

SCOTTISH BORDERS COUNCIL

COVID19 CHIEF EXECUTIVE EMERGENCY POWERS DECISIONS

NOTE of the COVID19 CHIEF EXECUTIVE EMERGENCY POWERS DECISIONS taken between 30 April 2020 and 17 July 2020.

1. **ADDITIONAL RESOURCES - LOCAL GOVERNMENT FINANCE SETTLEMENT**

The Chief Executive considered a report by the Executive Director (Finance & Regulatory) on 'Additional Resources – Local Government Finance Settlement'. The report gave details of further revenue and capital funding which had been received from Scottish Government since the approval of the Council's 2020/21 budget on 26 February 2020. In total additional capital funding of £318k had been received for "Cycling, Walking and Safer Streets" and additional revenue funding of £2.089m had been received. The capital allocation would be added to the existing budget for "Cycling, Walking and Safer Streets" to give a total project budget of £507k in 2020/21. The additional revenue funding would be allocated to the following service priority areas:

- Emergency reserve to support Covid-19 £500k
- Investment in H&SC base budget £1.389m
- Confirmed increase in insurance premiums £150k
- Contract management (CGI developments) £50k

The Convener, the Leader of the Administration and the Leader of the Opposition were consulted, as required by Standing Order 49(a)(ii), and any comments made were considered by the Chief Executive in arriving at her decision.

DECISION

On 6 MAY 2020, the CHIEF EXECUTIVE approved the creation of budgets to reflect additional funding from the Scottish Government in 2020/21 over and above that approved by Council as part of the 2020/21 budget on 26 February 2020:

(a) Capital funding - £0.318m for Cycling, Walking and Safer Streets; and

(b) Revenue funding - £2.089m:

Investment priority (revenue funding)	£m	Description
Emergency reserve to support COVID-19	0.500	To be held in reserve to support the Council's response to the global pandemic
Investment in H&SC base budget	1.389	Additional funding to address historic pressures and non-delivery of permanent savings
Confirmed increase in insurance premiums	0.150	Impact of Peebles HS fire
Contract management (CGI developments)	0.050	Required to deliver significant financial plan savings in 2020/21
Total	2.089	

2. **FINANCIAL IMPACT OF COVID-19**

The Chief Executive considered a report by the Executive Director (Finance & Regulatory) on 'Budgetary Impact of Covid-19 – Initial Financial Assessment'. The report gave a high level assessment of the impact of Covid-19 on the Council's 20/21 revenue budget, with

potential pressures of over £10m and potentially further significant costs projects. The initial assessment focused on the impact in 5 main areas:

- Reductions in income;
- Additional unplanned expenditure now being incurred as a consequence of Covid-19;
- Delays in the delivery of savings anticipated by the budget approved in February 2020;
- Existing Council budget which could be directed to the Covid-19 emergency; and
- Any service underspends which could be used to mitigate budget pressures.

The report also gave details of budget monitoring arrangements, principles to be followed in recording costs related to Covid-19, and action required across the Council from a financial perspective.

The Convener, the Leader of the Administration and the Leader of the Opposition were consulted, as required by Standing Order 49(a)(ii), and any comments made were considered by the Chief Executive in arriving at her decision.

DECISION

On 5 MAY 2020, the CHIEF EXECUTIVE noted the methodology used to determine the financial implications of the Covid-19 response. This information would continue to be refined and developed over the coming weeks to provide as clear a financial position as possible and would provide the basis of a financial return to COSLA to be shared with the Scottish Government.

3. FINANCIAL VIREMENTS AND EARMARKED BALANCES

The Chief Executive considered a report by the Executive Director (Finance & Regulatory) on 'Final Revenue Virements and Earmarked Balances 2019/20'. The report gave details of the two categories of virements: routine virements (as detailed in Appendix 1 to the report) and those virements required for earmarked balances (as detailed in Appendix 2 to the report). For the first category, approval was sought to reflect a reallocation of budgets between Services to reflect latest spending plans, and adjustments to the Revenue Support Grant for 2019/20 following final confirmation from Scottish Government which required the income budgets to be "grossed up" to fund expenditure.

The Convener, the Leader of the Administration and the Leader of the Opposition were consulted, as required by Standing Order 49(a)(ii), and any comments made were considered by the Chief Executive in arriving at her decision.

DECISION

On 6 May 2020, the CHIEF EXECUTIVE approved:

- (a) the virements as detailed in Appendix 1 to the report: and**
- (b) the earmarked balances as detailed in Appendix 2 to the report.**

4. ANTI-MONEY LAUNDERING POLICY

The Chief Executive considered a report by the Executive Director (Finance & Regulatory) on the 'Anti-Money Laundering Policy'. The report explained that the existing Anti-Money Laundering Policy had been approved in April 2012 and required to be updated in line with changes in legislation and changes in the Council structure. The amended Anti-Money Laundering Policy was detailed in Appendix 1 to the report, and linked into and had synergy with the Council's Corporate Fraud Strategy.

The Convener, the Leader of the Administration and the Leader of the Opposition were consulted, as required by Standing Order 49(a)(ii), and any comments made were considered by the Chief Executive in arriving at her decision.

DECISION

On 12 May 2020, the CHIEF EXECUTIVE approved the Council's Anti-Money Laundering Policy as detailed in Appendix 1 to the report, which had been prepared fully in accordance with the CIPFA Proceeds of Crime (Anti-Money Laundering) Practical Guidance for Public Service Organisations (2005) and relevant legislation.

5. 2019/20 UNAUDITED CAPITAL OUTTURN

The Chief Executive considered a report by the Executive Director (Finance & Regulatory) on the '2019/20 Unaudited Capital Outturn'. The report provided a statement comparing the final capital outturn for 2019/20 with the final budget for the year and identified the main reasons for any significant variations. The statement was detailed in Appendix 1 to the report and included the reasons identified by the Project Managers and Budget Holders for the variances to the final approved budget. This identified an outturn expenditure of £44.306m, which was £7.805m below the final revised budget of £52.11m. Further appendices to the report detailed:

- Appendix 2 – a summary of the final outturn position for each block contained within the 2019/20 Capital Plan;
- Appendix 3 – a summary of the approved block allocations for 2020/21 adjusted for timing movements from 2019/20;
- Appendix 4 – a list of estimated whole life project costs for those key schemes where the project had not been completed in the financial year 2019/20.

The Convener, the Leader of the Administration and the Leader of the Opposition were consulted, as required by Standing Order 49(a)(ii), and any comments made were considered by the Chief Executive in arriving at her decision.

DECISION

On 28 May 2020, the CHIEF EXECUTIVE:

(a) NOTED:

- (i) the capital outturn position for 2019/20 prior to Statutory Audit;**
- (ii) the adjustments to funding, as detailed in Appendix 1 to the report;**
- (iii) the final outturn position for each block contained within the 2019/20 Capital Plan, as detailed in Appendix 2 to the report; and**
- (iv) the whole project costs, as detailed in Appendix 4 to the report.**

(b) APPROVED the block allocations for 2020/21, as detailed in Appendix 3 to the report.

6. 2019/20 UNAUDITED REVENUE OUTTURN

The Chief Executive considered a report by the Executive Director (Finance & Regulatory) on the '2019/20 Unaudited Revenue Outturn'. The report provided a statement comparing final revenue outturn expenditure and income for 2019/20, with the final approved budget for the year, along with explanations for significant variations. This statement was contained in Appendix 1 to the report. The report also included details of work with the Integration Joint Board, the financial impact of the Peebles Fire and of storm damage, and the Council's Fit for 2024 programme. A summary of the planned delivery of savings agreed within the 2019/20 Financial Plan was outlined in Appendix 2 to the report.

The Convener, the Leader of the Administration and the Leader of the Opposition were consulted, as required by Standing Order 49(a)(ii), and any comments made were considered by the Chief Executive in arriving at her decision.

DECISION

On 28 May 2020, the CHIEF EXECUTIVE:

- (a) NOTED the outturn position for 2019/20 prior to Statutory Audit.**
- (b) APPROVED:**
 - (i) the adjustments to previously approved earmarked balances detailed in Appendix 1 to the report; and**
 - (ii) the next underspend of £1.538m delivered by the Council being added to the Unallocated General Fund Balance. This balance would be available to support the Council through the Covid-19 pandemic during 2020/21 and could be drawn down when required.**

7. BALANCES AT 31 MARCH 2020

The Chief Executive considered a report by the Executive Director (Finance & Regulatory) on 'Balances at 31 March 2020'. The report provided an analysis of the Council's balances as at 31 March 2020. Appendix 1 to the report summarised the projected transactions and resultant balances at 31 March 2020 on the General Fund and Appendix 2 to the report showed the projected non-General Fund balances. The net effect was the useable General Fund balance after earmarked funds, allocated reserves and the unaudited 2019/20 revenue outturn was £7.773m at 31 March 2020. Appendix 3 to the report detailed the balances currently held in the Capital Fund.

The Convener, the Leader of the Administration and the Leader of the Opposition were consulted, as required by Standing Order 49(a)(ii), and any comments made were considered by the Chief Executive in arriving at her decision.

DECISION

On 28 May 2020, the CHIEF EXECUTIVE noted:

- (a) the revenue balances as at 31 March 2020, as detailed in Appendices 1 and 2 to the report, including movement in the Allocated Reserve since the last reporting period; and**
- (b) the balance in the Capital Fund, as detailed in Appendix 3 to the report.**

8. DEVELOPMENT PROJECT TO SUPPORT CHILDREN & YOUNG PEOPLE WITH COMPLEX NEEDS IN THE SCOTTISH BORDERS

The Chief Executive considered a report by the Interim Service Director, Children & Young People, on the 'Development Project to Support Children and Young People with Complex Needs in the Scottish Borders'. The report explained that it was a long established strategic objective to provide additional support services within the Scottish Borders and wherever possible prevent children being looked after and accommodated out-with the region. Aberlour Childcare Trust was proposing to work in partnership with Scottish Borders Housing Association (SBHA) to develop an innovative residential facility that would offer a continuum of care for children and young people (aged 0 to 18 years) with complex care needs. The two partners were working with the Council to site the new service and had identified the requirement for a central Borders location which would maximise access to children across the region and provide the ability to sell additional places to other neighbouring local authorities should there be spaces available once

Borders' needs had been met. The Council had identified a site adjacent to Tweedbank as providing a suitable location which benefited from the connectivity to the Borders railway. Aberlour would deliver residential support for children and young people with complex physical, learning and emotional needs that combined round the clock care with a broad range of personalised complex needs support provision. An indicative building design/layout of the proposed facility were given in Appendix 1 to the report. Details were also provided in the report on the timescales, which were subject to change due to Covid-19, and the return for the Council.

The Convener, the Leader of the Administration and the Leader of the Opposition were consulted, as required by Standing Order 49(a)(ii), and any comments made were considered by the Chief Executive in arriving at her decision.

DECISION

On 4 June 2020, the CHIEF EXECUTIVE gave approval to:

- (a) progress a new Development Project in partnership with Aberlour Childcare Trust and Scottish Borders Housing Association to create the Borders first Residential and Housing Support Facility to support children and young people with complex needs in the Scottish Borders;**
- (b) sell 631sq m of land at Tweedbank at a value of £75,000 to Scottish Borders Housing Association in order to provide a site for the development of a new complex needs residential facility;**
- (c) commit to purchase complex needs placements for Borders children and young people within a year one estimated cost of £125,000 per place;**
- (d) note the project required the Council to purchase a minimum of 4 places per annum for a period of 20 years to provide financial certainty to the scheme as set out in the report.**

9. CONTINUED PARTNERSHIP APPROACH WITH ABERLOUR SUSTAIN

The Executive Director, on behalf of the Chief Executive, considered a report by the Interim Service Director, Children & Young People, on the 'Continued Partnership Approach with Aberlour Sustain to work with children and young people on the 'Edge of Care' in the Scottish Borders'. The report explained that the Council currently worked in partnership with Aberlour on the Sustain project, a community-based service that offered a flexible response to preventing children entering the care system. An evaluation of the Sustain project was provided in Appendix 1 to the report. The Council and Aberlour had identified the need to do things differently, to prevent Borders children entering care in the first place, and create the potential to bring those in out-of-authority placements back to their families and communities with enhanced support where possible and appropriate. Aberlour has secured an offer of investment from the Robertson Trust in the Borders, which was contingent on the Council committing to a further three years of funding for Sustain, the 'edge of care' support service providing intensive support for families to keep their children and young people at home rather than entering a care placement.

The Convener, the Leader of the Administration and the Leader of the Opposition were consulted, as required by Standing Order 49(a)(ii), and any comments made were considered by the Executive Director in arriving at his decision.

DECISION

On 3 July 2020, the EXECUTIVE DIRECTOR, on behalf of the CHIEF EXECUTIVE, gave approval for:

- (a) the continuation of the partnership work with Aberlour in the Sustain project; and
- (b) the acceptance of the funding offer from the Robertson Trust to support the project, and by doing so, commit to the continuation of the Sustain “Edge of Care” service for a further three years.

10. **MEMBERSHIP OF EDINBURGH AND SOUTH EAST SCOTLAND CITY REGION DEAL OVERSIGHT SUB-COMMITTEE**

The Executive Director (Finance & Regulatory), on behalf of the Chief Executive, considered a report by the Executive Director on ‘Membership of Edinburgh and South East Scotland City Region Deal Oversight Sub-Committee’. The report explained that the Sub-Committee was being set up to oversee the preparation of the Regional Growth Framework (RGF), as well as subsequent preparation of the Regional Spatial Strategy (RSS). The Oversight Sub-Committee would be a sub-Committee of the Joint Committee and consist of two Elected Members from each of the constituent Local Authorities, together with representatives from the Regional Enterprise Council and the Higher/Further Education Consortium. The proposed terms of reference for the Sub-Committee were set out in Appendix A to the report.

The Convener, the Leader of the Administration and the Leader of the Opposition were consulted, as required by Standing Order 49(a)(ii), and any comments made were considered by the Executive Director (Finance & Regulatory) in arriving at his decision.

DECISION

On 10 July 2020, the EXECUTIVE DIRECTOR (FINANCE & REGULATORY), on behalf of the CHIEF EXECUTIVE, approved the appointment of two Elected Members to the Edinburgh and South East City Region Deal Elected Members Oversight Sub-Committee.

NOTE: Cllrs Bell and Robson are the two Elected Members on the Sub-Committee, with Cllr Heather Anderson as substitute.

11. **SOUTH EAST OF SCOTLAND TRANSPORT TRANSITION PLAN**

The Executive Director (Finance & Regulatory), on behalf of the Chief Executive, considered a report by the Executive Director on ‘South East of Scotland Transport Transition Plan’. The report explained that in a letter from the Scottish Government, contained in Appendix 1 to the report, all local authorities were informed of the preparation of a national Transport Transition Plan to address transport issues expected as Covid-19 easing phases were implemented, with particular pressures likely in the Edinburgh and Glasgow regions. In the Edinburgh City Region, it was considered that the already established City Region Deal Transport Appraisal Board, comprising officer representatives of the six constituent local authorities, the regional transport partnership (SEStran), and Transport Scotland, would provide the most effective way of addressing these pressures on the regional transport network. In order to ensure sufficient focus, the Transport Appraisal Board has formed itself into a Regional Transport Transition Group, and has invited officer representatives of Clackmannanshire and Falkirk Councils onto the Group, as they fell within the SEStran groupings of local authorities. The report sought approval for the Council’s involvement in the Group and of its terms of reference as detailed in Appendix 2 to the report. Further details were given of the likely work of the Group, which was not a decision-making body and not able to commit any local authority to any policy, implementation of measures, or spending. The full range of measures developed by the Group were due to be considered by the City Regional Deal Joint Committee at its meeting scheduled for 11 August 2020.

The Convener, the Leader of the Administration and the Leader of the Opposition were consulted, as required by Standing Order 49(a)(ii), and any comments made were considered by the Executive Director (Finance & Regulatory) in arriving at his decision.

DECISION

On 17 July 2020, the EXECUTIVE DIRECTOR (FINANCE & REGULATORY), on behalf of the CHIEF EXECUTIVE, approved:

- (a) the Council's involvement in the South East of Scotland Transport Transition Group that had been established in response to the letter issued by the Cabinet Secretary for Transport, Infrastructure and Connectivity (as Appendix 1 to the report); and**
- (b) the terms of reference for the operation of the Transport Transition Group (as detailed in Appendix 2 to the report).**

PRIVATE BUSINESS

DECISION

Under Section 50A(4) of the Local Government (Scotland) Act 1973 the following reports were considered by the Chief Executive in private, on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 6, 8 and 9 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

12. BORDERS BUSINESS CRISIS FUND

On 30 April 2020, the CHIEF EXECUTIVE gave approval for the establishment of a Borders Crisis Fund, based on specific criteria, to assist businesses and other organisations which were unable to access grant support by other means during the Covid-19 emergency.

13. HAWICK FLOOD PROTECTION SCHEME

On 7 May 2020, the CHIEF EXECUTIVE gave approval for the award of the Main Works Contract to McLaughlin & Harvey; with a revised contribution by the Council due to the Covid-19 risks; and with works proceeding as soon as possible and beyond the intended Works Completion date of December 2022, with these contractual date changes deriving from the Covid-19 situation.