

# Public Document Pack

## SCOTTISH BORDERS COUNCIL

MINUTE of Meeting of the SCOTTISH  
COUNCIL held in Via MS Teams on  
Thursday, 25th February, 2021 at 10.00 am

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Present:- Councillors D. Parker (Convener), S. Aitchison, A. Anderson, H. Anderson, J. Brown, S. Bell, K. Chapman, C. Cochrane, G. Edgar, J. A. Fullarton, J. Greenwell, C. Hamilton, S. Hamilton, S. Haslam, E. Jardine, H. Laing, S. Marshall, W. McAteer, T. Miers, D. Moffat, S. Mountford, D. Paterson, C. Ramage, N. Richards, E. Robson, M. Rowley, H. Scott, S. Scott, E. Small, R. Tatler, E. Thornton-Nicol, G. Turnbull, T. Weatherston

In Attendance:- Executive Director (Corporate Improvement & Economy), Executive Director (Finance and Regulatory), Service Director Assets & Infrastructure, Service Director Customer & Communities, Service Director HR & Communications, Service Director Young People, Engagement & Inclusion, Chief Operating Officer Adult Social Work & Social Care, Clerk to the Council.

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

The Convener congratulated the following:-

- (a) the volunteers, the Emergency Services, McLaughlin & Harvey (the Hawick Flood Protection Scheme Contractors) and Scottish Borders Council staff for their work in Hawick and Newcastleton during the recent flooding, and extended the Council's sympathies to those who had been impacted; and
- (b) Denise Hanks who had been awarded the Tweeddale Citizen of the Year for her contribution to the community over many years and in particular during the recent coronavirus pandemic.

### **DECISION**

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

### 2. **MINUTE**

The Minute of the Meeting held on 28 January 2021 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:-

- |     |                                      |                  |
|-----|--------------------------------------|------------------|
| (a) | Teviot & Liddesdale Area Partnership | 12 January 2021  |
| (b) | Audit & Scrutiny                     | 14 January 2021  |
| (c) | Local Review Body                    | 18 January 2021  |
| (d) | Executive Committee                  | 19 January 2021  |
| (e) | Civic Government Licensing           | 22 January 2021  |
| (f) | Chambers Institution Trust           | 27 January 2021  |
| (g) | Eildon Area Partnership              | 28 January 2021  |
| (h) | Planning & Building Standards        | 1 February 2021  |
| (i) | Lauder Common Good Fund              | 2 February 2021  |
| (j) | Executive                            | 9 February 2021  |
| (k) | Peebles Common Good Fund             | 10 February 2021 |

## **DECISION**

**APPROVED the Minutes listed above.**

### **4. BUDGET COMMUNICATION STRATEGY 2021/22**

There had been circulated copies of a report by the Executive Director, Finance and Regulatory, detailing the steps taken to engage with stakeholders as part of a consultation exercise on the budget. The report outlined the budget Communication Strategy used and provided feedback gathered from the Scottish Borders Budget Challenge. This feedback had been considered as part of the 2021/22 Financial Planning process. As part of the budget consultation exercise on the Council's updated Financial Plan, the Scottish Borders Budget Challenge was made available to members of the public on the Council website from early November 2020 to 31 January 2021. Members of the public were notified that in February 2021 we would set our next budget and early in 2021 we would also be reviewing and refreshing our Corporate Plan. The public were given a limited number of points to allocate across seven of the biggest high-level challenges facing the Council and the Scottish Borders area. The more points that were allocated the higher the priority. The aim was for the public to use this online Points Simulator tool to let the Council know what their priorities were for the Scottish Borders. As at 31 January 2021, 314 members of the public completed the Simulator and gave us their views on prioritisation of high-level challenges the Council was facing. The report detailed the output from the budget simulator and the highest 4 priority areas were maintaining investment in roads and public infrastructure; investment in supporting businesses and creating jobs; doing more to help the environment and address climate change; and jobs, skills and training. Mr Robertson answered Members' questions regarding the level of flexibility in the budget, which was limited to approximately 20%, and the possible inclusion of a question asking if the public wished to spend less in any area.

## **DECISION**

**NOTED:-**

**(a) the budget Communication Strategy used; and**

**(b) the feedback from the Scottish Borders Budget Challenge.**

### **5. COUNCIL TAX 2020/2021**

There had been circulated copies of a report by the Executive Director, Finance and Regulatory, providing information on the proposed Council tax levels for 2021/22. The 2020/21 Financial Plan assumed a 3% inflationary increase in Council Tax for 2021/22. The report explained that on 28 January 2021 the Cabinet Secretary for Finance, Kate Forbes, wrote to Leaders of all Scottish Local Authorities regarding the Scottish Government's proposed budget including national intentions for Council Tax. In recognition of the unique pressures created by the ongoing COVID 19 pandemic, the Scottish Government included within the Local Government Finance Settlement an additional £90 million available to compensate Councils who choose to freeze their Council tax at 2020/21 levels with the intention of helping to protect household incomes. The Borders' share of these resources totalled £1.955m which was broadly equivalent to a 3% increase in the Council Tax product for financial year 2021/22. The funding was provided on a one-off basis and to date there was no confirmation that the resources provided to freeze the Council tax in 2021/22 would be included on a recurrent basis within the local government settlement. The implication, should resources to freeze the council tax in 2021/22 not be base-lined in future settlements was that a future Council tax rise of 3% would have to be enacted in 2022/23 to make up the shortfall before any funding could be raised to invest in the provision of services. Members were also asked to note that the draft Financial Plan shared with political groups assumed this funding would be permanently provided through RSG from 2021/22 in order that the Council Tax base was not eroded through this freeze. Members supported the proposal not to increase the Council Tax given the current financial situation of many in the Scottish Borders but

expressed concern regarding the possible situation next year if this funding was not provided in future years.

## **DECISION**

### **AGREED to:-**

- (a) accept the additional funding of £1.955m through the 2021/22 Local Government Finance Settlement to freeze Council Tax at 2020/21 levels; and**
- (b) approve the Council Taxes to be paid in financial year 2021/22, from 1 April 2021 in respect of all chargeable dwellings in the Scottish Borders as set out in the table below, with a Band D equivalent of £1,253.91.**

<b>Council Tax Band</b>	<b>Applicable Annual Charge Per property £</b>
<b>A</b>	<b>835.94</b>
<b>B</b>	<b>975.26</b>
<b>C</b>	<b>1,114.58</b>
<b>D</b>	<b>1,253.91</b>
<b>E</b>	<b>1,647.49</b>
<b>F</b>	<b>2,037.60</b>
<b>G</b>	<b>2,455.77</b>
<b>H</b>	<b>3,072.07</b>

## **6. DIGITAL STRATEGY**

There had been circulated copies of a report by the Executive Director, Finance and Regulatory presenting a new digital strategy for the Council developed with CGI. The strategy "Digital Borders" was designed to realise the vision of Scottish Borders becoming a Smart Rural Region. The Strategy would seek to invest in change programmes, new ways of working and new IT infrastructure to harness the power of communities, empower individuals, reduce inequality, widen access to digital connectivity and expand the economic potential of the Region. In doing so, the Strategy responded to the key recommendations of a recent study by the Accounts Commission. The report explained that in September 2020 the Council agreed to extend its strategic IT partnership with CGI and in doing so agreed to the development of a new Digital Strategy for the Council. This Strategy was designed to help address a range of key challenges facing the Borders. The Strategy would form a key part of the Council's Fit for 2024 transformation programme designed to deliver better outcomes for citizens and a more efficient operating model for the delivery of local services either directly by the Council or in conjunction with our Community Planning Partners. The Digital Borders Strategy was consistent with the understanding of evolving national strategy. It would seek to enable citizens, suppliers, and local businesses, to engage effectively with the Council, empower front line staff using mobile technology, rationalise and integrate back office systems, ensure the security of data, reduce social isolation and digital exclusion in our communities, and enhance the skills and the digital capability local people through working with our schools and partner agencies. In doing so, a range of environmental, social and economic benefits were expected to be achieved. Significant detailed analysis work had been undertaken to date, as highlighted in Appendix 2 to the report, to assess how the opportunities identified by the Strategy should be prioritised. Further diligence was now required to further work to refine the Rough Order of Magnitude (ROM) benefits identified to date. The Strategy therefore advocated further work to be undertaken with CGI to develop a digital roadmap covering the next 3.5 years. A change programme and

detailed benefits realisation plans for individual projects would also be delivered to enable sustainable change, track savings, achieve process efficiencies and deliver improved outcomes. Members welcomed the report but highlighted the need to ensure that those without digital access were not left behind. Councillor Bell, seconded by Councillor A. Anderson, moved an amendment to recommendation (b) to read “Agrees that further work be undertaken to develop the digital road map, detailed benefits realisation and change management plans for the individual projects, and that this is brought back to Council for approval”. This amendment was unanimously accepted. In response to a request from Councillor Thornton- Nicol it was agreed that any references to “the elderly” would be changed to “older people”.

#### **DECISION**

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

- (a) to approve the Digital strategy outlined in the report;**
- (b) that further work be undertaken to develop the digital road map, detailed benefits realisation and change management plans for individual projects, and that this was brought back to Council for approval; and**
- (c) to note that update reports would be brought to future Executive meetings in line with routine FF24 transformation programme updates.**

#### **7. DRAFT ANTI-POVERTY STRATEGY**

With reference to paragraph 10 of the Minute of 25 September 2020, there had been circulated copies of a report by the Service Director Customer and Communities presenting for approval the draft Scottish Borders Council Draft Anti-Poverty Strategy that had been developed following a Motion to Council by Councillor Tatler in September 2020 and set out the next steps that Scottish Borders Council and Partners planned to take in tackling poverty in the Scottish Borders. The report explained that a Working Group had been set up to review the extent of poverty in the Scottish Borders. The Working Group had taken a forward- thinking, sustainable approach to the development of the Draft Anti-Poverty Strategy and had taken account of:-

- Economic poverty and income
- Fuel poverty
- Housing poverty
- Food poverty
- Impact on family and community health and wellbeing
- Digital poverty

A copy of the draft Strategy was appended to the report. It was recognised that the draft Strategy had been developed from a mainly internal perspective to date, and that full consultation with partners, communities and other organisations would be required in order to enable the draft Strategy and Action Plan to be brought back to Council in June 2021 for final approval. The Council was continuing to respond to the current Covid-19 pandemic and working with communities through the Community Assistance Hubs. The learning from this work would be taken into account and how ongoing arrangements evolved. Councillor Tatler paid tribute to those who had been involved in getting the Strategy to this point and that it had been achieved so quickly. Members welcomed the report and the Convener added his thanks to all those involved.

#### **DECISION**

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

- (a) to approve the Scottish Borders Draft Anti-Poverty Strategy as detailed at Appendix 1 to the report;**
- (b) to proceed to Public Consultation to take place from the beginning of March to the end of May 2021;**

- (c) that the Anti-Poverty Working Group would develop an approach to public consultation and create a Final Strategy and Action Plan for approval; and
- (d) to receive a further report in June 2021 from the Service Director Customer & Communities which would present a final Anti-Poverty Strategy and an Action Plan for approval.

#### 8. PROPOSED PLACE MAKING APPROACH

With reference to paragraph 9 of the Minute of 17 December 2020, there had been circulated copies of a report by the Service Director Assets and Infrastructure proposing a phased introduction and development of a Place Making approach to community engagement and participation across Borders communities. The place making proposals set out in the report were rooted in the Council's *Fit for 2024* programme, in particular the theme of *Enhanced Community Engagement, Participation and Empowerment*, and aimed to build on, and link with, a wide range of existing and planned national, Council-led, partnership and community work. This included the launch of the national Place Based Investment Programme, developing the Place Principle commitment adopted by Scottish Government and COSLA and the anticipated national draft Planning regulations on Local Place Plans which were expected ahead of the Scottish Parliamentary elections in May. In particular, the proposals aimed to build on the learning and experience of joint working with Communities and Partners in responding to the current Covid-19 pandemic and to reflect the national ambition for a Resilient Recovery which sought greater integration building on Social Renewal, inclusive growth and low carbon. The ambition was more place-based collaboration for improved outcomes. The place making approach would include consideration of the changing and challenging financial landscape, strategic change across the Borders, existing commitments and policy requirements, and some initial engagement on Borders wide service review. It would also include a review and mapping of all related activity taking place across organisations and communities at region and local level. The report set out a route map for the development and implementation of the place making approach which has 4 distinct phases (with indicative timescales) as follows:

- Preparation and Planning (March – July)
- Production of Initial High Level Place Briefs (August – October)
- Develop and Agree Place Programmes (September – November)
- Delivery, Monitoring and Review (November onwards)

A further report would be brought to Council at the completion of Phase 1 and prior to the commencement of Phase 2. Mr Curry asked that the recommendation at 2.1(b) be amended to read "Note the proposed timescales as a guide as to the ambition of the project, including the intention to bring further reports to Council. A gateway review will be completed at the conclusion of each stage with timeframes amended accordingly based on feedback from stakeholders. These reviews will be reported to Council at the conclusion of each stage." Members welcomed the paper, unanimously approved the amendment, and emphasised the importance of public involvement.

#### DECISION

##### AGREED to:-

- (a) approve the model of engagement proposed; and
- (b) note the proposed timescales as a guide as to the ambition of the project, including the intention to bring further reports to Council. A gateway review would be completed at the conclusion of each stage with timeframes amended accordingly based on feedback from stakeholders. These reviews would be reported to Council at the conclusion of each stage

#### 9. EMERGENCY POWERS REPORTING

There had been circulated copies of a report by the Executive Director, Finance & Regulatory, proposing a method for formally notifying Members of any decisions made using Emergency Powers under Standing Order No. 49(a)(i). The report explained that Standing Order No. 49(a)(i) enabled the Chief Executive to take decisions under Emergency Powers, having consulted with various Elected Members. The power was not used frequently and there had been five such reports in 2020. In the past, these Emergency Powers reports were detailed in the Members' bulletin and copies were placed in the Members' library. However, there was no longer a Members' bulletin and a gap therefore existed as there was no process in place for reporting those decisions to all Members and the public. It was therefore proposed that, in future, any decision made under Emergency Powers were included in the next available Scottish Borders Council agenda as a separate item for noting. Subject to the provisions of the 1973 Act, these would either be considered in public or private, depending on the content of the report. Members might wish to ask for further explanation but there would be no opportunity to change the actual decision(s). Changes were proposed to the Council's Standing Orders and Scheme of Administration to formalise this.

## **DECISION**

### **AGREED that:**

- (a) once concluded, all Emergency Powers decisions would be referred to the next available meeting of Scottish Borders Council for noting;**
- (b) a further sentence would be added at the end of Standing Order No. 49(a)(i) – “Such Emergency Powers decisions shall be reported to the next available meeting of Scottish Borders Council for noting.”; and**
- (c) the following addition would be made to the “Other Functions” of Scottish Borders Council contained in Section III of the Scheme of Administration:**
  - “34. Note decisions taken under Emergency Powers in Standing Order No. 49(a)(i).”**

## **10. MOTION BY COUNCILLOR GREENWELL**

Councillor Greenwell, seconded by Councillor Tatler, moved approval of his Motion as detailed on the agenda in the following terms subject to the removal of the word “looming” after the word “Brexit”

“This council notes the Scottish Government’s recent announcement of “a package of financial flexibilities and extra funding for councils to address the financial pressures caused by the coronavirus (COVID-19) pandemic over the next two years”.

Whilst we welcome the recognition of the financial crises local government is in, we remain concerned that this ‘financial package’ does not solve the problem.

Only £139m of this package was ‘new’ money (£49m of which had already been announced). The remainder of the package is only be available if local authorities make full use of the complicated set of ‘fiscal flexibilities’ set out.

But these fiscal flexibilities are no substitute for a fair funding settlement. This council still faces a perfect financial storm of extra demand for services at a time of substantial loss of income which means impossible choices about the funding of services going forward.

This council notes that £2bn of ‘efficiencies’ have already been taken out of local government over the last decade. We also know that the financial impact of COVID-19 will not be confined to the next few months and with Brexit looming the effects of both on the wider economy are going to make the crises in Local Government much worse.

This Council therefore pledges its support for UNISON’s campaign and calls on the Scottish Government to Plug the Gap in Local Government finance in the 2021/22 budget to:

- **Reward Local Government Workers** - Local Government workers have been the hidden heroes of this pandemic. Their invaluable contribution to the COVID-19 response should be recognised and rewarded.
- **Secure the long-term financial stability of Local Government** – Local Government needs long term stability to protect essential jobs and services for the future. The salami slicing of services needs to stop.
- **Shape Local Government Fit for the Post-Pandemic Future** – It is a matter of fact that a number of roles undertaken by local government workers have changed as a result of the pandemic. These need to be recognised and their job evaluation reviewed as a result.
- **Fully Consolidate the Living Wage** – Deliver on the existing commitment to fully consolidating the living wage for all local government workers across Scotland as committed to through our last pay deal.”

Councillor Greenwell spoke in support of his Motion. Councillor H. Anderson, seconded by Councillor Moffat moved as an amendment that at paragraph 5 be amended by deleting “calls on” and inserting “welcomes the steps taken by”; and at bullet point “Reward for Local Government Workers” the words “should be” be replaced with “has been”

The amended paragraph 5 would now read “This Council therefore pledges its support for UNISON’s campaign and calls on *welcomes the steps taken by* the Scottish Government to Plug the Gap in Local Government finance in the 2021/22 budget to:  
\* Reward Local Government Workers – Local Government workers have been the hidden heroes of this pandemic. Their invaluable contribution to the COVID-19 response should be *has been* recognised and rewarded.”

Councillor Greenwell agreed to accept this amendment.

#### **DECISION**

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

#### 11. **OPEN QUESTIONS**

The questions submitted by Councillors Robson and H. Scott were answered.

#### **DECISION**

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

#### 12. **PRIVATE BUSINESS**

##### **DECISION**

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

#### **SUMMARY OF PRIVATE BUSINESS**

#### 13. **COMMITTEE MINUTES**

The private sections of the Committee Minutes as detailed in paragraph 4 of this Minute were approved.

#### 14. **BORDERLANDS**

Councillor approved a report by the Executive Director Corporate Improvement & Economy to enter the Borderlands Inclusive Growth Deal Agreement.

#### **MEMBER**

Councillor H. Scott left during consideration of the item above.

***The meeting concluded at 12.55 pm***

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**SCOTTISH BORDERS COUNCIL  
25 FEBRUARY 2021  
APPENDIX I**

**Questions from Councillor Robson**

**1. To Executive Member for Adult Wellbeing**

Can the Executive Member advise whether the Council intends to respond to publication of the Independent Review of Adult Social Care (the Feeley Review) and whether it is involved in consultations about the implications of the Review's findings?

**Reply from Councillor Weatherston**

The Feeley review published on the 3<sup>rd</sup> February, is an independent review commissioned directly from Scottish Government. The report is now being considered by the Scottish Ministers, and whilst we understand the Cabinet Secretary for Health and Social Care is supportive of the review, we have yet to hear whether the Government will accept all 53 recommendations.

COSLA has responded formally to the Government, and at this time there has not been any requests for Local Authorities, NHS Boards or local Integration Joint Boards to formally reply.

The Council does not at this stage therefore intend to respond directly to the publication of the Feeley Review but will engage fully with COSLA in responding to Scottish Government's proposals once these are published for consultation.

**2. To Executive Member for Enhancing The Built Environment And Natural Heritage**

Can the Executive Member advise whether the Council was consulted by the Scottish Government about the establishment of the pilot Regional Land Use Partnership for the South of Scotland?

**Reply by Councillor Mountford**

The short answer is 'yes'.

The more detailed answer is that the Council submitted an expression of interest last month for the south of Scotland to become a Regional Land Use Partnership (RLUP) pilot. This reflects an approach to developing the Scottish Borders and the South of Scotland's strengths in relation to environment and economy as an area of competitive advantage for our region. Natural capital is one of our greatest assets and is central to our future net zero and wellbeing economy, developing thriving rural economies based around woodland creation, peatland restoration and biodiversity as well as sustainable tourism, food and drink and energy. The Regional Economic Strategy, the Indicative Spatial Strategy, Borderlands and specifically the Natural Capital Proposition within Borderlands are all relevant to these efforts. We are determined to promote a Green Recovery, and positive socio-economic and environmental outcomes for the region through our engagement with stakeholders.

The Regional Land Use Partnership will: build on existing partnerships, and best practice; and develop a strategic vision for land use at a landscape scale in the public interest aligned to national policy. Engagement will be at the heart of our approach: ensuring that we, in the South of Scotland, develop an approach to land use which is designed and optimised for the South of Scotland.

As Executive Member for Enhancing the Built Environment and Natural Heritage, together with the Leader and the Executive Members for Finance and Sustainable Development, I was sighted on the announcement.

Unfortunately, Scottish Government's timeframe for expressions of interest, the timing of the announcement to coincide with the Convention of the South of Scotland on 8 February, and the need to schedule discussion with Scottish Government have constrained the opportunities around a wider briefing. Further discussion between Council officers and the Scottish Government about

the parameters of the pilot are due to take place shortly, and it is intended that these will be followed by a briefing to Members.

#### Supplementary

Councillor Robson asked that the briefing would cover how land use partnership would relate to the previous report on place making. Councillor Mountford advised that he was sure this would be possible.

#### **Questions from Councillor H. Scott**

##### To Executive Member for Infrastructure, Travel & Transport

1. In August 2018 I asked if the kerb at the foot of Ladhope Bank, Galashiels, could be dropped to allow the safe passage of constituents using wheel chairs, buggies, and other mobility aids. This work has not been carried out despite repeated requests from me asking for a date of completion. This work is essential for the safety of those with mobility needs who wish cross the main A7 road to access the bus stop and shop in High Buckholmside. When will the work be done?

##### Reply from Councillor Edgar

I have looked into this matter and note that this is an approved small scheme, works are being programmed currently. Unfortunately this has been impacted by the sustained winter response and weather conditions. Now that conditions are improving, the programme of works will be confirmed and officers will confirm exact dates with Cllr Scott in due course.

#### Supplementary

Councillor Scott expressed his disappointment with the response and asked that the importance of the work be impressed on officers and that a date be provided for this work for the most vulnerable members of the community. Councillor Edgar confirmed he would provide a date and investigate further why this work had not been carried out.

2. In January 2021 Scottish Borders Housing Association reported that trees on the banking between the Gala Park housing complex and the High Street Car Park, Galashiels, had fallen against the complex. The banking is also littered with rubbish and other detritus. Combined with the run of the Mill Lade at the foot of the banking there is the possibility of encouraging rat infestation. A question to the Estates Department of SBC revealed that the ground is apparently owned by Trillium (Prime) Property, based in London.

Whilst not being responsible for the maintenance of the ground, SBC has a responsibility for the health, welfare, and safety of its constituents.

What steps will SBC take to contact Trillium (Prime) Property to remind them of what their responsibilities are with regard to the health, welfare, and safety, of the residents and others who surround their property?

##### Reply from Councillor Edgar

I can confirm that the trees and banking behind Gala Park housing complex are not in the ownership of Scottish Borders Council. Our records indicate the land may not be in a single ownership and we are putting together an ownership plan in accordance with the information available to us. This is likely to take some time to conclude.

Under the Prevention of Damage by Pests Act 1949 it is the duty of the owner/occupier of the land to keep it free from rat and mice infestation. Environmental Health may serve notice on the owner/occupier requiring steps be taken within a specified time period for the destruction of rats/mice on the land or for otherwise keeping the land free from rats and mice if the owner fails to do this himself.

There are powers within the Planning Act to deal with land and property which is causing the amenity of area to be adversely affected by its condition. However, the bar to allow this power to be utilised is set very high and the condition of the land has to be very poor before Officers become involved as it is likely any Notice we serve could be the subject of an Appeal.

There are no records of complaints from the public regarding the condition of this particular area of land, in order to come to a view on the matter Officers would need to undertake an investigation to determine whether it is appropriate to become involved, however, we would not want to create any false expectations that something can be done when it may transpire we have no locus to become involved.

3. I and other elected members are receiving an increasing number of complaints about dog fouling on footways and public parks. I have raised the issue with Police Scotland in an effort to raise awareness, but the police service cannot be everywhere. It is an issue which needs to be addressed by the police service, the general public, and Scottish Borders Council working together.

Dog Fouling (Scotland) Act 2003, Section 4, states, "Every local authority shall authorise in writing at least one person and such other number of persons as they consider necessary or expedient to issue fixed penalty notices in their area in accordance with this Act."

Will Scottish Borders Council now consider authorising staff, in addition to the Police Community Action Team who already have the power, in terms of Section 4 of the Act, and provide them with the necessary training, resource, and appropriate support to enable them to carry out the function of enforcement with regard to the offence listed in Section 1 of that Act?

#### Reply from Councillor Edgar

Historically the Council had an Environmental Warden Service within Neighbourhoods that served dog fouling FPNs. The decision was made many years ago to disband this service. A pilot program was then trialled as a new approach to dog fouling enforcement whereby third party 3GS were used to patrol the Borders and serve FPNs for littering and dog fouling when witnessed. The idea being that monies made from the service of FPNs would at the very least offset the cost of using a private company. Very few fouling FPNs were served in the trial period and it resulted a huge expense for the Council and the project was not rolled out.

The Dog Control Officer was authorised under section 4 of the Dog Fouling (Scotland) Act 2003 solely to meet the Council's legal requirement to have an authorised Officer and it was agreed enforcement and service of FPNs is the sole responsibility of the CAT team and Police Scotland as a whole.

Budget was provided for the creation of the Dog Education Officer post within Protective Service to promote responsible dog ownership through education in order to change and/or modify dog owners' behaviour in an efficient, effective and targeted way and to co-ordinate all strands of dog related work undertaken across several Council departments e.g. dog control, dog barking, stray dogs and dog fouling.

When dog fouling is reported to the Council, the Dog Education Officer assesses the complaint to establish if the fouling was witnessed, if the accused can be identified and if the complainant is willing to be a witness, information is issued to Police Scotland for their consideration on further action. There is a seven day window for the enquiry to be undertaken. Without this information there is little prospect of a FPN being issued.

It is of note that **all** Police Officers will take action if a dog fouling offence is observed. Before a FPN is issued the dog owner or person in charge has an opportunity to clean up the mess, everyone does.

Our Parks & Environment Team have also erected signs and spray footpath stencils.

There are no plans to authorise further council staff under the Act as there are no resource available.

Our Partnership Analyst has considered the information for SBC, a summary is outlined below.

- Between 1/4/20 & 31/12/20 there have been 176 reports to SBC relating to dog fouling in the Scottish Borders.
- 22% of the total related to cleaning an area.
- 78% of the total related to specific complaints.
- Of those deemed suitable to pass to the Police, 1 FPN was issued and 1 corrective advice due to the age of the person in charge of the dog.

Officers are looking at the public reporting process with a view to improving the identification of those deemed cases suitable for enquiry by the Police.

#### Supplementary

Councillor Scott referred to a report to the Executive Committee in March 2004 which identified the posts and stated that an annual report on fines issued and paid would be provided. He asked that this report be provided and Councillor Edgar confirmed he would raise this with officers.