTS

13.1 The Growth Deal Operating Costs shall be borne by the Participating Authorities in the following proportions:

13.1.1 CaCC and CuCC – 34.9% (in aggregate, with the proportion to be met by each of CaCC and CuCC to be agreed between them);

13.1.2 DGC – 24.3%;

- 13.1.3 NCC – 22.2%; and
 - 13.1.4 SBC – 18.6%.
- 13.2 The following arrangements shall apply:
- 13.2.1 The PMO shall, not later than 31 October in each Financial Year, submit to the Chief Executives’ Group a draft Growth Deal Operating Budget covering the five-year period commencing from the start of the immediately following Financial Year.
 - 13.2.2 Following review of that draft Growth Deal Operating Budget, the Chief Executives’ Group may decide to:
 - 13.2.2.1 require the PMO to amend the draft Growth Deal Operating Budget and, thereafter, approve the revised draft Growth Deal Operating Budget; or
 - 13.2.2.2 approve the draft Growth Deal Operating Budget without amendment.
 - 13.2.3 The Chief Executives’ Group shall, no later than 30 November in each Financial Year, submit the draft Growth Deal Operating Budget (as approved by the Chief Executives’ Group), together with a calculation of the amount of the contribution to be made by each Participating Authority (in accordance with the proportions set out in clause 13.1), for approval by each of the Participating Authorities.
 - 13.2.4 The Growth Deal Operating Budget shall be approved by each of the Participating Authorities in advance of each Financial Year during the period of this Agreement.
 - 13.2.5 Each Participating Authority shall contribute its share (calculated in accordance with clause 13.1 above) of the Growth Deal Operating Budget to the PMO Host Employer in quarterly instalments payable on:
 - 13.2.5.1 1 April;
 - 13.2.5.2 1 July;
 - 13.2.5.3 1 October; and
 - 13.2.5.4 1 January in that Financial Year; or
 - 13.2.5.5 on such other dates, or at such other payment intervals, as may be agreed from time to time by the Participating Authorities.
- 13.3 Where the PMO becomes aware of a variance from the Growth Deal Operating Budget in the form approved under paragraph 13.2.4:
- 13.3.1 in the event of an overspend position, the PMO shall report the matter to the Chief Executives’ Group, the Economic Development Chief Officers’ Group, the Finance Directors’ Group and the Accountable Bodies as soon as possible (including all appropriate information to explain the overspend position), and on the basis that the Chief Executives’ Group will then review

options for addressing the situation and thereafter issue appropriate directions to the Participating Authorities;

13.3.2 in the event of an underspend position, the PMO shall report the matter to the Chief Executives' Group, the Economic Development Chief Officers' Group, the Finance Directors' Group and the Accountable Bodies as soon as possible, and on the basis that the underspend will be retained by the PMO and rolled forward to the following Financial Year, and will be taken into account when setting each Participating Authority's financial contribution for the next Financial Year. .

14 CONTRACTS RELATING TO OVERALL GROWTH DEAL

14.1 Where contracts relating to the overall Growth Deal are to be entered into, the arrangements shall be governed by the provisions set out in Part 9 of the Schedule.

15 OPPORTUNITIES FOR COLLABORATION

15.1 The Participating Authorities confirm that it is their intention to explore, through the Partnership Board, the Chief Executives' Group and the Economic Development Chief Officers' Group, other opportunities for collaboration, where it is felt that such collaboration would deliver significant benefits across the Borderlands Region.

16 INSURANCE

16.1 The Participating Authorities will ensure that the conditions attaching to the provision to Delivery Partners of funding from the Growth Deal Programme Budget require the Delivery Partner in each case:

16.1.1 to ensure that all contracts for the provision of works or services in relation to each Growth Deal Project require the relevant contractor or service provider to maintain adequate insurance against all normal commercial risks, and provide evidence of that insurance;

16.1.2 to monitor compliance by the relevant contractor or service provider with the requirements referred to in paragraph 16.1.1;

16.1.3 to take such steps, in the event of any circumstances where a claim may be made under any insurance policy of the nature referred to in paragraph 16.1.1, as the PMO may reasonably request to pursue any claim under the insurances referred to in paragraph 16.1.1;

16.1.4 to apply the proceeds of any insurance of the nature referred to in paragraph 16.1.1 toward reinstatement (unless the PMO otherwise requests).

17 DATA SHARING

17.1 The Participating Authorities agree that, as soon as reasonably practicable after the date of this Agreement, they shall develop, agree and put in place appropriate agreements and protocols regarding the holding, processing and transfer of confidential, commercial and/or sensitive information and data relating to the Growth Deal among the Participating Authorities, the UK Government, Scottish Government and others, which agreement and protocols shall meet the requirements of the Data Protection Laws and will enable the Accountable Bodies to comply with their obligations under the Monitoring and Reporting Framework.

18 ACCESS TO FINANCIAL AND OTHER INFORMATION

- 18.1 Without prejudice to the provisions of clause 21 (disclosure of information), the Participating Authorities shall each be entitled to examine all accounting and other records relating to the delivery of the Growth Deal, and to be supplied with all relative information, including management accounts, budgets and management reports (including explanations of variances against budget and programme), accounts in respect of each Financial Year and such other financial and other information relating to the Growth Deal as each of the Participating Authorities may reasonably require to keep itself properly informed in respect of the delivery of the Growth Deal.
- 18.2 The provisions of clause 18.1 shall (without limiting its applicability to the Participating Authorities themselves) apply so as to allow each Accountable Body to satisfy obligations to the Scottish and UK Governments as regards compliance with the Monitoring and Reporting Framework and (as appropriate) internal and external auditing.

19 CLAIMS – GENERAL PROVISIONS

- 19.1 Each Participating Authority (a “**Participating Authority A**”) which incurs a loss or liability, or receives a claim, of a nature for which another Participating Authority or Participating Authorities may be liable in accordance with the terms of this Agreement:
- 19.1.1 shall intimate the loss or liability, or the relevant claim, to the other Participating Authority (“**Participating Authority B**”) as soon as reasonably practicable after the loss, liability or claim becomes known to Participating Authority A, providing to Participating Authority B all such information and evidence in respect of the loss, liability or claim as is reasonably available to Participating Authority A;
- 19.1.2 shall (in the case of a claim) take such steps to resist or defend the claim as Participating Authority B may reasonably request or (if Participating Authority B so elects) allow Participating Authority B the conduct of any defence and/or negotiations in respect of the claim (subject in either case to Participating Authority B being liable in respect of any liability (including reasonable legal expenses on a solicitor/client basis and any award of expenses) which Participating Authority A may thereby incur);
- 19.1.3 shall keep Participating Authority B closely apprised of all developments relating to the relevant loss, liability or claim (including any insurance claim that may be pursued in connection with the relevant occurrence);
- 19.1.4 shall not (in the case of a claim), compromise any such claim, or take any step which would prejudice the defence of such claim, without (in each such case) the prior written consent of Participating Authority B (such consent not to be unreasonably withheld) except in circumstances where the taking of such steps is required by law;
- 19.1.5 take all reasonable steps available to it to mitigate such loss or liability.

20 DISPUTE RESOLUTION

- 20.1 Subject to clause 20.2, in the event that any disagreement arises as between any of the Participating Authorities in relation to any matters arising out of or in connection with this Agreement, the point or points at issue will be referred to the chief executive (or such other senior officer as each Participating Authority may intimate in writing to the other Participating Authorities from time to time) of each of the Participating Authorities (or, as the case may be, such of the Participating Authorities as may be affected by the disagreement in question); following such referral, the chief executives (and/or such other senior officers) shall co-operate in good faith (and in accordance with the relevant codes of conduct governing ethics and behaviour) to resolve the dispute as amicably as possible within 14 days of receipt of such notice
- 20.2 For the avoidance of doubt, clause 20.1 shall not apply;
- 20.2.1 in relation to a decision of the Partnership Board, where that decision (a) was made at a duly convened and quorate meeting of the Partnership Board (b) was taken in accordance with the provisions of Part 2B of the Schedule and (c) fell within the powers conferred on the Partnership Board under this Agreement (and, for the avoidance of doubt, taking account of the restrictions on such powers imposed by this Agreement); or
- 20.2.2 in relation to a decision of the PMO, where that decision fell within the powers conferred on the PMO under this Agreement (and, for the avoidance of doubt, taking account of the restrictions on such powers imposed by this Agreement and any relevant scheme of delegation); or
- 20.2.3 in relation to an instruction issued or proposed to be issued by the Growth Deal Manager, where that instruction falls within the relevant scheme of delegation.

21 DISCLOSURE OF INFORMATION

- 21.1 Subject to clauses 21.2 and 21.3, the Participating Authorities undertake to one another that they themselves will not at any time (whether during the period when they are a party to this Agreement or after that period) use or divulge or communicate to any person (other than to officers, employees or professional advisers of that Participating Authority whose province it is to know the same) any Confidential Information concerning the financial position, contractual arrangements, or other affairs of any of the other Participating Authorities or otherwise relating to the Growth Deal which may come or may have come to its knowledge through the individuals appointed by it to the Partnership Board or the Chief Executives' Group or the Finance Directors' Group or the PMO, or through any other participation in the Growth Deal; and they shall use all reasonable endeavours to prevent the use, publication or disclosure of any such Confidential Information concerning such matters.
- 21.2 The provisions of clause 21.1 shall not apply:
- 21.2.1 in relation to any disclosure required by law;
- 21.2.2 in relation to any disclosure required by a regulatory authority or organisation of which the Participating Authority making the disclosure is a member or which is empowered by law or custom to regulate that Participating Authority;

- 21.2.3 in relation to any information which is in the public domain;
 - 21.2.4 in relation to any disclosure which is necessary to enable a Participating Authority to enforce its rights or defend its position in relation to any action or claim brought against it under this Agreement;
 - 21.2.5 in relation to any use of information by a Participating Authority, to the extent that such use is required to enable that Participating Authority to take the steps which it is to undertake under a Growth Deal Programme Contract; and
 - 21.2.6 in relation to any disclosure of information by a Participating Authority to a Delivery Partner (including a Delivery Partner which is not a Participating Authority), to the extent that such disclosure is required to enable that Delivery Partner to take the steps which it is to undertake in delivering a Growth Deal Project in accordance with the terms and conditions of grant funding entered into by that Delivery Partner in respect of that Growth Deal Project.
- 21.3 Any member of the Partnership Board shall, unless otherwise determined by resolution of the Partnership Board in respect of any particular matter, be entitled to disclose any information and provide copies of relevant documents and materials regarding the Growth Deal and its financial position, contractual arrangements, or other affairs, to the officers and/or employees of the Participating Authority which appointed him/her whose province it is to know the same.
- 21.4 Each of the Participating Authorities shall use reasonable endeavours to procure that any of its officers, employees, members, contractors, sub-contractors or advisers who receives any information in relation to the Growth Deal is made aware of the obligations as to confidentiality imposed by clauses 21.1 to 21.3.
- 21.5 Each Participating Authority acknowledges that the other Participating Authorities are subject to the requirements of FOI Legislation and the EI Regulations; and each Participating Authority shall assist and cooperate with the other Participating Authorities (at its own expense) to enable the other Participating Authorities to comply with the associated obligations with regard to disclosure of Information.
- 21.6 Where a Participating Authority receives a Request for Information in relation to Information which it is holding on behalf of another Participating Authority, it shall:
- 21.6.1 transfer the Request for Information to that other Participating Authority as soon as practicable after receipt and in any event within two Business Days of receiving the Request for Information;
 - 21.6.2 provide that other Participating Authority with a copy of all Information in its possession or power in the form that the other Participating Authority reasonably requires within five Business Days of the other Participating Authority requesting that Information; and
 - 21.6.3 provide all necessary assistance as reasonably requested by that other Participating Authority to enable the other Participating Authority to respond to the Request for Information within the time for compliance prescribed by FOI Legislation or the EI Regulations, where applicable.

- 21.7 Where a Participating Authority receives a Request for Information which relates to this Agreement, it shall inform the other Participating Authorities of the Request for Information as soon as practicable after receipt and in any event within two Business Days of receiving the Request for Information.
- 21.8 If any of the Participating Authorities determines that Information (including Confidential Information) must be disclosed pursuant to a Request for Information of the nature referred to in clause 21.5, it shall notify the other Participating Authorities of that decision at least two Business Days before disclosure.
- 21.9 Each Participating Authority shall be responsible for determining at its absolute discretion:
- 21.9.1 whether any Information is exempt from disclosure under FOI Legislation; and
- 21.9.2 the Information to be disclosed in response to a Request for Information, without incurring any liability to the other Participating Authorities for any decision to publish or withhold any Information from disclosure.
- 21.10 Each Participating Authority acknowledges that the other Participating Authorities may be obliged under FOI Legislation or the EI Regulations to disclose Information:
- 21.10.1 without consulting with the other Participating Authorities, or
- 21.10.2 following consultation with the other Participating Authorities and having taken their views into account.
- 21.11 Each Participating Authority acknowledges that any lists provided by it to any other Participating Authority identifying Information which is to be taken to be Confidential Information, are of indicative value only; and that the other Participating Authority may nevertheless be obliged to disclose Confidential Information in accordance with clause 21.10.

22 GUIDING PRINCIPLES AND GENERAL CO-OPERATION

- 22.1 In taking forward the Growth Deal, each Participating Authority undertakes:
- 22.1.1 to respond promptly to any request reasonably made to it by any of the other Participating Authorities for approval, information, evidence and/or assistance in relation to the Growth Deal;
- 22.1.2 to operate on the basis of openness and transparency;
- 22.1.3 to respect the rights and obligations of each of the other Participating Authorities;
- 22.1.4 to make available such personnel as shall reasonably be required to comply with its obligations under this Agreement and under any other legal documentation associated with the Growth Deal, in a prompt and efficient manner;
- 22.1.5 to use all reasonable endeavours to make its representatives available to attend meetings of the Partnership Board, the Chief Executives' Group, and

the Finance Directors' Group, all as scheduled from time to time;

- 22.1.6 to cooperate with the other Participating Authorities, and act in fairness and in good faith to assist each of the other Participating Authorities in performing its obligations under this Agreement and/or under other legal documentation associated with the Growth Deal;
- 22.1.7 not to use (and to use reasonable endeavours to ensure that none of its contractors, suppliers or consultants use) any trademark, trade name or logo of any of the other Participating Authorities without first obtaining that Participating Authority's written consent for such use;
- 22.1.8 to align any of its PR and/or marketing exercises that relate to the Growth Deal, or elements within the Growth Deal, with the PR and/or marketing strategies and initiatives set by the Partnership Board from time to time;
- 22.1.9 execute all such documents and take all such other steps as may be reasonably necessary or appropriate to give full force and effect to the provisions of this Agreement;
- 22.1.10 wherever possible, to disclose to the other Participating Authorities (who shall be subject to the duties of confidentiality under clause 21) any emerging policies or actions that could have a significant impact on the Growth Deal.

22.2 Each of the Participating Authorities acknowledges and agrees that (without prejudice to any principle of law requiring it to preserve its discretion in the exercise of certain statutory functions) it shall facilitate the taking of all steps contemplated by this Agreement, and that in a manner which secures the most effective and timely delivery of the Growth Deal; without prejudice to the generality of the preceding provisions of this clause, nothing in this Agreement will be taken to contractually bind any of the Participating Authorities in relation to any decision to be made by any of the Participating Authorities in its capacity as planning authority, building control authority, licensing authority or in any similar capacity

23 WARRANTIES

Each of the Participating Authorities warrants and represents to the others that it has all necessary power and authority to enter into and perform its obligations under this Agreement and that this Agreement constitutes valid obligations binding upon it in accordance with its terms.

24 THIS AGREEMENT NOT TO CONSTITUTE A PARTNERSHIP

None of the provisions of this Agreement shall operate so as to create a partnership or (except so far as expressly provided for in this Agreement) any relationship of agency between or among the Participating Authorities; none of the Participating Authorities has any authority by virtue of this Agreement (except so far as expressly provided for in this Agreement) to bind or commit or otherwise act on behalf of the others in any way.

25 DURATION

25.1 This Agreement shall (subject to clauses 25.2, 25.3 and 25.5) commence on the Commencement Date and shall continue in force (unless the Participating

Authorities otherwise agree in writing) until the fifteenth anniversary of the date of written approval by UK Government of the Growth Deal financial plan.

- 25.2 Where any of the Participating Authorities has validly exercised a right to terminate its involvement in the Growth Deal (for example, as a consequence of local government reorganisation), that Participating Authority shall be taken to be no longer a party to this Agreement with effect from the time of such termination; if that occurs, the remaining Participating Authorities shall continue to be bound by the provisions of this Agreement.
- 25.3 Where the UK Government and/or Scottish Government terminates the Growth Deal, this Agreement shall terminate.
- 25.4 Termination of this Agreement shall be without prejudice to any right or remedy of any of the Participating Authorities in respect of any breach of the provisions of this Agreement which occurred prior to such termination.
- 25.5 Without prejudice to the provisions of clause 25.4, clauses 12.18, 12.19, 12.20 and 19.1 shall survive the expiry or termination of this Agreement for a period of 6 years.

26 ASSIGNATION/ASSIGNMENT

None of the Participating Authorities shall assign, or purport to assign, or grant any security over, or otherwise deal with, any of its rights or obligations under this Agreement.

27 WAIVER

- 27.1 The failure of any Participating Authority to insist upon strict performance of any provision of this Agreement, or the failure of any Participating Authority to exercise any right or remedy to which it is entitled under this Agreement, shall not constitute a waiver of that provision, right or remedy; and shall not prejudice the ability of that Participating Authority to enforce that provision in accordance with its terms, or to exercise that right or remedy, on any future occasion.
- 27.2 No waiver of any of the provisions of this Agreement shall be effective unless it is expressly stated to be a waiver, identifies the specific provision(s) to which it relates, and is communicated to the other Participating Authorities in writing, signed by a duly authorised representative of the Participating Authority which is waiving the relevant provision(s).

28 AMENDMENTS TO THIS AGREEMENT

- 28.1 This Agreement shall not be varied or amended unless such variation or amendment is recorded in a written document, duly signed by a duly authorised representative of each Participating Authority, on its behalf.

29 EXTERNAL COMMUNICATIONS

- 29.1 Except as required by law or any regulatory authority, no announcement or other publicity relating to any matter referred to in this Agreement shall be made or issued by or on behalf of any of the Participating Authorities otherwise than in accordance with the communications protocol in the form approved by the Partnership Board from time to time.

30 SEVERABILITY

- 30.1 If any of the provisions of this Agreement is found by a court or other competent authority to be void or unenforceable, it shall be deemed to be deleted from this Agreement and the remaining provisions shall continue in full force and effect.
- 30.2 In the circumstances referred to in clause 30.1, the Participating Authorities shall negotiate in good faith in order to agree the terms of a mutually satisfactory provision to be substituted for the provision found to be void or unenforceable.

31 REVIEW PROCESS

- 31.1 The Participating Authorities shall, at or around each anniversary of the Commencement Date, carry out a review of the governance framework for the Growth Deal, to take account of practical experience in working with the governance framework, anticipated future developments and/or any other relevant changes in the wider environment.
- 31.2 Following each review under clause 31.1, the Participating Authorities shall enter into discussions in good faith, with a view to identifying at high level any amendments which ought to be made to the governance framework and thereafter the detailed adjustments to be made to this Agreement; and the Participating Authorities shall then enter into a Supplemental Agreement to amend this Agreement accordingly.
- 31.3 The Participating Authorities acknowledge that if the outcome of any review indicates changes to the governance structure of a nature which could reasonably be considered material in the context of the approvals given by the UK Government and Scottish Governments in respect of this Agreement, any proposed amendments to this Agreement shall not be progressed without the prior written approval of both the UK Government and the Scottish Government.

32 ENTIRE AGREEMENT

- 32.1 This Agreement and the documentation to be entered into in pursuance of this Agreement constitute the entire agreement and understanding between the Participating Authorities in relation to the matters dealt with in this Agreement, and supersede and cancel all previous negotiations, commitments or agreements between the Participating Authorities with regard to such matters.
- 32.2 Each Participating Authority confirms that it has not relied upon any representation, warranty or undertaking by any of the other Participating Authorities in relation to any of the matters dealt with in this Agreement or any of the documents referred to in clause 32.1, save for any representation, warranty or undertaking expressly set out in those documents.

33 NOTICES

- 33.1 All notices and notifications under this Agreement shall be given or issued by letter or by other written document, or other visible electronic means.
- 33.2 A notice or notification under this Agreement shall (subject to clauses 33.3 and 33.4) be deemed to be duly given:
- 33.2.1 in the case of a letter or other written document, when delivered;

33.2.2 in the case of other visible electronic means (provided that any relevant answerback has been received) when despatched;

to the Participating Authority to which it is given, addressed to that Participating Authority at the address last intimated in writing to the Participating Authority giving the notice.

33.3 A notice or notification which is delivered, or (in the case of other visible electronic means) despatched, outside of business hours shall be deemed to be duly given during business hours on the Business Day which next follows.

33.4 A notice sent by first class recorded delivery post (or equivalent postal service) shall be deemed to have been delivered during business hours on the Business Day following the date of posting; in proving that a notice was given, it shall be sufficient to prove that an envelope containing the notice was duly addressed and posted in accordance with clause 33.2.

33.5 For the purposes of clauses 33.3 and 33.4, “business hours” shall mean the period between 9.00 a.m. and 5.00 p.m. on a Business Day.

33.6 Unless and until some other address or contact name is supplied in pursuance of clause 33.2, the respective addresses and contact names for the respective parties are as follows:

	Participating Authority	Contact name	Address
33.6.1	CaCC	Chief Executive	Civic Centre, Rickergate, Carlisle, Cumbria CA3 8QG
33.6.2	CuCC	Chief Executive	Cumbria House, 117 Botchergate, Carlisle CA1 1RD
33.6.3	DGC	Chief Executive	Council Offices, English Street, Dumfries DG1 2DD
33.6.4	NCC	Chief Executive	County Hall, Morpeth NE61 2EF

33.6.5

SBC	Chief Executive	Council Headquarters, Newtown St Boswells, Melrose, Scottish Borders TD6 0SA
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34 COSTS

All legal fees and other expenses incurred in the preparation, negotiation and execution of this Agreement shall be met by the Participating Authority by whom they were incurred.

35 GOVERNING LAW AND JURISDICTION

35.1 This Agreement is governed by and shall be construed in accordance with Scots law.

35.2 The Participating Authorities hereby submit to the exclusive jurisdiction of the Scottish courts.

IN WITNESS WHEREOF this Agreement, consisting of this and the 26 preceding pages together with the Schedule in 9 parts annexed, is executed as follows:

SIGNED for and on behalf of
CARLISLE CITY COUNCIL

at

on

by

Print Full Name

Authorised Signatory

before this witness

Print Full Name

Witness

Address

SIGNED for and on behalf of
CUMBRIA COUNTY COUNCIL

at

on

by

Print Full Name

Authorised Signatory

before this witness

Print Full Name

Witness

Address

SIGNED for and on behalf of
DUMFRIES AND GALLOWAY
COUNCIL

at

on

by

Print Full Name

Authorised Signatory

before this witness

Print Full Name

Witness

Address

SIGNED for and on behalf of
NORTHUMBERLAND COUNTY
COUNCIL

at

on

by

Print Full Name

Authorised Signatory

before this witness

Print Full Name

Witness

Address

SIGNED for and on behalf of
SCOTTISH BORDERS COUNCIL

at

on

by

Print Full Name

Authorised Signatory

before this witness

Print Full Name

Witness

Address

This is the Schedule referred to in the preceding Collaboration Agreement among Carlisle City Council, Cumbria County Council, Dumfries and Galloway Council, Northumberland County Council and Scottish Borders Council

SCHEDULE

SCHEDULE PART 1 – DEFINITIONS & INTERPRETATION

1. Unless the context otherwise requires, the following expressions will have the following meanings assigned to them:

“**Accountable Body**” means a Participating Authority who has the role of accountable body in respect of Growth Deal funding from the UK Government and (where applicable) the Scottish Government, as referred to in clauses 12.1 and 12.2; “**Accountable Bodies**” shall be construed accordingly;

“**Agreement**” means this Schedule and the Collaboration Agreement to which this Schedule is annexed;

“**Borderlands Growth Deal Grant Claim Form**” means a grant claim form (in accordance with the template grant claim form prepared by the PMO and approved from time to time by the Partnership Board) used by a Delivery Partner for the purposes of claiming grant funding from an Accountable Body in respect of a Growth Deal Project;

“**Borderlands Region**” means that geographical area which comprises the respective areas served by the Participating Authorities taken together;

“**Business Day**” means a day which is not a Saturday or Sunday or a public holiday in Scotland or in England;

“**Chief Executives’ Group**” means the group constituted in accordance with clause 5;

“**Commencement Date**” means the last date of execution of this Agreement;

“**Confidential Information**” means information, the disclosure of which would constitute an actionable breach of confidence, which has either been designated as confidential by any Participating Authority in writing or that ought to be considered as confidential (however it is conveyed or on whatever media it is stored) including commercially sensitive information, information which relates to the operations, affairs, properties, assets, policies, practices, intellectual property rights, know-how, personnel, contractors and advisers of any Participating Authority; and all personal data and sensitive personal data within the meaning of the Data Protection Laws;

“**Data Protection Laws**” means all applicable laws, statutes, bye-laws, regulations, orders or rules of court relating to the processing of personal data and/or privacy (including, but not limited to: (a) Regulation (EU) 2016/679 (the “**GDPR**”); (b) the Data Protection Act 2018; (c) the Privacy and Electronic Communications (EC Directive) Regulations 2003; and (d) any data protection and privacy laws enacted in replacement of (a), (b) or (c) and/or as a result of the GDPR ceasing to have direct effect in the UK (in each case as amended, updated or re-enacted from time to time), and all applicable guidance and codes of practice issued by the Information Commissioner and/or any other relevant regulatory body from time to time;

“**Delivery Partner**” means, in relation to a given Growth Deal Project, the Participating Authority (or other body) which is accountable to the Partnership Board for the successful delivery of that Growth Deal Project and which receives financial support from the Growth Deal Programme Budget in relation to that Growth Deal Project accordingly;

“**EI Regulations**” means, insofar as applicable in each case, the Environmental Information Regulations 2004 and the Environmental Information (Scotland) Regulations 2004 and any other legislation made in connection with either of those sets of regulations from time to time, together with any guidance and/or codes of practice issued by the Information Commissioner or the Scottish Information Commissioner from time to time in relation to such regulations or other legislation;

“**Economic Forum**” means the forum constituted in accordance with clause 4;

“**FOI Legislation**” means, insofar as applicable in each case, the Freedom of Information Act 2000 and the Freedom of Information (Scotland) Act 2002 and any subordinate legislation made under either of those Acts from time to time, together with any guidance and/or codes of practice issued by the Information Commissioner or the Scottish Information Commissioner from time to time in relation to such legislation;

“**Finance Directors’ Group**” means the group constituted in accordance with clause 6;

“**Financial Year**” means the period from 1 April in one calendar year to 31 March in the following calendar year, subject to the qualification that the first Financial Year shall be taken to be the period from the date of this Agreement to 31 March 2020;

“**Growth Deal**” means the Borderlands Inclusive Growth Deal agreed between the Participating Authorities, the UK Government and the Scottish Government;

“**Growth Deal Manager**” means the individual so designated from time to time by the Chief Executives’ Group with responsibility for day-to-day management of the PMO, who is to be managed by the PMO Host Employer;

“Growth Deal Operating Budget” means the five-year budget approved annually by the Participating Authorities (as amended, supplemented and/or replaced by agreement of the Participating Authorities from time to time) under clause 13.2, in respect of the Growth Deal Operating Costs;

“Growth Deal Operating Costs” means (a) the employment costs associated with the PMO; (b) costs (additional to PMO employment costs) incurred in managing the Growth Deal Operating Budget; (c) costs (additional to PMO employment costs) incurred in carrying out the responsibilities and tasks of an Accountable Body; and (where applicable) (d) the interest payments and other costs associated with borrowings of the nature referred to in clause 12.17;

“Growth Deal Operating Funds” means those funds held by the PMO Host Employer which are contributed by Participating Authorities to meet the Growth Deal Operating Costs, together with interest obtained by the PMO Host Employer from holding those funds and funding from other sources, which are allocated from time to time to meet Growth Deal Operating Costs;

“Growth Deal Programme Budget” means funds contributed to the Growth Deal from time to time by the UK Government and the Scottish Government as set out in the agreed financial plan, or (as the context requires) the balance of such funds remaining from time to time;

“Growth Deal Programme Contracts” means contracts with service providers (which may include a Participating Authority, if the Chief Executives’ Group consider appropriate in any given case) for the supply of consultancy, research or other support (a) to inform decisions of the Partnership Board, the Chief Executives’ Group, the Finance Directors’ Group or the PMO under this Agreement or (b) to ensure appropriate monitoring and control in relation to the use of the Growth Deal Programme Budget or (c) to measure the impact of the Growth Deal in stimulating inclusive economic growth across the Borderlands Region; **“Growth Deal Programme Contract”** shall be construed accordingly;

“Growth Deal Project” means an individual project or programme falling within the Growth Deal which has been approved through the OBC Process;

“Information” means: (a) information as defined in FOI Legislation; and (b) environmental information as defined in the EI Regulations, where applicable;

“Intellectual Property Rights” means all patents, trademarks, registered designs (and any applications for any of those), copyright, semi-conductor topography rights, database rights, unregistered design rights, rights in and to trade names, business names, domain names, product names and logos, databases, inventions, discoveries and any other intellectual or industrial property rights in each and every part of the world together with all applications, renewals, revisions and extensions;

“Monitoring and Reporting Framework” means the monitoring, general oversight and reporting framework for the Growth Deal, in the form approved by the UK Government and Scottish Government (including any adjustments or additional provisions which may be introduced, with such approval, from time to time);

“Nominated Contracting Party” means, in relation to a given Growth Deal Programme Contract, the Participating Authority which is identified as the local authority which is to have the role of contracting party in relation to that contract;

“OBC Process” means the process of obtaining the approval of the Scottish Government and UK Government in respect of a business case for a proposed Growth Deal Project;

“PMO” means the programme management office staff team constituted in accordance with clause 8 ;

“PMO Host Employer” means the Participating Authority which is designated (by agreement in writing among the Participating Authorities) from time to time as the local authority which is to have the role of host employer in relation to the PMO;

“Participating Authorities” has the meaning given to that expression in the Collaboration Agreement to which this Schedule is annexed; **“Participating Authority”** shall be construed accordingly;

“Partnership Board” means the board constituted in accordance with clause 3;

“Programme Board” means a board constituted in accordance with clause 9;

“Project Delivery Board” means a board constituted in accordance with clause 10;

“Request for Information” means a request for Information within the meaning set out in FOI Legislation or the EI Regulations, where applicable; or any apparent request for information under FOI Legislation or the EI Regulations, where applicable.

2. Clause headings are included in this Agreement for ease of reference only and shall not affect the interpretation of this Agreement.

3. References to clauses and paragraphs and to the Schedule are (unless otherwise stated) references to the clauses and paragraphs of, and the Schedule to, this Agreement.

4. Where the context so admits or requires, words denoting the singular include the plural and vice versa.

5. References to statutory provisions shall be construed as references to those provisions as replaced, amended or re-enacted from time to time (whether before or

after the date of this Agreement) and shall include any provisions of which they are re-enactments (whether with or without modification) and any subordinate legislation made under such provisions.

SCHEDULE PART 2A - COMPOSITION AND REMIT OF THE PARTNERSHIP BOARD

Composition

1.1 The Partnership Board will comprise:

- the Leader of each Participating Authority; and
- the Chair of the Economic Forum;

but on the understanding that, as referred to in Part 2B of this Schedule, each Participating Authority, and the Economic Forum, shall be entitled to nominate a substitute with power to attend and vote in place of the individuals referred to above.

1.2 Until such time as the Economic Forum has been established, the Leaders of the Participating Authorities shall be entitled to co-opt up to 2 private sector representatives to be members of the Partnership Board; such co-opted members of the Partnership Board shall automatically cease to be members of the Partnership Board upon the establishment of the Economic Forum and the appointment of its Chair.

Remit

2.1 The remit of the Partnership Board is to provide strategic direction and exercise high level oversight and overall control, serving as the forum for joint decision-making at the highest level within the governance framework set by this Collaboration Agreement (but subject to clause 3.5 of the Agreement) in relation to the delivery of the Growth Deal; in particular, the Partnership Board shall:

- ensure that the delivery of the Growth Deal is carried out in a manner which aligns with the strategic objectives underlying the Growth Deal (as set out in the response to the UK Government consultation) and so as to maximise impact in terms of furtherance of those objectives;
- retain a watching brief regarding changes in the wider environment, with a view to revisiting and refining the strategic objectives underlying the Growth Deal and/or the approaches taken to delivery, as required;
- receive reports from the Chief Executives' Group and the Finance Directors' Group and, through such reports, monitor and evaluate, at high level, progress with the Growth Deal Projects, as well as the impact of the Growth Deal in furthering the strategic objectives underlying the Growth Deal;

- exercise oversight at high level in relation to the use of Growth Deal Programme Budget, and in particular to ensure that such funds are used in accordance with the conditions attaching to Growth Deal Programme Budget and in line with principles of best value;
- ensure that there is full compliance at all times with the Monitoring and Reporting Framework;
- maintain an overview in relation to key risks associated with delivery of the Growth Deal, and ensure that proactive steps are taken to manage and mitigate such risks;
- ensure (to the extent that it is able to do so) that sufficient resources are made available within the PMO to enable the PMO to carry out its functions effectively and in a manner which allows delivery of the Growth Deal Projects to proceed in line with anticipated timescales;
- monitor the effectiveness of the Economic Forum, the Programme Boards and the Project Delivery Boards in carrying out their respective functions;
- seek to resolve any dispute or difference which may arise among the Participating Authorities from time to time in relation to any aspect of the Growth Deal (but without prejudice to the provisions of clause 20 of the Agreement (dispute resolution));
- retain a watching brief regarding other projects, initiatives and strategic developments outside the Growth Deal and, to the extent that it is able to do so, seek to ensure that:
 - the delivery of Growth Deal projects aligns with the delivery such other projects; and
 - the delivery of such other projects aligns with the delivery of the Growth Deal projects;
 - promote the Growth Deal; and
 - explore other areas for potential collaboration between and among the Participating Authorities.

2.2 Without prejudice to the preceding generality, and by way of illustration only, the Partnership Board shall have responsibility for the following decisions; in particular, the Partnership Board shall:

- provide strategic direction and oversight of the Growth Deal Programme Budget including the overall strategy and commissioning of proposals;
- approve business cases for projects and programmes within the Growth Deal for submission to UK and Scottish Governments – to include approval at each stage of

the business case process (Strategic Outline Business Case, Outline Business Case and Full Business Case);

- determine priorities for investment of the Growth Deal Programme Budget including any decisions regarding the reallocation of funding within the Growth Deal Programme Budget;
- where decision making on business cases is delegated by UK and/or Scottish Government, be responsible for such decisions;
- approve the terms of reference for sub-groups operating under the remit of the Partnership Board and approve any delegated authority of such sub-groups;
- approve the financial plan prepared by the PMO (and which has been endorsed by the Finance Directors' Group);
- approve monitoring and evaluation reports for submission to UK and Scottish Governments;
- maintain oversight of Growth Deal programme risks.

SCHEDULE PART 2B – RULES OF PROCEDURE FOR THE PARTNERSHIP BOARD

Chairs

- 1 A co-Chair approach shall apply in relation to the Partnership Board – with one Chair being the Leader of a Scottish Participating Authority and the other Chair being the Leader of an English Participating Authority.
- 2 The first co-Chairs will be the Leaders of the two Accountable Bodies.
- 3 The co-Chairs shall rotate among the Participating Authorities on an annual basis, with effect from the commencement of each Financial Year (but following the principle that one Chair should be the Leader of a Scottish Participating Authority and the other Chair should be the Leader of an English Participating Authority); and with the order (after the first Financial Year) being as follows:
 - 3.1 Scottish Borders Council and Carlisle City Council;
 - 3.2 Dumfries and Galloway Council and Cumbria County Council;
 - 3.3 Scottish Borders Council and Northumberland County Council;and so on.
- 4 For the avoidance of doubt, the office of co-Chair will not be a salaried position.
- 5 The role of the co-Chairs will be:
 - 5.1 to ensure the efficient conduct of each meeting of the Partnership Board; and
 - 5.2 to act as a spokesperson in relation to the Growth Deal, and particularly as regards strategic matters.
- 6 The chair of a meeting of the Partnership Board shall be:
 - 6.1 where the physical location of a meeting is specified in the meeting notice as being in England (irrespective of any right to participate in the meeting by electronic means), the then current co-Chair from an English Participating Authority; or
 - 6.2 where the physical location of a meeting is specified in the meeting notice as being in Scotland (irrespective of any right to participate in the meeting by electronic means), the then current co-Chair from a Scottish Participating Authority.

- 7 If the relevant co-Chair is unwilling to act as chairperson of a meeting of the Partnership Board or is not present within 15 minutes after the time appointed for a meeting, the other co-Chair of the Partnership Board shall act as chair of that meeting.
- 8 If neither of the co-Chairs is willing to act as chairperson of a meeting of the Partnership Board or is not present within 15 minutes after the time appointed for a meeting, the meeting shall appoint another member of the Partnership Board (who must be a Leader of a Participating Authority and not her/his substitute) to act as chairperson of the meeting.

Substitutes

- 9 Any Participating Authority may appoint another individual as a substitute for its Leader, to attend and participate in decision-making (including power to vote) at meetings of the Partnership Board at which the Leader is not present.
- 10 The Economic Forum may appoint another individual as a substitute for the Chair of the Economic Forum, to attend and participate in decision-making (including power to vote) at meetings of the Partnership Board at which the Chair of the Economic Forum is not present.
- 11 The substitutes appointed by each of the Participating Authorities and the Economic Forum shall, in the interests of continuity, be appointed on an annual basis, or as otherwise agreed by the Participating Authorities.
- 12 For the avoidance of doubt, the Leaders of the Participating Authorities, and the Chair of the Economic Forum, are expected to use every effort to attend meetings of the Partnership Board in person (including for this purpose participation by conference telephone or video conferencing facilities); attendance by substitutes should be considered only in exceptional circumstances.

Quorum

- 13 A meeting of the Partnership Board will not proceed unless at least one representative of each of the Participating Authorities is present; a substitute appointed under paragraph 9 or 10 shall, if the member who appointed him/her is not present, be counted in determining whether a quorum is present.
- 14 A member of the Partnership Board (or a substitute appointed under paragraph 9 or 10) may participate in a meeting of the Partnership Board via conference telephone or video conference facilities; he/she will then be deemed to be present in determining whether a quorum is present.

Attendance by others

15 The UK and Scottish Governments shall each have the right to appoint one or more representatives to attend all or any part of any meeting of the Partnership Board as an observer and/or to contribute information and advice to the discussions at any meeting of the Partnership Board; for the avoidance of doubt, an individual attending a meeting of the Partnership Board in that capacity shall not have any voting rights.

16 The Partnership Board may, at its discretion, invite:

16.1 representatives of stakeholder bodies (which may include the relevant Local Enterprise Partnerships and the South of Scotland Enterprise Agency)

16.2 any or all of the members of the Chief Executives' Group or Finance Directors' Group;

16.3 the Chair of any or all of the Programme Boards;

16.4 any member of the PMO; and/or

16.5 any other individuals

to attend all or any part of any meeting of the Partnership Board as an observer and/or to contribute information and advice to the discussions at any meeting of the Partnership Board; for the avoidance of doubt, an individual attending a meeting of the Partnership Board in any such capacity shall not have any voting rights.

Decision-making

17 The Partnership Board will use its best efforts to operate by broad consensus; should broad consensus on any issue not be achievable, decisions of the Partnership Board will be made by a majority of votes cast.

18 For the avoidance of doubt, an individual participating in a meeting of the Partnership Board via conference telephone or video conference facilities will be entitled to vote via such facilities.

19 Where a vote is taken, each of the members of the Partnership Board (or, where a member is not participating in the meeting, his/her substitute) shall have one vote.

20 If an equality of votes arises in relation to any matter put to the vote at a meeting of the Partnership Board, the chairperson of the meeting will not have a casting vote.

21 In the event of an equality of votes in relation to a particular matter, that matter shall be referred to the Chief Executives' Group for review and, thereafter, brought back to the Partnership Board for further consideration.

Duty to act in the best interests of the Growth Deal

- 22 In carrying out their functions, members of the Partnership Board shall recognise and give effect to the principle that each member of the Partnership Board should take decisions in his/her capacity as a member of the Partnership Board in such a way as he/she considers will best promote the overall success of the Growth Deal and in a manner which best furthers the collective interests of the Participating Authorities in that regard.
- 23 Each Participating Authority recognises and agrees that the Leader of that Participating Authority, when carrying out his/her functions as a member of the Partnership Board, is required to act in accordance with the provisions of paragraph 22; and undertakes to respect that principle in the context of any discussions between that Participating Authority and the Leader regarding any aspect of the Growth Deal.

Confidentiality and code of conduct

- 24 Each member of the Partnership Board shall, as an individual, be required to sign a non-disclosure agreement reflecting the terms of clause 21 of the Agreement and a code of conduct (in each case, in the form approved by the Chief Executives' Group), to confirm that he/she understands her/his responsibilities as a member of the Partnership Board.

Frequency and location of meetings

- 25 Meetings of the Partnership Board will be held on a quarterly basis, with additional meetings as deemed appropriate by the co-Chairs of the Partnership Board.
- 26 The first meeting of the Partnership Board shall be held at the offices of the English co-Chair of the Partnership Board and the second meeting shall be held at the offices of the Scottish co-Chair of the Partnership Board. Subsequent meetings of the Partnership Board shall be held on a rotating basis between the offices of the English co-Chair of the Partnership Board and the offices of the Scottish co-Chair of the Partnership Board, or at such other location as the Partnership Board may agree.

Support

- 27 The responsibility for supporting the Partnership Board will rest with the PMO.
- 28 In arranging Partnership Board meetings, the PMO shall use reasonable endeavours to arrange a date, time of day and location which facilitate attendance by members of the Partnership Board.
- 29 The PMO will, without prejudice to its other duties, prepare and collate the papers and documentation required for each Partnership Board meeting and arrange the time and location of each Partnership Board meeting.

- 30 A full set of papers (including an agenda) will be issued by the PMO to all Partnership Board members at least five Business Days before each meeting of the Partnership Board.
- 31 Any Partnership Board member wishing to submit a paper for discussion at a meeting of the Partnership Board shall ensure that the PMO has received it at least five Business Days before the papers are due to be issued.
- 32 Papers may be issued outwith the normal timescale at the discretion of the co-Chairs of the Partnership Board, but Partnership Board members may decide not to consider any papers if they feel that they have had insufficient time to study those papers in advance of the Partnership Board meeting at which those papers were to be discussed; this applies particularly to papers tabled on the day of the meeting, which will not normally be considered.

Access to meetings

- 33 Meetings of the Partnership Board will (subject to paragraph 34) be open to the public.
- 34 If the chairperson of a meeting of the Partnership Board so determines (having regard to legislative principles applicable to meetings of the Participating Authorities), the public may be excluded from any parts of the meeting at which matters deemed confidential by the chairperson are to be discussed.

Recording of decisions

- 35 A list of action points arising from each meeting of the Partnership Board will be circulated by the PMO to all Partnership Board members, and to all members of the Chief Executives' Group, within 2 Business Days after the meeting.
- 36 Minutes of each meeting of the Partnership Board will be circulated by the PMO to all those individuals referred to in paragraph 35, within 5 Business Days after the meeting.
- 37 Any comments on minutes of Partnership Board meetings, or suggestions for amendment of such minutes, should be notified within 5 Business Days of receipt of the minutes to the PMO and to all other recipients of the minutes, for consideration (and, if considered appropriate, adoption) by the Partnership Board at its next meeting.
- 38 Minutes of meetings of the Partnership Board shall (subject to paragraph 39) be made available for public review by way of the Growth Deal website.
- 39 The co-Chairs may determine that any parts of the minutes of a Partnership Board meeting which contain confidential material should be redacted in the versions made available for public review under paragraph 38.

SCHEDULE PART 3A - COMPOSITION AND REMIT OF THE ECONOMIC FORUM

Composition

1.1 The Economic Forum shall comprise a maximum of 14 representatives as follows:

- 2 such representatives shall be appointed by each Participating Authority; and
- 1 such representative shall be appointed by each of:
 - Cumbria Local Enterprise Partnership;
 - North East Local Enterprise Partnership;
 - South of Scotland Enterprise Agency; and
 - Skills Development Scotland.

1.2 A Participating Authority may, by notice to the chair of the Economic Forum, remove any representative appointed by that Participating Authority as a member of the Economic Forum and, subject to the maximum of 2 representatives being appointed by each Participating Authority, appoint another representative in her/his place.

1.3 Each of Cumbria Local Enterprise Partnership, North East Local Enterprise Partnership, South of Scotland Enterprise Agency and Skills Development Scotland may, by notice to the chair of the Economic Forum:

- appoint an individual as a member of the Economic Forum (subject to a maximum of 1 representative being appointed by each such organisation); and
- remove any representative appointed by it as a member of the Economic Forum and, subject to a maximum of 1 representative being appointed by each such organisation, appoint another representative in her/his place.

1.4 The individuals to be appointed as members of the Economic Forum by the Participating Authorities shall be selected through an open and transparent appointment process following advertisement on the Borderlands website setting out the criteria for appointment and specifying a fixed closing date set.

1.5 Following receipt of applications for membership of the Economic Forum, each application will, after the closing date, be passed to the Participating Authority with the closest geographic connection with the applicant – either on the basis that he/she resides in, or has a business connection with, the operational area of that Participating Authority.

1.6 Thereafter, each Participating Authority, shall prepare a shortlist of applicants from the applications received in response to the above mentioned process and shall endeavour to ensure a balance of male and female applicants on such shortlist.

1.7 The relevant Participating Authority shall carry out interviews of all applicants on its shortlist and shall evaluate the application and interview of each shortlisted candidate against the specified criteria; thereafter, it shall appoint the applicant(s) who scored most highly against the stated criteria for appointment, while making every effort to appoint one female and one male applicant as members of the Economic Forum.

1.8 Following the selection of the proposed members of the Economic Forum by each Participating Authority, each Participating Authority shall submit the names of the proposed members of the Economic Forum to the Partnership Board for approval and confirmation of her/his/their appointment as a member of the Economic Forum.

Remit

2.1 The remit of the Economic Forum is to provide an opportunity for wider stakeholders – with a particular focus on economic development agencies and the business community (including social enterprises) – to contribute towards maximising the impact of the Growth Deal in stimulating inclusive economic growth within the area served by the Growth Deal; in particular, the Economic Forum shall:

- advise and provide appropriate challenge to the Partnership Board, to properly reflect the wider economic interests of the Borderlands Region in its decision-making, including the development of business cases for proposed Growth Deal Projects;
- champion, co-ordinate and offer advice to the Partnership Board on priorities for skills, business growth and regeneration and ensure that these are delivered in alignment with local needs and aspirations whilst delivering against the Growth Deal priorities;
- maintain appropriate channels of communication and escalate decisions as necessary with third party organisations;
- advise the Partnership Board on how best to engage with the business community regarding the Growth Deal;
- advise on economic priorities for the business communities across the Borderlands Region; and
- utilise business networks to promote and support the successful delivery of Growth Deal Projects and programmes.

SCHEDULE PART 3B – RULES OF PROCEDURE FOR THE ECONOMIC FORUM

Chair

- 1 The members of the Economic Forum shall appoint one of their number appointed by a Participating Authority as Chair of the Economic Forum; the Chair must always be a member of the Economic Forum appointed by a Participating Authority.
- 2 The Chair shall rotate among the representatives appointed by each of the Participating Authorities on an annual basis, with effect from the commencement of each Financial Year (but following the principle that the first Chair should be a representative appointed by an English Participating Authority, the second Chair a representative appointed by a Scottish Participating Authority; and in subsequent years, the Chair shall rotate between a representative appointed by an English Participating Authority and a representative appointed by a Scottish Participating Authority).
- 3 For the avoidance of doubt, the office of Chair will not be a salaried position.
- 4 The role of the Chair will be:
 - 4.1 to act as a member of the Partnership Board;
 - 4.2 to ensure the efficient conduct of each meeting of the Economic Forum; and
 - 4.3 to act as the Economic Forum's spokesperson in relation to the Growth Deal, and particularly as regards engagement with the business community.
- 5 If the Chair is unwilling to act as chairperson of a meeting of the Economic Forum or is not present within 15 minutes after the time appointed for a meeting, the meeting shall appoint another member of the Economic Forum to act as chairperson of the meeting.

Substitutes

- 6 Members of the Economic Forum shall not be entitled to appoint substitutes to attend meetings which they are unable to attend.

Quorum

- 7 A meeting of the Economic Forum will not proceed unless at least one representative appointed by each of the Participating Authorities is present.

- 8 A member of the Economic Forum may participate in a meeting of the Economic Forum via conference telephone or video conference facilities; he/she will then be deemed to be present in determining whether a quorum is present.

Attendance by others

- 9 The UK and Scottish Governments shall each have the right to appoint one or more representatives to attend all or any part of any meeting of the Economic Forum as an observer and/or to contribute information and advice to the discussions at any meeting of the Economic Forum; for the avoidance of doubt, an individual attending a meeting of the Economic Forum in that capacity shall not have any voting rights.
- 10 The Economic Forum may, at its discretion, invite any individual to attend all or any part of any meeting of the Economic Forum as an observer and/or to contribute information and advice to the discussions at any meeting of the Economic Forum; for the avoidance of doubt, an individual attending a meeting of the Economic Forum in any such capacity shall not have any voting rights.

Decision-making

- 11 The Economic Forum will use its best efforts to operate by broad consensus; should broad consensus on any issue not be achievable, decisions of the Economic Forum will be made by a majority of votes cast.
- 12 For the avoidance of doubt, an individual participating in a meeting of the Economic Forum via conference telephone or video conference facilities will be entitled to vote via such facilities.
- 13 Where a vote is taken, each of the members of the Economic Forum shall have one vote.
- 14 If an equality of votes arises in relation to any matter put to the vote at a meeting of the Economic Forum, the chairperson of the meeting will not have a casting vote; if there is an equality of votes in relation to a particular matter, that matter shall not be passed or carried and the then current situation shall continue.

Duty to act in the best interests of the Growth Deal

- 15 In carrying out their functions, members of the Economic Forum shall recognise and give effect to the principle that each member of the Economic Forum should take decisions in his/her capacity as a member of the Economic Forum in such a way as he/she considers will best promote the overall success of the Growth Deal and in a manner which best furthers the collective interests of the Participating Authorities in that regard.

Code of conduct

- 16 Each member of the Economic Forum shall, as an individual, be required to sign a code of conduct (in the form approved by the Chief Executives' Group), to confirm that he/she understands her/his responsibilities as a member of the Economic Forum.

Frequency of meetings

- 17 Meetings of the Economic Forum will be held on a quarterly basis, with additional meetings as deemed appropriate by the Chair of the Economic Forum.

Support

- 18 The responsibility for supporting the Economic Forum will rest with the PMO.
- 19 In arranging Economic Forum meetings, the PMO shall use reasonable endeavours to arrange a date, time of day and location which facilitate attendance by members of the Economic Forum.
- 20 The PMO will, without prejudice to its other duties, prepare and collate the papers and documentation required for each Economic Forum meeting and arrange the time and location of each Economic Forum meeting.
- 21 A full set of papers (including an agenda) will be issued by the PMO to all Economic Forum members at least five Business Days before each meeting of the Economic Forum.
- 22 Any Economic Forum member wishing to submit a paper for discussion at a meeting of the Economic Forum shall ensure that the PMO has received it at least five Business Days before the papers are due to be issued.
- 23 Papers may be issued outwith the normal timescale at the discretion of the Chair of the Economic Forum, but Economic Forum members may decide not to consider any papers if they feel that they have had insufficient time to study those papers in advance of the Economic Forum meeting at which those papers were to be discussed; this applies particularly to papers tabled on the day of the meeting, which will not normally be considered.

Access to meetings

- 24 Meetings of the Economic Forum will (subject to paragraph 25) be open to the public.
- 25 If the chairperson of a meeting of the Economic Forum so determines (having regard to legislative principles applicable to meetings of the Participating Authorities), the public may be excluded from any parts of the meeting at which matters deemed confidential by the chairperson are to be discussed.

Recording of decisions

- 26 A list of action points arising from each meeting of the Economic Forum will be circulated by the PMO to all Economic Forum members, within 2 Business Days after the meeting.
- 27 Minutes of each meeting of the Economic Forum will be circulated by the PMO to all those individuals referred to in paragraph 26, within 5 Business Days after the meeting.
- 28 Any comments on minutes of Economic Forum meetings, or suggestions for amendment of such minutes, should be notified within 5 Business Days of receipt of the minutes to the PMO and to all other recipients of the minutes, for consideration (and, if considered appropriate, adoption) by the Economic Forum at its next meeting.
- 29 Minutes of meetings of the Economic Forum shall (subject to paragraph 30) be made available for public review by way of the Growth Deal website.
- 30 The Chair may determine that any parts of the minutes of an Economic Forum meeting which contain confidential material should be redacted in the versions made available for public review under paragraph 29.

**SCHEDULE PART 4A – COMPOSITION AND REMIT OF THE CHIEF
EXECUTIVES’ GROUP**

Composition

1. The Chief Executives’ Group will comprise the Chief Executive of each of the Participating Authorities, but on the understanding that, as referred in Part 4B of this Schedule, each Participating Authority shall be entitled to nominate a substitute with power to attend and vote in place of the Chief Executive of that Participating Authority.

Remit

2 The Chief Executives’ Group shall:

- support the Partnership Board in overseeing the delivery of the Growth Deal and ensure that it is aligned towards achieving its inclusive growth ambitions;
- exercise oversight and direction in relation to the work of the PMO, including management of the PMO and monitoring its performance in carrying out its work;
- highlight to the Partnership Board key issues (whether for noting or decision) arising from the reports and recommendations issued from time to time by the PMO, and provide appropriate guidance and recommendations to the Partnership Board in relation to issues of that nature; and
- provide leadership in key themes and priorities of the Growth Deal in furtherance of and consistent with the policies and directions issued by the Partnership Board.

**SCHEDULE PART 4B – RULES OF PROCEDURE FOR THE CHIEF
EXECUTIVES’ GROUP**

Chair

- 1 A co-Chair approach shall apply in relation to the Chief Executives’ Group – with one Chair being a chief executive of a Scottish Participating Authority and the other Chair being a chief executive of an English Participating Authority.
- 2 The co-Chairs shall rotate among the chief executives of each of the Participating Authorities on an annual basis, with effect from the commencement of each Financial Year, but following the principle that each co-Chair must always be a chief executive of a Participating Authority whose Leader, at the relevant time, holds the office of co-Chair of the Partnership Board.
- 3 For the avoidance of doubt, the office of Chair will not be a salaried position.
- 4 The role of the Chair will be:
 - 4.1 to ensure the efficient conduct of each meeting of the Chief Executives’ Group; and
 - 4.2 to act as the Chief Executives’ Group’s representative as regards communications with the Partnership Board, the Economic Forum, the Finance Directors’ Group and the PMO.
- 5 The chair of a meeting of the Chief Executives’ Group shall be:
 - 5.1 where the physical location of a meeting is specified in the meeting notice as being in England (irrespective of any right to participate in the meeting by electronic means), the then current co-Chair from an English Participating Authority; or
 - 5.2 where the physical location of a meeting is specified in the meeting notice as being in Scotland (irrespective of any right to participate in the meeting by electronic means), the then current co-Chair from a Scottish Participating Authority.
- 6 If neither of the co-Chairs is willing to act as chairperson of a meeting of the Chief Executives’ Group or is not present within 15 minutes after the time appointed for a meeting, the meeting shall appoint another member of the Chief Executives’ Group (who must be a chief executive of a Participating Authority and not her/his substitute) to act as chairperson of the meeting.

Substitutes

- 7 Any Participating Authority may appoint another individual as a substitute for its chief executive, to attend and participate in decision-making (including power to vote) at meetings of the Chief Executives' Group at which the chief executive is not present.
- 8 The substitute appointed by each of the Participating Authorities shall, in the interests of continuity, be appointed on an annual basis, or as otherwise agreed among the Participating Authorities.
- 9 For the avoidance of doubt, the chief executives of the Participating Authorities are expected to use every effort to attend meetings of the Chief Executives' Group in person (including for this purpose participation by conference telephone or video conferencing facilities); attendance by substitutes should be considered only in exceptional circumstances.

Quorum

- 10 Subject to paragraph 11, a meeting of the Chief Executives' Group will not proceed unless the chief executive or her/his substitute (appointed in accordance with paragraphs 7 and 8) of each of the Participating Authorities is present.
- 11 A meeting of the Chief Executives' Group may proceed despite the absence of a chief executive of a Participating Authority (and her/his appointed substitute) if that Participating Authority agrees in writing that the meeting can proceed without her/his attendance.
- 12 A member of the Chief Executives' Group may participate in a meeting of the Chief Executives' Group via conference telephone or video conference facilities; he/she will then be deemed to be present in determining whether a quorum is present.

Attendance by others

- 13 The UK and Scottish Governments shall each have the right to appoint one or more representatives to attend all or any part of any meeting of the Chief Executives' Group as an observer and/or to contribute information and advice to the discussions at any meeting of the Chief Executives' Group; for the avoidance of doubt, an individual attending a meeting of the Chief Executives' Group in any such capacity shall not have any voting rights.
- 14 The Chief Executives' Group may, at its discretion, invite any individual to attend all or any part of any meeting of the Chief Executives' Group as an observer and/or to contribute information and advice to the discussions at any meeting of the Chief Executives' Group; for the avoidance of doubt, an individual attending a meeting of the Chief Executives' Group in any such capacity shall not have any voting rights.

Decision-making

- 15 The Chief Executives' Group will use its best efforts to operate by broad consensus; should broad consensus on any issue not be achievable, decisions of the Chief Executives' Group will be made by a majority of votes cast.
- 16 For the avoidance of doubt, an individual participating in a meeting of the Chief Executives' Group via conference telephone or video conference facilities will be entitled to vote via such facilities.
- 17 Where a vote is taken, each of the members of the Chief Executives' Group shall have one vote.
- 18 If an equality of votes arises in relation to any matter put to the vote at a meeting of the Chief Executives' Group, the chairperson of the meeting will not have a casting vote.

Duty to act in the best interests of the Growth Deal

- 19 In carrying out their functions, members of the Chief Executives' Group shall recognise and give effect to the principle that each member of the Chief Executives' Group should take decisions in his/her capacity as a member of the Chief Executives' Group in such a way as he/she considers will best promote the overall success of the Growth Deal and in a manner which best furthers the collective interests of the Participating Authorities in that regard.
- 20 Each Participating Authority recognises and agrees that the chief executive of that Participating Authority, when carrying out his/her functions as a member of the Chief Executives' Group, is required to act in accordance with the provisions of paragraph 19; and undertakes to respect that principle in the context of any discussions between that Participating Authority and the chief executive regarding any aspect of the Growth Deal.

Frequency of meetings

- 21 Meetings of the Chief Executives' Group will be held on a quarterly basis, with additional meetings as deemed appropriate by the Chair of the Chief Executives' Group.

Support

- 22 The responsibility for supporting the Chief Executives' Group will rest with the PMO.
- 23 In arranging Chief Executives' Group meetings, the PMO shall use reasonable endeavours to arrange a date, time of day and location which facilitate attendance by members of the Chief Executives' Group.

- 24 The PMO will, without prejudice to its other duties, prepare and collate the papers and documentation required for each Chief Executives' Group meeting and arrange the time and location of each Chief Executives' Group meeting.
- 25 A full set of papers (including an agenda) will be issued by the PMO to all Chief Executives' Group members at least five Business Days before each meeting of the Chief Executives' Group.
- 26 Any Chief Executives' Group member wishing to submit a paper for discussion at a meeting of the Chief Executives' Group shall ensure that the PMO has received it at least five Business Days before the papers are due to be issued.
- 27 Papers may be issued outwith the normal timescale at the discretion of the Chair of the Chief Executives' Group, but Chief Executives' Group members may decide not to consider any papers if they feel that they have had insufficient time to study those papers in advance of the Chief Executives' Group meeting at which those papers were to be discussed; this applies particularly to papers tabled on the day of the meeting, which will not normally be considered.

Access to meetings

- 28 Meetings of the Chief Executives' Group will not be open to the public.

Recording of decisions

- 29 A list of action points arising from each meeting of the Chief Executives' Group will be circulated by the PMO to all Chief Executives' Group members, within 2 Business Days after the meeting.
- 30 Minutes of each meeting of the Chief Executives' Group will be circulated by the PMO to all those individuals referred to in paragraph 29, within 5 Business Days after the meeting.
- 31 Any comments on minutes of Chief Executives' Group meetings, or suggestions for amendment of such minutes, should be notified within 5 Business Days of receipt of the minutes to the PMO and to all other recipients of the minutes, for consideration (and, if considered appropriate, adoption) by the Chief Executives' Group at its next meeting.
- 32 Minutes of meetings of the Chief Executives' Group shall not be made available for public review by way of the Growth Deal website.

SCHEDULE PART 5A – COMPOSITION AND REMIT OF THE FINANCE DIRECTORS’ GROUP

Composition

1. The Finance Directors’ Group shall comprise:
 - the Finance Director of each of the Participating Authorities; and
 - an individual from the PMO.

Remit

2.1 The remit of the Finance Directors’ Group shall be to ensure financial probity, and address issues of risk and assurance, in relation to the delivery of the Growth Deal; in particular, the Finance Directors’ Group shall:

- support the PMO, the Chief Executives’ Group, the Economic Development Chief Officers’ Group and the Partnership Board in overseeing the Growth Deal's finances;
- support the Partnership Board in ensuring that financial plans are set having regard to, and in alignment with, the business cases approved by the UK Government and Scottish Government from time to time;
- ensure that the expenditure from the Growth Deal Programme Budget is in line with the financial plan approved by the Partnership Board from time to time;
- consider quarterly financial reports, and escalate any significant risks to the Partnership Board through the Chief Executives’ Group;
- collate financial information across the various projects and initiatives which are being delivered from time to time as part of the Growth Deal, including performance against budget;
- take a proactive approach to the management of cash flow in respect of the Growth Deal as a whole;
- provide financial information to the Accountable Bodies, in a manner which enables the Accountable Bodies to fulfil their respective responsibilities in this regard to the UK Government and/or (as applicable) the Scottish Government.

2.2 Without prejudice to the preceding generality, and by way of illustration only, the remit of the Finance Directors’ Group shall include the following roles and responsibilities; in particular, the Finance Directors’ Group shall:

- approve the Growth Deal Operating Budget and Growth Deal Programme Budget; and
- approve the Growth Deal financial plan (to be agreed with the UK and Scottish Governments) and the annual updates to the Growth Deal financial plan;
- approve cashflow needs for the Growth Deal as set out in the Growth Deal financial plan and the Growth Deal Operating Budget and the Growth Deal Programme Budget

SCHEDULE PART 5B – RULES OF PROCEDURE FOR THE FINANCE DIRECTORS’ GROUP

Chair

- 1 A co-Chair approach shall apply in relation to the Finance Directors’ Group – with one Chair being a finance director of a Scottish Participating Authority and the other Chair being a finance director of an English Participating Authority.
- 2 The co-Chairs shall rotate among the finance directors of each of the Participating Authorities on an annual basis, with effect from the commencement of each Financial Year, but following the principle that each co-Chair must always be a finance director of a Participating Authority whose Leader, at the relevant time, holds the office of co-Chair of the Partnership Board.
- 3 For the avoidance of doubt, the office of Chair will not be a salaried position.
- 4 The chair of a meeting of the Finance Directors’ Group shall be:
 - 4.1 where the physical location of a meeting is specified in the meeting notice as being in England (irrespective of any right to participate in the meeting by electronic means), the then current co-Chair from an English Participating Authority; or
 - 4.2 where the physical location of a meeting is specified in the meeting notice as being in Scotland (irrespective of any right to participate in the meeting by electronic means), the then current co-Chair from a Scottish Participating Authority.
- 5 If neither of the co-Chairs is willing to act as chairperson of a meeting of the Finance Directors’ Group or is not present within 15 minutes after the time appointed for a meeting, the meeting shall appoint another member of the Finance Directors’ Group (who must be a finance director of a Participating Authority and not her/his substitute) to act as chairperson of the meeting.

Substitutes

- 6 Any Participating Authority may appoint another individual as a substitute for its finance director, to attend and participate in decision-making (including power to vote) at meetings of the Finance Directors’ Group at which the finance director is not present.
- 7 The substitute appointed by each of the Participating Authorities shall, in the interests of continuity, be appointed on an annual basis, or as otherwise agreed among the Participating Authorities.

- 8 For the avoidance of doubt, the finance directors of the Participating Authorities are expected to use every effort to attend meetings of the Finance Directors' Group in person (including for this purpose participation by conference telephone or video conferencing facilities); attendance by substitutes should be considered only in exceptional circumstances.

Quorum

- 9 Subject to paragraph 10, a meeting of the Finance Directors' Group will not proceed unless the finance director or her/his substitute (appointed in accordance with paragraphs 6 and 7) of each of the Participating Authorities is present.
- 10 A meeting of the Finance Directors' Group may proceed despite the absence of the finance director of a Participating Authority (and her/his appointed substitute) if that Participating Authority agrees in writing that the meeting can proceed without her/his attendance.
- 11 A member of the Finance Directors' Group may participate in a meeting of the Finance Directors' Group via conference telephone or video conference facilities; he/she will then be deemed to be present in determining whether a quorum is present.

Attendance by others

- 12 The UK and Scottish Governments shall each have the right to appoint one or more representatives to attend all or any part of any meeting of the Finance Directors' Group as an observer and/or to contribute information and advice to the discussions at any meeting of the Finance Directors' Group; for the avoidance of doubt, an individual attending a meeting of the Finance Directors' Group in that capacity shall not have any voting rights.
- 13 The Finance Directors' Group may, at its discretion, invite any individual to attend all or any part of any meeting of the Finance Directors' Group as an observer and/or to contribute information and advice to the discussions at any meeting of the Finance Directors' Group; for the avoidance of doubt, an individual attending a meeting of the Finance Directors' Group in any such capacity shall not have any voting rights.

Decision-making

- 14 The Finance Directors' Group will use its best efforts to operate by broad consensus; should broad consensus on any issue not be achievable, decisions of the Finance Directors' Group will be made by a majority of votes cast.
- 15 For the avoidance of doubt, an individual participating in a meeting of the Finance Directors' Group via conference telephone or video conference facilities will be entitled to vote via such facilities.

- 16 Where a vote is taken, each of the members of the Finance Directors' Group shall have one vote.
- 17 If an equality of votes arises in relation to any matter put to the vote at a meeting of the Finance Directors' Group, the chairperson of the meeting will not have a casting vote.

Duty to act in the best interests of the Growth Deal

- 18 In carrying out their functions, members of the Finance Directors' Group shall recognise and give effect to the principle that each member of the Finance Directors' Group should take decisions in his/her capacity as a member of the Finance Directors' Group in such a way as he/she considers will best promote the overall success of the Growth Deal and in a manner which best furthers the collective interests of the Participating Authorities in that regard.
- 19 Each Participating Authority recognises and agrees that the finance director of that Participating Authority, when carrying out his/her functions as a member of the Finance Directors' Group, is required to act in accordance with the provisions of paragraph 18; and undertakes to respect that principle in the context of any discussions between that Participating Authority and the finance director regarding any aspect of the Growth Deal.

Frequency of meetings

- 20 Meetings of the Finance Directors' Group will be held on a quarterly basis, with additional meetings as deemed appropriate by the Chair of the Finance Directors' Group.
- 21 The timing of quarterly meetings should align with the deadlines for quarterly reporting in accordance with the Monitoring and Reporting Framework and the timing of drawdown of funding from UK and Scottish Governments.

Support

- 22 The responsibility for supporting the Finance Directors' Group will rest with the PMO.
- 23 In arranging Finance Directors' Group meetings, the PMO shall use reasonable endeavours to arrange a date, time of day and location which facilitate attendance by members of the Finance Directors' Group.
- 24 The PMO will, without prejudice to its other duties, prepare and collate the papers and documentation required for each Finance Directors' Group meeting and arrange the time and location of each Finance Directors' Group meeting.

- 25 A full set of papers (including an agenda) will be issued by the PMO to all Finance Directors' Group members at least five Business Days before each meeting of the Finance Directors' Group.
- 26 Any Finance Directors' Group member wishing to submit a paper for discussion at a meeting of the Finance Directors' Group shall ensure that the PMO has received it at least five Business Days before the papers are due to be issued.
- 27 Papers may be issued outwith the normal timescale at the discretion of the Chair of the Finance Directors' Group, but Finance Directors' Group members may decide not to consider any papers if they feel that they have had insufficient time to study those papers in advance of the Finance Directors' Group meeting at which those papers were to be discussed; this applies particularly to papers tabled on the day of the meeting, which will not normally be considered.

Access to meetings

- 28 Meetings of the Finance Directors' Group will not be open to the public.

Recording of decisions

- 29 A list of action points arising from each meeting of the Finance Directors' Group will be circulated by the PMO to all Finance Directors' Group members, within 2 Business Days after the meeting.
- 30 Minutes of each meeting of the Finance Directors' Group will be circulated by the PMO to all those individuals referred to in paragraph 29, within 5 Business Days after the meeting.
- 31 Any comments on minutes of Finance Directors' Group meetings, or suggestions for amendment of such minutes, should be notified within 5 Business Days of receipt of the minutes to the PMO and to all other recipients of the minutes, for consideration (and, if considered appropriate, adoption) by the Finance Directors' Group at its next meeting.
- 32 Minutes of meetings of the Finance Directors' Group shall not be made available for public review by way of the Growth Deal website.

SCHEDULE PART 6A – COMPOSITION AND REMIT OF THE ECONOMIC DEVELOPMENT CHIEF OFFICERS’ GROUP

Composition

1. The Economic Development Chief Officers’ Group shall comprise the Director or Chief Officer of each of the Participating Authorities who has responsibility for economic development.

Remit

2.1 The remit of the Economic Development Chief Officers’ Group shall be to support the Chief Executive’s Group and Partnership Board in relation to the delivery of the Growth Deal and ensuring that it is aligned towards achieving its sustainable and inclusive growth ambitions; in particular, the Economic Development Chief Officers’ Group shall:

- provide advisory support to the PMO;
- provide advice on business cases for projects and programmes and any other matters associated with the Growth Deal;
- establish a strong relationship with the Economic Forum;
- capture and communicate business requirements for changes to, and development of economic policy and commission associated appropriate interventions in relation to the Growth Deal;
- work collaboratively with all partners to address barriers to sustainable and inclusive economic growth and drive efficiency in relation to the Growth Deal;
- bring together intelligence and expertise to maximise private sector (including social enterprise) and other external investment in the Growth Deal and to secure sustainable and inclusive growth.

SCHEDULE PART 6B – RULES OF PROCEDURE FOR THE ECONOMIC DEVELOPMENT CHIEF OFFICERS’ GROUP

Chair

- 1 A co-Chair approach shall apply in relation to the Economic Development Chief Officers’ Group – with one Chair being a Chief Officer / director (with responsibility for economic development) of a Scottish Participating Authority and the other Chair being a Chief Officer / director (with responsibility for economic development) of an English Participating Authority.
- 2 The co-Chairs shall rotate among the appointed Chief Officers / directors of each of the Participating Authorities on an annual basis, with effect from the commencement of each Financial Year, but following the principle that each co-Chair must always be an appointed Chief Officer / director of a Participating Authority whose Leader, at the relevant time, holds the office of co-Chair of the Partnership Board.
- 3 For the avoidance of doubt, the office of Chair will not be a salaried position.
- 4 The chair of a meeting of the Economic Development Chief Officers’ Group shall be:
 - 4.1 where the physical location of a meeting is specified in the meeting notice as being in England (irrespective of any right to participate in the meeting by electronic means), the then current co-Chair from an English Participating Authority; or
 - 4.2 where the physical location of a meeting is specified in the meeting notice as being in Scotland (irrespective of any right to participate in the meeting by electronic means), the then current co-Chair from a Scottish Participating Authority.
- 5 If neither of the co-Chairs is willing to act as chairperson of a meeting of the Economic Development Chief Officers’ Group or is not present within 15 minutes after the time appointed for a meeting, the meeting shall appoint another member of the Economic Development Chief Officers’ Group (who must be a Chief Officer / Director (with responsibility for economic development) and not her/his substitute) to act as chairperson of the meeting.

Substitutes

- 6 Any Participating Authority may appoint another individual as a substitute for its appointed Chief Officer / Director, to attend and participate in decision-making (including power to vote) at meetings of the Economic Development Chief Officers’ Group at which the director / Chief Officer (with responsibility for economic development) is not present.

- 7 The substitute appointed by each of the Participating Authorities shall, in the interests of continuity, be appointed on an annual basis, or as otherwise agreed among the Participating Authorities.
- 8 For the avoidance of doubt, the director / Chief Officer (with responsibility for economic development) of each Participating Authority is expected to use every effort to attend meetings of the Economic Development Chief Officers' Group in person (including for this purpose participation by conference telephone or video conferencing facilities); attendance by substitutes should be considered only in exceptional circumstances.

Quorum

- 9 Subject to paragraph 10, a meeting of the Economic Development Chief Officers' Group will not proceed unless the appointed Chief Officer / director or her/his substitute (appointed in accordance with paragraphs 6 and 7) of each of the Participating Authorities is present.
- 10 A meeting of the Economic Development Chief Officers' Group may proceed despite the absence of the appointed Chief Officer / director of a Participating Authority (and her/his appointed substitute) if that Participating Authority agrees in writing that the meeting can proceed without her/his attendance.
- 11 A member of the Economic Development Chief Officers' Group may participate in a meeting of the Economic Development Chief Officers' Group via conference telephone or video conference facilities; he/she will then be deemed to be present in determining whether a quorum is present.

Attendance by others

- 12 The UK and Scottish Governments shall each have the right to appoint one or more representatives to attend all or any part of any meeting of the Economic Development Chief Officers' Group as an observer and/or to contribute information and advice to the discussions at any meeting of the Economic Development Chief Officers' Group; for the avoidance of doubt, an individual attending a meeting of the Economic Development Chief Officers' Group in that capacity shall not have any voting rights.
- 13 The Economic Development Chief Officers' Group may, at its discretion, invite any individual to attend all or any part of any meeting of the Economic Development Chief Officers' Group as an observer and/or to contribute information and advice to the discussions at any meeting of the Economic Development Chief Officers' Group; for the avoidance of doubt, an individual attending a meeting of the Economic Development Chief Officers' Group in any such capacity shall not have any voting rights.

Decision-making

- 14 The Economic Development Chief Officers' Group will use its best efforts to operate by broad consensus; should broad consensus on any issue not be achievable, decisions of the Economic Development Chief Officers' Group will be made by a majority of votes cast.
- 15 For the avoidance of doubt, an individual participating in a meeting of Economic Development Chief Officers' Group via conference telephone or video conference facilities will be entitled to vote via such facilities.
- 16 Where a vote is taken, each of the members of the Economic Development Chief Officers' Group shall have one vote.
- 17 If an equality of votes arises in relation to any matter put to the vote at a meeting of the Economic Development Chief Officers' Group, the chairperson of the meeting will not have a casting vote.

Duty to act in the best interests of the Growth Deal

- 18 In carrying out their functions, members of the Economic Development Chief Officers' Group shall recognise and give effect to the principle that each member of the Economic Development Chief Officers' Group should take decisions in his/her capacity as a member of the Economic Development Chief Officers' Group in such a way as he/she considers will best promote the overall success of the Growth Deal and in a manner which best furthers the collective interests of the Participating Authorities in that regard.
- 19 Each Participating Authority recognises and agrees that the Chief Officer / Director of that Participating Authority, when carrying out his/her functions as a member of the Economic Development Chief Officers' Group, is required to act in accordance with the provisions of paragraph 18; and undertakes to respect that principle in the context of any discussions between that Participating Authority and the appointed Chief Officer / Director regarding any aspect of the Growth Deal.

Frequency of meetings

- 20 Meetings of the Economic Development Chief Officers' Group will be held on a quarterly basis, with additional meetings as deemed appropriate by the Chair of the Economic Development Chief Officers' Group.
- 21 The timing of quarterly meetings should align with the deadlines for quarterly reporting in accordance with the Monitoring and Reporting Framework and the timing of drawdown of funding from UK and Scottish Governments.

Support

- 22 The responsibility for supporting the Economic Development Chief Officers' Group will rest with the PMO.
- 23 In arranging Economic Development Chief Officers' Group meetings, the PMO shall use reasonable endeavours to arrange a date, time of day and location which facilitate attendance by members of the Economic Development Chief Officers' Group.
- 24 The PMO will, without prejudice to its other duties, prepare and collate the papers and documentation required for each Economic Development Chief Officers' Group meeting and arrange the time and location of each Economic Development Chief Officers' Group meeting.
- 25 A full set of papers (including an agenda) will be issued by the PMO to all Economic Development Chief Officers' Group members at least five Business Days before each meeting of the Economic Development Chief Officers' Group.
- 26 Any Economic Development Chief Officers' Group member wishing to submit a paper for discussion at a meeting of the Economic Development Chief Officers' Group shall ensure that the PMO has received it at least five Business Days before the papers are due to be issued.
- 27 Papers may be issued outwith the normal timescale at the discretion of the Chair of the Economic Development Chief Officers' Group, but Economic Development Chief Officers' Group members may decide not to consider any papers if they feel that they have had insufficient time to study those papers in advance of the Economic Development Chief Officers' Group meeting at which those papers were to be discussed; this applies particularly to papers tabled on the day of the meeting, which will not normally be considered.

Access to meetings

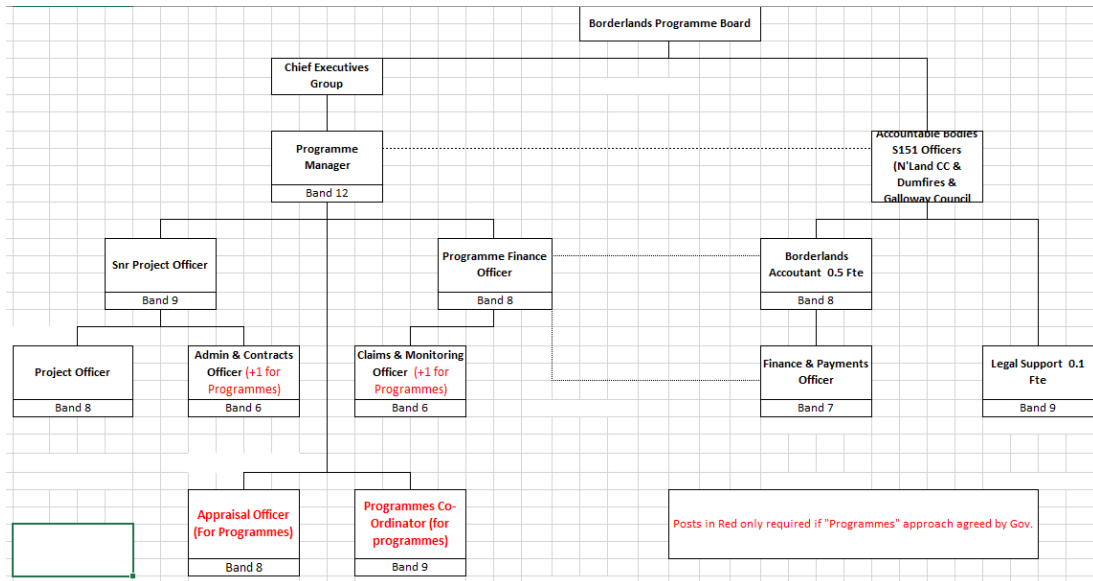
- 28 Meetings of the Economic Development Chief Officers' Group will not be open to the public.

Recording of decisions

- 29 A list of action points arising from each meeting of the Economic Development Chief Officers' Group will be circulated by the PMO to all Economic Development Chief Officers' Group members, within 2 Business Days after the meeting.
- 30 Minutes of each meeting of the Economic Development Chief Officers' Group will be circulated by the PMO to all those individuals referred to in paragraph 29, within 5 Business Days after the meeting.

- 31 Any comments on minutes of Economic Development Chief Officers' Group meetings, or suggestions for amendment of such minutes, should be notified within 5 Business Days of receipt of the minutes to the PMO and to all other recipients of the minutes, for consideration (and, if considered appropriate, adoption) by the Economic Development Chief Officers' Group at its next meeting.
- 32 Minutes of meetings of the Economic Development Chief Officers' Group shall not be made available for public review by way of the Growth Deal website.

SCHEDULE PART 7 – INITIAL COMPOSITION OF THE PROJECT MANAGEMENT OFFICE



Rates of pay of individuals within the PMO will be set at the pay rate of the PMO Host Employer for the relevant grade.

SCHEDULE PART 8 – PROJECT MANAGEMENT OFFICE STAFFING AND OPERATING ARRANGEMENTS

- 1.1 Where an officer has been appointed by a Participating Authority as a member of the PMO, the Participating Authority which is his/her employer shall ensure (through the reallocation of work to other employees as appropriate) that his/her other commitments are such that he/she is able to devote an appropriate amount of time to his/her work as a member of the PMO.
- 1.2 In the event that any member of the PMO ceases to be able to devote the requisite time to supporting the Growth Deal (or where that is anticipated to occur shortly), the Participating Authority which is his/her employer shall advise the Chief Executives' Group (who will in turn escalate this to the Partnership Board, where they consider that to be appropriate); and wherever possible shall seek to identify another officer who might provide similar support to the Growth Deal in his/her place.
- 1.3 The area or areas in which each member of the PMO is expected to provide support to the Growth Deal, and the extent of the contribution expected of him/her, shall be as determined by the Chief Executives' Group from time to time.
- 1.4 In carrying out their work in implementing the Growth Deal, all members of the PMO shall give effect to the policies set from time to time by the Partnership Board, and to the directions and instructions issued from time to time by the Chief Executives' Group; each of the Participating Authorities shall instruct each of its employees/officers who are members of the PMO accordingly.
- 1.5 One of the members of the PMO shall be designated as the “**Growth Deal Manager**”, or such other title as the Participating Authorities may determine from time to time, and he/she shall be responsible for day to day management of the PMO, acting in accordance with the scheme of delegation prescribed by the Chief Executives' Group from time to time.
- 1.6 The job descriptions (or (a) in the case of employees seconded to the PMO, their role and remit in the course of their secondment or (b) in the case of employees of the PMO Host Employer only partly engaged on Growth Deal work, their role and remit in the course of that work), shall be as determined from time to time by the Chief Executives' Group.
- 1.7 All members of the PMO who are to have the status of employees in respect of the Growth Deal shall be employed by the PMO Host Employer on such rates of pay, and on such other terms and conditions, which are the same as those set from time to time by the PMO Host Employer for its other employees of the equivalent grade.
- 1.8 All members of the PMO who are to have the status of secondees in respect of the Growth Deal shall be managed and supervised by the PMO Host Employer in accordance with such provisions (which shall be intimated to each seconded immediately upon commencement of the secondment) as the Chief Executives' Group may prescribe from time to time.
- 1.9 The PMO Host Employer shall not:

- 1.9.1 make any alteration to the rate of pay or other terms and conditions of employment of any of the individuals comprised in the PMO; or
- 1.9.2 make any alteration to the provisions governing secondment of any of the individuals comprised in the PMO;
- without (in each such case) the prior approval of the Chief Executives' Group.
- 1.10 Notwithstanding the provisions of paragraph 1.4 of this Part 8 of the Schedule, there shall be no obligation to give effect to any policy, direction or instruction set or issued by the Chief Executives' Group if the implementation of that policy, direction or instruction would expose the PMO Host Employer (or any other Participating Authority who is the employer of any individual seconded to the PMO) to any significant risk of legal liability (whether under employment law, health and safety regulations, Data Protection Laws or otherwise).
- 1.11 Except insofar as the Chief Executives' Group may otherwise determine, each of the individuals comprised in the PMO shall devote the whole of his/her time during the hours of work specified in his/her contract of employment, or (as the case may be) specified in the relevant secondment agreement, to the work associated with the Growth Deal.
- 1.12 The PMO Host Employer shall ensure that the terms and conditions of employment (or, in the case of secondees, the provisions governing secondment) in respect of each member of the PMO contain provisions to the effect that all such Intellectual Property Rights as may be acquired by him/her in the course of his/her work in relation to the Growth Deal shall vest in the PMO Host Employer and that (if so required by the Chief Executives' Group) he/she shall execute and deliver a formal assignation or assignment (in such terms as the Chief Executives' Group may reasonably prescribe) assigning any such intellectual property rights (for nil or nominal consideration) to the PMO Host Employer; the PMO Host Employer shall enforce such provisions accordingly, in accordance with such directions as may be issued from time to time by the Chief Executives' Group.
- 1.13 In relation to each post comprised in the PMO (and including any occasion on which any such post falls vacant), the PMO Host Employer shall take such steps (which may include, for the avoidance of doubt, the involvement of a panel comprised of such individuals as the Chief Executives' Group may nominate) in relation to the process of recruitment, interview and selection as the Chief Executives' Group may prescribe.
- 1.14 The members of the PMO shall be accommodated in such premises as may be agreed from time to time between the Chief Executives' Group and the PMO Host Employer.
- 1.15 The PMO Host Employer shall be responsible for ensuring a safe and appropriate working environment for the PMO and for the provision of all appropriate fixtures and fittings, furniture, equipment, office supplies, ICT links and other facilities and services (including reasonable accommodation for meetings) for the members of the PMO, in accordance with such arrangements as may be approved by the Chief Executives' Group from time to time.
- 1.16 For the avoidance of doubt, the PMO Host Employer shall be responsible (to the exclusion of the members of the Chief Executives' Group and any bodies other than the PMO Host Employer which appoint individuals as members of the Chief Executives' Group) for ensuring compliance with all requirements under health and safety legislation which apply in relation to the members of the PMO.

- 1.17 The PMO Host Employer will be responsible for maintaining all appropriate insurances in respect of the work carried out by the members of the PMO and of the nature of employers' liability insurance (but extending to the secondees) in respect of the PMO itself; the PMO Host Employer shall:
- 1.17.1 comply with all reasonable directions issued from time to time by the Chief Executives' Group with regard to the insurances which it is to maintain under this paragraph;
 - 1.17.2 provide the Chief Executives' Group on request with a copy of the policy documents relating to such insurances, together with evidence that the premiums have been paid and that the insurances are in force.
- 1.18 All properly vouched expenditure incurred from time to time by the PMO Host Employer in respect of:
- 1.18.1 payments to the relevant employer in respect of secondees appointed to the PMO;
 - 1.18.2 the accommodation, facilities and services referred to in paragraph 1.14 of this Part 8 of the Schedule; and
 - 1.18.3 the insurances referred to in paragraph 1.17 of this Part 8 of the Schedule,
- shall be reimbursed to the PMO Host Employer out of the Growth Deal Operating Funds.
- 1.19 The Parties acknowledge and agree that the conduct and performance of all individuals employed in relation to the Growth Deal or seconded to the Growth Deal shall be kept under review by the Chief Executives' Group; the PMO Host Employer undertakes to implement all such disciplinary procedures and take all such other steps available to it in its capacity as an employer (or, as the case may be, available to it under the agreement with the employer of the relevant individual, in the case of a secondee) in respect of misconduct or failure in performance or other breaches of the terms and conditions of employment (or, as the case may be, the provisions relating to the secondment) of the members of the PMO as the Chief Executives' Group may direct from time to time.
- 1.20 Any sums payable (whether in respect of an award from an employment tribunal or court, the costs of contesting any application to an employment tribunal or court, or otherwise) in respect of any claim or application to an employment tribunal or court by any employee or secondee forming part of the PMO under employment law or any legislation relating to discrimination shall (subject to paragraph 1.21 of this Part 8 of the Schedule) be reimbursed to the PMO Host Employer out of the Growth Deal Operating Funds except insofar as the relevant claim or application is referable to any act or default (otherwise than in pursuance of a direction by the Chief Executives' Group) on the part of the PMO Host Employer.
- 1.21 With reference to the provisions of paragraph 1.20 of this Part 8 of the Schedule:
- 1.21.1 the PMO Host Employer shall advise the Chief Executives' Group promptly in writing upon becoming aware of any event or circumstances which might reasonably be expected to give rise to a claim or application falling within the provisions of paragraph 1.20 of this Part 8 of the Schedule or upon receipt of intimation of any such claim or application;

- 1.21.2 the PMO Host Employer shall not admit liability in respect of any such claim or application, or compromise or settle any such claim or application, or take any other step which might prejudice the ability to resist such claim or application, without (in each such case) the prior approval of the Chief Executives' Group;
- 1.21.3 the PMO Host Employer shall (subject to being indemnified out of the Growth Deal Programme Budget in respect of any liability which it may thereby incur) take all such steps to resist, compromise or settle any such claim or application as the Chief Executives' Group may direct from time to time.
- 1.22 The Parties agree that (subject to paragraph 1.23 of this Part 8 of the Schedule) the PMO Host Employer shall (except (a) as otherwise determined by the Chief Executives' Group; or (b) where Intellectual Property Rights are to be held by the Nominated Contracting Party in accordance with paragraph 1.10 of Part 8 of the Schedule) hold all Intellectual Property Rights in relation to any materials prepared by the PMO relating to the Growth Deal; the Parties shall take all such steps as the Chief Executives' Group may direct from time to time to give effect to the preceding provisions of this paragraph.
- 1.23 The PMO Host Employer shall, if so directed by the Chief Executives' Group, grant an appropriate licence to any Participating Authority or third party which is taking forward the delivery of any Growth Deal Project, authorising that Participating Authority or other third party to make use of any Intellectual Property Rights of the nature referred to in paragraph 1.22 of this Part 8 of the Schedule to the extent reasonably required to facilitate the delivery of that project.

SCHEDULE PART 9 – CONTRACTS RELATING TO OVERALL GROWTH DEAL

- 1.1 Where the Chief Executives' Group (or the PMO, within the scope of their delegated authority) determine from time to time that it would be appropriate for a Growth Deal Programme Contract to be entered into, they shall identify one of the Participating Authorities as the body which should take the role of contracting party in relation to that contract.
- 1.2 A Nominated Contracting Party shall take such steps in relation to the Growth Deal Programme Contract as may be appropriate, in accordance with such directions as the Chief Executives' Group (or, as the case may be, the PMO) may issue from time to time.
- 1.3 Without prejudice to the provisions of paragraph 1.1 of this Part 9 of the Schedule, the Nominated Contracting Party shall take such steps in relation to procurement (including the issue of invitations to tender, the assessment of tender submissions, the selection of consultants and contractors, and obtaining any necessary funder approvals) in respect of the proposed Growth Deal Programme Contract as the Chief Executives' Group may direct from time to time.
- 1.4 All properly vouched payments falling due under a Growth Deal Programme Contract shall, subject to paragraph 1.5 of this Part 9 of the Schedule, be reimbursed to the Nominated Contracting Party out of the Growth Deal Programme Budget in accordance with clause 12 of the Agreement.
- 1.5 Where the Chief Executives' Group have determined that the costs of a Growth Deal Programme Contract should be met from the Growth Deal Operating Budget, then all properly vouched payments falling due under that Growth Deal Programme Contract shall be reimbursed to the Nominated Contracting Party out of the Growth Deal Operating Budget as follows:
 - 1.5.1 claims for payment out of the Growth Deal Operating Budget shall be submitted by a Nominated Contracting Party to the PMO in the form of the Borderlands Growth Deal Grant Claim Form for review, assessment and processing by the PMO prior to forwarding to the PMO Host Employer for authorisation and payment; and (subject to paragraph 1.5.2 of this Part 9 of the Schedule) providing in each case the PMO Host Employer is satisfied, acting reasonably, that the Borderlands Growth Deal Grant Claim Form has been validly completed and includes all of the information required under the Monitoring and Reporting Framework and the claim is valid (by reference to the provisions of this Agreement, the provisions of the relevant funding agreements between the Participating Authorities and the PMO Host Employer and such recommendations as the Chief Executives' Group may issue from time to time), the claim shall be paid by the PMO Host Employer to the relevant Nominated Contracting Party in accordance with such timetable as may be approved from time to time by the Chief Executives' Group.
 - 1.5.2 In the event of any dispute between the Nominated Contracting Party which has submitted the claim and the Accountable Body in relation to the validity of a claim under paragraph 1.5.1 of this Part 9 of the Schedule, the matter will be determined by the Chief Executives' Group; the PMO Host

Employer shall be bound to give effect to any such determination by the Chief Executives' Group accordingly.

- 1.6 The Nominated Contracting Party shall:
- 1.6.1 take all reasonable steps to comply with its obligations under any Growth Deal Programme Contract;
 - 1.6.2 advise the Chief Executives' Group without delay upon receipt of any notice or intimation which it may receive under any Growth Deal Programme Contract;
 - 1.6.3 take all such steps with regard to the issue of any instruction, consent or approval, or the exercise of any option, in respect of any Growth Deal Programme Contract in accordance with the directions issued from time to time by the Chief Executives' Group;
 - 1.6.4 take all such steps directed towards enforcement of the obligations of the other party or parties to each Growth Deal Programme Contract (or, as the case may be, directed towards contesting any claim made by any other such party or parties) in each case in accordance with the directions issued from time to time by the Chief Executives' Group; and
 - 1.6.5 generally take all such steps in respect of each Growth Deal Programme Contract as the Chief Executives' Group may reasonably direct from time to time.
- 1.7 The Nominated Contracting Party shall not take any step (other than the making of payments to the relevant party or parties as they fall due, and such other steps as may be required for compliance with its obligations) under any Growth Deal Programme Contract otherwise than:
- 1.7.1 in accordance with a direction issued by the Chief Executives' Group; or
 - 1.7.2 in circumstances where the failure or delay on the part of the Nominated Contracting Party in taking that step could expose the Nominated Contracting Party to a significant risk of legal liability.
- 1.8 The Chief Executives' Group may delegate such of its powers under paragraphs 1.1 to 1.7 of this Part 9 of the Schedule as it thinks fit (either generally or in relation to any particular Growth Deal Programme Contract or Growth Deal Programme Contracts) to a member or members of the PMO; in that event, references in those clauses to a direction by the Chief Executives' Group shall be interpreted as a direction by the relevant member or members of the PMO.
- 1.9 The Chief Executives' Group, shall, in issuing directions to the Nominated Contracting Party under paragraphs 1.1 to 1.8 of this Part 9 of the Schedule, seek wherever appropriate to ensure that appropriate rights of recourse against the relevant contractor or consultant are available to any party which will be relying upon the work carried out under the relevant Growth Deal Programme Contract, whether through the issue by the contractor or consultant of collateral warranties or otherwise.
- 1.10 The Parties agree that (subject to paragraph 1.11 of this Part 9 of the Schedule) the Nominated Contracting Party shall (except as otherwise determined by the Chief Executives' Group) hold all Intellectual Property Rights in relation to any materials

prepared by the PMO, any contractor or consultant or any other party engaged in respect of the carrying out of any Growth Deal Programme Contract, or otherwise relating to the Growth Deal; the Parties shall take all such steps as the Chief Executives' Group may direct from time to time to give effect to the preceding provisions of this paragraph.

- 1.11 The Nominated Contracting Party shall, if so directed by the Chief Executives' Group, grant an appropriate licence to any Participating Authority or third party which is taking forward the delivery of any Growth Deal Project, authorising that Participating Authority or other third party to make use of any Intellectual Property Rights of the nature referred to in paragraph 1.10 of this Part 9 of the Schedule to the extent reasonably required to facilitate the delivery of that project.

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APPENDIX 2

BORDERLANDS CENTRALISED SERVICES **Proposed PMO (Phase 1) and Accountable Body** **Costs**

PMO Staffing Costs (2019/20 rates)	POTENTIAL OPTION	
PHASE 1		Gross costs
Programme Manager	Band 14 (Sp 56)	97,200
Programme Officer	Band 9 (Sp 34-38)	57,400
Programme Officer	Band 9 (Sp 34-38)	57,400
Administration Officer	Band 4 (Sp 7-11)	29,200
Sub-Total		241,200
PMO Non Staffing Costs		Budget
Operational Costs		20,000
External Support		100,000
Contingency		25,000
Sub Total		145,000
Accountable Body Costs		144,800
TOTAL		531,000
COST APPORTIONMENT	%	
Carlisle/Cumbria	34.9%	185,319
Dumfries and Galloway	24.3%	129,033
Northumberland	22.2%	117,882
Scottish Borders	18.6%	98,766
TOTAL	100%	531,000

Note – Staff Grades are Northumberland County Council Grades.

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BEST VALUE ASSURANCE REPORT

Report by Chief Executive

SCOTTISH BORDERS COUNCIL

19 December 2019

1 PURPOSE AND SUMMARY

- 1.1 This report presents the findings of the 2019 Best Value Assurance audit of Scottish Borders Council for consideration.**
- 1.2 The Local Government in Scotland Act 2003 introduced the statutory duty of Best Value. The Best Value Assurance audit of Scottish Borders Council in 2019 has been undertaken by Audit Scotland, with the Controller of Audit presenting the report to the Accounts Commission as part of the requirement to do so at least once during the five-year audit appointment.
- 1.3 The 2019 Scottish Borders Council Best Value Assurance Report (Appendix 1) provides a range of findings following an intensive process of scrutiny of the Council's Vision & Strategic Direction, Performance, Use of Resources, Partnership Working and Continuous Improvement.
- 1.4 Scottish Borders Council has welcomed the scrutiny of the 2019 Best Value Assurance audit, providing an opportunity to showcase our achievements and further strengthen our ongoing ambitious improvement programme with valuable external perspectives.
- 1.5 In response to the audit findings, senior officers have developed an Action Plan and this is included as Appendix 2.

2 RECOMMENDATIONS

- 2.1 I recommend that Council agrees:**
 - (a) To note the findings contained within the Scottish Borders Council Best Value Assurance Report dated October 2019 and which forms Appendix 1;**
 - (b) To accept the recommendations contained within the Best Value Assurance Report, Appendix 1;**
 - (c) To approve the Best Value Audit Action Plan (Appendix 2) and that implementation progress is reported as part of Fit for 2024 updates to Council;**

- (d) That the Audit & Scrutiny Committee undertakes regular monitoring of the implementation of the Action Plan;**

3 BEST VALUE ASSURANCE AUDIT

- 3.1 The Local Government in Scotland Act 2003 introduced the statutory duty of Best Value. The Best Value Assurance Audit of Scottish Borders Council in 2019 has been undertaken by Audit Scotland, with the Controller of Audit presenting the report to the Accounts Commission as part of the requirement to do so at least once during the five-year audit appointment. Best Value is also audited continuously through the annual audit of councils.
- 3.2 The 2019 Best Value Assurance Report is the first assurance report on Scottish Borders Council. The previous Best Value report was published in 2010.
- 3.3 Key areas of focus for the audit were:
- Vision and strategic direction
 - Performance
 - Use of resources
 - Partnership working
 - Continuous improvement
- 3.4 The audit approach included:
- Interviewing elected members, senior officers and council partners
 - Observing a range of council and committee meetings
 - Discussion with trade unions
 - Reviewing documents and analysing data
 - Meeting focus groups
- 3.5 Key elements of the Accounts Commission's Best Value Assurance Report (Appendix 1) can be found as follows:
- Findings are on page 5 of the Commission's report and key messages are on pages 8 & 9 of the Commission's report.
 - Parts 1 to 5 of the Commission's report provide an assessment of the key areas of focus for the audit.
 - Recommendations can be found on Page 51 of the Commission's report.
- 3.6 Elected members and senior officers met with the Accounts Commission on 18 November 2019.

4 REPORT FINDINGS

- 4.1 The report highlights a number of SBC's achievements, including:
- (a) That the Council has steadily improved overall since the 2010 Best Value Audit.
 - (b) That Members and officers demonstrate a strong commitment to working together for the fulfilment of the Council's vision, while effective governance arrangements ensure the opportunity for challenge and scrutiny.
 - (c) That the Council has made good progress with its transformation agenda, recognised the need to increase pace of change and be more

innovative and began its challenging transformation programme, Fit for 2024.

- (d) That performance is good or improving in the key service areas of education and social work.
- (e) The report found that the council demonstrates effective financial planning and management, with a good track record of making savings.

4.2 The report also highlighted a number of areas for improvement, including:

- (a) The need to do more to demonstrate Best Value on some matters including embedding and sustaining a culture of continuous improvement by implementing a corporate approach to self-evaluation and benchmarking.
- (b) Providing more support for elected members through training plans.
- (c) The need for more comprehensive and clearer performance reporting.
- (d) Alongside improved communication, the requirement to do more to understand and act on staff views.
- (e) Improved partnership working with NHS Borders through the integration joint board.
- (f) Finalising and implementing locality plans and implementing a performance management framework to measure progress against these and the community plan.

5 BEST VALUE AUDIT ACTION PLAN

5.1 Scottish Borders Council has welcomed the scrutiny of the 2019 Best Value Assurance Audit. In response to the findings, senior officers in conjunction with the Corporate Management Team have developed the 'Best Value Audit Action Plan' (Appendix 2). Actions include:

- (a) Embedding a culture of continuous improvement, including the incorporation of self-evaluation and benchmarking data into the annual planning process;
- (b) Improved partnership working with NHS Borders including a joint approach to transformation and evaluation, and the exploration of opportunities for co-location and shared services;
- (c) Improved involvement of communities and the third sector, through the Community Planning Partnership, including a review of how best to develop community capacity, and a review of the operation of the local Area Partnerships;
- (d) Enhanced staff engagement through Fit for 2024, Corporate Management Team meetings around the region, and undertaking a structured staff survey;
- (e) Updated people planning, including aligning with the Corporate Plan and Fit for 2024 principles;
- (f) Additional training and development support for Members;

- (g) Improved performance reporting including greater use of benchmarking information;
- 5.2 In addition to ongoing monitoring by Corporate Management Team, it is planned that a regular report will be provided to Audit and Scrutiny Committee to ensure robust governance of improvement delivery.
- 5.3 The council already has an ambitious and progressive agenda for improvement through its Fit for 2024 programme and this will be reviewed to ensure that key recommendations from the audit have been appropriately incorporated.
- 5.4 Improvement work is already underway in a number of areas:
- (a) Plans are already in course to introduce a more cohesive suite of corporate performance reporting during 2019/20, providing an improved basis from which to better scrutinise the performance of services.
 - (b) Proposals for improvements to staff engagement will be presented to Council as part of the Fit for 2024 Programme update.

6 IMPLICATIONS

6.1 Financial

There are no identified costs attached to any of the recommendations contained in this report. However, the Action Plan requires a focus on continuous improvement within the context of challenging financial decisions.

6.2 Risk and Mitigations

- (a) The Best Value Audit, like all audits, can highlight potential areas of risk. The actions contained within the subsequent Action Plan will not only address concerns highlighted in the Audit but will also serve to mitigate risks previously identified in the Corporate risk register, the IJB risk register and those of supporting transformational programmes, such as Fit for 24.
- (b) Regular scrutiny of improvement work by the Corporate Management Team and Council Committees, together with regular reporting and scrutiny of the Fit for 2024 programme, will provide appropriate governance to ensure that the Action Plan is implemented.

6.3 Equalities

It is anticipated that improvements arising from actions outlined in Appendix 2 will have no adverse equality/diversity implications. Any actions resulting in a significant change to SBC policy will be impact assessed.

6.4 Acting Sustainably

There are no significant economic, social or environmental effects arising from the proposals contained in this report.

6.5 Carbon Management

There are no significant effects on carbon emissions arising from the proposals contained in this report.

6.6 Rural Proofing

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

6.7 Changes to Scheme of Administration or Scheme of Delegation

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

7 CONSULTATION

- 7.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR, the Clerk to the Council and Corporate Communications have been consulted and any comments received have been incorporated into the final report.

Approved by

Tracey Logan
Chief Executive

Signature

Author(s)

Name	Designation and Contact Number
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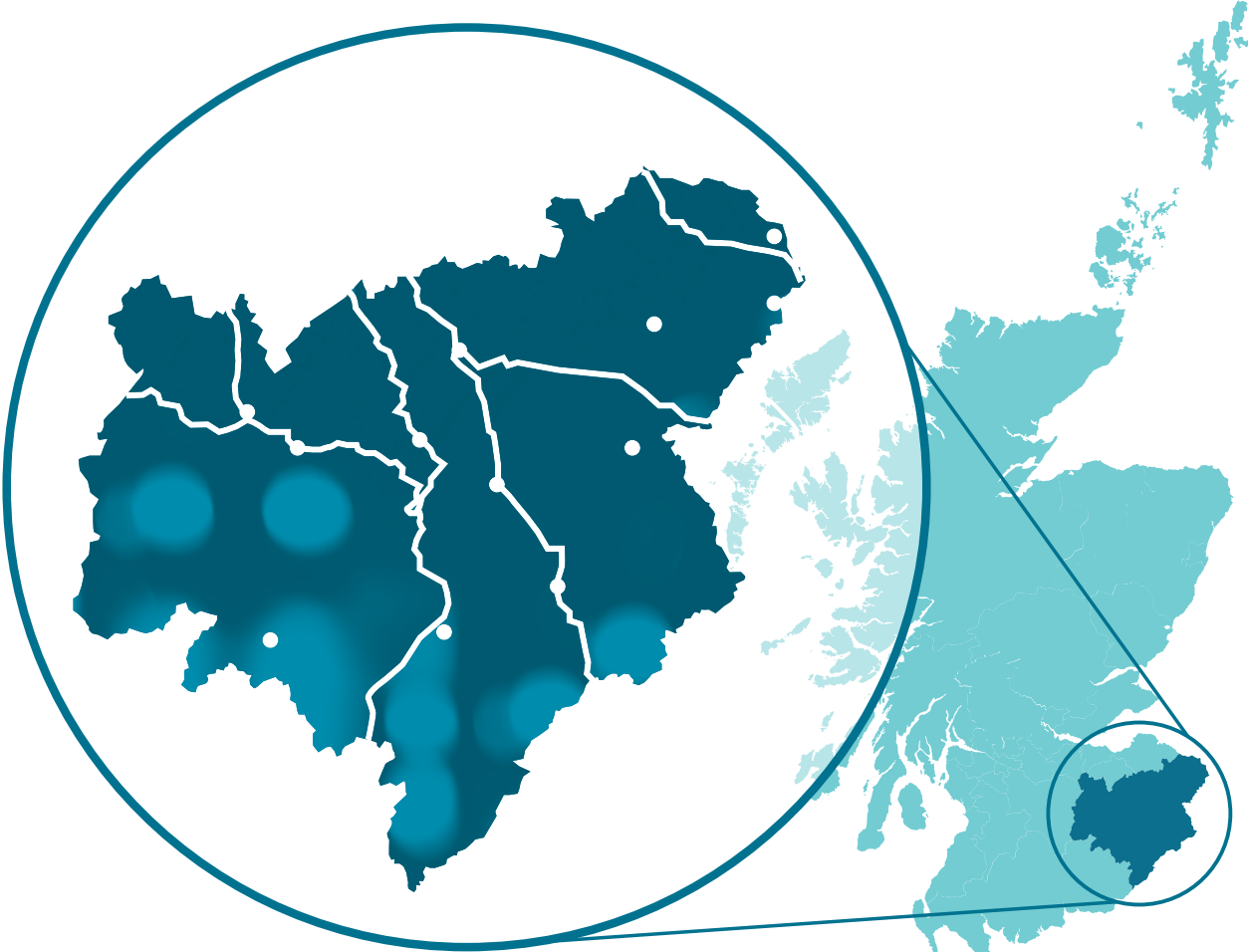
Background Papers:

Previous Minute Reference:

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

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Scottish Borders Council



ACCOUNTS COMMISSION 

Prepared by Audit Scotland
October 2019


The Accounts Commission

The Accounts Commission is the public spending watchdog for local government. We hold councils in Scotland to account and help them improve. We operate impartially and independently of councils and of the Scottish Government, and we meet and report in public.

We expect councils to achieve the highest standards of governance and financial stewardship, and value for money in how they use their resources and provide their services.

Our work includes:

- securing and acting upon the external audit of Scotland's councils and various joint boards and committees
- assessing the performance of councils in relation to Best Value and community planning
- carrying out national performance audits to help councils improve their services
- requiring councils to publish information to help the public assess their performance.

You can find out more about the work of the Accounts Commission on our website: www.audit-scotland.gov.uk/about-us/accounts-commission 

Audit Scotland is a statutory body set up in April 2000 under the Public Finance and Accountability (Scotland) Act 2000. We help the Auditor General for Scotland and the Accounts Commission check that organisations spending public money use it properly, efficiently and effectively.

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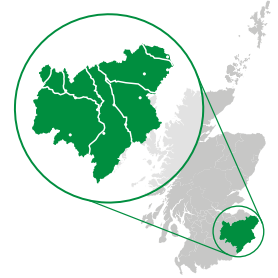


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Links

-  PDF download
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Key facts



Area



Population



Workforce
(number of full-time equivalent employees)



Elected members
14 Scottish Conservative and Unionist
9 Scottish National Party
9 Independent
2 Scottish Liberal Democrats



Council houses



2019/20 revenue budget¹



2019/20–2028/29 capital budget²

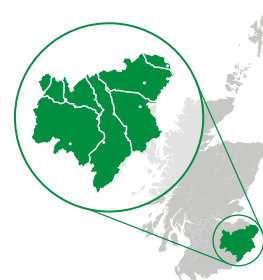


2019/20–2023/24 Savings required

1. The revenue budget covers day-to-day costs such as wages and the provision of services.

2. The capital budget covers the cost of major projects such as building schools and town centre regeneration projects.


Commission findings



- 1** The Commission accepts the Controller of Audit's report on Best Value in Scottish Borders Council. We endorse the recommendations set out by the Controller of Audit in his report and expect the council to act upon them.
- 2** We note that the council has steadily improved overall since our last Best Value audit in 2010 and has made some good progress with its transformation agenda since then. Its 'Fit for 2024' programme is, however, an ambitious next step in this agenda which will require further refinement and planning. It is early days in such a challenging programme and there are critical elements of Best Value that the council will need to develop further.
- 3** Members and officers should continue working well together to provide the leadership required to deliver further change. It will be important for the council to assure itself that it has the senior officer capacity to fulfil its ambitions. It is also crucial that the council demonstrates, through longer-term organisation-wide planning, how its workforce will be equipped for the future. Equally, progress with a development programme for members should help them to fulfil their responsibilities and enhance their skills.
- 4** It is encouraging that some key services have performed well and improved – particularly in education, aspects of social work, and in the council's extensive economic development activity.
- 5** The council should, however, be more effective in evaluating, managing and reporting its performance, bringing greater clarity on where and how its services need to improve. It also needs to get better at the reporting of performance – both in terms of information considered by members and in reporting to the public.
- 6** Such elements should support a stronger culture of continuous improvement throughout the organisation. Another significant element of such a culture is staff ownership of the council's ambitions for change – we urge the council to develop how it engages its staff in planning and delivering change.
- 7** Collaborative and partnership working will be key to advancing the ambitions of the council. Such working with NHS Borders and through the health and social care integration joint board needs to improve. The council now needs to make better progress with its community planning partners in delivering crucial elements of their community empowerment obligations, including resourced locality plans which identify community need and help community wellbeing.
- 8** We commend the council in taking the next steps in its ambitious transformation. Progress will be reported through the annual audit, and the Controller of Audit will update the Commission as appropriate.

Audit approach



1. The statutory duty of Best Value was introduced in the Local Government in Scotland Act 2003. The audit of Best Value is a continuous process that forms part of the annual audit of every council. Findings are reported each year through the [Annual Audit Report](#) . In addition, the Controller of Audit will present a Best Value Assurance Report to the Accounts Commission at least once during the five-year audit appointment for each council.

2. This is the first assurance report on Scottish Borders Council. The findings from a previous Best Value report on the council in 2010 are summarised in [Exhibit 12 \(page 49\)](#). This report aims to provide the Commission with assurance on the council's statutory duty to deliver Best Value, with a focus on the Commission's strategic audit priorities. We are looking for councils to demonstrate Best Value by showing continuous improvement in how they deliver services. The pace and depth of this improvement is key to how well councils meet their priorities in future.

3. Our audit approach is proportionate and risk-based and so reflects the context, risks and performance of the individual council. It also draws on the intelligence from audit and scrutiny work in previous years. In keeping with this approach, we conducted some initial work to identify risks and council initiatives to build into the scope of our audit. This included a review of previous audit and inspection reports and intelligence, a review of key council documents, initial meetings with senior officers and reflection on our wider public sector knowledge and experience.

4. [Exhibit 1 \(page 7\)](#) shows the areas we decided to focus on. Our detailed audit work was undertaken between January and May 2019 and included:

- interviewing elected members, senior officers and council partners
- observing a range of council and committee meetings
- discussion with trade unions
- reviewing documents and analysing data
- meeting focus groups.

5. We gratefully acknowledge the cooperation and assistance provided to the audit team by elected members, officers and the council's partner organisations. As part of the annual audit of the council, our future work will follow up the findings and recommendations in this report. It will also include more detailed audit work on other Best Value areas as appropriate.

Exhibit 1

Key areas of focus for our audit

The audit considered a broad range of issues.



Vision and strategic direction (Part 1)

The council's vision and strategic direction. This includes how well its leadership works together to deliver priorities set out in the council's *Corporate Plan 2018–2023 : Our plan and your part in it*.¹



Performance (Part 2)

- An assessment of how the council monitors trends in outcomes/ performance and the reporting of these, including the council's public performance reporting.
- The link between the council's self-evaluation, improvement actions and changes in outcomes for local people.



Use of resources (Part 3)

- Financial management.
- Procurement.
- How effectively the council uses workforce planning to support the delivery of its priorities.



Partnership working (Part 4)

- How well the council delivers services through partnership and collaborative working, including: the Scottish Borders Health and Social Care Integration Joint Board, arm's-length external organisations, the Edinburgh and South-East Scotland City Region Deal and community empowerment.



Continuous improvement (Part 5)

- Progress of the council's ongoing transformation programme.
- Progress against key judgements in the 2010 Best Value report.

Source: Audit Scotland

Key messages



- 1** The council has made steady progress overall since the 2010 Best Value audit. It has more to do to demonstrate Best Value on some matters including embedding and sustaining a culture of continuous improvement by implementing a corporate approach to self-evaluation and benchmarking. This would help it to more clearly evidence progress on its corporate and partnership-related objectives.
- 2** In 2017, the council saw many new elected members and offered a coordinated approach to induction. It now needs to support elected members through individual training plans. The council's vision for 2017–22 prioritises six strategic themes, reflecting long-standing challenges. Members and officers demonstrate a strong commitment to working together for the fulfilment of the vision, while effective governance arrangements ensure opportunity for challenge and scrutiny.
- 3** Since 2010 the council has made good progress with its transformation agenda. Recognising a need to increase its pace of change and be more innovative, the council began its challenging Fit for 2024 corporate transformation programme in February 2019. This is intended to be a five-year rolling programme that will improve how the council is managed and save a further £30 million. The council should continue to ensure there is sufficient capacity to implement this programme while continuing to deliver public services.
- 4** Performance is good or improving in the key service areas of education and social work. The council is below average on many other national indicators and reports that its performance is improving on around half of its own performance indicators. Residents are more satisfied with their council's services than national data suggest. Performance reporting to members and the public should be more comprehensive and clearer about why performance has deteriorated and what action is being taken.
- 5** The council demonstrates effective financial planning and management. It has a good track record of making savings but its financial outlook, like most other councils', remains challenging. Workforce management has developed slowly and planning the future workforce remains a key issue. The council has begun a programme to improve communication with staff but must do more to understand and act on their views.

- 6** The council is a key partner in complex and ambitious economic initiatives. Significant leadership and resources will be required to achieve their objectives. Partnership working with NHS Borders, through the integration joint board, could be improved. The council has made good progress with other aspects of joint working and recognises there are further opportunities for this. Where it provides services through arm's-length external organisations, the council recognises that the risk of potential conflicts of interest needs to be carefully managed.
 - 7** Implementation of the Community Empowerment (Scotland) Act 2015 has been slow in some respects. The council and the Scottish Borders community planning partnership need to finalise and implement its locality plans. It also needs to implement a performance management framework that can measure progress against the community plan and locality plans.
-

Part 1

Does the council have clear strategic direction?



From 2010 to 2018 the council made good progress with its transformation agenda.

In 2017, the council saw many new elected members and offered a coordinated approach to induction. It now needs to support elected members through individual training plans.

Members and officers demonstrate a strong commitment to working together for the fulfilment of the vision, while effective governance arrangements ensure opportunity for challenge and scrutiny. The council vision for 2017–22 prioritises six strategic themes, reflecting long-standing challenges.

The council should ensure there is sufficient capacity to implement its challenging Fit for 2024 corporate transformation programme while continuing to deliver public services.

The local context

6. The Scottish Borders covers 1,827 square miles and has a population of 115,300.² It is mostly rural, with dispersed settlements and no cities. Around a third of the population lives in settlements with fewer than 1,500 people. The Scottish Borders is one of the most sparsely populated Scottish council areas, with an average population density of 63 people per square mile, considerably lower than the Scottish average of 180.³ The economy largely depends on the public sector, agriculture, residual traditional industries and numerous small businesses.

7. The profile of deprivation across the Scottish Borders suggests relatively few households are sited in extremely deprived areas. Overall, 6.6 per cent of the population live in the 20 per cent most deprived of Scotland's 7,000 population datazones, with pockets of deprivation in Galashiels, Hawick and Selkirk.⁴ Data zones are small areas with roughly equal populations. Focusing on small areas helps to highlight the different issues in each neighbourhood.⁵

8. Demographic change in the Scottish Borders will have a significant impact on the demand for council services. The population forecast for 2016–41 expects changes including:

- The total population of the Scottish Borders is forecast to increase by 2.4 per cent (compared with 5.3 per cent for Scotland overall).
- The number of children (aged 0-15) is forecast to decrease by 0.6 per cent (compared with a 1.5 per cent decrease in Scotland as a whole).
- The number of people of working age is forecast to decrease by 5.6 per cent (compared with a 1.1 per cent increase in Scotland as a whole).
- The number of people of pensionable age is forecast to increase by 23.1 per cent (compared with a 25.1 per cent increase in Scotland as a whole).
- The number of people aged 75 or over is forecast to increase by 80.0 per cent (compared with an increase of 78.6 per cent in Scotland as a whole).⁶

9. The council's challenges also include:

- ensuring effective transport infrastructure, particularly across the road network and bus services, which affect access to education, employment and markets
- delivering services such as roads, schools, care for the elderly and waste management in dispersed, remote and rural communities.

Since the last Best Value audit in 2010, the council has made good progress with its transformation agenda

10. The council's Business Transformation Programme (BTP) for 2010–15 led to budget savings of £17.8 million. It was superseded by the Corporate Transformation Programme (CTP) in 2015, based around four themes: making best use of our people; working with our partners; looking after the Borders, and business process transformation. The CTP's 14 projects were reduced to five strands in 2018:

- digital transformation
- workforce transformation
- children and young people
- corporate landlord (including property assets and energy efficiency)
- health and social care (including adult services).

11. Progress with the BTP and the CTP was monitored by the corporate management team (CMT) and reported quarterly to the council's Executive Committee, with annual reports to full council meetings. In 2015/16–2018/19, the council reported £49.0 million of savings from its revenue budget, including £35.1 million of recurring savings ([Part 3](#)).

12. As well as participating in significant regional development projects over the last decade, including the reopening of the Borders Railway in 2015, the council has led numerous other developments, including:

- outsourcing information and communications technology to CGI
- developing a Digital Customer Access platform, which will help make the council more accessible to the public
- building three new primary schools, two new secondary schools and a new special school
- forming the Live Borders sport and leisure trust
- setting up SB Cares to provide adult social care services.

In 2017, the council saw many new elected members

13. The council has 34 elected members (members) across 11 multi-member wards. Like many Scottish councils, Scottish Borders Council lost a significant number of experienced members following the 2017 local government elections. Eighteen members were newly elected, ten of whom were in the new administration. The administration is a coalition between the Scottish Conservative and Unionist Party and an independent alliance, currently comprising four of the nine independent members ([Exhibit 2](#)).

14. With such a significant change in administration, the CMT has had an important role in supporting both administration and opposition members. It can take time for new members to fully understand and take ownership of policy direction. Over two years into their five-year term of office, many members told us they were still 'getting to grips' with their roles and responsibilities.

Exhibit 2

Changes in the council's political administration

Coalition administrations are a feature of the council.

	Current administration 2017–22	Previous administration 2012–17
Leader	Scottish Conservative and Unionist	Independent
Administration	14 - Scottish Conservative and Unionist 4 - Independent	9 - Scottish National Party 7 - Independent 6 - Scottish Liberal Democrats
Opposition	9 - Scottish National Party 5 - Independent 2 - Scottish Liberal Democrats	9 - Scottish Conservative and Unionist 3 - Independent

Source: Scottish Borders Council

The council's priorities have evolved since 2010

The political administration for 2012–17 prioritised four key areas

15. Following the 2012 elections, members in the council reached agreement on four key areas:

- general issues relating to the workings of Scottish Borders Council
- ensuring that economic development is a key driver for the administration
- investing in children and young people
- improving life in the Scottish Borders.

16. In 2013, the council's corporate plan for 2013–18 detailed a further eight priorities.

17. In 2014, the chief executive reported to a meeting of the full council that *'After two years, just over 70 per cent of commitments covered in the (2012 Ambitious for the Borders) Agreement have either been achieved fully or significant progress has been made. There is further work to do over the next three years to ensure that all the commitments made are addressed.'* The council adopted an updated Ambitious for the Borders document in 2015 with sustainable economic development as its top priority and produced an updated corporate plan for 2013–18.

18. In 2014, the council also led a strategic assessment of the Scottish Borders for the community planning partnership (CPP), which includes the council. The assessment identified three priorities: growing the economy, reducing inequalities, and maximising the impact of the low-carbon economy. An updated strategic assessment in 2016 took stock in relation to the Scottish Government's 16 national outcomes and reiterated the same three CPP priorities as in 2014.

The council's vision for 2017–22 prioritises six strategic themes, reflecting long-standing challenges

19. In 2017, the new political administration published *Connected Borders 2017–22: the vision of Scottish Borders Council's Administration*. It drew on evidence such as demographic and employment information, although it did not explain how the views of communities had been incorporated. The six themes relate to:

- connected communities
- communities of enterprise
- communities of beauty
- communities of wellbeing
- communities of caring
- communities that are empowered.

20. Four principles underpin the commitments made to realise the vision: consensus, equality, innovation and community. This document was formally adopted as the council's vision in September 2017.⁷ It reflects long-standing

challenges in the area, such as its predominantly rural geography, transport networks and the importance of education in relation to economic development.

21. In February 2018, the council produced its current *Corporate Plan: Our plan for 2018–2023 and your part in it*.⁸ It covers an overlapping period from the Connected Borders vision statement, with four related themes which cover issues similar to the six strategic themes adopted by the council five months earlier:

- our services for you
- independent, achieving people
- empowered, vibrant communities
- a thriving economy with opportunities for everyone.

22. The council also led the production of the CPP's Local Outcomes Improvement Plan (LOIP) for people in the Borders, in May 2018 ([Part 4](#)). Termed the 'Community Plan' by the council and its partners, its four themes are related to those in the council's current vision and corporate plan.

Members and officers demonstrate a strong commitment to working together for the fulfilment of the vision, while effective governance arrangements ensure opportunity for challenge and scrutiny

The council adopted a new executive and scrutiny structure in 2015

23. Two of the council's key committees are the Executive Committee and the Audit and Scrutiny Committee. Currently, the Executive Committee comprises members of the political administration and is the key decision-making and monitoring committee. For example, quarterly budget monitoring reports are presented to this committee for monitoring and control purposes, including the year-end financial position. The Audit and Scrutiny Committee has both administration and opposition members. As part of its scrutiny function, it reviews the implementation of policy decisions on a wide range of topics, such as the implementation of the council's information technology strategy and its handling of major property issues. Both committees operate effectively. The council also appoints members to the Scottish Borders Health and Social Care Integration Joint Board (IJB) ([Part 4](#)).

The council plans and delivers services in five geographical localities

24. The five localities are Berwickshire, Cheviot, Eildon, Teviot and Liddesdale, and Tweeddale. They also form the basis of the council's leadership of community planning in the Scottish Borders, and of the work of NHS Borders and the IJB. Each locality has an area partnership that aims to bring together key organisations, groups, businesses and individuals from across the public, private and third sectors and local communities. Meetings of the area partnerships are attended by council members and are open to the public, with their documents on the council's website.

Scrutiny works well

25. In committee and full council meetings, we observed the effective scrutiny and challenge of officers' reports. Some members told us that their council work would benefit from more concise committee reports being provided sooner than the current one week in advance of a meeting, to allow more time for consideration. They recognised this is not always feasible. Working relationships between members and officers are respectful and constructive. Members have good access to the CMT and other officers for queries, guidance and information.

Risk management has room for improvement

26. In 2018, the Audit and Scrutiny Committee approved a refreshed risk management policy and a three-year risk management strategy. The corporate risk register and all service risk registers are reviewed quarterly, with good arrangements for reporting on risk to the CMT and members. In May 2019, the council's Internal Audit function reported to the Audit and Scrutiny Committee that:


- There was a gap in linking corporate and service risk registers to business plans and the business planning process.
- Where mitigating actions were required, they should be matched to relevant risks so that managers have an overview of all key performance indicators, actions and risks in one place.
- This will require ongoing engagement with risk owners.

Service planning is effective

27. In 2016/17, the council had three-year business plans for each key service. From 2018/19, financial, business and people planning was integrated, with a focus on meeting significant financial savings. The integrated plans were refreshed for 2019/20. Each service area detailed its spending and savings plans along with an explanatory narrative. The integrated plans could be improved through adopting a consistent approach to plans between departments, and sharing of best practice.

Training and support for members needs tailored to their individual needs, based on previous induction and briefing events

28. The induction of members elected in 2017 was well organised by officers and was appreciated by members. Members who were elected to the council for the first time faced a steep learning curve. Some induction events were available to all members while participation was mandatory for members of certain committees, such as on licencing and planning matters. Subsequently, support for all members has primarily involved officers offering members a series of briefings.⁹ Many members told us that they found the briefings topical. However, they could be made more accessible to members by being made available online.

29. At the time of the audit, the council had not developed individualised training plans for members – something it should have made more progress on. In 2016 our report [*How councils work: Roles and responsibilities in councils – Are you still getting it right?*](#)  explained the importance of continuing professional development (CPD) in equipping members with the skills and tools they need. The council intended to start a members' development programme in September 2019. Discussions were also under way with the Improvement Service to use its members' CPD framework and to include personal development plans for members.

Recognising a need to increase its pace of change and be more innovative, the council began its Fit for 2024 corporate transformation programme in February 2019

Fit for 2024 is a challenging programme of work

30. Fit for 2024 is intended to be a five-year rolling programme of corporate transformation aimed at improving how the council is managed and achieving a further £30 million of budget savings.¹⁰ It emphasises the importance of a cross-

cutting approach and of the programme being driven corporately. Its seven main aspects are covered more fully in [Part 5](#):

- a whole-council service review and redesign programme
- enhancing community engagement, participation and empowerment
- making best use of physical assets, assisted by a corporate landlord model
- investing in well-planned and designed digital solutions
- developing the workforce's skills, flexibility and working patterns
- optimising partnership resources
- making process and productivity improvements.

“ It is a fair assessment to suggest that the outlook for the council remains extremely challenging... It should be recognised that Fit for 2024 raises fundamental questions about the future shape of Scottish Borders Council.

Fit for 2024

”

The council has been proactive in providing direct support to partnership initiatives through secondments but must ensure it has capacity to implement the Fit for 2024 programme while continuing to deliver public services

31. The council has been proactive in supporting wider partnership initiatives through secondments of some of its senior officers. The council views these opportunities as providing unique insight and access to shape economic development, and as a means of the council realising its ambitions for the area.

32. Both the council's executive directors spend the majority of their time on secondment in lead roles within other organisations. The Executive Director for Commercial Activity is also the managing director of SB Cares four days a week [Exhibit 3 \(page 17\)](#). This arm's-length external organisation (ALEO) was established by the council to provide adult social care services.

33. The Executive Director for Strategic Partnerships is seconded to the Scottish Government for three days a week to help establish the South of Scotland Enterprise Agency.

34. The CMT also has roles in two ongoing major economic development initiatives: the Edinburgh and South-East Scotland City Region Deal and the Borderlands Inclusive Growth Deal [\(Part 4\)](#).

35. While this is a positive and innovative approach aimed at realising the council's wider ambitions, it must continue to ensure that there is sufficient capacity to deliver local services and its Fit for 2024 programme commitments in a sustainable way.

Exhibit 3

Corporate management team structure

CMT members have lead roles plus cross-cutting roles that they manage in the council and with its partners.

	<h4>Statutory officers</h4>	<h4>Other or cross-cutting roles include</h4>		
	<ul style="list-style-type: none"> • Chief executive officer • Chief social work officer • Chief financial officer • Monitoring officer 	 	<ul style="list-style-type: none"> - Public protection Business improvement - 	
	<h4>Executive directors</h4>	<h4>Other or cross-cutting roles include</h4>		
	<ul style="list-style-type: none"> • Commercial • Strategic partnerships 	 	<ul style="list-style-type: none"> Managing director of SB Cares Economic development 	
	<h4>Service directors</h4>	<h4>Other or cross-cutting roles include</h4>		
	<ul style="list-style-type: none"> • Assets and infrastructure • Children and young people • Customer and communities • Human resources, transformation, communication • Regulatory services 	   	<ul style="list-style-type: none"> Maximising capital investment through collaboration and partnership Reducing inequalities Community engagement Employability - 	
	<h4>Joint roles with NHS Borders</h4>	<h4>Other or cross-cutting roles include</h4>		
	<ul style="list-style-type: none"> • Chief officer, health and social care integration • Director of public health 	<ul style="list-style-type: none"> - - 	<ul style="list-style-type: none"> - - 	

Source: Scottish Borders Council

The council needs its staff to buy in to implementing Fit for 2024

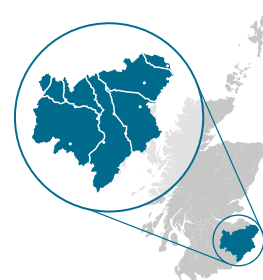
36. The success of Fit for 2024 will depend on the active participation of staff from across the council. They need to feel informed, involved, valued and motivated. We found evidence of staff lacking awareness of their role in the programme and how it affects them. Staff who are not office-based, such as those in roads maintenance depots and waste services, are at greater risk of feeling disconnected and disengaged.

37. The CMT recognises that it needs to increase its visibility and engagement with staff at this critical time to drive progress. In particular it is aware of the need for more and better-quality engagement with staff about their role in Fit for 2024. Practical steps to enhance communication are at an early stage and at the time of the audit:

- The council had developed an online staff e-magazine, with contributions from CMT members.
- A staff web page about Fit for 2024 had been set up.
- In July 2019, over 100 staff attended a briefing on Fit for 2024, led by CMT members, in the council's headquarters. Staff had an opportunity to ask questions and raise their concerns.
- CMT members and other senior officers were involved in an ongoing series of staff engagement events, including visits to depots and other local facilities.

Part 2

How well is the council performing?



Performance is good or improving in the key service areas of education and social work.

The council's performance was maintained or improved on 68 per cent of national indicators relevant to its priorities and services between 2013/14 and 2017/18. Its performance remained below the national average on many.

The council reports improvements on around half of its own performance indicators.

Residents are more satisfied with their council's services than national data suggest.

The council needs to embed a culture of continuous improvement by implementing a corporate approach to self-evaluation and benchmarking.

Public performance reporting should be clearer and more comprehensive about why performance has deteriorated and what action is being taken.

Performance is good or improving in the key service areas of education and social work

38. The Local Government Benchmarking Framework (LGBF) enables a council to compare its performance with that of other councils and the average for all councils. Performance relative to other councils can be gauged by considering how all councils are performing, from highest to lowest for each indicator, and dividing relative performance into four equal bands or quartiles. Quartile 1 contains the best-performing councils and quarter 4 contains the poorest-performing councils.

Education services continue to perform well overall. Outcomes for children are above the national average and improving

39. The council's performance against the LGBF indicator for the proportion of pupils entering 'positive destinations' improved from an already-high level, from 94.4 per cent in 2013/14 to 95.8 per cent in 2016/17. Positive destinations include higher education, further education, training, voluntary work and employment.

40. Performance improved for pupils' average total educational tariff. Also improved was the proportion of pupils from the most-deprived areas, who gained five or more awards at both Scottish Qualifications Framework (SQF) Level 5 and Level 6.¹¹ Indicators of school attendance and exclusion rates improved from 2010/11–2016/17.

41. Education Scotland inspected community learning and development (CLD) services in the Scottish Borders in 2017. Key strengths included leadership, impact for participants and focus on equality.

42. In April 2018, Education Scotland found there was strong strategic leadership in education and children's services and increasing strengths in the council's approach to quality improvement.¹² The council had appropriate governance for ensuring educational provision was well organised and well led. Scrutiny outcomes, including inspections, were positive overall. Outcomes for children and young people were often above the national average and generally improving.

43. In October 2018, Education Scotland reported very good progress on its follow-up to a validated self-evaluation of educational psychology services (EPS) in August 2017.¹³

Social work and social care services' performance is mixed but improving

44. From 2013/14 to 2016/17, three LGBF indicators improved:

- the proportion of children being looked after in the community improved from 84.4 to 88.6 per cent and from seventh to fourth in the family group
- the proportion of child protection re-registrations within 18 months improved from 13.9 to 3.9 per cent and from seventh to third in the family group
- the proportion of looked after children with more than one placement in the last year improved from 20.7 per cent to 18.9 per cent and from third to first in the family group.

45. The council's performance on the proportion of people aged 65 or over who have long-term care needs and receive personal care at home was sustained between 61 per cent and 64 per cent, with some variations year-to-year. Although above the family group median in 2013/14, the council's performance fell below it during this period.

46. The Community Planning Outcomes Profile (CPOP) helps to assess whether the lives of people in a community are improving, using a set of core measures of important life outcomes. Of the six CPOP indicators linked to social care and wellbeing, three improved from 2013/14 to 2017/18 including wellbeing, fuel poverty and emergency hospital admissions. The rate of improvement in emergency admissions and in fuel poverty was better than for the family group. By contrast, performance on three CPOP indicators declined, including early mortality, the fragility index and unplanned hospital attendances – which rose by 19.3 per cent, and by more than for the council's family group overall. The fragility index is compiled from three measures: overall depopulation in a community, the ratio of older people to the working age population and rural depopulation. It indicates the size of challenge presented by a changing population in a CPP's area.

47. In June 2016, the Care Inspectorate reported positively overall on an inspection of services for children and young people.¹⁴ Its recommendations were addressed in the CPP's integrated children and young people's plan 2017–20 and in its action plan for 2018–19. Unfortunately, an updated integrated children and young people's plan for 2018–21 did not specify timescales for planned improvements.¹⁵

48. The Care Inspectorate and Healthcare Improvement Scotland inspected health and social work services for older people, from October 2016 to February 2017.¹⁶ The delivery of key processes, strategic planning and plans to improve services, leadership and direction were assessed as 'weak'. The IJB has since developed an improvement plan to address the inspection's recommendations. A progress report in May 2018 showed some improvement actions needed completion deadlines. A progress review by Healthcare Improvement Scotland and the Care Inspectorate is under way.

49. In April 2019, the Care Inspectorate reported on a criminal justice social work inspection, which focused on people subject to community payback orders. The council was 'good' in terms of its impact on people who have committed offences, and at assessing and responding to risk and need. Operational managers supported staff well. Areas assessed as 'weak' were: improving the life chances and outcomes for people subject to a community payback order, and leadership of improvement and change. There was a lack of governance and oversight from senior officers and elected members and no performance management structure in place to drive service improvement.¹⁷

Economic development services' performance is good and improving

50. The economy has been a long-standing council priority and the council reports that performance has improved against a number of indicators including:

- The number of businesses supported by the Business Gateway increased from 1,085 in 2016/17 to 1,497 in 2018/19, an improvement of 38 per cent.
- Twenty-six contracts containing community benefit clauses were awarded in 2018/19, an increase of five (24 per cent) from the 21 awarded in 2017/18.
- The number of affordable homes delivered was substantially above the council's annual target of 128 homes – 145 in 2017/18 and 191 in 2018/19.

51. On ten relevant LGBF indicators, performance improved on five, remained the same for two indicators, and declined on three. The average time to process a business or industry planning application improved and the council remained first in its family group, although performance declined for the cost per application. The proportion of immediately available development land as a percentage of total land nearly trebled from 13 per cent in 2014/15 to 37 per cent in 2017/18.

52. The number of Business Gateway start-ups per 10,000 population decreased slightly from 20.4 in 2013/14 to 19.5 in 2017/18. While the council remained fourth in its family group, its performance in 2017/18 was substantially above that for Scotland. There was more investment in economic development and tourism, but performance remained below the Scottish average and in the bottom three councils of its family group.

53. Performance improved for four economy-related CPOP indicators and declined for one, between 2013/14 and 2017/18. The indicators for which performance improved were the proportion of people receiving out-of-work benefits, the employment rate, median earnings and the proportion of business start-ups surviving. The business survival rate for the council's area is similar to that for its family group and for Scotland overall.

54. Economic development is a council priority, and the employment rate improved slightly from 74.1 per cent to 74.8 per cent. This was above the level for Scotland overall at 73.6 per cent, although national and family group improvement was faster over the same period.

Performance has been maintained or improved on 68 per cent of national performance indicators between 2013/14 and 2017/18

55. We analysed the council's performance for 44 LGBF indicators that are relevant to its priorities and services, and which have been reported on consistently from 2013/14 to 2017/18. In this period, the council's performance was maintained or improved on 25 (68 per cent) of the 44 indicators, in absolute terms ([Exhibit 4](#)). National LGBF data for 2018/19 have not yet been published.




Exhibit 4

Changes in the council's performance from 2013/14 to 2017/18

From a total of 44 comparable LGBF indicators, performance improved for 25 and declined for 14.






Long-term performance, 2013/14 to 2017/18

	Indicators	
	Number	Percentage
 Improving performance	25	57%
 No change in performance	5	11%
 Declining performance	14	32%



Performance compared to Scottish average, 2017/18

	Indicators	
	Number	Percentage
 Better performance (by over 10 per cent)	8	18%
 Similar performance (within 10 per cent of the Scottish average)	16	36%
 Worse performance (by over 10 per cent)	20	46%

Notes:

Our analysis excluded:

1. Indicators for the cost of providing a service – because the size of the cost could be ambiguous. A higher cost could indicate investment in higher quality, and a lower cost may not mean better value for money.
2. The indicator for the proportion of the highest-paid five per cent of employees who are women – because it does not have a bearing on the quality of a council's public services.
3. Five indicators related to housing – because Scottish Borders Council does not own council houses.

Source: Improvement Service

56. From 2013/14 to 2017/18, the council's performance declined for 14 indicators and declined by a margin of ten per cent or over on the following four indicators:

- quality ratings for children's early years' service providers – performance declined from 97.5 per cent of providers graded 'good' or 'better' for all quality themes, to 87.5 per cent
- the proportion of invoices sampled that were paid within 30 days – performance declined from 90.2 per cent to 78.0 per cent
- the proportion of procurement spent on local small/medium enterprises – performance declined from 28.5 per cent to 23.1 per cent
- the proportion of internal floor area of operational buildings in satisfactory condition – performance declined from 91.6 to 62.1 per cent.

57. In 2017/18, the council performed above the Scottish average by ten per cent or more for eight indicators (18 per cent) but was over ten per cent below average for 20 indicators (46 per cent), including:

- the proportion of unemployed people assisted into work by council-funded or operated employability programmes – 4.2 per cent (Scotland average 14.4 per cent)
- investment in economic development and tourism per 1,000 population – £43,132 (Scotland average £91,779).

The council's performance was below the national average on most indicators between 2013/14 and 2017/18

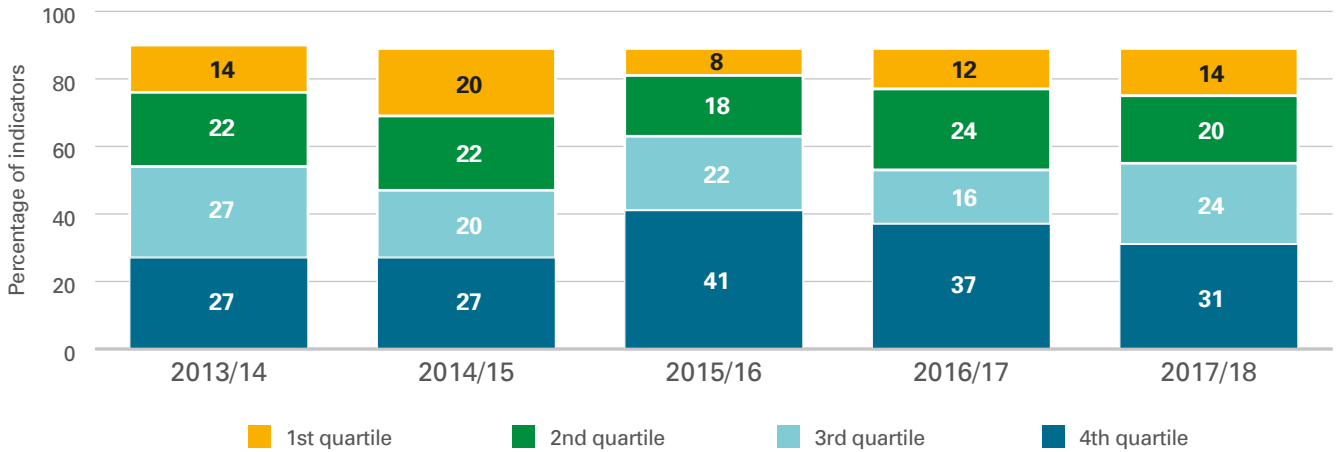
58. The council's performance has varied over time. [Exhibit 5 \(page 24\)](#) uses the same 44 indicators as [Exhibit 4 \(page 22\)](#). The proportion of the council's indicators in the upper two quartiles improved from 36 per cent in 2013/14 to a peak of 42 per cent in 2014/15 before falling back to 34 per cent in 2017/18. This means that the council consistently performed below the Scottish average for most of the 44 LGBF indicators we analysed.

59. Budget pressures influenced performance in services where the council reduced funding. These included leisure services, where budget reductions affected service quality – something the council had anticipated.

Exhibit 5

The council's LGBF relative performance, 2013/14 to 2017/18

During this period, the council's performance was below average for a majority of indicators.



Notes:

1. Measuring the council's performance involved considering how all councils performed, from lowest to highest for each indicator. From this, it was possible to see how one council compared with all others. Relative performance against other councils was divided into four equal bands, or quartiles. The first quartile contained the best-performing councils for that indicator and the fourth quartile contained the poorest-performing councils.
2. The figures in each column do not total to 100 per cent because of rounding effects and because five LGBF indicators for the performance of housing services do not apply to this council, as it does not own council houses.

Source: Audit Scotland; and Improvement Service

The council reports improvements on around half of its own performance indicators

60. Since 2018/19, the council has aligned its performance management framework with its current corporate plan, and it presented its first quarterly report in this revised format to the Executive Committee in September 2018. The 2018/19 summary report rated the council's performance as 'green' ('improved') for 26 (52 per cent) of the 50 indicators it used [Exhibit 6 \(page 25\)](#).

Performance was 'amber' ('deteriorated') for 17 indicators (34 per cent) and was 'grey' ('flat' or no comparator existed) for seven indicators (14 per cent).

Local residents are more satisfied with council services than national data suggest

61. The LGBF uses nine indicators of service users' satisfaction with council services. These are based on national surveys such as the Scottish Household Survey (SHS).

Exhibit 6

The council's performance in 2018/19

In 2018/19, the council rated 52 per cent of its 50 indicators as green, meaning 'improved performance'.

Priority	Number of indicators			Total
	→	↓	↑	
Our services for you	2	8	10	20
Independent, achieving people	3	4	6	13
Thriving economy, with opportunities for everyone	2	2	4	8
Empowered, vibrant communities	-	3	6	9
Overall (number)	7	17	26	50
Overall (per cent)	14	34	52	100

Note: Since the previous year: Amber arrow = performance was 'flat' or no comparator existed. Red arrow = performance deteriorated. Green arrow = improved performance.

Source: Scottish Borders Council

62. Recent national data shows that satisfaction has declined across Scotland for all council services and this is also the case in the Scottish Borders ([Exhibit 7, page 26](#)). Satisfaction with the council's services declined from 2012–18 on eight of the nine indicators and declined for four services at a faster rate than the national average. In 2018, the council was rated among the eight weakest councils on five indicators, including four indicators for which it was among the three weakest councils. This includes satisfaction with parks and open spaces, leisure facilities, libraries and museums and galleries. The council needs to better understand the reasons behind its relatively poor performance.

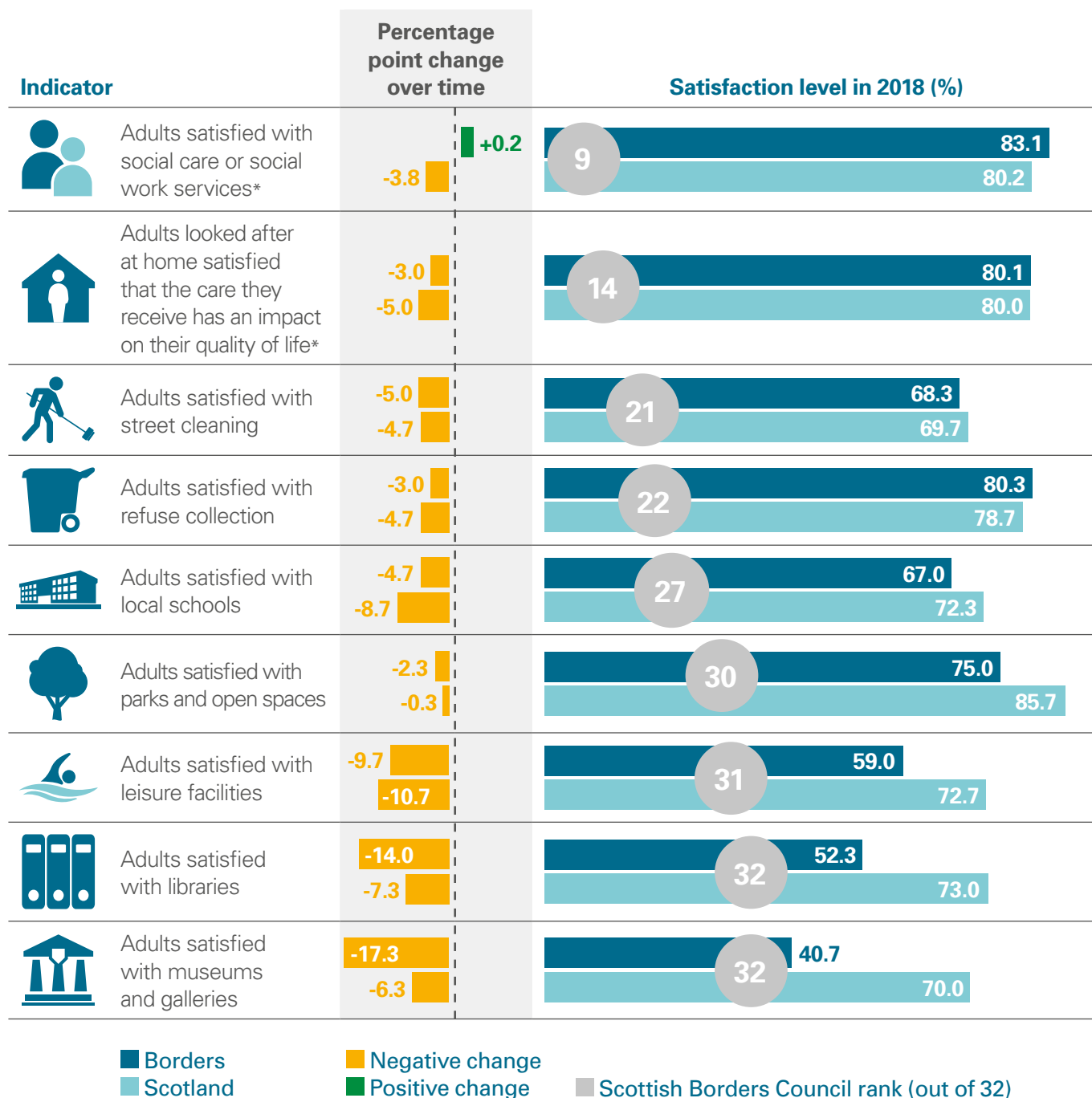
63. Since 2006, Scottish Borders Council has conducted a household survey to gather customer views of council services and life in the Scottish Borders. In the 2018 survey, 905 responses were received. The results were reported to the council's Executive Committee in February 2019.¹⁸ Feedback included:

- 55 per cent rated Scottish Borders Council as 'good' or 'excellent'
- 55 per cent 'agreed' or 'strongly agreed' that the council is good at letting people know how well it is performing
- 54 per cent 'agreed' or 'strongly agreed' that the council provides high-quality services
- 40 per cent 'agreed' or 'strongly agreed' that the council does the best it can with the money available (compared to 39 per cent for the Scotland average in the Scottish Household Survey)
- 31 per cent 'agreed' or 'strongly agreed' that the council designs services for the people who use them.

Exhibit 7

Customer satisfaction with council services, 2012–2018

Satisfaction with council services declined faster than the national average on four LGBF indicators.



Note: Indicators marked ‘**’ are from the Scottish Health and Care Experience Survey and presented for 2014/15 and 2017/18, ranked by 2017/18 data. A rank of 1 shows the best performing Scottish council and 32 shows the weakest one.

Source: Improvement Service

64. In individual services, results from the council's survey included:

- 83 per cent of respondents were satisfied with the kerbside waste collection service, whereas the LGBF data showed 80 per cent of adults were satisfied with refuse collection
- 77 per cent of respondents were satisfied with sport and leisure facilities, compared with 59 per cent for the corresponding LGBF indicator
- 59 per cent of respondents were satisfied with libraries, compared with 52 per cent for the corresponding LGBF indicator
- satisfaction with schools ranged from 68 per cent of respondents in Berwickshire to 81 per cent in Cheviot, compared with 67 per cent for the Scottish Borders overall according to the corresponding LGBF indicator.

65. The council found that a lower budget for parks and open spaces impaired its ability to conduct maintenance consistently at previous levels. Policy changes in 2018, such as changing the grass-cutting cycle from every ten days to every 20 days, partly explain the fall in satisfaction. The council has met with community councils and groups to discuss service changes and understand their impact.

66. The delivery of leisure facilities, libraries, museums and galleries is the remit of Live Borders, an ALEO established by the council. Live Borders does not survey customer satisfaction directly. Since 2018, its service managers have reviewed a quarterly 'net promoter score survey' and customer feedback to establish how services are viewed. Visitors to museums and galleries are encouraged to give feedback online through TripAdvisor.

The council needs to embed a culture of continuous improvement throughout the organisation

Benchmarking practice is inconsistent across the council

67. The Accounts Commission requires councils to report their performance using the national LGBF data. Although the council does this, it is unclear how it utilises the data to pursue service performance improvements systematically. Benchmarking is applied in some service areas including education and complaints handling, but the council should embed proactive, systematic use of this approach to drive performance improvements across all services.

There is room to improve performance reporting

68. Officers submit quarterly performance reports to the Executive Committee and an annual report in June each year. Members' scrutiny of the information reported to them is generally good. The Executive Committee has no opposition members, but opposition members can publicly scrutinise and challenge performance information in a meeting of all members in full council meetings.

69. In addition, officers invite all members to attend a private annual briefing on the council's performance. However, in January 2019, fewer than half of members (15 of 34) attended a briefing arranged by officers and no meeting record was kept.

70. Performance reports to the Executive Committee highlight activities that will affect performance in each corporate theme. However, they lack a clear, succinct

overview of the council's position. Also, and the number of indicators and the amounts of performance information provided vary significantly across the four corporate themes. There is insufficient explanation of areas identified for improvement.

71. The council's graphical public performance reporting (PPR) summary for 2018/19 makes it difficult for members and the public to gain a clear overview of the council's changing performance. It would be helpful to distinguish actual performance on an indicator from the performance trend to clarify, for example, situations where:

- performance was at a very high level and a small decrease is acceptable
- performance was adequate, and remains relatively unchanged over time
- performance was poor and any deterioration is not acceptable.

72. There is scope for performance reporting to more clearly and consistently include concise information on reasons for under-performance and actions to address these, helping drive planned continuous improvement. Although the council compares itself against its family groups for relevant LGBF indicators, this material is not part of the PPR summary and is not published on the council's website in a timely way.

Part 3

Is the council using its resources effectively?



The council demonstrates effective financial planning and management. It has a good track record of making savings but the financial outlook remains challenging.

Workforce management has developed gradually and workforce planning remains challenging. The council has begun a programme to improve communication with staff but must do more to understand and act on their views.

Procurement performance is good and improving.

The council demonstrates effective financial planning and management

Budget scrutiny is effective

73. Scrutiny of financial performance is delegated to the council's Executive Committee, which receives quarterly revenue and capital monitoring reports from officers. Financial reports include: commentary on performance, details of how performance differs from budgets, reasons for the variances and any necessary changes to budgets or reserve balances. These comprehensive reports facilitate transparency and openness. There is sufficient monitoring of financial information during the year, with members providing effective scrutiny.

A revenue plan with a five-year timespan is updated annually

74. The council has developed five-year revenue plans annually since 2013/14. The 2017/18 external audit recommended that the council should introduce high-level, longer-term scenario planning for the next ten years. This began with the 2018/19 revenue budget.

The council consults stakeholders online about its budget

75. The budget-setting process includes input from services and contributions from stakeholders and residents, with the council using an online Dialogue Community Engagement Tool to seek ideas and comments. The 2019/20 budget was discussed at meetings of all five locality partnerships ahead of the full council meeting that set the budget in February 2019.

A capital planning strategy spanning ten years is updated annually

76. A ten-year capital plan is prepared annually as part of the budget-setting process. The capital investment strategy for 2019/20 links the council's

investment priorities to the themes of the current corporate plan. Although there has been some slippage each year, the council has generally implemented its capital plans effectively.

77. The capital plan for 2019/20–2028/29 anticipates £386 million of investment, including £171 million in the three-year operational plan and the remaining £215 million within a seven-year strategic plan. The largest items of spend are roads and bridges infrastructure (£80 million), the Hawick flood protection scheme (£52 million) and the new Hawick High School (£40 million). The plan will be funded by the general capital grant (£155 million), Scottish Government grants (£70 million), developer contributions (£1.2 million), external grants (£16 million), capital receipts (£5.0 million), the plant and vehicle replacement fund (£20 million), the synthetic pitch replacement fund (£4.2 million) and borrowing (£115 million).

The council has a clear policy for managing its reserves

78. The council reviews the level of its uncommitted financial reserves when setting its budget each year. The review is based on an assessment of corporate risks, with each risk being assigned a likely financial value as well as a likelihood of the risk occurring. The council expects that it is unlikely all risks would transpire simultaneously. Earmarked reserves are maintained to fund specific initiatives, such as the council's energy efficiency fund.

79. The 2019/20 budget planned to maintain an unallocated General Fund reserve of £6.3 million. The unallocated balance projected at 31 March 2019 equated to 2.2 per cent of the council's net revenue expenditure and was sufficient to cover 54 per cent of the risks identified in the finance risk register should they be realised.

80. The council has largely maintained its level of usable reserves in recent years, with a total General Fund balance of £17.5 million in 2018/19 compared to £17.2 million in 2013/14. The council is in the third quartile of councils for its level of usable reserves compared to its net revenue stream. However, the council considers its level of reserves provides sufficient contingency for unforeseen costs.

Asset management planning works well

81. Asset management plans align with the objectives and priorities detailed in the council's current corporate plan. The council is adopting a corporate landlord model that centralises all estate-related budgets, decision-making and activities within one core team. Council service departments now need to make a business case for the property that they wish to deliver a service from, which helps the council to provide sufficient space but no more space than is required. This approach applies to all capital and revenue investment proposals.

82. The Executive Committee agreed in January 2015 to adopt a long-term, strategic approach to the council's school estate. A report to the committee in September 2016 identified the need for a phased School Estate Review, following nine consultation events in high schools in March 2016.

83. In April 2017, the council undertook a statutory consultation process about proposals to build increased school capacity in Jedburgh. This is to replace the town's nursery, primary and secondary schools and ensure additional support needs provision. After extensive consultation work, the council agreed in December 2017 to establish a multi-purpose intergenerational learning campus in Jedburgh, which is on track to open in spring 2020 as the Jedburgh Grammar Campus.

The outsourcing of ICT services proved to be a challenging journey

84. In March 2016, the council decided to outsource its ICT services to an external company, CGI UK Ltd (CGI), as part of a 13-year contract worth £92 million. The contract was based on a contract previously negotiated between the City of Edinburgh Council and CGI under Public Sector Partner procurement guidelines. Through its contract with Scottish Borders Council, CGI is responsible for implementing a range of major ICT changes including:

- replacing the council's hardware systems
- replacing its finance and human resources systems with a new integrated system: Business World enterprise and resource planning system (ERP)
- providing enhanced cyber security arrangements and new offsite back-up facilities
- developing a digital customer access (DCA) system to help the public access council services more easily, and at lower cost to the council.

85. The agreement with CGI has allowed the council to access the technical expertise and support of a major international company, as well as address risks with recruiting and retaining ICT staff in the area. The new Business World ERP system was implemented from April 2017, cyber security arrangements have been improved and replacement of the council's hardware is ongoing. The council has experienced problems with the full delivery of the benefits expected from the CGI contract. The implementation of the DCA was delayed and issues arose when the Business World ERP system was first introduced. Problems with third party service providers led to their removal and other contractors were required to rectify problems, although at no extra cost to the council.

86. Council staff told the audit team that the new computer systems are often sluggish and that helpdesk support by CGI can be unresponsive. Overall, the forecast benefits from the ICT contract have not materialised as soon as the council expected. The council's new ICT arrangements should bring benefits in time. It expects that a CGI ICT service delivery centre in the Borders will boost the local economy.

87. The Inspire Learning Programme is an innovative £16 million investment in a digital learning environment for school pupils. The project has been developed by a partnership of the council, CGI, XMA and Apple. The project is a key part of the council's Digital Learning Strategy and aims to transform teaching and learning in schools. It includes plans for iPads to be provided to all P6-S6 pupils and shared devices for P1-P5 pupils too. Secondary teachers received their iPads before the summer break in 2019. The roll-out to high school pupils will occur from August 2019 through to June 2020. An Inspire Learning Board oversees the project and is chaired by the council's chief executive. A project manager and project team work with the council's technology partners and schools to deliver the programme. It is too soon to gauge the impact of the Inspire Learning Programme.

The council has a good track record of making savings, but the financial outlook remains challenging

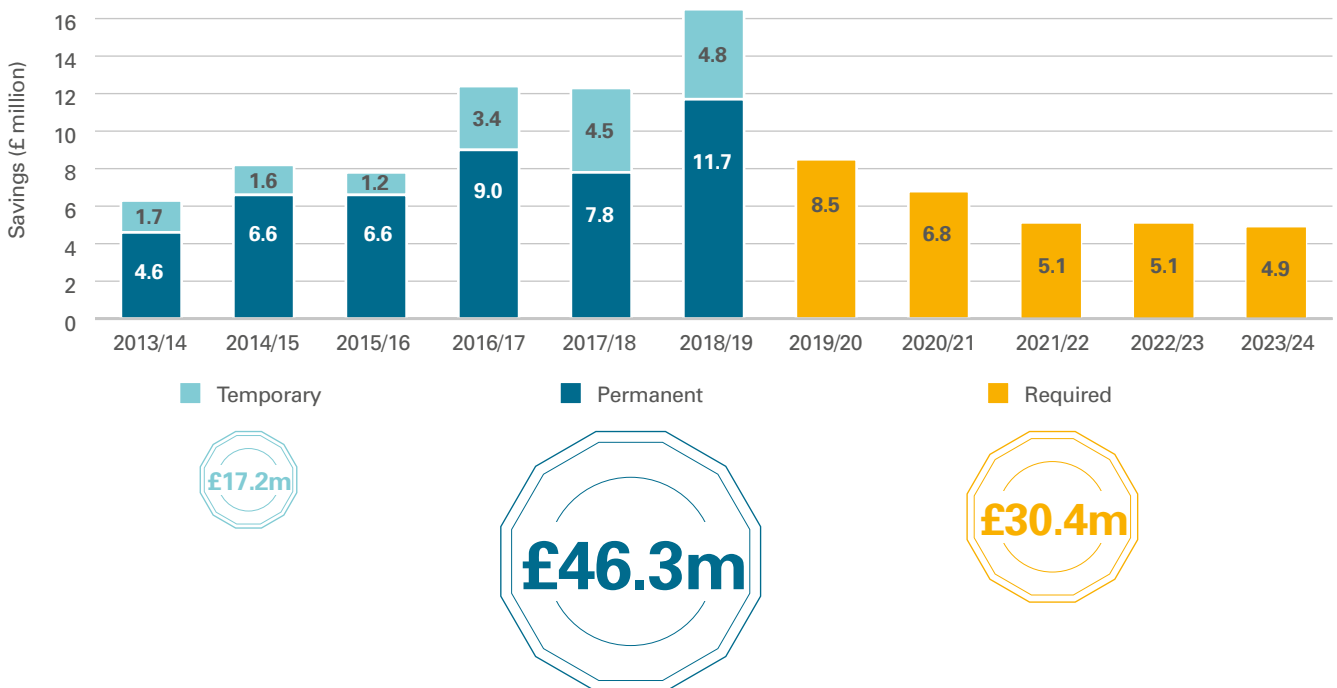
88. The council reports that from 2013/14–2018/19, it made £46.3 million of permanent (annually recurring) cost reductions and £17.2 million of temporary (non-recurring) savings ([Exhibit 8](#)).

89. The council’s revenue budget for 2019/20–2023/24 forecasts required savings totalling £30.4 million over this period. The council has a good record of achieving savings and has reflected the impact of demographic change on demands for services and pay increases for council staff, in its financial plans. However, in common with all other councils, the financial outlook remains a significant challenge.

Exhibit 8

Savings achieved, and forecast savings required over 2019/20 to 2023/24

The council has forecast that it needs to save more than £30 million over five years.



Source: Scottish Borders Council

Workforce management has developed gradually and workforce planning remains challenging. The council should do more to understand and act on the views of staff

The council recognises that workforce planning needs to be developed further

90. The council faces a number of workforce challenges. For example, the age profile of the council’s workforce has implications for its evolving composition in future and the recruitment activity that will be needed to replace retirees. It may

be more difficult to attract and retain officers to senior management roles than for a larger and more urban council. The council also faces private sector competition for staff with transferable skills at lower grades.

91. The 2010 Best Value audit found that workforce planning needed to be developed further and applied across the council. There have since been improvements. For example:

- A medium-term strategic people plan for 2016–21 is in place. It recognises the challenges of geographical location and in terms of succession planning.
- People plans are more integrated with the business and financial planning cycle. The council intends to integrate workforce priorities into each service's team plan to help them plan for the future, meet their service objectives, stay within budget, meet savings requirements and maintain a suitable workforce that is fit for the future.
- Progress is being made with new initiatives such as WorkFlex Borders, which is being trialled to improve the use of bank and casual staff, and with a 'grow your own' approach to recruiting and retaining teaching staff.
- One of the seven strands in the council's Fit for 2024 programme focuses on the development of workforce skills, flexibility and working patterns.

92. The council still needs to develop longer-term workforce plans and ensure this work is integrated into individual service plans.

The staff appraisal process is being revised

93. The staff appraisal process is being refreshed to link it with the corporate plan. A competency framework has been developed for staff, with each competency linked to the corporate plan. New annual performance appraisal documentation, introduced during 2019, will be recorded on the Business World ERP system.

Sickness absence levels are similar to those for other councils

94. LGBF data for 2017/18 show sickness absence levels are similar to the Scottish average. In Scottish Borders Council, the sickness absence level for non-teachers was virtually unchanged from 11.0 days in 2013/14 to 11.1 days in 2017/18, compared to 11.4 days for Scotland overall. The level for teachers improved from 6.7 days in 2013/14 to 6.1 days in 2017/18, when it was only marginally worse than the 5.9 days for Scotland overall.

95. Over the past six years, the human resources (HR) Advisory Team (now a Case Management Team) has helped managers to tackle sickness absence. Concentrated HR support helps specific areas of the organisation to deal with attendance. However, the LGBF sickness absence data suggest the new arrangements have made a modest impact overall.

The council should do more to understand the views of staff

96. We reported in 2010 that employees were concerned about the extent and pace of change. During this audit, staff told us that they saw limited engagement between the CMT and the workforce and that the CMT lacks visibility. Wider staff views are unclear because there has been no council-wide staff survey since 2010.

97. The council should be proactive in seeking the views of the whole workforce more regularly and provide staff with feedback. This could be challenging for staff groups with limited access to office technology. The CMT is aware of the need to improve communication with staff and began a staff engagement programme during this audit. An ongoing series of roadshows for staff across the Scottish Borders is being used to explain the Fit for 2024 programme and to seek the views of staff. Some further information is now available to staff online and a council-wide staff survey is planned for late 2019.

The council conducts effective options appraisals

98. There is evidence that the council undertakes effective options appraisals when tackling significant decisions. Options appraisals and business cases for changes to services – such as the outsourcing of ICT, setting up a trust for delivering cultural services and developing a long-term approach to the school estate – are presented to members for consideration. The Audit and Scrutiny Committee, in respect of its scrutiny functions, examines key decisions, including assessing whether projects have achieved their stated aims and achieved predicted savings. For example, the council's investment in superfast broadband was assessed and reported on at the end of 2018 and the outsourced ICT contract was scrutinised in April 2019.

Procurement performance is good and improving

99. Procurement is handled by a central team. Its Commercial and Commissioned Services Strategy sets out a five-year approach and includes sustainable procurement policies. Performance against the strategy is reported annually.

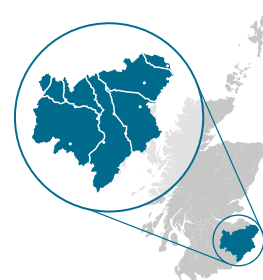
100. The council spent £157.4 million with third party suppliers in 2017/18. Of this, £30.7 million of expenditure was through 105 regulated contracts, including £16.5 million with local suppliers. Regulated procurement activity is governed by the Procurement Reform (Scotland) Act 2014. The council has adopted the Scottish Living Wage (SLW) and facilitated payment of the SLW to care and support workers across the Scottish Borders.

101. Scotland Excel is the national centre of procurement expertise for the local government sector. The council participates in 55 (93 per cent) of Scotland Excel's framework contract agreements. Scotland Excel's Procurement and Commercial Improvement Programme (PCIP) assesses a council's procurement performance, with a focus on the policies and procedures driving procurement performance as well as the results they deliver. It includes an element of self-evaluation, so the onus is on a council to be open and transparent. The council's PCIP performance improved from 72 per cent in 2016 to 78 per cent in 2018, remaining in the top performance band (for performance of over 70 per cent). Scotland Excel identified a small number of areas for improvement and plans to assess the council's procurement performance again by June 2021.

102. A contract management framework for the council is being developed by a working group, established in 2018. The framework is intended to give the CMT and managers assurance that contract-related risks are being considered and managed effectively. The council expected to implement its new framework in the course of 2019.

Part 4

Is the council working well with its partners?



The council is a key partner in a number of complex and ambitious economic initiatives. Leadership capacity will continue to be required to drive them forward.

Partnership working with NHS Borders, through the IJB, could be improved. The council has made good progress with other aspects of joint working.

Where the council provides services through ALEOs, the risk of potential conflicts of interest needs to be carefully managed.

With leadership from the council, the CPP needs to finalise and implement its locality plans. It also needs corresponding arrangements for performance management and reporting.

Complex and ambitious regional economic initiatives will continue to require leadership capacity to drive them forward

The Borders Railway reopened successfully in 2015

103. The Borders Railway is the longest new domestic railway built in the UK for over 100 years. It was developed in partnership with the Scottish Government, Scottish Enterprise, Transport Scotland, VisitScotland and the City of Edinburgh and Midlothian councils. Since it reopened, the railway has spurred economic development and driven housebuilding, and increased demand for some council services. Evaluations by Transport Scotland say that the railway is achieving the investment objectives set out in its original business case. The railway continues to be a key feature in the region's economic development.

The Edinburgh and South-East Scotland City Region Deal was formally signed off in 2018

104. This is a partnership between six councils (Scottish Borders plus the City of Edinburgh, East Lothian, Fife, Midlothian and West Lothian) together with universities and colleges, the Scottish and UK Governments and the third and private sectors. The UK and Scottish governments will jointly invest £600 million over the next 15 years, with regional partners committed to contributing over £70 million.¹⁹ An outline agreement between the partners was agreed in July 2017 and the deal was formally agreed by partners in August 2018.



City Region Deal

An agreement between the UK government, Scottish Government and one or more councils to invest in cities and their regions.

105. A joint committee, which includes leaders from all the councils, oversees the implementation and monitoring of the deal, supported by a programme management office and several advisory boards. The joint committee meets quarterly and reports to the Scottish and UK governments via a joint delivery board. Deal partners plan to review governance arrangements every six months.

106. As part of the deal, the council approved a business case for the Central Borders Innovation Park in Tweedbank, in January 2019. This evolved from the council's masterplan for Tweedbank, to maximise the economic impact of the Borders Railway. It will be funded by £15.0 million from the deal over a 15-year period and £14.1 million from other sources including £5.0 million from the council.

The Borderlands Inclusive Growth Deal began in 2018

107. In September 2018, a bid was submitted to the UK and Scottish governments by five councils that straddle the border between Scotland and England: Scottish Borders, Dumfries & Galloway, Carlisle City, Cumbria County and Northumberland County. The Scottish Government announced, in March 2019, a commitment of £85 million towards the deal over a decade. The UK Government then unveiled a £260 million contribution the same month. The deal partners, including the councils and the UK and Scottish governments, anticipate their overall investment of £395 million could generate 5,500 new jobs.²⁰

108. Funding has been confirmed for some projects, subject to full business cases, including up to £19 million from the UK Government for a mountain biking innovation centre in the Scottish Borders. In addition, up to £5 million will be made available by each government to progress the evidence base, the options appraisal and the feasibility work for extending the Borders Railway from Tweedbank to Carlisle.²¹ The outline agreement was published in June 2019.

The South of Scotland Enterprise Agency could be operational in 2020

109. As part of its Enterprise and Skills Review, the Scottish Government committed to create the South of Scotland Enterprise Agency covering the Scottish Borders plus Dumfries & Galloway. In 2017, the Scottish Government set up the South of Scotland Economic Partnership (SoSEP) as an interim solution to ensure that the south of Scotland benefits from economic development as soon as possible. The SoSEP involves representatives from business, the third sector, further and higher education, and key public sector partners.²² The aim is for the agency to be operational by April 2020.

Partnership working with NHS Borders could be improved

A proposal for a single public authority was not progressed

110. The council and NHS Borders serve the same geographical area and they have worked well in partnership on a number of issues over time, such as their joint appointment of the Director of Public Health, one of the first in Scotland.

111. In response to the Scottish Government's national review of local governance in 2018/19, the council proposed the exploration of a single public authority for the Scottish Borders area.²³ It was described as a starting point for dialogue with the Scottish Government and COSLA. However, while the proposal was reported to full council in September 2018, it did not receive the full support of the wider public sector community in Scottish Borders at that time and has not been progressed.

The Scottish Borders Health and Social Care Integration Joint Board recognises it has more to do and developed a detailed improvement plan

112. The Scottish Borders Health and Social Care Partnership Integration Joint Board (IJB) assumed responsibility for the planning and commissioning of health and social care services from April 2016. It includes adult social care, community health services and those hospital services typically associated with the emergency care pathway (also known as unscheduled care). It is jointly funded by the council and NHS Borders, from which it also commissions services. The IJB's strategic plan for 2018–21 was renewed in 2018/19.

113. NHS Borders is at level four out of five in the NHS performance scale (meaning 'at significant risk'). It received Scottish Government support of £10 million to help it break even in 2018/19. A similar budget shortfall is anticipated in 2019/20. This has serious implications for financial planning by the IJB, which has yet to set its 2019/20 budget. It also has implications for the council, which is a partner in the IJB and appoints members to its board.

114. In March 2019, the Scottish Government's Ministerial Strategic Group for Health and Community Care (MSG) issued a self-evaluation template to health and social care partnerships as part of an evaluation of progress with the integration of health and social care. The IJB worked with the council and NHS Borders to carry out the self-evaluation and submitted a return to the MSG in May 2019. The self-evaluation was carried out against proposals, with each proposal being assessed as either 'not yet established', 'partly established', 'established' or 'exemplary'. The IJB evaluated itself as being not yet established in one area, partly established in 15 areas, established in six areas and exemplary in none. The area assessed as not yet established relates to agreeing budgets timeously. The IJB has identified improvement actions it needs to take forward.

115. Working with partners, and in particular the council, the IJB has brought in new ways of working and providing services, for example the development of the 'step-down' facility at Craw Wood (now Gardenview) and a hospital-to-home service. In 2018/19, the IJB introduced a real-time directory of available care home beds and specialist services, to allow these to be matched to patients. These developments are part of a programme of work to reduce delayed discharges in the NHS environment. However, financial constraints and an NHS board which is needing to focus on its financial sustainability mean that the IJB has made less progress than it might have.

The IJB's governance arrangements would be strengthened by regular attendance at board meetings

116. The IJB is governed by a board. Two meetings of the board, at the end of 2018 and beginning of 2019, were inquorate (not enough board members attended) and important decisions were deferred to subsequent meetings. Inconsistent attendance at board meetings may indicate a lack of commitment and it risks undermining the board's effectiveness. Challenges have also arisen from the rapid turnover of senior IJB officers. There have been four chief officers since the IJB was established in 2016, and no permanent chief financial officer. The lack of continuous leadership has impaired the IJB's progress. However, there is now continuity in the position of chief officer and a refreshed effort by the council, NHS Borders and IJB to address their shared challenges cooperatively.

117. The IJB receives quarterly performance updates and is required to produce an annual performance report. An Integration Performance Group (IPG) was

established in mid-2018, with performance leads from the health board and council. It coordinates performance information for the IJB and has led on developing indicators for the IJB's performance reporting. A performance management framework was developed by the IPG and introduced in early 2019. It aims to build a culture focused on longer-term trends and continuous improvement.

The council has made good progress with other aspects of joint working and recognises there are further opportunities

118. The 2010 Best Value audit found that some jointly provided services were in place. These included services for people with mental health and learning difficulties, and for community safety, criminal justice and town centre regeneration. The Community Health Care Partnership (since superseded by the IJB) had made progress with joint commissioning teams for mental health, drugs and alcohol-related services.

The council works with Midlothian Council

119. In November 2017, the council agreed to a shared chief internal auditor post with Midlothian Council. The post leads both councils' internal audit teams at a strategic level and is supported operationally by principal auditors in each council. In November 2018, the council agreed to continue to share internal audit services permanently, after a pilot demonstrated positive outcomes including the sharing of expertise, knowledge and best practice across both organisations.

The council works with Police Scotland

120. In April 2018, a community action team (CAT) was launched to tackle antisocial behaviour in the Scottish Borders. A team of police officers funded by the council reports to Police Scotland's local area commander. Their work is normally coordinated by the Scottish Borders Safer Communities team in the council's HQ, using local intelligence to address specific community issues. Progress reports are submitted to the Police, Fire and Rescue and Safer Communities Board, whose membership includes council members. The success of the CAT saw the council identify funds in its 2019/20 budget for a second community action team.

The council is involved in other successful joint working

121. Further examples of joint working that have developed over time with other public and third sector organisations include:

- The alarm monitoring and out-of-hours social work service – the team works in cooperation with other council services and with agencies such as the Police, health services and SB Cares. Benefits include access to a well-established service using modern technology, at a competitive cost. Clients benefit from a quality service.
- Mobile library service – Live Borders manages this service for Scottish Borders, Midlothian and East Lothian councils. Vehicles regularly visit communities without a permanent library, and their routes are visible online.
- Galashiels Resource Centre – this day centre for adults with mental health needs is run jointly with NHS Borders, using a shared budget for equipment.

- The Scottish Borders Diabetes Prevention Partnership – it aims to help prevent diabetes by offering activities and programmes that promote healthy lifestyles, and to raise awareness of the risk factors.

The council recognises opportunities for further joint working

122. In its Fit for 2024 change programme the council considers that, with financial pressures increasing, there are still ‘significant opportunities’ for greater sharing of resources, assets and expertise with a range of partner organisations. The council has committed to developing a framework for joint working with partners, alongside targets for clear benefits and savings to be achieved, including:

- options for shared back-office services with partners
- increased co-location of key staff, particularly those in joint services
- income opportunities for the council to deliver key functions for others
- opportunities to commission key functions from partners.

Where the council provides services through arm’s-length external organisations , the risk of potential conflicts of interest needs to be managed carefully

123. The bodies in [Exhibit 9](#) are part of the Scottish Borders Council group. The statutory code of practice on ‘funding external bodies and following the public pound’ cautions councils about appointing councillors or officers to the board of management of an arm’s-length external organisation (ALEO). This can limit the body’s ability to operate ‘at arm’s length’ and raises the risk of a conflict of interest.²⁴ A board member risks having divided loyalties between their council and board roles. The code says councils must ensure that officers and members are properly advised of their responsibilities to the council and the ALEO.



Arm’s-length external organisation (ALEO)




A separate organisation that is established by a council to provide services on its behalf.

Source: *Councils' use of ALEOs*, 
June 2018

Exhibit 9

Main bodies in the Scottish Borders Council group

The council has established a range of ALEOs to provide services on its behalf.


Name	Type	Purpose
 Live Borders	Charitable trust	Culture and leisure
 SB Cares – comprising <ul style="list-style-type: none"> • Scottish Borders Cares • Scottish Borders Supports 	Limited liability partnership Limited liability partnership	Adult social care Adult social care
 Bridge Homes	Limited liability partnership	Affordable housing

Live Borders is a charitable trust

124. Live Borders was established by the council in 2016 as a charitable trust to deliver a broad range of services and manages arts centres and venues, libraries and archives, museums and galleries, and sport and leisure services. The board of management includes the council convener. Performance reports are presented to the council's Executive Committee twice yearly. Reports published on the council's website show performance against targets and include summary financial information. There is clear accountability between the trust and the council.

SB Cares is the trading name of two limited liability partnerships

125. Two limited liability partnerships (LLPs) form SB Cares: Scottish Borders Cares LLP and Scottish Borders Support LLP and the council is the only shareholder of both. SB Cares employs around 880 staff to provide adult social care services. The council considers that SB Cares enables it to achieve greater efficiency and flexibility through a more commercial approach under a specialist board; and to generate income through providing additional services.


126. The managing director of SB Cares (0.8 whole time equivalent (WTE)) is also an executive director of the council (0.2 WTE). SB Cares has its own branding and board of management and its external auditor is a private firm. SB Cares officers meet quarterly with the council's Major Contracts' Governance Group, which exercises review and scrutiny, and its papers are published on the council's website. There is potential for a conflict of interest between the postholder's responsibilities as managing director of an ALEO and their council executive director role. The council acknowledges this risk and arrangements are in place for the managing director of SB Cares to provide an annual assurance statement to the council chief executive. Nevertheless, as stated previously, this contradicts the guidance on [Councils' use of ALEOs](#)  and the arrangements which give rise to this unusual line of accountability should be subject to periodic review.

Bridge Homes is wholly owned by the council

127. With the support of the Scottish Futures Trust Investments Ltd (SFT), the council established a council-led house building programme to deliver more affordable housing for the rental market in the Scottish Borders. Bridge Homes LLP is wholly owned by the council. The council has provided Bridge Homes LLP with a loan facility of up to £18.8 million to enable it to deliver affordable homes in line with the council's housing strategy.

128. The board of Bridge Homes has two senior council officers and one SFT senior officer. It meets quarterly and the financial viability of projects requires approval by all three directors. The council established these arrangements to minimise the exposure of officers to a potential conflict of interest.

The CPP's governance arrangements have evolved over the years

129. The council has a statutory, central leadership role in the **community planning partnership (CPP)** . Before September 2016 the CPP had a strategic board with representatives from the council, other public bodies and other sectors. Meetings were attended by observers from the Scottish Government and community councils. The arrangement was a pragmatic way for the council to administer CPP meetings and it ensured that decisions of the strategic board became formal council decisions. However, decision-making risked being protracted. If a matter could not be decided by the strategic board, it had to be raised through the appropriate governance arrangements of individual



Community Planning Partnerships (CPPs)

Statutory forums for councils, NHS boards and other public and third sector bodies, such as charities and voluntary groups, to work with local communities to plan and deliver better services.

partner bodies and then returned to the Strategic Board for a final decision at a later date.

130. In September 2016, a new CPP structure and membership were adopted. A large consultative group now informs the CPP's strategic direction. It meets annually and it is no longer a council committee. A smaller strategic board makes decisions and ensures that the CPP's strategic direction is followed. Its papers are published transparently and accessibly on the council's website. It normally meets quarterly and remains a formal council committee for administrative purposes. Formal business is concluded within a meeting of the strategic board or at separate, additional board meetings. The Joint Delivery Team has become the Joint Programme Board, supporting the strategic board and consultative group.

131. Five area partnerships correspond to the locality plan areas used by the council and the IJB: Berwickshire, Cheviot, Eildon, Teviot and Liddesdale, and Tweeddale. Council members find these partnerships important for listening to local stakeholders' views on key themes.

132. Over the past two years, the council has met 68 community councils across the Scottish Borders. These jointly have one representative on the CPP consultancy group. The council is considering how community councils can be engaged and heard in order to better inform planning at locality and CPP-wide levels, and aid planning by the council itself. Community councils have a statutory role, on planning matters in particular, that pre-dates the Community Empowerment (Scotland) Act 2015. The council recognises scope for the council and the CPP to improve their engagement with the third sector, which has one representative on each of the strategic board and consultative group.

The CPP has been slow to implement the Community Empowerment (Scotland) Act 2015

133. The Act aims to give communities more influence over how their council and its partners plan and provide services. It also establishes ways for residents to get more involved in local decision-making and service provision. A council is required to work with its community planning partners to engage with community bodies and improve local outcomes. Joint efforts and resources should be targeted on areas of greatest need to reduce inequalities.

The CPP's local outcomes improvement plan was produced late

134. Each CPP must publish a local outcomes improvement plan (LOIP). This plan should prioritise geographical areas for improving outcomes, the improvements it aims to achieve and the timescales. It should also link with outcomes set out in the National Performance Framework. Work to develop the Scottish Borders LOIP was led primarily by the council. The LOIP, termed the community plan by the CPP, was first produced in November 2017. It included a vision, four themes, 15 target outcomes and was updated in May 2018.

The CPP's locality plans are two years late and incomplete

135. The Act requires a CPP to prioritise the areas of a council that have the poorest outcomes and publish one or more 'locality plans' to improve target outcomes for those areas. A locality plan should be co-produced with the community; prioritise which local outcomes will be improved; and have timescales for improvements. Statutory guidance required locality plans to be in place by October 2017.

136. Over the past few years the council has undertaken extensive engagement with stakeholders including 68 community councils, third sector bodies, registered social landlords and economic development bodies. This engagement has improved the understanding that the council and its CPP partners have of the communities they serve.

137. The CPP's strategic board decided to commission a locality plan for each of all five Borders localities simultaneously. It did not prioritise localities or communities with the worst levels of deprivation or the poorest outcomes on issues such as health and education. All five locality plans remained in draft when they were considered by the CPP's strategic board in June 2019. Although they reflect the themes of the community plan, they will not be integrated with the community plan until they are finalised. Ambitions in locality plans have not been costed and are therefore not yet reflected in budgets of the council or its CPP partners. The strategic board was not advised when the locality plans would be finalised.

138. The IJB has its own set of locality plans, covering the period 2017–19. The IJB and the council recognise the benefits of merging their two sets of locality plans. The decision whether to merge the plans will be considered when the locality plans are due to be refreshed. No timescale has yet been set for refreshing the CPP's locality plans.

Community Asset Transfers (CATs), participation requests and participatory budgeting are all at an early stage

139. Since January 2017 community groups have had a right to ask relevant public authorities to transfer land or buildings that they feel they could use more effectively. The council developed its own guidance on CATs in 2011. Council officers and the council's CPP partners have worked with community groups over the past two years to build capacity to encourage CATs. The CPP has also funded a Men's Shed Development Officer to build capacity on this specific issue.

140. Nonetheless, the scale of CATs has been limited. There have been over 30 enquiries regarding CATs during the past two years. Of these, three have progressed to the submission of a formal application and one has been approved. The council recognises it is responsible for ensuring that CATs are viable and sustainable. It appreciates that progressing CATs is at an early stage and will require further promotion and support by the council and its CPP partners.

141. From April 2017, communities have had a say in how the council should spend money locally. In October 2017, the Scottish Government and COSLA agreed a joint framework to support councils moving towards at least one per cent of their budgets being subject to participatory budgeting (PB) by 2021.

142. The council allocated £500,000 to its Localities Bid Fund (LBF) for piloting participatory budgeting. The LBF is split across the five locality areas (according to their population) to support community projects and initiatives. Round 1 saw £204,000 distributed across 18 projects in 2018. In 2019, Round 2 distributed £296,000 across 40 projects.

143. The council has received seven participation requests. Three have been agreed. In its 2019/20 budget, the council pooled £1.2 million from numerous pre-existing community funds into a single, centralised community fund. Its

purpose is to support communities in taking forward locally-agreed community priorities and solutions. Fit for 2024 anticipates that equipping each locality with its own share of the Community Fund will help provide community groups with a single point of entry for making PB requests.

The CPP has been slow to empower and engage communities

144. While the council engaged communities as it developed the CPP's community plan and locality plans, limited progress with community asset transfers, participation requests and participatory budgeting shows there is room for improvement.

The council's corporate plan for 2018-23 sets out how it plans to engage with and support communities. Enhanced community engagement, participation and empowerment is a key strand of the Fit for 2024 programme. It will be important for the CMT to report regularly on progress regarding community engagement to council members and the CPP's strategic board.

The council and its CPP partners need to be able to measure progress against the community plan and locality plans

145. It is difficult for the council and its partners to determine progress because some indicators and measures in the community plan are not measurable or lack short-term and medium-term targets. Progress reporting includes little analysis of how activities drive performance or deliver improvements for local people. There are no arrangements to track the implementation of locality plans and these are not linked to either the CPP's community plan or the council's plans. A comprehensive performance management framework is needed.

Part 5

Is the council demonstrating continuous improvement?



Since the 2010 Best Value report, the council has made steady progress. However, it now recognises it needs to up the pace of change.

By developing the Fit for 2024 programme, the council recognises the degree of transformational change required to meet its challenges. Progress will require good leadership by council members and the CMT, and by fostering staff ownership of the programme.

Embedding and sustaining a consistent approach to self-evaluation and performance management will help the council to manage its transformation programme and deliver improved outcomes for local people.

The council has made steady progress since 2010 and recognises its needs to up the pace of change

146. The last Best Value audit in 2010 found that the council had a good awareness of its own capacity and need for improvement, clear strategic direction and had a coherent business transformation programme.

147. The Accounts Commission urged the council to develop fully the mechanisms for testing and scrutinising value for money across its services, and its capacity to present robust options appraisal. It had set a challenging efficiency savings target, and its processes for managing performance needed to become firmly established to support the delivery of this target. The council needed to ensure that it had the capacity to deliver its programme.

The council has made good progress on some issues but more limited progress on others

148. The Business Transformation Programme (BTP) for 2010–15 overlapped the previous administration's term of office from 2012 to 2017 and led to budget savings of £17.8 million. It was succeeded by the Corporate Transformation Programme (CTP) in 2015. In 2015/16–2018/19, the council reported £49.0 million of savings

from its revenue budget, including £35.1 million of recurring savings ([Part 3](#)). Financial management and planning works well, and the council conducts options appraisals effectively.

149. The 2010 audit reported that workforce planning and staff appraisal needed to be further developed across the organisation. Workforce management has since developed slowly and planning the workforce remains challenging. The council's staff appraisal process is being refreshed in order to link it with the council's corporate plan. A competency framework has been developed for staff, with each competency linked to the corporate plan. New annual performance appraisal documentation, introduced during 2019, will be recorded on the council's Business World ERP system. The council has begun a programme to improve communication with staff but should do more to understand their views.

150. The public's satisfaction with certain council services has declined, for example in leisure and recreation. This was anticipated by the council as a consequence of budget reductions and their impact on service quality. National indicators show that from 2013/14–2017/18, the council's performance was mostly good and improving in the key areas of education and social care, although it was mixed overall.

151. The 2010 audit urged the council to develop mechanisms for testing and scrutinising value for money across services and that its process for managing performance needed to become more firmly established. The most recent revision in its approach to performance management, in 2018, was a further step in the right direction but there remains scope to adopt a more consistent, corporate approach to self-evaluation and benchmarking to drive continuous improvement. Pace has also been relatively slow in implementing the Community Empowerment (Scotland) Act.

152. While the council has good foundations in place, there is more to do to fully embed and demonstrate Best Value.

The council's Fit for 2024 transformation programme is wide-ranging. Its implementation needs buy-in from staff and an action plan to help drive and demonstrate progress

153. The council launched the Fit for 2024 corporate transformation programme in February 2019, recognising action is needed to meet future challenges ([Exhibit 10, page 46](#)). The programme aims to make the council more innovative and increase the pace of change. It addresses a comprehensive range of improvement activities that the council needs to undertake.

154. Fit for 2024 is a significant programme that will require leadership from members and senior officers to secure staff engagement, which will be key to its success. A measurable and realistic action plan needs to be developed to monitor delivery of the programme and provide a basis for transparent reporting and accountability to members, the council's partners and the public.

Exhibit 10

Fit for 2024 programme

In February 2019 the programme set out seven wide-ranging areas of work.

Areas of work



1. Whole-council service review and redesign

There is now a need for a more consistent approach, across every council service, that is designed to meet future demands. This will be sponsored by the relevant service director but will be led by an objective review team, which includes officers from key corporate services and other non-service specific challenge. A comprehensive plan/timetable for these reviews will be developed, which prioritises those services which offer the greatest scope for change, improvement and financial savings. Every service review will have clear targets in terms of anticipated benefits, including financial savings, service improvements and capacity to meet future demands.



2. Enhanced community engagement, participation and empowerment

There must be a greater focus on supporting communities to participate in the shaping and enhancing of community resilience and quality of life across the Scottish Borders. This will require a different approach: building capacity and supporting communities' participation in local decision-making, with further investment and greater coordination of efforts and resources across the council and all our partners and local communities.



3. Best use of physical assets, assisted by the council's Corporate Landlord model

Fit for 2024 will drive innovation and creativity in how investment is used to best effect. The council will need to be bolder and braver in its estate decisions, engaging communities and partners in dialogue about how, together, we meet changing customer needs and community demands. Along with our partners and the communities, a joint approach is required to rethink and reshape the collective property portfolio.



4. Investment in well-planned and designed Digital solutions

Working with the council's strategic IT partner, CGI, Fit for 2024 will take a long-term approach to develop future-proof digital solutions that offer greatest value and maximum benefits. The council recognises the need to realise more benefits from its investment in new systems such as through the Digital Customer Access project and the roll-out of Office 365 across all IT users in the council. Fit for 2024 will ensure the full Digital Programme will align with corporate priorities to enable changes, improvements and savings in the Financial Plan to be achieved.

Cont.

Exhibit 10 (continued)

Areas of work



5. Development of the workforce's skills, flexibility and working patterns

- Demand-led working – demands for all services and a re-alignment of resources and working patterns.
- Talent management and development to increase flexibility for individuals and staffing resources.
- Increased opportunities for cross-departmental and inter-agency sharing of skills and officers.



6. Optimising partnership resources

There are significant opportunities for still greater sharing of resources, assets and expertise with a range of partner organisations. Fit for 2024 will develop a clear framework for shared services with partners, coupled with targets for tangible benefits and savings to be achieved from these arrangements. Specific areas that will be further explored immediately are:

- Options for shared back-office services with local partners.
- Increased co-location of key staff, particularly those in joint services.
- Income opportunities from the council delivering key functions for other bodies.
- Opportunities to 'commission' key functions from partners.



7. Process improvements and productivity

Fit for 2024 will set out an ambitious programme of process improvement and productivity work that enables the council to sustain or enhance both service delivery and quality levels, while requiring less input of resources. This council-wide programme will streamline back-office activity and increase the productivity levels of frontline services. Much of this work will be underpinned by digital investment and automation opportunities but it will also aim to stop activity that adds no value to the council's customers. This work will use both internal and external skills to:

- Systematically review every resource-intensive or high-volume back-office process across the council.
- Explore areas of potential increased productivity in all services, particularly those areas with greatest spend or resource requirements.
- Automate processes where possible; cease activities where no value is ultimately added to customers or services.

Source: Scottish Borders Council

Internal Audit has also recommended improvements that the council should act on

155. Internal Audit plays an important role in the council's overall system of internal control. Internal Audit findings and recommendations on specific issues are reported during the year to the Audit and Scrutiny Committee (Audit function), as is the annual statutory audit opinion within the Internal Audit Assurance Report. These reports informed the council's Annual Governance Statement 2018/19, the draft of which was reported to the Audit and Scrutiny Committee and included areas for improvement ([Exhibit 11](#)).

Exhibit 11

Annual Governance Statement

In May 2019, the council's draft Annual Governance Statement identified scope for improvement in eight areas.

Areas of work



Commence a more ambitious change and transformation programme through a consistent approach to enable delivery of efficient and effective services to customers in a sustainable way, collaboration with communities and other partners, optimised utilisation of assets across localities, digitally led process improvement, and focus on delivering positive outcomes.



Consolidate and refine procedures and practices to ensure comprehensive data and information management across the council and within each service in all relevant aspects of service delivery to ensure ongoing compliance with legislation and regulations.



Continue implementing the performance management framework which will include the full application of appropriate and proportionate self-assessment processes in all council services as a self-evaluation tool to demonstrate achievement of Best Value.



Continue to ensure that financial, people and business plans are developed concurrently and continue to be aligned to the council's corporate plan and priorities, thus managing service users' expectations effectively with regard to determining priorities and making the best use of the resources available.



The ongoing implementation of the Business World Enterprise Resource Planning (ERP) system to maximise use of its functionality, specified in solution design documents, and ongoing review of policies, procedures and guidelines of the key financial planning, management and administration processes linked to the financial regulations and of the HR procedures and guidelines associated with the implementation of the new Business World ERP System. Alignment with other computer-based systems and automation of routine processes.



Realise full benefits arising from the implementation of the corporate landlord model to review strategic asset management plans to inform investment in assets and infrastructure to ensure they are fit for the future and reduce the council's property footprint.



Continue to monitor the contract performance outcomes of strategic external service providers, in particular in light of the changing landscape for the public sector.



Review of the complaints handling procedure to ensure consistency of approach across the council for dealing with complaints including raising staff awareness of customer care to fully utilise customer information and improve services through digital customer access.

156. Some of these proposals overlap with the Fit for 2024 programme [Exhibit 10 \(page 46\)](#). It will be important for these to be reflected in the implementation of the Fit for 2024 programme.

157. [Exhibit 12](#) compares findings from the 2010 audit to judgements from this audit.

Exhibit 12

A comparison of 2010 Accounts Commission findings and 2019 audit judgements.

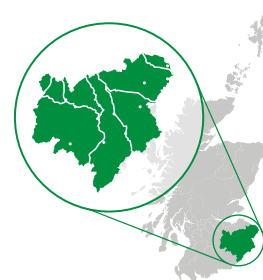
The council has made good progress since 2010 but there is room for improvement in a number of areas.

Accounts Commission finding	2010	Controller of Audit judgement	2019	View
Strategic direction				
The council benefits from strong, political and management leadership and has effective governance.		Members and officers demonstrate a strong commitment to working together for the fulfilment of the council's vision.		Part 1
The council has a good awareness of its own capacity and need for improvement and has set out a clear strategic direction.		The council's vision for 2017–22 prioritises six strategic themes, reflecting long-standing challenges.		Part 1
Performance				
The council delivers services which are generally of good quality, have improved in recent years and are well regarded by the local community.		Performance is good or improving in the key service areas of education and social work. However, the council is below average on many other national indicators. The council reports, in respect of its own indicators, performance is improving on around half. Residents are more satisfied with the council's services than national data would suggest.		Part 2
The Commission particularly welcomes evidence of good and improving service delivery within social work and education services.		Performance is good or improving in the key service areas of education and social work. Education services continue to perform well overall. Outcomes for children are above the national average and improving. Social work and social care services' performance is mixed but improving.		Part 2
Progress has been slow on improvement on some important areas highlighted in the 2007 Best Value audit of the council, such as regulatory and technical services, roads and asset management.		The council has made steady progress overall since the 2010 Best Value audit but has more to do to demonstrate Best Value on some matters. The council needs to embed and sustain a culture of continuous improvement by implementing a corporate approach to self-evaluation and benchmarking.		Part 2
				Cont.

Accounts Commission finding 	Controller of Audit judgement 	View
<p>Performance/resources</p> <p>We would urge the council to ensure that it develops fully the mechanisms for testing and scrutinising value for money across its services, and its capacity to present robust options appraisal.</p>	<p>The council needs to embed and sustain a culture of continuous improvement by implementing a corporate approach to self-evaluation and benchmarking.</p>	<p>Part 2</p> <p>Part 3</p>
<p>Resources</p> <p>The Commission particularly welcomes the council's simplified staff grading system, which will potentially increase opportunities for more flexible working and development. Workforce planning and staff appraisal do, however, need to be further developed and applied across the organisation.</p>	<p>Workforce management has developed gradually and planning the future workforce remains challenging. The council has begun a programme to improve communication with staff but must do more to understand and act on their views.</p> <p>The council's Fit for 2024 programme includes a workforce focus.</p>	<p>Part 3</p>
<p>The council has had a coherent Business Transformation Programme (BTP), although progress against it has been slower than anticipated. The council needs to ensure it has the capacity to deliver its programme.</p>	<p>From 2010–2018 the council made good progress with its transformation agenda.</p> <p>Recognising a need to further increase the pace of change and be more innovative, the council embarked on Fit for 2024, a corporate transformation programme, in February 2019. This is intended to be a five-year rolling programme that will improve how the council is managed and save £30 million.</p> <p>The council should ensure there continues to be sufficient capacity to implement this programme while continuing to deliver public services.</p>	<p>Part 3</p>
<p>The council has set a very challenging efficiency savings target, and its processes for managing performance need to become firmly established to support the delivery of this target.</p>	<p>The council has a good track record of making savings.</p> <p>It demonstrates effective financial planning and management arrangements.</p> <p>In common with other public sector bodies, its financial outlook is challenging.</p>	<p>Part 3</p>
<p>Partnership</p> <p>The council works well with its partners and we welcome evidence of effective collaboration on services such as health improvement, jointly funded social care, community safety and child protection.</p> <p>The Commission welcomes particularly notable examples of partnership working such as the co-location of services in Peebles and the equalities and diversity officer jointly funded with NHS Borders.</p>	<p>Partnership working with NHS Borders, through the integration joint board, needs to improve.</p> <p>The council has made good progress with other aspects of joint working and recognises there are further opportunities for this.</p> <p>The council is a key partner in complex and ambitious economic initiatives.</p>	<p>Part 4</p>

Source: Audit Scotland

Recommendations



The council should:

Embed a culture of continuous improvement by implementing a corporate approach to self-evaluation and benchmarking. ([paragraph 67](#))

Seek to improve partnership working with NHS Borders in order to support the strategic objectives of the Scottish Borders Health and Social Care Integration Joint Board. ([paragraphs 112–116](#))

Improve how the Scottish Borders community planning partnership involves communities and the third sector, through greater involvement in local decision-making and by accelerating implementation of the Community Empowerment (Scotland) Act 2015. ([paragraphs 133–144](#))

Establish a structured programme of ongoing staff consultation and engagement. ([paragraphs 36–37, 96–97, 153–154](#))



Update its people plan for 2017–21 and ensure longer-term workforce plans are reflected in service and financial plans. ([paragraphs 90–92, 149](#))

Support members' continuing professional development by tailoring training to meet their individual needs, and use technology to make training more accessible. ([paragraphs 28–29](#))

Ensure performance reports to members and the public are more comprehensive and balanced, and that they cover service performance and delivery of the Fit for 2024 programme. ([paragraphs 71–72, 145–151](#))

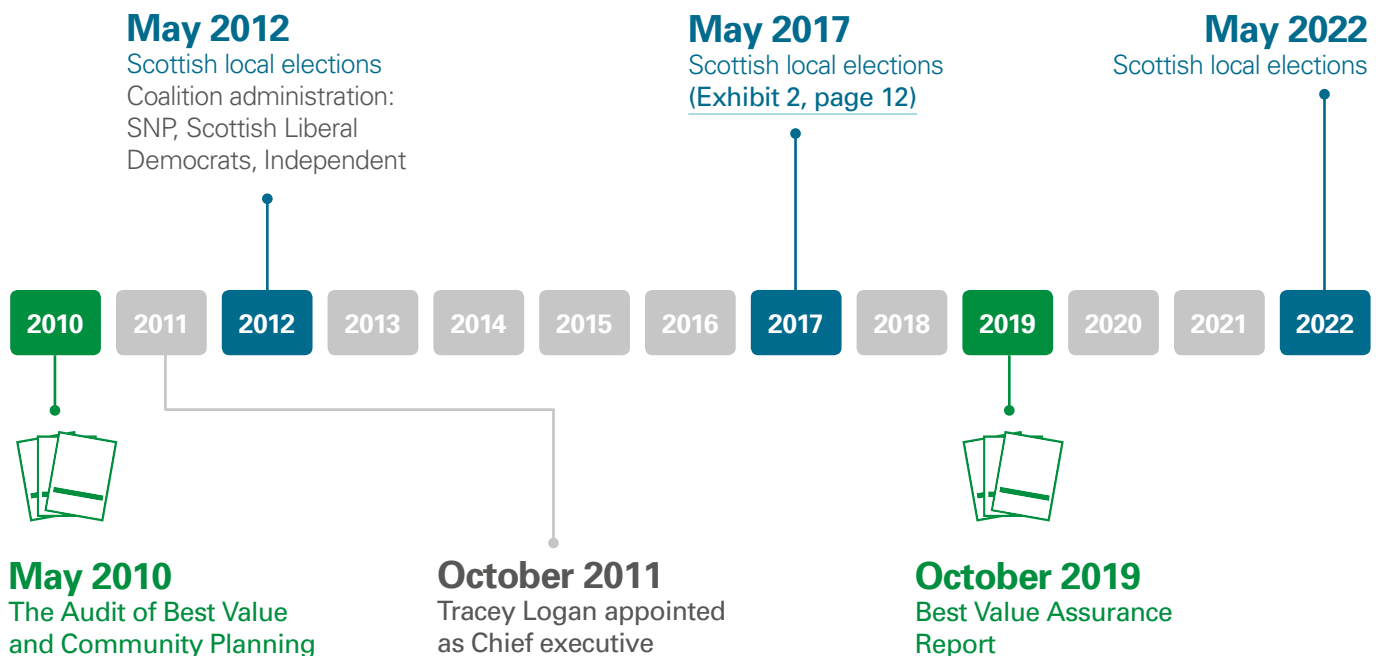
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- 2 *Land area and population density by administrative area, mid-2018*, National Records of Scotland, April 2019.
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- 6 *Projected percentage change in population (2016-based), by age structure and Scottish area, selected years*, National Records of Scotland, April 2018.
- 7 *Connected Borders 2017–2022: the vision of Scottish Borders Council’s Administration*, item 4, Scottish Borders Council meeting on 28 September 2017.
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- 10 *Fit for 2024, item 1*, Scottish Borders Council meeting on 28 February 2019.
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- 14 *Services for children and young people in Scottish Borders*, Care Inspectorate, June 2016.
- 15 *Integrated children and young people’s plan in the Scottish Borders 2018–2021*, Scottish Borders Council meeting, 29 November 2018.
- 16 *Services for older people in Scottish Borders, Report of a joint inspection of adult health and social care services*, Care Inspectorate and Health Improvement Scotland, September 2017.
- 17 *Inspection of justice social work services in Scottish Borders Council*, Care Inspectorate, April 2019.
- 18 *Household survey results – 2018, item 7, Executive Committee meeting*, 12 February 2019.
- 19 *City Regional Deal – accelerating growth*, Edinburgh and South East Scotland City Region Deal, August 2018.
- 20 *Heads of Terms agreement*, Borderlands Growth Deal, July 2019.
- 21 *Borderlands Inclusive Growth Deal*, Borderlands partnership, 1 July 2019.
- 22 *South of Scotland Enterprise Bill (stage 3)*, Rural Economy Committee, Scottish Parliament, 5 June 2019.
- 23 *Report to Council – A proposal for a single public authority in the Scottish Borders*, 25 September 2018.
- 24 *Code of practice on funding external bodies and following the public pound*, 1996.

Appendix

Best Value audit timeline



May 2010. Best Value 2 pathfinder audit

The Commission found the council benefited from strong political and management leadership and had effective governance.

October 2019. Best Value Assurance Report


The Controller of Audit will present a Best Value Assurance Report to the Accounts Commission at least once during the five-year audit appointment for each council.

This is the first assurance report on Scottish Borders Council. The report seeks to provide the Commission with assurance on the council's statutory duty to deliver Best Value, with a focus on the Commission's strategic objectives.

Best Value Assurance Report



Scottish Borders Council

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Appendix 2

Best Value Audit Action Plan

Audit Recommendation: *Embed a culture of Continuous improvement by implementing a corporate approach to self evaluation and benchmarking*

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Actions Proposed		Timescales	Lead Officer	Report Ref
1	Adopt PSIF as a corporate approach to self evaluation where no service-specific model is not already in place. Ensure read-across with all services.	31 Mar 20	J Craig	67
2	As part of regular Corporate Management Team performance monitoring, review service self-evaluation arrangements, including use of peer evaluations.	30 Jun 20	J Craig	
3	Incorporation of self-evaluation and benchmarking data into annual planning process, ensuring learnings inform planned actions.	30 Apr 20	D Robertson / J Craig	

Audit Recommendation: *Seek to improve partnership working with NHS Borders in order to support the strategic objectives of the Integration Joint Board*

Actions Proposed		Timescales	Lead Officer	Report Ref
1	Bring together a joint approach to transformation and evaluation process across the organisations.	28 Feb 20	C Hepburn / J Smythe	112 – 116
2	Raise visibility of key policies and decisions across respective governance groups including Executive Management Team and Corporate Management Team.	31 May 20	R McCulloch-Graham	
3	Explore co location and shared services opportunities as part of Fit for 2024 and corresponding NHS programmes.	30 Sep 20	M Joyce	
4	Enhance governance arrangements and clarity of role of respective partnership groups including IJB Board , Executive Management Team and Strategic Planning Group. <ul style="list-style-type: none"> improving quality and availability of reports outlining proposals to enable these groups to plan and take decisions more effectively. 	31 May 20	R McCulloch-Graham	
5	Develop a model for localities that adopts a single structure for the management and provision of joint health and Social services.	30 Jun 20	R McCulloch-Graham	
6	Ensure a joint financial and service plan that is fully endorsed by respective partners is prepared for IJB on an annual basis.	30 Apr 20	R McCulloch-Graham	

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Audit Recommendation: *Improve how the Community Planning Partnership involves communities and the third sector, through greater involvement in local decision making and by accelerating implementation of the Community empowerment act*

Actions Proposed		Timescales	Lead Officer	Report Ref
1	Work with the Improvement Service and Scottish Gov't to provide guidance and support to gain insight into best practice in the implementation of the community empowerment act.	30 Apr 20	J Craig	133 - 144
Page 182	Conduct a review of the operation of local area partnerships to inform the development of enhanced local decision making service provision and the allocation of resources.	31 Jan 20	J Craig	
3	Use the experience of the budget consultation process 2020/21 to develop the approach to mainstreaming participatory budgeting. Work with communities to identify priority areas within current budgets. Evaluation of Localities Bid Fund to be undertaken.	31 Oct 20	J Craig	
4	Promote the #your part campaign to recognise the contribution of communities.	31 Dec 20	J Craig	
5	Undertake an organisational review under Fit for 2024 of how to best develop community capacity in the 3rd sector and localities.	TBC	J Craig	

Continued overleaf

Audit Recommendation: *Improve how the Community Planning Partnership involves communities and the third sector, through greater involvement in local decision making and by accelerating implementation of the Community empowerment act*

Actions Proposed (Continued from previous page)		Timescales	Lead Officer	Report Ref
6	Review Community Plan and Action Plan to ensure actions align to 2020 Strategic Assessment. Agree Community Planning Partnership (CPP) Performance Management Framework through CPP Joint Programme Board and CPP Strategic Board.	30 Jun 20 31 Mar 20	J Craig	133 - 144
Page 183	Completion of Locality Plans and Action Plans.	31 Mar 20	J Craig	
8	Promote stakeholder engagement through Area Partnerships and community engagement events, with training around leadership/national standards of engagement.	31 Dec 20	J Craig	
9	Community Empowerment Act to become standing agenda item at Area Partnerships with information to raise awareness and provide support to Communities. Research to be undertaken on SBC performance relative to other authorities.	31 Dec 20 / ongoing	J Craig	
10	Develop regular reporting of progress on Community Engagement across the whole council, for inclusion in reports to members and CPP Strategic Board.	30 Jun 20	J Craig	

Audit Recommendation: *Establish a structured programme of ongoing staff consultation and engagement*

Actions Proposed		Timescales	Lead Officer	Report Ref
1	Continue the process of engagement sessions with staff under the Fit for 2024 programme.	30 Jun 20	C Hepburn	36 - 37, 96 - 97, 153 - 154
2	Hold 2 CMT meetings per quarter in council premises outwith HQ.	30 Jun 20	J McDonald	
3	Develop a communications plan for staff engagement and undertake a structured survey of all staff using the online survey tool.	30 Jun 20	C Hepburn	

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Audit Recommendation: *Update its people plan for 2017 -21 and ensure longer term workforce plans are reflected in service and financial plans*

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Actions Proposed		Timescales	Lead Officer	Report Ref
1	Launch a new appraisal process for staff based on the updated competency framework.	31 Mar 20	C Hepburn	90 – 92, 149
2	Ensure each department has a 5 year people plan which aligns with the corporate plan and Fit for 2024 principles.	30 Sep 20	C Hepburn	
3	People planning to be undertaken using a consistent approach as part of Fit For 2024, taking into account Fit for 2024 design principles, staff turnover, succession planning, talent management and future operating models.	Start now / ongoing	C Hepburn	

Audit Recommendation: *Support members Continuing Professional Development by tailoring training to meet their individual needs and use technology to make training more accessible*

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Actions Proposed		Timescales	Lead Officer	Report Ref
1	Use improvement service Member CPD to allow members to evaluate their continuing professional development needs.	31 Mar 20	J Craig	28 - 29
2	Undertake a review of induction training with members to establish any gaps.	31 Dec 20	J Craig	
3	Develop a members section of SBLearn where specific materials linked to Councillor responsibilities could be housed.	31 Dec 20	J Craig	
4	Survey with the members to identify skills gaps.	31 Mar 20	J Craig	

Audit Recommendation: *Ensure performance reports to members and the public are more comprehensive balanced and that they cover service performance and the delivery of the Fit for 2024 programme*

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Actions Proposed		Timescales	Lead Officer	Report Ref
1	Redevelop the performance management framework to reflect Fit for 2024 priorities and demonstrate best value within performance reporting.	31 Aug 20	J Craig	71 - 72, 145 – 151, 152
2	Ensure that benchmarking data and longer term trend info is included within performance reports and is used to identify improvement priorities.	30 Jun 20	J Craig	
3	Align the approach & sequencing of performance monitoring for Executive Committee, Corporate Management Team and Directorate Management Team’s, incorporating a programme of service level deep dives.	Agree approach 30 Mar 20 Commence 31 May 20	J Craig	
4	Ensure performance reports include adequate commentary on reasons for underperformance and actions to address.	30 Mar 20	J Craig	

Additional planned actions

Actions Proposed	Timescales	Lead Officer	Report Ref
1 Review the potential for earlier visibility of meeting / Committee content, for members.	31 Mar 20	J Craig	25
2 Ensure that resourcing of Fit for 2024 does not adversely impact on business as usual service delivery. Rebalance senior portfolio's or use of secondments, backfill, recruitment and/or consultancy as appropriate.	Ongoing	C Hepburn	35
3 Review content of customer satisfaction surveys, engaging with partner organisations/providers as required, to maximise opportunities for insight and ensure appropriate questioning & results analysis in future Scottish Borders Household Surveys.	30 Jun 20	J Craig	62
4 Ensure relevant officers are reminded of their responsibilities to the council and Arm's Length External Organisation(s) at appointment and on a regular basis thereafter.	30 Mar 20 / Ongoing	R Dickson	123
5 Develop regular progress reporting on Fit for 2024 for FF24 Board, Corporate Management Team and Executive/Public Performance Reporting.	30 Mar 20	C Hepburn	154
6 Review Fit for 2024 implementation plans in light of the council's Annual Governance Statement.	30 Mar 20 / Annually	C Hepburn	155-156



UPDATE ON THE PUBLIC PLAY FACILITIES STRATEGY

Report by Service Director Assets & Infrastructure

SCOTTISH BORDERS COUNCIL

19 December 2019

1 PURPOSE AND SUMMARY

- 1.1 **Following Audit & Scrutiny Committee on 24 October, this report sets out a proposed process for further engagement on proposals for the decommissioning of some play equipment in some play parks within the Scottish Borders. This is integral to the planned future investment in Public Play facilities and proposals, agreed as part of the 2018/19 Capital Investment Plan and updated within the Capital Investment Plan 2019-20.**
- 1.2 The 2019/20 Capital Investment Plan currently includes funding of £5.036m into Outdoor Community Spaces over a 10-year period. This investment aims to unlock community aspirations in this area and will create high quality destination play parks, as well as facilities for skating and small wheels, youth shelters and opportunities for people of all ages to take part in physical activity. Investment in these destination play parks has already completed in Galashiels, Harestanes, Selkirk, Hawick, Coldstream and Kelso with Peebles currently being procured.
- 1.3 The new investment creates a financial burden and, in order to ensure a cost neutral impact of the investment to the Parks & Environment service, a programme of decommissioning of aged and underutilised play equipment was also to be implemented.
- 1.4 Council agreed in May 2018 to the review the distribution of play equipment provision across play parks in the Borders, which can 1) inform decision making around future investment in communities and 2) guide the rationalisation of play facilities which are deemed no longer fit for purpose, ensuring a cost neutral impact on established budgets with the service.
- 1.5 This review resulted in proposals to decommission equipment in 74 play parks, based on assessment criteria that included, location and context, play value (quality) and usage – thereby ensuring cost neutrality and the continuity of maintenance and investment across the remaining play parks.
- 1.6 Scottish Borders Council received 2 petitions opposing these proposals in Kelso and Hawick respectively, which were both heard at the Audit & Scrutiny Committee on 24 October 2019. The Committee decided to recommend to Council the following;
- “that Scottish Borders Council re-assesses its original decision made on 31 May 2018 in relation to the capital programme 18/19 and investment in play areas and outdoor community spaces to ‘delegate authority to the*

Service Director Assets and Infrastructure, after consultation with local Members, the Chief Financial Officer and the Chief Legal Officer, to declare play parks obsolete or those surplus to requirements and arrange for the removal of equipment and disposal, if appropriate.’ The Service Director should be requested to prepare a fully costed report on options for future and existing play park provision for consideration at the next meeting of Council.”

- 1.7 A Members Sounding Board meeting, comprising representatives from each of the political groups, was convened on 5 November to consider a way forward. This report sets out their considerations.

2 RECOMMENDATIONS

2.1 I recommend that Council agrees:

- a) To note the findings of the Audit & Scrutiny Committee and the members Sounding Board**
- b) That officers undertake a series of meetings, on a ward by ward basis, with all Members of that Ward, with detailed proposals indicating which play equipment is intended to be removed and which will be retained as part of a future programme of planned investment and upgrades; and**
- c) That, following these meetings, the Service Director Assets & Infrastructure brings a further report initially to the members Sounding Board on the way forward for play parks.**

3 BACKGROUND

- 3.1 The Scottish Borders currently has 243 play parks, including those located within schools, ranging from smaller local areas for play (LAPs) to strategic destination play parks. Benchmarking informs us that the quantity of provision per head of population is significantly higher than the national average; however, the play value of the facilities (i.e. quality of provision) is significantly lower than the national average.
- 3.2 In recent years a more significant level of investment in play across the Scottish Borders has been delivered through the Council's capital programme supplemented by a range of different opportunities that have been realised by community led initiatives including funding from developer contributions, Scottish Government or Heritage Lottery Fund grants. These include Wilton Lodge Park in Hawick, and Galashiels Public Park.
- 3.3 The investment programme is progressing with the provision of further additional destination play parks at other locations thereby encouraging play, greater physical activity and outdoor access for children, young people and adults with attendant benefits in terms of general health and wellbeing for people of all ages.
- 3.4 The programme of investment in play reinforces or establishes destination play parks that serve both the wider community and visitors to the area.
- 3.5 In this context, and under the delegated powers approved by Council in May 2018, officers undertook an assessment of play facilities across the entire network. This assessment was based on;
 - Play Value
 - In house inspection of value/usage levels (as assessed by Inspection officers)
 - Geography

- 3.6 Based on these inspections, the following equipment in 74 play parks was identified for decommissioning. It is noted that in all instances, the 74 sites would be left open to future use as non-equipped areas of play, or for alternative community uses where there is a community desire to do so;

PLAY PARK	ALTERNATIVE LOCATION NEARBY
BERWICKSHIRE	
Burnmouth Lower Site	Burnmouth Upper
Chirnside Lammerview	Chirnside Windram Park
Coldstream Lees Farm	Coldstream Home Park
Coldstream Douglas Court	Coldstream Home Park
Duns Ainslie Terrace	Duns Park
Duns Trinity Park	Duns Park
Eyemouth Stebbings Rise	Eyemouth Gunsgreen
Eyemouth Hallydown Crescent	Eyemouth Coldingham Road
CHEVIOT	
Jedburgh Forthill	Jedburgh Hume Place
Jedburgh Howden Road	Jedburgh Allerley Well
Jedburgh Jedbank Grove	Jedburgh Town Hall
Jedburgh Priors Meadow	Jedburgh Hume Place
Kelso Berryross Court	Kelso Sydenham Court (B)
Kelso High Croft	Kelso Croft Park
Kelso Meadow Court	Kelso Croft Park
Kelso Orchard Park	Kelso Croft Park
Kelso Rosewood Gardens	Kelso Shedden Park
Kelso Springwood Rise	Kelso Wallaceneuk
Kelso Spylaw Park	Kelso Wallaceneuk
Kelso Sydenham Court (A)	Kelso Sydenham Court (B)
Kelso Woodside Gardens	Kelso Shedden Park
EILDON	
Darnick Lady's Walk	Darnick The Nursery
Earlston Acorn Drive	Earlston High School
Earlston Everest Road	Earlston High School
Earlston Gun Road	Earlston High School
Earlston Summerfield	Earlston High School
Fountainhall Stillhaugh	Fountainhall Recreation Field
Galashiels Balnakiel Terrace	Galashiels Pringle Lane
Galashiels Broom Drive	Galashiels Primrose Bank
Galashiels Croft Street	Galashiels Public Park
Galashiels Kingsknowes	Galashiels Public Park
Galashiels Lee Brae	Galashiels Public Park
Galashiels Netherbank	Galashiels Public Park
Galashiels Roger Quin Gardens	Galashiels Public Park
Galashiels Rosebank Place	Galashiels Scott Park
Galashiels Syke's Acre	Galashiels Primrose Bank
Galashiels Waverley Place	Galashiels Primrose Bank

Galashiels Woodlea	Galashiels Woodside
Gattonside Upper	Gattonside Lower
Lauder Millburn Park	Lauder Woodcote Park
Melrose Eildon View	Melrose Eildon Crescent
Melrose Fairways	Melrose Eildon Crescent
Melrose Priors Walk	Melrose Gibson Park
Newstead Dean Park	Newstead The Orchard
Newstead Rushbank	Newstead the Orchard
Newtown St Boswells KGV	Sprouston Road
N. St Boswells Whitefield	Sprouston Road
Selkirk Bannerfield A	Selkirk Bannerfield B
Selkirk Fairfield Crescent	Selkirk Pringle Park
Selkirk Heatherlie Park	Selkirk Victoria Park
Selkirk Rosebank Quarry	Selkirk Bog Park
Tweedbank Craw Wood	Tweedbank Park
TEVIOT AND LIDDESDALE	
Denholm The Loaning	Denholm The Green
Hawick Bowden Road	Hawick Stirches
Hawick Burnfoot School	Hawick Sleepy Valley
Hawick Green Terrace	Hawick Moat Park
Hawick Hislop Gardens	Hawick The Stirches
Hawick Leaburn Drive	Hawick Weensland Road
Hawick Mayfield	Hawick Wellfield
Hawick Millers Knowe	Hawick Underhaugh
Hawick Waverley Walk	Hawick Wilton Lodge Park
Hawick Wellington Court	Hawick Wilton Lodge Park
Hawick Wilson Drive	Hawick Sleepy Valley
TWEEDDALE	
Clovenfords Caddonhaugh	Clovenfords Meigle Row
Eddleston Elibank Road	Eddleston Bellfield Road
Innerleithen Caddon Court	Innerleithen St Ronans Primary
Innerleithen Memorial Hall	Innerleithen Victoria Park
Peebles Crossburn Farm Road	Peebles Halyrude Nursery
Peebles Eliots Park	Peebles Halyrude Nursery
Peebles Glen Crescent Seniors	Peebles Ninians Haugh
Peebles Hay Lodge Park (Small)	Peebles Hay Lodge Park
Peebles Kingsland Square	Peebles Halyrude Nursery
Peebles Kingsway	Peebles Ninians Haugh
Peebles Provost Melrose Place	Peebles Glen Crescent Junior

- 3.7 Details of the planned disinvestment along with an explanation about the reasons behind the need to decommission play parks were taken as part of a full engagement exercise to all five Area Partnerships in Summer 2019. In addition, and following this process, further feedback was invited via email or telephone. -72 responses were received (see background papers for summary of responses contained in the Audit & Scrutiny Report).

3.8 Scottish Borders Council subsequently received two petitions from Hawick and Kelso, each containing 581 and 492 signatures respectively, objecting to the proposed equipment removal. Both petitions were heard consecutively at Audit and Scrutiny Committee on 24 October. As well as deciding to refer the matter to Council as outlined in 1.6, the Committee also heard that the Service Director would reconsider 4 play parks from the above list that were to be reconsidered;

1. Rosewood Gardens, Kelso
2. High Croft, Kelso
3. Burnfoot School, Hawick
4. Hislop Gardens, Hawick

3.7 The Political Sounding Board then met on 5 November and recommended the next steps detailed below.

4 NEXT STEPS

4.1 The Members Sounding Board, comprising members of the political groups, met on 5 November to consider the outcome of the Audit & Scrutiny Committee meeting. The aim of that meeting was to allow Members to have an informal discussion to see how the matter could be taken forward. Members considered various aspects of the issues surrounding play parks:

- The terminology used during the Area Partnership presentations was not correct
- The criteria used for assessing play parks including the national system establishing play value was not well understood
- The greater number of play parks in the Borders due to its rural nature
- The lack of adequate consultation, including with Community Councils
- The greater use of local knowledge to establish the most suitable play parks in which to retain equipment
- The impact on the current play park inspector and the number of play parks requiring inspection which had increased exponentially
- What future play park investment could look like

4.2 The Board then agreed to recommend to Council that "a report by the Service Director Assets & Infrastructure would be presented to Council at its December meeting, which would contain the recommendation from the Audit & Scrutiny Committee meeting of 24 October 2019 and then set out the Political Sounding Board's suggestions on the way forward, indicating a timescale and resources required to facilitate the following process:

- (a) Officers should compile detailed maps for all 11 Wards, showing all the existing play parks and highlighting those where it was proposed to remove equipment, the criteria used, the high level cost of inspection/maintenance of equipment, travel distance to play parks;
- (b) Officers should then set up meetings on a Ward by Ward basis with Elected Members where they could talk Members through the proposals;

- (c) At these meetings, Members should seek to agree the play parks from which they would support the removal of equipment and which play parks they would prefer to see maintained, including where future investment should be aimed;
- (d) There should be no option of retaining equipment in all play parks; and
- (e) Based on these meetings with Elected Members, the Service Director Assets & Infrastructure would then compile a report on the way forward for play parks, to come back to the Members' Sounding Board for further discussion and review before being considered by full Council.

5.0 IMPLICATIONS

5.1 Risk and Mitigations

Additional resources will be required to support the additional burden placed on the Play Inspection team arising from the most recent capital investment in Play infrastructure. The timing of this is dependent on the time required for this latest engagement process to be completed.

Provided the Locality based engagement can be concluded timeously and final proposals agreed quickly, current inspections can be managed purely on an interim basis using current resources, however this is not sustainable in the medium to long term or as a permanent solution.

Any further delay in either the decommissioning of equipment, or the permanent retention of equipment currently planned for removal, will require additional resources to be made available and deployed by the service, such as additional FTE staff and vehicles, as the status quo is not sustainable to the service.

In order to facilitate the delivery of the ward meetings and preparation of final proposals, additional officer resource may be required.

5.2 Equalities

It is anticipated that there are no adverse impact due to race, disability, gender, age, sexual orientation or religion/belief arising from the proposals in this report.

5.3 Acting Sustainably

There are no direct economic, social or environmental issues with this report although there may be within individual projects and these will be identified and addressed as appropriate as part of their specific governance arrangements.

5.4 Carbon Management

There are no direct carbon emissions impacts as a result of this monitoring report; however, there may be within individual projects and these will be identified and addressed as appropriate as part of their specific governance arrangements.

5.5 Rural Proofing

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

5.6 Changes to Scheme of Administration or Scheme of Delegation

None.

6 CONSULTATION

6.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR, the Clerk to the Council and Communications have been consulted and comments received have been incorporated into the report.

Approved by:

Martin Joyce

Service Director Assets & Infrastructure Signature

Author(s)

Name	Designation and Contact Number
Jason Hedley	Chief Officer Roads ext 8037

Background Papers:

Capital Programme 2018/19 – Investment in Play Areas and outdoor Community Spaces, Report by Service Director Assets & Infrastructure, 31 May 2018

Kelso Play Parks Petition - Report by Service Director Assets & Infrastructure, Audit & Scrutiny Committee, 24 October 2019

Play Parks Petition - Report by Service Director Assets & Infrastructure, Audit & Scrutiny Committee, 24 October 2019

Previous Minute Reference:

Scottish Borders Council, 31 May 2018 – Item 7.0

Audit and Scrutiny Committee, Thursday, 24 October, 2019 - Item 2.0

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**FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009
BORDERS FLOOD STUDIES
OUTPUTS AND RECOMMENDATIONS FOR FUTURE FLOOD
PROTECTION SCHEMES TO BE CONSIDERED AT NATIONAL
PRIORITISATION FOR FLOOD RISK MANAGEMENT CYCLE
2022 - 2028**

Report by Service Director Assets & Infrastructure

SCOTTISH BORDERS COUNCIL

19 December 2019

1 PURPOSE AND SUMMARY

- 1.1 This report proposes that the Council approves the findings and recommendations of the Borders Flood Studies for the purpose of submitting the appropriate information for future flood schemes in the Scottish Borders at Newcastleton, Peebles, Broughton, Crowbyres (Hawick) & Lindean (Selkirk) to the Scottish Environment Protection Agency (SEPA) for inclusion in the National Prioritisation Process 2022–2028.**
- 1.2 The inception of the Flood Risk Management (Scotland) Act 2009 (FRM Act) requires the production of Local Flood Risk Management Plans covering each Local Plan District (LPD) in Scotland on a cyclic 6 yearly basis, namely 2016–2022, 2022–2028 & 2028–2034. Scottish Borders Council's area falls within 3 of the 14 Local Plan Districts in Scotland. These are Forth Estuary LPD, Tweed LPD and Solway LPD.
- 1.3 There are two sets of complementary plans; Flood Risk Management Strategies which are developed by SEPA and approved by Scottish Ministers and Local Flood Risk Management Plans produced by Lead Authorities. Scottish Borders Council is the Lead Authority for Tweed Local Plan District.
- 1.4 The Flood Risk Management Strategies and Local Flood Risk Management Plans are developed through collaborative partnerships between Local Authorities, SEPA and Scottish Water.
- 1.5 The Flood Risk Management Strategies and Local Flood Risk Management Plans provide a framework for co-ordinating actions across catchments to deal with all sources of flooding. These plans ensure long term planning around flooding and under Section 41(2) of the FRM Act, Scottish Ministers must take them into account when allocating funding. This approach helps

target investment to areas where there is the greatest risk of flooding and where communities can receive the greatest benefit. This will help to maximise the benefit of public investment.

- 1.6 The Local Flood Risk Management Plans take the objectives and actions identified in the Flood Risk Management Strategies and set out who will be responsible for delivering the action, how the action will be funded, a timetable for when the action will be delivered and how it will be co-ordinated within the Flood Risk Management Cycle.
- 1.7 The National Prioritisation Process forms part of the development of the Flood Risk Management Strategies and Local Flood Risk Management Plans. The prioritisation process assesses all flood risk management actions (i.e. flood studies, flood schemes etc.) against a set of criteria to provide a rank at a national level.
- 1.8 Approval is required to allow Council officers to submit the appropriate information to SEPA in December 2019 for the National Prioritisation Exercise of future flood protections schemes to be delivered in the next Flood Risk Management Planning (FRM) Cycle 2022–2028.
- 1.9 Once a national ranking has been given this will inform the Council what flood protection schemes could be delivered in the Flood Risk Management Cycle 2022 – 2028. Dependant on the budget allocation at a national level, the top ranked schemes get first priority on the funding pot.

2 RECOMMENDATIONS

2.1 I recommend that the Council approves the: -

- (a) Submission of information to SEPA for the National Prioritisation Exercise 2022–2028 for consideration of a flood protection scheme in Peebles.**
- (b) Submission of information to SEPA for the National Prioritisation Exercise 2022–2028 for consideration of a flood protection scheme in Newcastleton.**
- (c) Submission of information to SEPA for the National Prioritisation Exercise 2022–2028 for consideration of a flood protection scheme in Broughton.**
- (d) Submission of information to SEPA for the National Prioritisation Exercise 2022–2028 for consideration of a flood protection scheme in Crowbyres (Hawick).**
- (e) Submission of information to SEPA for the National Prioritisation Exercise 2022–2028 for consideration of a flood protection scheme in Lindean (Selkirk).**

3 BACKGROUND INFORMATION

- 3.1 The Flood Risk Management (Scotland) Act 2009 (FRM Act) requires the production of Flood Risk Management Plans covering each Local Plan District in Scotland.
- 3.2 There are two sets of complementary plans required; Flood Risk Management Strategies produced by the Scottish Environment Protection Agency (SEPA), and Local Flood Risk Management Plans produced by the Lead Local Authorities.
- 3.3 Nationally planning has begun to develop the Flood Risk Management Strategies and Local Flood Risk Management Plans for the 2nd Flood Risk Management (FRM) Cycle 2022–2028.
- 3.4 Part of the FRM planning process includes undertaking a prioritisation exercise nationally of flood risk management actions, this will determine a risk based approach to what actions and where should be included in the 2nd FRM Cycle 2022–2028.
- 3.5 Future Flood Protection Schemes are included as part of the prioritisation process and are assessed using a multi criteria approach using information submitted from Flood Studies completed in the 1st FRM Cycle 2016–2022.
- 3.6 Scottish Borders Council's Flood & Coastal Management Team have completed the Borders Flood Studies for the 1st FRM Cycle covering Peebles, Broughton, Innerleithen, Newcastleton and Earlston.
- 3.7 The information developed from the studies has been used to determine what flood protection schemes and what additional flood risk management actions should be considered to manage flooding in these towns in the 2nd FRM Cycle 2022–2028.
- 3.8 The options developed by the flood studies have to consider and where appropriate deliver the critical success factors set at the start of the project. These are as follows.
 1. Options whether in isolation or combination must reduce flood risk providing an appropriate level of protection to people, property, business, community assets and natural environment.
 2. Options must be technically appropriate and feasible.
 3. Options should help to deliver sustainable flood risk management (e.g. help contribute to amenity and urban regeneration, improve the environment and biodiversity and improve or reduce existing maintenance regimes).
 4. Options should not have insurmountable or legal constraints (e.g. land ownership, health and safety or environmental protection constraints).
 5. Options should represent best value for money and minimise the maintenance burden and costs as much as possible.

6. Desirable BCR [Benefit Cost Ratio] when measured in parallel with other success criteria. [Must align with Scottish Government preferred option selection guidance (Scottish Government, 2016)].
7. Should incorporate National, Regional and Local agendas/objectives.
8. Should be deliverable by 2028 or a future agreed funding period when assessed with other success criteria.

3.9 The following table sets out the findings of the Borders Flood Studies and the recommendations for future flood risk management based on achieving the Critical Success Factors stated above.

Town	Option	Standard of Protection	Benefit Cost Ratio	Incremental Benefit Cost Ratio as per Scot Go guidance.	Public Support	Cost Estimate at 2026 £,000	Comments
Peebles	Tweed (Direct Defences)	1:100 year 1:75 year	0.8 1.8	0.4 0.6	Yes, general consensus was something is required particularly for Tweed Green/Cuddyside	12,271 5,278	Phasing of different elements would be required e.g. Tweed & Eddleston would need to be carried out at the same time.
	Eddleston (Direct Defences)	1:75 year	0.6	0.6		8,014	
	Hayton (Direct Defences)	1:200 year	4.2	4.1		2,323	
	Edgerton (Diversion Channel & Storage)	1:200 year	0.1	0.0		2,197	
	Soon hope	No options identified which were economically viable or achievable.					
Newcastleton	Liddel Water (Direct Defences)	1:200 year	1.0	0.2	Community Council have been very proactive and held a public exhibition and vote, general feeling is yes a form of flood protection is needed.	10,583	A hybrid option of the two options will also be considered once further modelling has been undertaken. E.g. exploring the possibility of re-routing the lakes.
	The Lakes (Channel restoration)	1:200 year	6.0	-0.4		1,105	
Broughton	Broughton Burn (Channel Widening)	1:200 year	1.6	1.6	Good support for shortlisted options, favour a more natural solution to hard type engineering.	1,487	The inclusion of the diversion channel reduces the flow of water adjacent to the primary school as well as the creation of wetlands
	(Channel Widening & Diversion Channel)	1:200 year	0.6	0.0		3,701	
Earlston	Leader Water Turfford Burn	A detailed assessment of flood risk has been carried out and has shown the flood risk to be significantly less than on the SEPA indicative flood mapping. No justification for a Flood Protection Scheme.					Maintenance Plan for watercourses in Earlston being developed.
Innerleithen	Lecithin Water Chapmans Burn	A detailed assessment of flood risk has been carried out and has shown the flood risk to be significantly less than on the SEPA indicative flood mapping. No justification for a Flood Protection Scheme.					Maintenance Plan for watercourses in Innerleithen being developed.

PROPERTIES AT FLOOD RISK 1:200 year (ink residential & non-residential)			
Town	SEPA Indicative Mapping without climate change	Borders Flood Study without climate change	Borders Flood Study with climate change 33%
Peebles	510	532	688
Newcastleton	150	189	319
Broughton	50	43	50
Innerleithen	540	98	273
Earlston	120	12	29

3.10 Detail on the work and findings for the Borders Flood Studies can be found at the following link.

<http://bordersfloodstudies.com/>

3.11 Two smaller studies have just commenced for Crowbyres, (Hawick) and also Lindean (Selkirk). It is hoped that the relevant information will be ready for submission to SEPA for the National Prioritisation Exercise by the end of December 2019.

4 IMPLICATIONS

4.1 Financial

- (a) Funding from Scottish Government for implementation of actions including flood protection schemes and associated studies is included in the national 10-year funding period 2016 – 2026, whereby £42 million each year is allocated across Scotland to deliver the actions in each Local Flood Risk Management Plan. This is split 80% toward development of flood protection schemes and a 20% top slice to the delivery of all other actions. The 20% is shared with each Local Authority in Scotland based on the degree of flood risk they have. The 20% top slice is distributed to Local Authorities as part of the Councils general capital grant from the Scottish Government.
- (b) This report does not have any immediate financial implications with respect to submitting information to SEPA for national prioritisation.
- (c) Any future work to be carried out over the coming years on any of the flood study areas will be funded through the 20% top slice mentioned in (a) above.

4.2 Risk and Mitigations

Submission of the information to SEPA for the National Prioritisation Exercise may result in higher priority being given to flood protection schemes in the Borders than elsewhere in Scotland and therefore will mitigate the risk from future flood events.

4.3 Equalities

- (a) Research has shown that the more vulnerable groups in society are more negatively impacted by flooding.
- (b) The delivery of actions highlighted in the Local Flood Risk Management Plans are aimed at reducing the risk of flooding and making people more prepared, this will have a beneficial effect on these vulnerable groups.

4.4 Acting Sustainably

The core principle of the FRM Act is to provide flood risk mitigation in a sustainable manner, the outputs from the flood studies have been developed around this principle.

4.5 Carbon Management

- (a) Natural Flood Management actions will be considered further should the proposed flood schemes progress, this will provide opportunities for carbon management.
- (b) There will be a carbon cost in the implementation of some actions but this should be offset by the benefits in reducing the impact of flooding.

4.6 Rural Proofing

It is anticipated there will be no adverse impact on the rural area from the proposals contained in this report.

4.7 Changes to Scheme of Administration or Scheme of Delegation

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

5 CONSULTATION

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

Approved by

Martin Joyce

Service Director Assets & Infrastructure Signature

Author(s)

Name	Designation and Contact Number
Duncan Morrison	Flood and Coastal Management Team Leader – 01835 826701

Background Papers:

1. Tweed Local Flood Risk Management Plan
https://www.scotborders.gov.uk/downloads/download/551/tweed_flood_risk_management_plan
2. Forth Estuary Local Flood Risk Management Plan
http://www.edinburgh.gov.uk/downloads/file/7455/draft_local_flood_risk_management_plan
3. Solway Local Flood Risk Management Plan
<https://www.dumgal.gov.uk/article/15215/Flood-risk-management>
4. SEPA Flood Risk Strategies <http://apps.sepa.org.uk/FRMStrategies/>

Previous Minute Reference:

1. Flood Risk Management (Scotland) Act – Approval of Local Flood Risk Management Plans - Minute – 19 May 2016

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

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