

Public Document Pack



AUDIT AND SCRUTINY COMMITTEE THURSDAY, 9 JUNE 2022

A MEETING of the AUDIT AND SCRUTINY COMMITTEE will be held VIA MICROSOFT TEAMS on THURSDAY, 9 JUNE 2022 at 10.00 am

All attendees, including members of the public, should note that the public business in this meeting will be livestreamed and video recorded and that recording will be available thereafter for public view for 180 days.

J. J. WILKINSON,
Clerk to the Council,

2 June 2022

| BUSINESS | | |
|-----------------|--|---------|
| 1. | Apologies for Absence. | |
| 2. | Declarations of Interest | |
| 3. | Jedburgh Traffic Petitions | 60 mins |
| | (a) Petition Procedure (Pages 3 - 6) (Copy attached.) | |
| | (b) Petitions (Pages 7 - 20) (i) Petition – “Temporary Traffic Flow - Jedburgh”. (Copy attached.) (ii) Petition – “Restore Access to Exchange Street from Market Place, Jedburgh”. (Copy attached.) | |
| | (c) Briefing Note by Director Infrastructure & Environment (Pages 21 - 40) (Copy attached.) | |
| 4. | Minute. (Pages 41 - 50) (a) Consider Minute of the Meeting held on 14 March 2022 for approval and signature by the Chairman. (Copy attached.) (b) Consider Scrutiny Business Action Tracker. (Copy attached.) | 5 mins |
| 5. | Any Other Items Previously Circulated | |

| | | |
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| 6. | Any Other Items which the Chairman Decides are Urgent | |
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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.**

Membership of Committee:- Councillors E. Thornton-Nicol (Chairman), N. Richards (Vice-Chairman), J. Anderson, P. Brown, J. Cox, M. Douglas, J. PatonDay, E. Robson, S. Scott, F. Sinclair, Mr M Middlemiss and Ms H Barnett

Please direct any enquiries to William Mohieddeen
Tel: 01835 826504; Email: william.mohieddeen@scotborders.gov.uk



Scottish Borders Council Audit & Scrutiny Committee Petitions Procedure

Part of the remit of the Audit & Scrutiny Committee is to consider petitions submitted to the Council in accordance with the Council's approved petitions procedure, outlined below, and to determine the appropriate action to be taken within the terms of the procedure.

Petitions

1. Petitions should raise issues which relate to matters within the responsibility of Scottish Borders Council or the general well-being of the residents of the Scottish Borders. Petitioners should be able to demonstrate that there is a public interest in the issue that they are raising.
2. A petition should be on a standard form, titled and should include a clear statement (no more than 250 words) which covers the main subject. Any further information, for example, about measures already taken or approaches made to other bodies, should be included but limited to no more than 4 sides of A4 paper.
3. Petitions should be accompanied by at least 10 signatures in total, from persons aged 16 and over, resident in the Scottish Borders. The signatures must be from a minimum of 3 separate addresses. The principal petitioner should be on the Register of Electors for the Scottish Borders Council area.
4. Petitions from local businesses shall be accepted where there is support from at least 5 businesses on the Valuation Roll for Scottish Borders Council.
5. Elected Members may not be a signatory on a petition and no petition will be accepted from a political party.
6. Where there are already regulatory procedures in place or the matter relates to individuals, then it would not be appropriate to accept such petitions, therefore petitions shall not be accepted:
 - (i) about planning, licensing, or other matters where there are already regulatory procedures in place;
 - (ii) about personal or business issues;
 - (iii) about commercially sensitive or confidential material;

- (iv) about individual Councillors, members of Council staff, or other individuals who may easily be identified;
 - (v) about employees' terms and conditions of employment;
 - (vi) about information which is protected by an interdict or court order;
 - (vii) about an allegation that someone has broken the law;
 - (viii) which contain language which is defamatory, offensive, provocative or otherwise inappropriate;
 - (ix) which relate to a complaint or grievance (which should be handled through the Council's complaints procedure);
 - (x) which relate to a decision made by the Council or a committee during the preceding six months; and
 - (xi) which are identical or similar to other petitions made within the preceding twelve months.
7. The Clerk to the Council, or her representative, shall ensure petitions keep to procedures and are admissible. All valid petitions, with accompanying information if any, shall be passed to the next scheduled meeting of the Audit & Scrutiny Committee. Petitions which are the same, or substantially similar, shall be considered together.
 8. A summary report shall be prepared for the Committee by the Clerk to the Council about any petitions received during the period that are considered inadmissible for any of the reasons listed in paragraph 6 above. The Committee will make the final decision as to whether these are valid.

Meetings of the Audit & Scrutiny Committee

9. When hearing a petition the relevant Director(s), Executive Member(s) and Community Planning Partner representative(s) shall be invited to attend the meeting to provide further information, as appropriate.
10. The principal petitioner should indicate on the form whether or not he/she, or a named deputy, wish to have the opportunity to make a statement at the meeting of the Audit & Scrutiny Committee where their petition is being considered. It would be normal practice to allow the principal petitioner or a deputy to speak, but this is at the discretion of the Chairman of the Committee.
11. No deputation to the Meeting of the Audit & Scrutiny Committee shall exceed 10 in number and, at the discretion of the Chairman, only one speaker shall be heard by the Committee. The time allowed to present the petition shall not exceed 10 minutes, except at the discretion of the Chairman. The speaker should also be prepared to answer questions.

12. Notice of petitions scheduled to be considered by the Audit & Scrutiny Committee will be through the usual on-line public access facility to committee papers, with a link from the petitions "page" on the Council website. Those signing petitions should be made aware that the detail of the petition, with their name and address (but not signature), will be published on the Council website as part of the agenda pack for the meeting of the Audit & Scrutiny Committee.
13. For the moment, no "e-petitions" will be facilitated, or comments from the public accepted on petitions scheduled for consideration by the Audit & Scrutiny Committee.
14. The procedure at the meeting, for each petition considered, shall be as follows:
 - (i) the meeting shall be in public unless the subject matter of the petition would be deemed to be confidential under the terms of Section 7A of the Local Government (Scotland) Act 1973;
 - (ii) the principal petitioner, or named deputy, shall give a statement in explanation of the petition;
 - (iii) there will be an opportunity for Members of the Committee to ask questions of the petitioner or their named deputy;
 - (iv) there will be an opportunity for any Director(s), Executive Member(s) and Community Planning Partner representative(s) present to ask questions of the petitioner or their named deputy;
 - (v) a response to the petition may be heard from a Director, Executive Member and/or Community Planning Partner representative present at the meeting;
 - (vi) there will be an opportunity for Members of the Committee to ask questions of any Director, Executive Member(s) and Community Planning Partner representative(s) present at the meeting;
 - (vii) there will be an opportunity for the petitioner or their named deputy to ask questions of any Elected Member, Director or Community Planning Partner representative present at the meeting;
 - (viii) Members of the Committee shall then discuss the information available and consider their findings. The Committee may defer a decision should further information be required.

Note: any contribution on behalf of the petition from a second or other speaker(s) shall be at the discretion of the Chairman. The public will not be allowed to speak at the meeting unless invited to do so by the Chairman.
15. The Audit & Scrutiny Committee shall agree to one of the following:-

- (i) refer the petition to another Committee or Director, with or without a recommendation or comment. That Committee or Director shall then make the final decision which could include taking no further action;
 - (ii) refer the petition to the relevant Community Planning Partner, with or without a recommendation or comment, if appropriate;
 - (iii) that the issue(s) raised do not merit or do not require further action.
16. The decision of the Audit & Scrutiny Committee, and any reason for that decision, shall be recorded in the Minute of the Meeting and a copy of the Minute shall be sent to the principal petitioner by Democratic Services staff. Where the petition is referred to a Director or another body, the responsibility for communicating the final outcome of the petition is also referred. Updates on these outcomes will be provided to the Audit & Scrutiny Committee.
17. There will be no right of appeal in response to a final decision made in response to a petition.
18. The usage and effectiveness of the petitions procedure shall be reviewed on an annual basis.

Reference (official use)



Petitions – submission form - businesses

If you wish to submit a petition for consideration by the Audit & Scrutiny Committee, please complete the form below. You are advised to refer to the Guidance Questions and Answer sheet provided.

| | |
|--|------------------------------|
| Details of Principal Petitioner | |
| Please enter the name and contact details of the person raising the petition on behalf of the local business. <i>The business must be on the Valuation Roll for Scottish Borders Council.</i> | |
| Name of business: | Jedburgh Community Council |
| Name: | John Taylor |
| Position held in business: | Chairman |
| Address: | , Honeyfield Drive, Jedburgh |
| | |
| | |
| Postcode: | TD8 6LQ |
| Telephone no: | |
| Email: | |

Title of Petition and Petition Statement

Please enter the title of the Petition and a statement to cover the main subject of the Petition or the action you would like the Council to take.

Title: Temporary Traffic Flow - Jedburgh

Statement (no more than 250 words):

Due to the dismantle and re-build of the "Corner Building" on Market Place a footpath has been closed causing risk to pedestrians on Market Place, Canongate, Abbey Place, lower Castlegate and top end of the High Street.

The Community Council have recommended changes to the entire flow of traffic in the centre of Jedburgh to alleviate some of the risk at Market Place. This to include the re opening of two way traffic in Exchange Street and the lower part of the High Street but suggestions have been turned down by SBC Roads Department. It is the view of the Community Council that there is less overall risk to the community by the suggestions put forward than the arrangements that have been put in place by SBC

Further information.

Please enter below any measures already taken, or persons/organisations approached to attempt to resolve the issues. Attach additional sheets to this form if required but please note that this information must be limited to no more than 4 sides of A4 paper.

The Community Council asked Mr Brian Young that we be advised of the traffic plan for the dismantle and re build of the "Corner Building" prior to work commencing, but we were not consulted.
Once the pedestrian risk issues developed the Community Council were in touch with Ms Phillipa Gilhooly who dispatched Mr John Henderson for an onsite meeting. The Community Council arranged with Mr Henderson for some take care signage to be placed on the entrances to Market Place. Near misses continued so the Community Council contacted Ms Phillipa Gilhooly, who arranged for another onsite meeting with Mr John Hendderson and Mr Ralph Nicholson from the Planning Department who seemed to recognise the pedestrian risk but was operating under his own Health & Safety guidance. It was however agreed that there would be a cross SBC discussion to review the overall risk but there has not yet been any feedback to the Community Council from the Roads Department.
There has been feedback to the Jedburgh Legacy Group from Ms Clare Malster where it would appear the suggestions of the Jedburgh Community Council on this matter are not to be taken up.

Presentation of petition to the Committee.

Please indicate below if you would like the opportunity to make a statement at the meeting of the Audit & Scrutiny Committee when your petition is considered. Whether or not you will be invited to do so will be at the discretion of the Chairman.

*I do/do not wish the opportunity to make a brief statement about the petition.

*I would like my deputy named below to make a statement on my behalf.

Name of deputy

Position held in business

Signature of deputy.....

* please delete as appropriate

Signature of Principal Petitioner.

If you are satisfied your petition meets all the requirements as stated in the Guidance Questions and Answers please add your signature and date below.

Signature of Principal Petitioner.. ..

Date..... 8/4/22

Accompanying signatures.

Your petition must be supported by at least 5 other local businesses on the Valuation Roll for Scottish Borders Council.

Please be aware that if the petition is on the agenda for a meeting of the Audit & Scrutiny Committee the names and addresses, but not signatures, of all signatories will be published on the Council website.

| | Your Name and position held in business and Name of Business | Address of business | Signature |
|---|---|--|------------------|
| 1 | Zoë TURNBULL Zoë Turnbull Funeral Director | 6 Market Place Jedburgh | |
| 2 | Michelle Scott Michelle's little cake shop cafe manager | 1 High Street Jedburgh | |
| 3 | STEPHEN HEATHER SIMPLY SCOTTISH | 6-8 HANNAH STREET JEDBURGH TD8 6AG | |
| 4 | AMANDA HENDERSON Coffee Corner Director | 9 MARKET PLACE JEDBURGH | |
| 5 | SHARLENE LUNN SHARLENE LUNN HAIR DESIGN | 7 EXCHANGE JEDBURGH TD8 6RN | |
| | | | |

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|--|--|--|--|

Attach additional sheets of signatures if you wish.

Please submit this form and any additional sheets to:-
Clerk to the Council,
Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose,
TD6 0SA
or to committeepapers@scotborders.gov.uk

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Reference (official use)



Petitions - submission form

If you wish to submit a petition for consideration by the Audit & Scrutiny Committee, please complete the form below. You are advised to refer to the Guidance Questions and Answer sheet provided.

Details of Principal Petitioner.
Please enter the name and contact details of the person raising the petition. The Principal Petitioner must be on the Register of Electors for the Scottish Borders Council area.

| | |
|---------------|-------------|
| Name: | DAVID GREER |
| Address: | KISHORN |
| | THE FRIARS |
| | JEDBURGH |
| Postcode: | TD 8 6BN |
| Telephone no: | |
| Email: | |

Title of Petition and Petition Statement
Please enter the title of the Petition and a statement to cover the main subject of the Petition or the action you would like the Council to take.

Title: Restore Access To Exchange St From
Statement (no more than 250 words): market place, Jedburgh

See page 3

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Further information.

Please enter below any measures already taken, or persons/organisations approached to attempt to resolve the issues. Attach additional sheets to this form if required but please note that this information must be limited to no more than 4 sides of A4 paper.

LOCAL RESIDENT HAS HAD CORRESPONDANCE WITH PHILIPA GILHOOLEY. A MEETING WITH HER "ON THE GROUND" WAS REQUESTED TO DISCUSS OPTIONS FOR THE "NO ENTRY" SITUATION, BUT THIS MEETING WAS DECLINED.

Presentation of petition to the Committee.

Please indicate below if you would like the opportunity to make a statement at the meeting of the Audit & Scrutiny Committee when your petition is considered. Whether or not you will be invited to do so will be at the discretion of the Chairman.

*I do/wish the opportunity to make a brief statement about the petition.

*I would like my deputy named below to make a statement on my behalf.

Name of deputy

Contact details

Signature of deputy.....

* please delete as appropriate

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Petition Title: Restore access to Exchange Street from Market Place, Jedburgh.

Petition Statement:

For the last number of years, Exchange Street, Jedburgh has had a 'No Entry' sign, stopping traffic entering from Market Place.

This has brought additional traffic onto The Friars, from vehicles needing to access properties on and adjacent to Lanton Road, such as Cairnmount, Exchange Street properties, 5 businesses, the redevelopment of the Port House, and residents of Burn Wynd.

It has also meant that residents of The Friars, must drive the length of the road to turn at the car park adjacent to Willow Court, and double back on themselves to access their driveways.

We have witnessed drivers ignoring the no entry sign and causing an accident risk by driving up Exchange Street from Market Place.

We need this situation to be resolved immediately, so that traffic can enter Exchange Street from Market Place safely.

This can be achieved by use of traffic lights, a priority 'Give.Way' system, or another solution to manage the traffic appropriately.

This will benefit drivers who need to use Exchange Street and Lanton Road, reduce traffic on The Friars, and allow residents to access their properties with greater ease than during past years.

NF

| Number | Name | Address | Signature |
|--------|------------------|-----------------------|-----------|
| 1 | M. MCGOVERN | KISHORN, FRIARS JED | |
| 2 | K. COOPER | FAYTHART FRIARS JED | |
| 3 | G. CRABTREE | NORMANIE FRIARS, JED | |
| 4 | M. COOPER | BURNIAN BARS JED | |
| 5 | P. WHITECROSS | GEMINI EXCHANGE ST | |
| 6 | M. CORRIE | FRIARS HALL, JED | |
| 7 | J. HIGGS | " | |
| 8 | James Spence | 4 Hillside Drive | |
| 9 | Julie Somerville | Exchange St, Jedburgh | |
| 10 | Mr. M. Gairn | Friars Garage | |
| 11 | N. SPENCE | JED | |
| 12 | H. SCOTT | BURNIAN BARS JED | |
| 13 | C. KING | 6 BURN WYND | |
| 14 | H. SMITH | 66 Burn Wynd, Jed. | |

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| | | |
|----|-------------------|------------------------|
| 15 | HAZEL YOUNG | 16 WILLIAMS COURT |
| 16 | CHRIS BLACK | WILLOW COURT |
| 17 | GARDEN STUAR | Monkton |
| 18 | ROGER BATHIN | WATERSIDE COTTAGE |
| 19 | Sue Hart | 13 Williams Court |
| 20 | Amy Mc | 62, Castle Gate |
| 21 | AMANDA HENDERSON | 9 MARKS PLACE |
| 22 | IRENE MILLER | JED |
| 23 | BOB DAVISON | KIRKLAND HOUSE JED |
| 24 | EVAN MUNRO | 34 Bougale |
| 25 | Isabel Richardson | Upper Saniegan |
| 26 | MARION FAYE | 106 CANONGATE |
| 27 | McG Ballou | 63A CASTLE GATE |
| 28 | MARCOEN MITCHELL | CLAM HOUSE FRIMES |
| 29 | ALAN STUBENKAUH | " " |
| 30 | LOREN WOOD | BYDAND JED |
| 31 | TREVER GAVON | 14, THE GURSE, ANCRUM |
| 32 | Christa Loyau | Hartney's Crescent |
| 33 | DONALD MACKAY | OLD BONGATE |
| 34 | DAVID GARRON | PRINCE CHARLES |
| 35 | Phyllis BRON | 14 HOLT M940 Rd |
| 36 | Bill BRON | 14 HOLT M940 Rd |
| 37 | BILL MCBURNIE | 38 DOUNEHILL |
| 38 | DORA CAMPBELL | REMYN STREET BRADY RD |
| 39 | JACQIE GILMAN | " " " |
| 40 | Mandy Gibson | Caradice Brae Jedburgh |

- 41 Celia Renton 3 Parsonage Rd Galashiels
- 42 Doris Kelleth 8 Kingsknowe Place Galashiels
- 43 Marion Curran 27 Abbotsford Road Galashiels
- 44 Aimee Cromie ~~27~~ Caradice Brae Jedburgh TD86PJ
- 45 EDmund CRISTER: Nunnamo, Frim. Jed TD86BN
- 46 Kery Stewart TD86LQ
- 47 ALly Stewart TD86LQ
- 48 EMMA JOWETT TD7FJZ
- 48 JANE STUART TD86BB
- 49 Margaret Steele TD86BB
- 50 Rhona Gans TD86EJ
- 50 Ann Sully TD86JS
- 51 GEORGINA RICHARDSON TD86RR
- 52 CEILIG SMAIL TD86SJ
- 53 KUM SMAIL
- 54 PC Gary Christobal
- 55 NEIL HICKMAN TD86GJ
- 55 Carole COUPER TD86BN
- 56 ZOE TURNBULL TD86LJ
- 57 K BALLANTYNE TD86RL
- 58 G Baekert

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|----|-----------------|------------------------|
| 15 | Bill Miller | 3 GRAHAMSLAW Cr. |
| 16 | Jane Brown | 2 Burn Wynd |
| 17 | Jane Murray | 13 QUEEN ST |
| 18 | isa J. Hansen | QUEEN ST |
| 19 | Stewart Wardrop | 7 BOON TREES Sedburgh |
| 20 | SANDRA STEPHEN | 3 CASTLEGATE |
| 21 | 4 dan Bamra | 14 PRIORS COURT |
| 22 | P. King | 102 BOWGATE |
| 23 | S. Scott | 29 HARTINGE Crescent |
| 24 | T. Liddell | 53 GRIFFIN AVENUE |
| 25 | A. Small | 8 OLD BRIDGE END |
| 26 | EMAN KINGHORN | DOUGLASDALE, BLAIR AVE |
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Petition Title: Restore access to Exchange Street from Market Place, Jedburgh.

Petition Statement:

For the last number of years, Exchange Street, Jedburgh has had a 'No Entry' sign, stopping traffic entering from Market Place.

This has brought additional traffic onto The Friars, from vehicles needing to access properties on and adjacent to Lanton Road, such as Cairnmount, Exchange Street properties, 5 businesses, the redevelopment of the Port House, and residents of Burn Wynd.

It has also meant that residents of The Friars, must drive the length of the road to turn at the car park adjacent to Willow Court, and double back on themselves to access their driveways.

We have witnessed drivers ignoring the no entry sign and causing an accident risk by driving up Exchange Street from Market Place.

We need this situation to be resolved immediately, so that traffic can enter Exchange Street from Market Place safely.

This can be achieved by use of traffic lights, a priority 'Give Way' system, or another solution to manage the traffic appropriately.

This will benefit drivers who need to use Exchange Street and Lanton Road, reduce traffic on The Friars, and allow residents to access their properties with greater ease than during past years.

| Number | Name | Address | Signature |
|--------|----------------|--------------------------|-----------|
| 1 | Mick Dyet | 5b Queen Mary building | |
| 2 | CATE HOGG | 85A BONGATE | |
| 3 | Thomas | 107 Howden Rd | |
| 4 | Richard Thomas | 107 Howden Rd | |
| 5 | Aaron Bambi | 14 Priors Court | |
| 6 | SALLY DUTTON | 7 QUEEN MARYS BUILDINGS | |
| 7 | Sean McLean | 48 Langley Ave | |
| 8 | A Morgan | 48 Langley Avenue | |
| 9 | Amy Adams | 28 Cairnmount 11 | |
| 10 | A Adamson | 58 Alleday Cross | |
| 11 | K Lyall | 72 Priors Meadow | |
| 12 | GEORGE BURT | OLVET TDS OSD | |
| 13 | LARVEY OLIVER | 75 CASTLECREATE TDS OSD | |
| 14 | H WRIGHT | HONEYFIELD DRIVE TDS OSD | |

(B) (7)

Signature of Principal Petitioner.
 If you are satisfied your petition meets all the requirements as stated in the Guidance Questions and Answers please add your signature and date below.

Signature of Principal Petitioner.....

Date 20/4/22.....

Accompanying signatures:
 Your petition must be accompanied by at least 10 signatures in total, from persons aged 16 and over, resident in the Scottish Borders. The signatures must be from a minimum of 3 separate addresses.
 Please be aware that if the petition is on the agenda for a meeting of the Audit & Scrutiny Committee the names and addresses, but not signatures, of all signatories will be published on the Council website.

| | Name | Address | Signature |
|---|------|---------|-----------|
| 1 | | | |
| 2 | | | |
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Jedburgh Traffic Management

Scrutiny 8 June 2022

Brief History of Jedburgh Scaffold:

In 2015 emergency works to make a dangerous building safe resulted in a scaffold being erected around the corner of Exchange Street and High Street in Jedburgh. Initially the scaffold did not extend onto the road, however over time (as it became apparent how structurally unsafe this building was) the scaffold structure was reconfigured and extended onto the road. This resulted in the need to switch from the two way flow of vehicles to one way flow on both the High Street and Exchange Street.

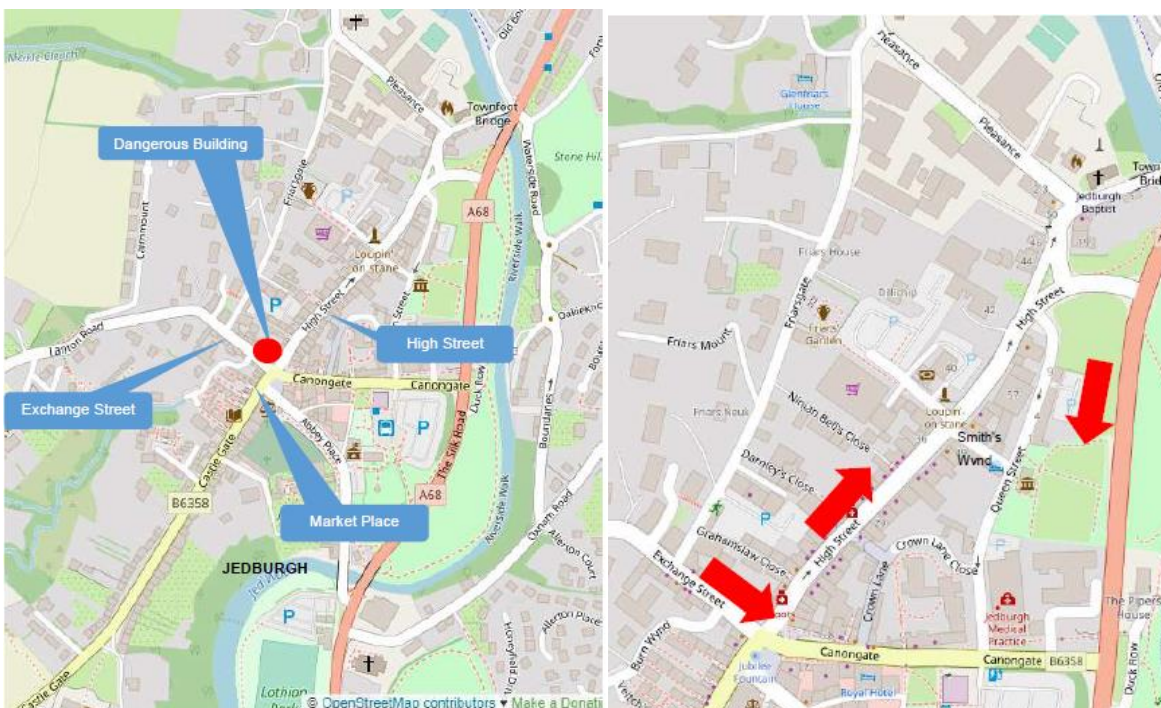
As a result of the more extensive safety scaffold a traffic management scheme was implemented to allow as safe a flow of pedestrians and vehicles as possible with the limited road space available.

Up until fairly recently the scaffold was set up as a support type with a pedestrian walkway incorporated underneath. Unfortunately this arrangement was no longer possible for the demolition stage of the project and the scaffold set up had to be reconfigured. **The scaffold company's chartered structural engineers and the scaffold company's insurance company are both in agreement that it is not safe to retain a pedestrian walkway as part of this scaffold at this time.** The scaffold company has however committed to reviewing this position on a regular basis as the demolition progresses and have assured the Council that once it is safe to re-open the walkway then this will happen.

At this time it is anticipated that a scaffold and associated traffic management will need to stay in place until the building is demolished and to accommodate construction of a new build replacement

Traffic Management Plan

Due to the road width being restricted to one lane on the High Street and Exchange Street a one way system is in operation, as illustrated below, with traffic being diverted to accommodate the scaffold. This diversion route means that residents/drivers from the Burn Wynd, north end of The Friarsgate and those at The Pleasance side of the town need to drive an additional 600m or at most 1km to access some properties, the Co-op or A68. Whilst the walkway is closed pedestrians are required to cross Castlegate, Canongate and High Street.





The nature of a one way/no entry restriction means that, at a safe decision making point, a sufficient turning head/escape route must be available as an alternative to a driver who does not want to make use of the one way. Without this option vehicles would have no alternative route to avoid the restriction and may end up reversing from the no entry point. On the north-east approach the junction of High Street/Queen Street is the decision making point and a vehicle can make its 'escape' along Queen Street.

It has been suggested locally that the Co-op car park would be a suitable turning head, however the Council, for safety reasons, does not agree with using a private car park as a turning head. The Council has contacted the Estates section of the Co-op for their view on allowing their car park to be used as a turning head, and are awaiting a response.

Petitioner Concerns:

- *Consider traffic lights, give way priority system or another system to allow vehicles to access The Friars via Market Place*
- *Re-opening of Exchange Street and lower High Street to two way.*

Response from Scottish Borders Council Traffic Management and Road Safety Department:

Scottish Borders Council recognises the inconvenience that has resulted from the neglect of this privately owned building and the delays resulting from an opposed Compulsory Purchase Order process to legally procure the building to allow remedial works. It is also acutely aware of how patient residents, businesses and visitors have been with the associated disruption and Council officers have responded to previous requests to review the traffic management set up associated with the scaffolds and where appropriate rationalised signing and removed a temporary light controlled crossing point on the High Street.

Due to genuine safety concerns and the associated need to adhere to specific road safety regulations the Council does not support the suggestion to allow Exchange Street to revert to two way nor can the Council support two way vehicular access to/from the Co-op from the lower High Street.

Setting up temporary traffic signals was considered at the outset, and subsequently, but ultimately discounted for a number of reasons. In particular the overall disruption and delays associated with the 3 way temporary traffic lights that would be necessary.

The traffic and road safety team have, on a number of occasions been asked by the community to reconsider some of the temporary traffic management that is in place and where it has been possible to rationalise some of the signing this has been done. It would appear that the petitioners are not accepting of the professional advice that has been provided so far.

The traffic and road safety team are a group of professionally and academically qualified staff with considerable road safety and traffic management experience. Like other professions the team is required to adhere to legislation, guidance, codes of practice as well as design and safety manuals. Where possible the team take a pragmatic approach to devise safe solutions to problems that arise.

As a result of the expressed lack of confidence the Council commissioned an independent road safety audit. The independent safety auditors who also have considerable professional experience are in agreement with the professional opinions of Council officers. A copy of their report is appended as Annex A and summarised as Appendix B. The £874+VAT cost of this independent road safety audit was funded from the Council's limited revenue budget.

Independent Road Safety Audit Recommendations and Response to Road Safety Audit

Council officers have replied to historic concerns raised by the Jedburgh community and commissioned an independent road safety audit on the existing temporary traffic management and the suggestions of the local community. The independent road safety auditors are of the opinion that the existing set up is the most appropriate. The full set of recommendations from the report, plus the SBC response to them, are noted below:

6.1. Pedestrian drop kerbs are provided on both sides of Exchange Street at the termination of the east footway.

SBC response: these drops will be provided

6.2. Pedestrian drop kerbs are provided on both sides of Market Place near to its junction with Exchange Street.

SBC response: these drops will be provided

6.3. The remnants of the Zebra crossing on High Street are removed.

SBC response: this will be considered

6.4. A new controlled pedestrians crossing is provided on High Street near to No. 11.

SBC response: The Council does not agree with this recommendation based on experience of a previous temporary light controlled crossing on Jedburgh High Street.

6.5. The one-way operation on Exchange Street remains.

SBC response: agreed, due to safety concerns

6.6. The Co-Op car park is not used as a turning point for public road traffic therefore the No Entry signs on High Street at the junction with Jewellers Wynd should remain.

SBC response: agreed, due to safety concerns

6.7. Where practical, temporary signs in standalone sign frames and on temporary sign pole bases should be mounted on permanent poles or fixtures. The use of more permanent street furniture is expected to improve compliance to the restrictions

SBC response: this will be considered

Conclusions:

Based on the opinions of experienced and qualified professionals from within the Council and external road safety auditors and taking into account legislation, guidance and codes of practice the Council will retain the existing traffic management set up for safety reasons. The Council commits to continue to work with the scaffold company to re-open a pedestrian walkway within the scaffold as soon as it is safe and practical to do so. In time, as the scaffold is reconfigured, then the traffic management set up on Exchange Street will be reviewed and when safe to do so will revert to two way. The one way restriction on the High Street will also be reviewed again, when safe to do so.

Dropped kerbs will be installed to aid pedestrians as recommended.

Philippa Gilhooly, Team Leader Traffic and Road Safety 31 May 2022

Appendix A

Independent Road Safety Audit, Jedburgh High Street full report

Appendix B

Summary of independent road safety audit of Jedburgh High Street

5.3.1. Both temporary traffic lights and a priority give way system require a two lane wide carriageway on both approaches to accommodate queuing and flowing traffic to pass. Road space is also required to allow for weaving manoeuvres between the two lane and one-lane sections of carriageway. On Market Place and Exchange Street the need to maintain access to nearby junctions and the servicing requirements of the shops and residencies is very likely to result in the blockage of the two lane carriageway required for the effective operation of traffic lights or a priority give way system.

5.3.2. The carriageway space is also required to accommodate loading and unloading of vehicles connected with the demolition or construction of the Corner Building. This will extend the length of road covered by the traffic lights or priority give way to include the Burns Wynd junction.

5.3.3. The use of traffic lights to manage traffic flows along Exchange Street will require a 3-way set of signals to control traffic in both directions on Exchange Street as well as on Burns Wynd. The code of practice requires traffic signal lights to be located at a minimum of 10m in advance of the working zone (scaffolding) and the minimum sighting distances of 60m to the first sign to be kept clear. The time delay caused by a set of 3-way temporary traffic signals will generate vehicle congestion and driver frustration, and the lack of intervisibility between waiting traffic queues, particularly from Burns Wynd, is very likely to result in some drivers not complying with the red light signal which will increase the potential for a collision. Temporary traffic lights will generate queuing and congestion in Market Place and Canongate which in turn will block access to High Street.

5.3.4. A priority give way system would be less disruptive to traffic flows on Market Place if it gave priority to vehicle entering Exchange Street from Market Place and Canongate. However this system of traffic control requires drivers approaching from either direction to have 60m forward visibility before and after the works. On-street parking along the east side of Exchange Street would need to be prohibited and enforced in order to provide carriageway space for queuing traffic at the give way. Westbound drivers on Exchange Street would not have sufficiently safe forward sightline of left turning vehicles entering Exchange Street from Market Place. This will generate conflict and

congestion resulting in an increase in reversing manoeuvres. Reversing manoeuvres are particularly hazardous in areas where there is high pedestrian activity.

5.3.5. The existing one-way traffic flow is the simplest and safest method of traffic management in this situation. A priority give way system is likely to be less disruptive to traffic flows than temporary traffic lights, however both of these systems require extensive parking and loading restrictions, will generate considerable congestion, and are unlikely to be fully compliant to the code of practice

5.4. The request for the one-way on High Street to be shortened to allow two-way traffic between Queen Street and Jewellers Wynd has been considered. This request suggests using the Co-Op shop car park as a turning area. However this presents liability issues for both the Road Authority (Scottish Borders Council) and the car park owners and/or operators. Additionally the swept paths for large vehicles is unlikely to be achievable. There will be no effective enforcement of a one-way within the car park. Accelerated wear and damage to the surfacing could be caused by the tight turning forces of large vehicles using the car park. Shop customers walking to and from their cars in the centre of the car park would be exposed to a greater risk of being knocked down due to the increased volume of traffic. Where drivers on a public road are faced with a No Entry they must have a safe and suitable alternative route, whether that be a side road or a turning area, where they can turn their vehicle without reversing. There is insufficient room at the junction of High Street and Jewellers Wynd to provide a safe turning area.

ROAD SAFETY REVIEW OF TEMPORARY TRAFFIC MANAGEMENT, IN JEDBURGH TOWN CENTRE.



Report Ref 120422

Issue Date 11-May-22

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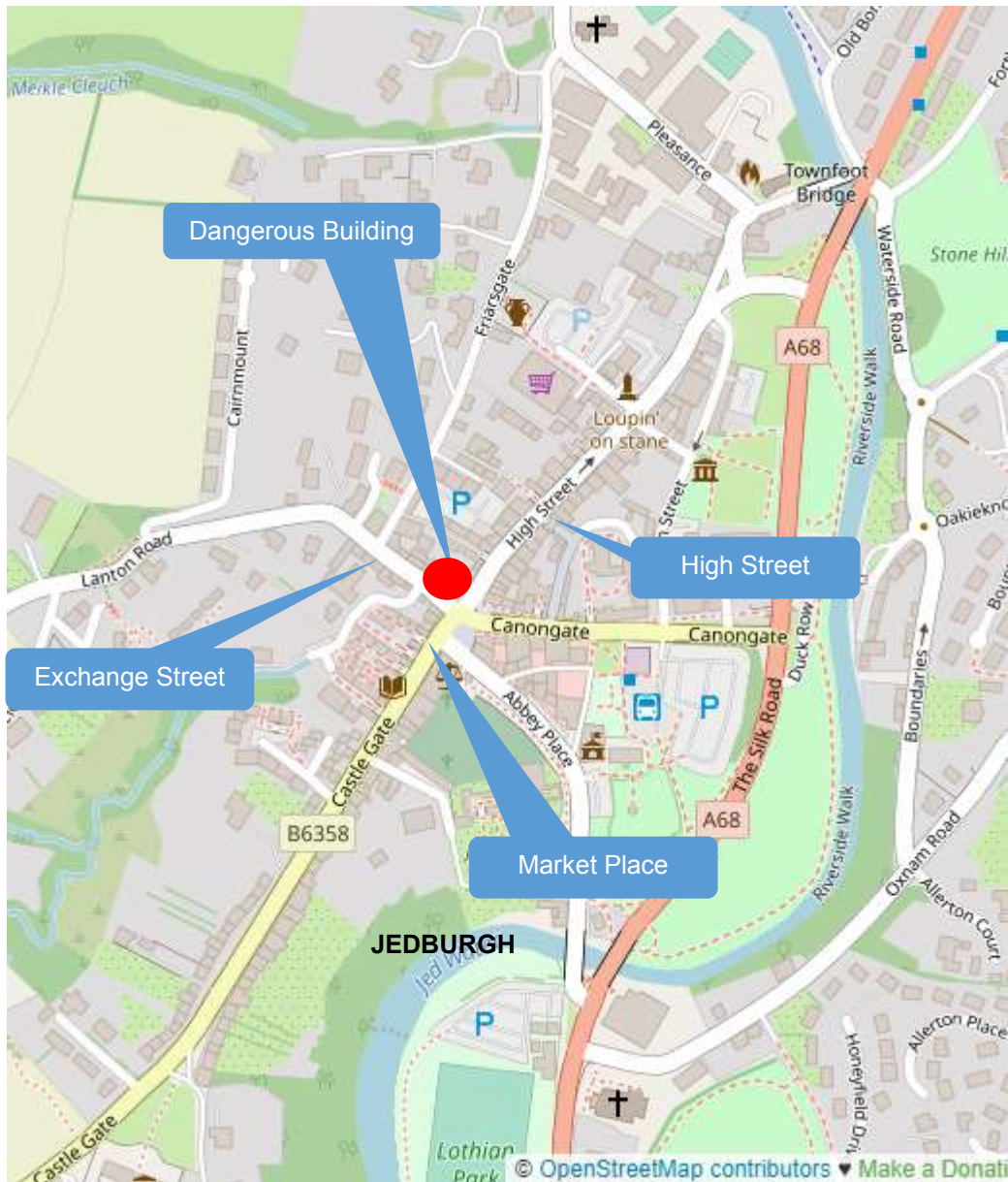
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| Issue / Revision | Issue 1 | Revision A | Revision B | Revision C |
|--------------------|---|------------|------------|------------|
| Remarks/ Status | Final | | | |
| Prepared by | B. Wyllie | | | |
| Signature |  | | | |
| Checked by | D. Lodge | | | |
| Signature |  | | | |
| Issued by | B. Wyllie | | | |
| Signature |  | | | |
| Report No | 120422 | | | |
| Date Issued | 11/05/2022 | | | |

1. INTRODUCTION

1.1. Brief

Wyllie Lodge Road Safety Consultants has been instructed by Scottish Borders Council to carry out an independent road safety review of temporary traffic management measures that have been put in place within Jedburgh town centre. These measures are required due to the proposed demolition of a dangerous building at the junction of Exchange Street and High Street.



Location Plan.

Temporary Traffic Management, Jedburgh Town Centre.

The local community have raised concerns about the temporary traffic management with Scottish Borders Council who have now instructed this report. This report details the findings of an independent inspection and assessment and makes recommendations which may help to improve the safety of all those who use the roads and footways within the area.

1.2. Review Team.

This report has been compiled by Blair Wyllie and David Lodge of Wyllie Lodge Road Safety Consultants. Both are experienced road safety engineers.

Blair Wyllie is an Incorporated Engineer (I. Eng), a member of the Chartered Institute of Highways and Transportation (MCIHT), a member of the Society of Road Safety Auditors and an accredited Cycle Trainer. He has gained over 35 years' experience in Local Road Authorities and as a consultant covering roads design, traffic management, parking enforcement and road safety engineering.

David Lodge has a BSc in Mechanical Engineering and gained an MSc in Transportation Planning & Engineering from Napier University in 2003. He is a Chartered member of the Institute of Logistics and Transportation (CIMLT), as well as a member of the Chartered Institute of Highways and Transportation (MCIHT) and the Society of Road Safety Auditors. He has over 35 years' experience gained with Lothian and Borders Police, Local Road Authorities and consultants within Scotland.

Both Blair and David hold Transport Scotland Certificate of Competency in Road Safety Auditing.

1.3. Methodology.

The methodology adopted for this review included;

- 1.3.1. Visiting the site and observing road user behaviour.
- 1.3.2. Walking along all footways.
- 1.3.3. Driving along the roads during daylight.
- 1.3.4. Review of email correspondence between the Community Council, public and Scottish Borders Council.
- 1.3.5. Identifying any existing road safety problems.
- 1.3.6. Determining conclusions and making recommendations.

1.4. The views expressed in this report are those of the authors.

2. SITE DESCRIPTION

- 2.1. The roads within the immediate area around the dangerous building, referred to as the “Corner Building” consist of carriageways with footways, street lighting and a 20mph speed limit. The road layout is of a traditional design that utilises the carriageways and footways to segregate vehicles and pedestrians. There are no shared surface streets where pedestrian mix with vehicles.
- 2.2. Scaffolding was first erected to protect the public from masonry falling from the Corner Building around 2015. The scaffolding was erected on the public road and reduced the effective width of the carriageway and blocked off a Zebra crossing on the High Street near to the junction with Cannongate. The reduced carriageway width does not allow for two-way traffic flow, so a temporary one-way system northbound was installed. A pedestrian walkway was initially provided under the scaffolding between Exchange Street and High Street, however the condition of the building has deteriorated and the scaffolding strengthened to provide structural support to the building. In doing so the walkway underneath the scaffold had to be removed and the remaining carriageway width is insufficient to accommodate a one-way vehicle flow and a safe pedestrian walkway.



Viewing North from Market Place towards High Street.

Temporary Traffic Management, Jedburgh Town Centre.



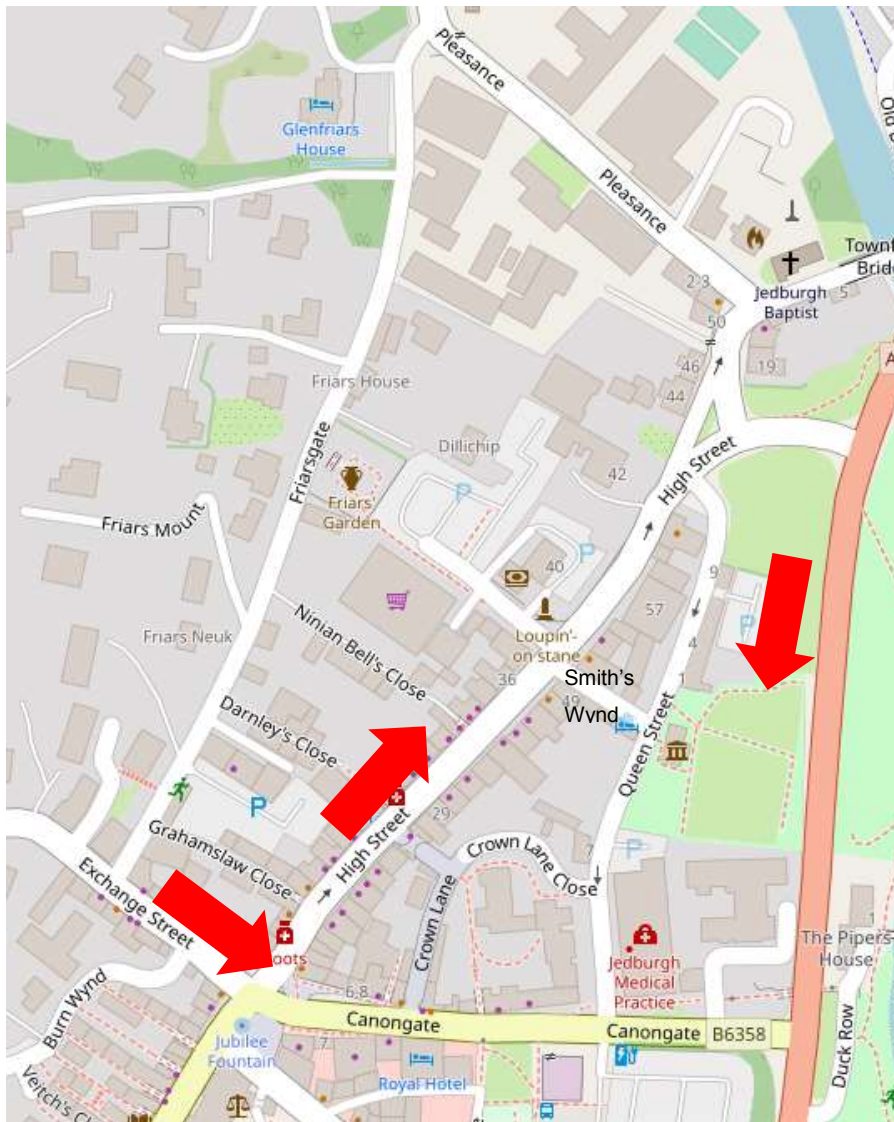
Viewing East along Exchange Street towards Market Place.



Viewing south along High Street from Jewellers Wynd.

Temporary Traffic Management, Jedburgh Town Centre.

- 2.3. Currently the scaffolding limits the carriageway width of High Street to 4.4m and on Exchange Street to 3.4m over the extents of the building frontage and nearest adjacent buildings. The scaffolding removes the continuous footway connection between High Street and Exchange Street and requires pedestrians walking between both to have to cross High Street, Canongate and Market Place to reach Exchange Street.
- 2.4. The reduced carriageway widths have resulted in the council imposing temporary one-way traffic management measures in order to maintain safe access for pedestrians, cyclist and all classes of vehicles. These measures are;
- 2.4.1. High Street, one-way northbound from Exchange Street to Queen Street.
 - 2.4.2. Exchange Street, one way eastbound from Burns Wynd to High Street.
 - 2.4.3. Queen Street, one-way southbound from High Street to Smith's Wynd.



Temporary One-way Operation.

3. IDENTIFIED ROAD SAFETY ISSUES.

- 3.1. The review team visited Jedburgh between 11:45 and 14:00 hours on Tuesday 26th April 2022. During the visit the weather was cloudy and cold, it had been raining and the road surface was wet. The review team drove and walked along the roads effected by the diversion whilst observing road user behaviour and noted the following;
- 3.2. Pedestrian and traffic flows were considered to be light at the time of the site visit.
- 3.3. The remnants of the Zebra crossing (road markings, zig-zag markings and Belisha beacon) on High Street are misleading and confusing as the crossing has been closed by temporary scaffolding acting as a barrier on the east side.
- 3.4. The lack of intervisibility between northbound drivers entering High Street and pedestrians attempting to cross High Street at Boots, where the footway is terminated.



Termination of footway on High Street.

- 3.5. The need for pedestrians walking between Exchange Street and High Street to cross 3 roads.
- 3.6. The lack of intervisibility between drivers exiting Exchange Street and pedestrians attempting to cross Exchange Street due to parked vehicles, and the lack of dropped kerbs and a level footway on the opposite side of the road.



Exchange Street. Footway termination and pedestrian crossing location.

4. COMMUNITY CONCERNS.

- 4.1. The temporary traffic management measures have been in place for many years and the community now have concerns about its suitability and safety and request that parts of the temporary traffic management are removed or amended. These concerns and requests are detailed below.
 - 4.1.1. The lack of a suitable continuous pedestrian connection between Exchange Street and High Street. This would remove the need for pedestrians to cross Exchange Street, Market Place and Canongate to reach High Street.
 - 4.1.2. The lack of pedestrian crossing drop kerbs on High Street at the point of the footway is closed..
 - 4.1.3. Hazardous parking on the zig-zag markings associated with the redundant Zebra crossing.
 - 4.1.4. The removal of the temporary one-way operation on Exchange Street to effect the reintroduction of a two-way traffic flow with either temporary traffic lights or a priority give way system at the point where the scaffold narrows the carriageway to 3.4m.
 - 4.1.5. The reintroduction of two-way traffic on High Street between Queens Street and the Jewellers Wynd / Smith's Wynd junction.
 - 4.1.6. Displaced traffic using The Friars.
- 4.2. The review team have considered the above concerns and requests and have made recommendation in Section 6 of this report in relation to the above.

5. CONCLUSIONS

- 5.1. The protracted nature of the works stretches the definition of temporary traffic management. The Corner Building is still to be demolished and possibly a new building erected. Traffic management arrangements will be required for some years to come.
- 5.2. Current pedestrian provision and diversions around the scaffolding are inadequate. Pedestrian drop kerb crossing points are required on Exchange Street and Market Place, and the remnants of the Zebra crossing on High Street need to be removed and replaced by a controlled crossing (Zebra or Puffin) provided on High Street near to No. 11, where both footways widen.
- 5.3. The scaffolding on Exchange Street only leaves enough carriageway width for one lane of traffic and this is currently managed by a one-way traffic flow. Reintroducing a two-way traffic flow that is managed by either temporary traffic lights or a priority give way system would be less inconvenient for drivers accessing Burns Wynd, Lanton Road and The Friars, however this would create significant traffic congestion on Market Place and be to the detriment of road safety and for all road users at the Market Place, Cannongate, High Street junction. The use of temporary traffic lights or a temporary priority give way system should comply with the Safety at Street Works and Road Works Code of Practice¹. Traffic lights or a priority give way system would generate the following problems;
 - 5.3.1. Both temporary traffic lights and a priority give way system require a two lane wide carriageway on both approaches to accommodate queuing and flowing traffic to pass. Road space is also required to allow for weaving manoeuvres between the two lane and one- lane sections of carriageway. On Market Place and Exchange Street the need to maintain access to nearby junctions and the servicing requirements of the shops and residencies is very likely to result in the blockage of the two lane carriageway required for the effective operation of traffic lights or a priority give way system.
 - 5.3.2. The carriageway space is also required to accommodate loading and unloading of vehicles connected with the demolition or construction of the Corner Building. This will extend the length of road covered by the traffic lights or priority give way to include the Burns Wynd junction.
 - 5.3.3. The use of traffic lights to manage traffic flows along Exchange Street will require a 3-way set of signals to control traffic in both directions on Exchange Street as well as on Burns Wynd. The code of practice requires traffic signal lights to be located at a minimum of 10m in advance of the working zone (scaffolding) and the minimum sighting distances of 60m to the first sign to be kept clear. The time delay caused by

¹ Safety at Street Works and Road Works, A code of Practice. Dept of Transport 2013

Temporary Traffic Management, Jedburgh Town Centre.

a set of 3-way temporary traffic signals will generate vehicle congestion and driver frustration, and the lack of intervisibility between waiting traffic queues, particularly from Burns Wynd, is very likely to result in some drivers not complying with the red light signal which will increase the potential for a collision. Temporary traffic lights will generate queuing and congestion in Market Place and Cannongate which in turn will block access to High Street.

- 5.3.4. A priority give way system would be less disruptive to traffic flows on Market Place if it gave priority to vehicle entering Exchange Street from Market Place and Cannongate. However this system of traffic control requires drivers approaching from either direction to have 60m forward visibility before and after the works². On-street parking along the east side of Exchange Street would need to be prohibited and enforced in order to provide carriageway space for queuing traffic at the give way. Westbound drivers on Exchange Street would not have sufficiently safe forward sightline of left turning vehicles entering Exchange Street from Market Place. This will generate conflict and congestion resulting in an increase in reversing manoeuvres. Reversing manoeuvres are particular hazardous in areas where there is high pedestrian activity.
- 5.3.5. The existing one-way traffic flow is the simplest and safest method of traffic management in this situation. A priority give way system is likely to be less disruptive to traffic flows than temporary traffic lights, however both of these systems require extensive parking and loading restrictions, will generate considerable congestion, and are unlikely to be fully compliant to the code of practice..
- 5.4. The request for the one-way on High Street to be shortened to allow two-way traffic between Queen Street and Jewellers Wynd has been considered. This request suggests using the Co-Op shop car park as a turning area. However this presents liability issued for both the Road Authority (Scottish Borders Council) and the car park owners and/or operators. Additionally the swept paths for large vehicles is unlikely to be achievable. There will be no effective enforcement of a one-way within the car park. Accelerated wear and damage to the surfacing could be caused by the tight turning forces of large vehicles using the car park. Shop customers walking to and from their cars in the centre of the car park would be exposed to a greater risk of being knocked down due to the increased volume of traffic. Where drivers on a public road are faced with a No Entry they must have a safe and suitable alternative route, whether that be a side road or a turning area, where they can turn their vehicle without reversing. There is insufficient room at the junction of High Street and Jewellers Wynd to provide a safe turning area.
- 5.5. The Friars is a narrow residential access road with a narrow footway along its west boundary and high boundary walls that abut the footway or opposite carriageway. These features reduce forward visibility and help self-regulate some vehicle speeds. It will no doubt be carrying additional

² Safety at Street Works and Road Works, A Code of Practice.p58, Dept of Transport

Temporary Traffic Management, Jedburgh Town Centre.

traffic due to the diversion and some residents are required to turn and retrace their journey in order to access their drive ways. The additional volume of traffic generated by the diversion may cause inconvenience to some drivers and residents but it does not raise any road safety concerns.

- 5.6. The continues use of temporary signs in standalone sign frames and on temporary sign pole bases will give Scottish Borders Council a more onerous inspection and maintenance burden than if the signs were mounted on permanent fixtures. This would also remove red and white protective barriers from the carriageway at the Queen Street / High Street junction.
- 5.7. The diversions imposed by the scaffolding at the Corner Building present a hazard to pedestrians and an inconvenience to drivers.

6. RECOMMENDATIONS

- 6.1. Pedestrian drop kerbs are provided on both sides of Exchange Street at the termination of the east footway.
- 6.2. Pedestrian drop kerbs are provided on both sides of Market Place near to its junction with Exchange Street.
- 6.3. The remnants of the Zebra crossing on High Street are removed.
- 6.4. A new controlled pedestrians crossing is provided on High Street near to No. 11.
- 6.5. The one-way operation on Exchange Street remains.
- 6.6. The Co-Op car park is not used as a turning point for public road traffic therefore the No Entry signs on High Street at the junction with Jewellers Wynd should remain.
- 6.7. Where practical, temporary signs in standalone sign frames and on temporary sign pole bases should be mounted on permanent poles or fixtures. The use of more permanent street furniture is expected to improve compliance to the restrictions.

END.

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**SCOTTISH BORDERS COUNCIL
AUDIT AND SCRUTINY COMMITTEE**

MINUTES of Meeting of the AUDIT AND SCRUTINY COMMITTEE held via Microsoft Teams on Monday, 14 March 2022 at 10.15 am

- Present:- Councillors S. Bell (Chairman), H. Anderson, J. A. Fullarton, N. Richards, E Robson, H. Scott, S. Scott, and E. Thornton-Nicol; Ms H. Barnett.
- Apologies:- Councillors J. Greenwell and Mr M Middlemiss
- In Attendance:- Chief Executive, Director Finance and Corporate Governance, Director Health and Social Care Partnership, Pensions & Investment Manager, Chief Officer Audit and Risk, Principal Internal Auditor; Director Strategic Commissioning and Partnerships and Programme Manager (G. McMurdo); Ms G. Woolman and Ms J. Law (Audit Scotland), Clerk to the Council, Democratic Services Officer (W. Mohieddeen).
-

1. **MINUTE.**
There had been circulated copies of the Minute of the Meeting held on 14 February 2022.

DECISION

AGREED to approve the Minute for signature by the Chairman.

2. **AUDIT BUSINESS ACTION TRACKER**
There had been circulated copies of the Audit Business Action Tracker which was presented by the Chief Officer Audit and Risk. With reference to paragraph 7 of the Minute of the Meeting held on 22 November 2021, the Chief Officer Audit and Risk advised that the Internal Audit Work to October 2021 report on the review of business continuity arrangements across the Council would be brought to the Committee for consideration. In line with the audit strategy, a project was set up to implement an upgraded system address refresh of business continuity plans which was aligned with pandemic actions. This was still in its early stages and it was suggested to keep this action in the action tracker. It was advised that an update may come for the June 2022 meeting primarily for an update on implementation of the system and the early stages of business continuity plans.

DECISION

(a) AGREED that the action with regard to Internal Audit Work to October 2021 (business continuity arrangements) from the Meeting held on 22 November 2021 would remain on the action tracker.

(b) NOTED the update.

3. **PROGRESS UPDATE ON LDS FINANCIAL MANAGEMENT RECOMMENDATION**
3.1 With reference to paragraph 4 of the Minute of the Meeting held on 10 May 2021, there had been circulated copies of an update report by Director for Health and Social Care Partnership that set out the actions taken by the Learning Disabilities Service (LDS) in relation to the recommendation within the Final Internal Audit Report – Learning Disabilities Service Financial Management dated 30 April 2021. The report was

presented by the Director for Health and Social Care Partnership, Mr Myers, who explained that LDS had undertaken a range of measures from the Heywood review on the Service's financial situation with expected savings of £240,000 made from the current year. However, in spite of work undertaken, costs were over those budgeted and the LDS had a starting deficit of just over £1 million. While £300,000 had been identified to support these pressures, this still left £745,000, which was clearly significant. Pressures were partly due to changes to demographic growth and the remainder was in relation to increases in packages of care for people with learning disabilities. An enabling approach was being taken, with work underway to ensure dependence was not being created for service users. Mr Myers gave details of progress on actions which had been self-assessed in the report, with a number of actions assessed as 'green' and a few assessed as 'amber'. Julie Heywood had been approached to come back in and assess actions in the report, hopefully by the end of March 2022. With regards to action two of the report, an experienced Social Worker from another local authority was to be brought in by the end of April 2022 to provide a steer. With regards to action three of the report, Mr Myers advised that he was working with the Director Social Work & Practice to ensure there was better professional alignment between adult and child Social Workers to ensure consistency of approach. With regards to action four of the report, there were a number of high cost placements within the area where individual health and social care needs which had been reviewed through the NHS process resulting in high SBC costs. The review of that process had started so there was more input from SBC, which should reduce the financial risk to the organisation. With regard to action five of the report, the financial team was offering support to develop a set of tools to help social work staff in their approach to financial management. With regard to action six of the report, this action would involve the community care review team which was involved with older adults to ensure better consistency for users. With regard to action seven of the report, Mr Myers advised that the general manager was being asked to provide a detailed learning disabilities financial recovery plan for 24 March to deliver savings as quickly as possible. Mr Myers advised that it was expected that a combination of the actions would set a better financial trajectory for the Learning Disabilities Service, that Audit and Scrutiny Committee had a key role in this process and that he proposed that the LDS financial management should be brought back for a further review in line with the outlined actions.

- 3.2 Members discussed the report and it was noted that, with reference to action nine of the report that figures related to the benchmarking unit price and budget expenditure of other Councils would have been useful to include in the report. Mr Myers confirmed that he was happy to provide as much clarity as possible around benchmarking arrangements, but it could be difficult to benchmark in some areas of the Service while it would be easier in others. One good benchmark may not be reflected in other parts of the Service but value for money was continually looked at through commissioning. Mr Myers advised that there was a range of different benchmarking for the various parts of the Service. Day service contract price was broadly in line with averages. The bulk of the expenditure growth had related to an increase in volume which was the amount of care being provided to people. With regards to variability of benchmarking, the impact of serving a large rural area with a relatively small population was noted. With regards to £700,000 of savings required on the LDS, work was underway to take people out of costly placements and into good service with personalised support. For the review of day services, there were a range of actions that did not just look at risk but also gave consideration to driving better value and providing a greater quality of service. For other placements, how much health care a person needed affected the end cost and a more integrated process was being sought between NHS and the Council to ensure health also contributed funding. With regards to action four on the breakdown of budget to east and west team level, this related to ensuring delegated budget responsibility in the Service. The rationale was to ensure both east and west teams had clear budget oversight and were able to escalate identified issues. Regarding the impact of increased fuel costs, Mr Myers noted there was an element of travel for both east and west teams and it was expected that there would be increased travel costs and that providers would expect there would be an uplift in operational costs. Work was ongoing with commissioning teams to get best value. With

regard to action four on management of budgets, Mr Myers noted that there was a need to make sure the right decisions were being made for service users and finance, with the two aligning through an enabling approach which should reduce cost. The action aimed to have delegated financial responsibility with guidance for when to escalate and work was being undertaken on tools to make this clearer. The Director Finance & Corporate Governance advised that the LDS had significantly exceeded its resources in the past, with part of the issue about needing clarity on volumes, client needs, etc. and progress had now been made on capturing this information. If further challenges arose they would be managed corporately with a revised plan as had been the approach over the last few years. Ms Stacey confirmed that this was an open audit item and the due date would be extended in line with timescales on the action plan and an associated follow-up would be undertaken, with a report back to the Committee in due course.

DECISION

(a) AGREED that the Director Health and Social Care would provide an update on LDS Financial Management actions for the meeting of the Audit and Scrutiny Committee in August 2022.

(b) NOTED the update.

4. INTERNAL AUDIT WORK TO FEBRUARY 2022

4.1 There had been circulated copies of a report by the Chief Officer Audit and Risk that provided members of the Audit and Scrutiny Committee with details of the recent work carried out by Internal Audit and the recommended audit actions agreed by Management to improve internal controls and governance arrangements. The work Internal Audit carried out in the period from 1 – 28 February 2022, associated with the delivery of the approved Internal Audit Annual Plan 2021-22, was detailed in the report. A total of two final Internal Audit reports had been issued. There were four recommendations made associated with the two reports (one 'High'-rated, one 'Medium'-rated and two 'Low'-rated). An Executive Summary of the final Internal Audit assurance reports issued, including audit objective, findings, good practice, recommendations (where appropriate) and the Chief Officer Audit and Risk's independent and objective opinion on the adequacy of the control environment and governance arrangements within each audit area, was shown in Appendix 1 of the report. The SBC Internal Audit function conformed to the professional standards as set out in Public Sector Internal Audit Standards (PSIAS) (2017) including the production of the report to communicate the results of the reviews. Internal Audit assurance work that was underway was detailed in paragraph 4.6 of the report. The Chief Officer Audit and Risk highlighted Internal Audit consultancy and other work which included the Fit for 2024 transformation programme, and a specific training workshop for all Internal Audit team members on the Council's new Contract Management System, as part of the internal rollout of this system across the Council's services to those involved in contract management. The Chief Officer Audit and Risk advised of the 'High'-rated recommendation that had been made in the Internal Audit review of Schools Financial and Business Administration Processes to address completion of e-learning training that should be expected in schools. There were further recommendations for schools inventory to ensure up-to-date inventories, especially for fire or other such incidents.

4.2 In response to a question about the completion rates for mandatory Child Protection training, particularly in teaching staff, the Chief Officer Audit and Risk confirmed that encouraging conversations had taken place with the Director Education and Lifelong Learning and the Chief Officer Education with regard to completion of mandatory e-learning and that reports were produced on completion of training. Commitments had been made for how training would be facilitated for teachers when not in class and where there were opportunities to take up training. A dashboard for when staff completed training needed more management oversight and there were very encouraging signs of that being quickly addressed. The Chief Executive advised that the current numbers of

non-completion were not to hand but had been requested. When this matter first came to light, Ms Meadows had spoken to the Director of Education and Lifelong Learning and all staff had now been given a clear instruction to complete the training. This was also being looked at across the whole organisation to ensure compliance. It would also be picked up by the Review Group which had recently been established to steer the action plan derived from the recommendations in the Independent Inquiry into the Council's handling of concerns raised about a former SBC employee who had subsequently been charged with assaulting children and abusive behaviour at a school. Ms Stacey confirmed that part of the conversation with the Director had been around investigating any barriers for non-completion, such as capacity, opportunity, etc. and consideration would be given to building something into in-service days to address this. The Director Finance and Corporate Governance advised that some mandatory training on SBLearn was time limited and had to be renewed so some staff training may have lapsed. It had not proved possible to have a calendar in SBLearn which would highlight to staff when their training certification had lapsed. There was also a regular turnover of staff within schools and depending on when the snapshot of completion rates was taken the position could vary, this could relate to new staff who had yet to undertake the training. Mr Robertson confirmed that all staff were required to undertake SBLearn training and previous training in another organisation was not recognised. The Principal Internal Auditor advised there was a facility to upload professional qualifications however this was not part of SBLearn. Members requested that the Review Group should follow up on mandatory e-learning as part of its first quarter work.

- 4.3 During the meeting, the Chief Executive received numbers associated with non-completion of the e-learning training within Education. Out of 2,721 people that should have completed e-learning training, 2,203 had done so. This corresponded to a 19% non-completion rate. There were some areas within the Education Service where all were complete but others up to 78% had not. Both Ms Meadows and Ms Stacey confirmed this would be followed up by both the Review Group and Internal Audit. Any issues would be raised at Council by the Review Group and would be brought back to Audit & Scrutiny Committee as part of any Internal Audit procedures.

**DECISION
NOTED:**

- (a) The final assurance reports issued in the period from 1 to 28 February 2022 associated with the delivery of the approved Internal Audit Annual Plan 2021-22;**
- (b) The Internal Audit Assurance Work in Progress and Internal Audit Consultancy and Other Work carried out in accordance with the approved Internal Audit Charter;**
- (c) The assurance provided on internal controls and governance arrangements in place for the areas covered by this Internal Audit work; and**
- (d) The Review Group would follow-up on mandatory e-learning as part of its first quarter work.**

5. **FOLLOW-UP REVIEW OF COMPLETED AUDIT RECOMMENDATIONS**

There had been circulated copies of a report by the Chief Officer Audit and Risk that provided an update to the Audit and Scrutiny Committee on the results of the Follow-Up Review which included a sample check on the adequacy of new internal controls for Internal Audit Recommendations marked as completed by Management in the period January to December 2021. Internal Audit was an independent appraisal function established for the review of the internal control system as a service to Scottish Borders Council. It objectively examined, evaluated and reported on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources

and the management of risk. The Internal Audit activity added value to the organisation (and its stakeholders) when it considered strategies, objectives, and risks; strived to offer ways to enhance governance, risk management and control processes (by way of making audit recommendations); and objectively provided relevant assurance. The Remit of the Audit and Scrutiny Committee included the Audit function to consider “all matters relating to the implementation of recommendations contained within internal audit reports”, as part of its high level oversight of the framework of internal control, risk management and governance within the Council. The Chief Officer Audit and Risk advised that the sample of six ‘completed’ Internal Audit recommendations selected were spot checks on top of cyclical routine audit follow-up work.

DECISION

(a) AGREED that it was satisfied with the outcomes.

(a) NOTED:

(i) The results of the spot check on Internal Audit recommendations that had been marked as completed by Management in the period January to December 2021 to improve internal controls and governance, and mitigate risks; and

(ii) That Internal Audit would continue to monitor the completion of recommendations and would provide update reports to this Committee.

6. AUDIT AND SCRUTINY COMMITTEE ANNUAL SELF-ASSESSMENTS AND END OF TERM REPORT 2021/22

There had been circulated copies of a report by the Chairman of the Audit and Scrutiny Committee that provided members with the Audit and Scrutiny Committee Annual/End of Term Report 2021-22, presenting the Committee’s performance in relation to its Terms of Reference and the effectiveness of the Committee in meeting its purpose, relating to its Audit functions. It was important that the Council’s Audit and Scrutiny Committee fully complied with best practice guidance on Audit Committees to ensure it could demonstrate its effectiveness as a scrutiny body (Audit functions) as a foundation for sound corporate governance for the Council. The CIPFA Audit Committees Practical Guidance for Local Authorities and Police 2018 Edition (CIPFA Audit Committees Guidance) included the production of an annual report on the performance of the Audit and Scrutiny Committee against its remit (Audit functions) for submission to the Council. The Audit and Scrutiny Committee Annual/End of Term Report 2021-22 (included as Appendix 1 of the report) was presented for consideration. Scottish Borders Council continued to be a lead authority in adopting this best practice. The Audit and Scrutiny Committee carried out self-assessments of Compliance with the Good Practice Principles Checklist and Evaluation of Effectiveness Toolkit from the CIPFA Audit Committees Guidance during the Informal Session on 14 February 2022 facilitated by the Chief Officer Audit & Risk. The self-assessments were appended to this report as Appendix 2 (Good Practice Principles) and Appendix 3 (Effectiveness) for consideration. The outcome of the self-assessments were a high degree of performance against the good practice principles and a high degree of effectiveness. The Chairman confirmed that it was intended that the report would be presented to Council at its meeting on 31 March 2022. Ms Barnett referred to the recommendation for Council within the End of Term report around the presentation to Directors on risk and mitigations within their Services, and suggested that it would be helpful to include a short paragraph within the “Meetings” section of the report to show how useful the Committee had found these. Members unanimously agreed to this addition. Members further agreed that the recommendation to Council that the appointed Chair should have previously been a member of Audit and Scrutiny Committee be amended to reflect that this should be the case where practicable.

DECISION

AGREED:

- (a) **To approve the Audit and Scrutiny Committee Annual/End of Term Report 2021-22 (Appendix 1 to the report), with slight amendments as detailed above, which incorporated its self-assessments (Appendices 2 and 3 to the report) using the CIPFA Audit Committees Guidance; and**
- (b) **That the Audit and Scrutiny Committee Annual/End of Term Report 2021-22 should be presented to the Council.**

7. **EXTERNAL AUDIT ANNUAL PLAN 2021/22 FOR THE PENSION FUND**

There had been circulated copies of the Scottish Borders Council Pension Fund Annual Audit Plan 2021-22 which summarised the work plan for the 2021-22 external audit of Scottish Borders Council Pension Fund. In presenting the work plan, Ms Woolman, Audit Director with Audit Scotland, noted that there were 11,700 members of the Fund, which had assets reflected in the balance sheet worth £860bn. There was continued reference to the pandemic throughout the work plan and 2021-22 was the sixth and final year of the audit appointment. Audit appointments were usually five years however the appointment had been extended due to the Covid-19 pandemic.

DECISION

NOTED the work plan.

8. **INTERNAL AUDIT CHARTER**

There had been circulated copies of a report by the Chief Officer Audit and Risk that provided the Audit and Scrutiny Committee with the updated Internal Audit Charter for approval that defined the terms of reference for the Internal Audit function to carry out its role to enable the Chief Audit Executive to prepare the annual Internal Audit opinions on the adequacy of each organisation's overall control environment. The definition of Internal Auditing within the Public Sector Internal Audit Standards (PSIAS) was "Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes." In accordance with the PSIAS, the purpose, authority and responsibility of the Internal Audit activity must have been formally defined in an Internal Audit Charter, consistent with the Definition of Internal Auditing, the Code of Ethics and the Standards. The Chief Audit Executive must have periodically reviewed the Internal Audit Charter and presented it to senior management (Strategic Leadership Team) and the board (Audit and Scrutiny Committee) for approval. The Internal Audit Charter had been updated by the Chief Audit Executive (SBC's Chief Officer Audit & Risk) and the Principal Internal Auditor in conformance with the PSIAS. The Internal Audit Charter was shown in Appendix 1 to the report for approval by the Audit and Scrutiny Committee to ensure that Internal Audit was tasked to carry out its role in accordance with best Corporate Governance practice. The Chief Officer Audit and Risk advised that the document would be a key document in the induction of new members to the Audit and Scrutiny Committee. The report had been presented to the Strategic Leadership Team and minor amendments included the restructure of the Strategic Leadership Team in September 2021 and the change in roles and responsibilities of each Director, and the associated change in the line management arrangements for the Chief Audit Executive.

DECISION

AGREED to:

- (a) **Note the changes to the Internal Audit Charter outlined in section 4 of the report in conformance with PSIAS;**

(b) Approve the updated Internal Audit Charter, as shown in Appendix 1 to the report; and

(c) Note that the Internal Audit Charter would be reviewed annually.

9. INTERNAL AUDIT STRATEGY AND ANNUAL PLAN 2022/23

There had been circulated copies of a report by the Chief Officer Audit and Risk which sought approval of the proposed Internal Audit Strategy and Internal Audit Annual Plan 2022/23 to enable the Chief Audit Executive to prepare annual opinions on the adequacy of the overall control environment for Scottish Borders Council, Scottish Borders Pension Fund, and Scottish Borders Health and Social Care Integration Joint Board. A fundamental role of the Council's Internal Audit function was to provide senior management and members with independent and objective assurance which was designed to add value and improve the organisation's operations. In addition, the Chief Audit Executive (CAE) was also required to prepare an Internal Audit annual opinion on the adequacy of the organisation's overall control environment. The Internal Audit Strategy attached as Appendix 1 to the report, outlined the strategic direction for how Internal Audit would achieve its objectives, which were set out in the Internal Audit Charter, in conformance with PSIAS. It guided the Internal Audit function in delivering high quality Internal Audit services to Scottish Borders Council (SBC), Scottish Borders Council Pension Fund (SBCPF), and Scottish Borders Health and Social Care Integration Joint Board (SBIJB). The Internal Audit Annual Plan 2022/23 attached as Appendix 2 to the report, had been developed by the Chief Officer Audit & Risk (CAE) and the Principal Internal Auditor. It set out the range and breadth of audit activity and sufficient work within the audit programme of work to enable the CAE to prepare an Internal Audit annual opinions for SBC, SBCPF, and SBIJB. Separate Internal Audit Annual Plans 2022/23 for the SBCPF and SBIJB would be presented to their respective board/audit committee for approval. Key components of the audit planning process included a clear understanding of each organisation's functions, associated risks, and assurance framework. Ms Stacey gave responses on questions around providing cover for members of staff on long term sickness absence, the value of complaints analysis to improve Council Services, the flexibility of the Audit Plan for 22/23, and the audit of schools.

DECISION

AGREED to:

(a) endorse the Internal Audit staff resources needed to deliver the Internal Audit Strategy and Annual Plans;

(b) approve the Internal Audit Strategy as detailed in Appendix 1 to the report; and

(c) approve the Internal Audit Annual Plan 2022/23 as detailed in Appendix 2 to the report.

CHAIRMAN

This being the last meeting of the Audit & Scrutiny Committee prior to the local government election, The Chairman all members of the Committee for their input over the last few years, and in particular the external members of the Committee for their welcome contributions. On behalf of the Committee, Councillor Robson in turn thanked Councillor Bell for his assiduous chairing of the Committee and management of meetings.

10. MANAGEMENT AND MAINTENANCE OF PUBLIC HALLS

10.1 During discussion of this item, Councillor Thornton-Nicol noted she was Chair of the Newtown Community Wing and Councillor Anderson noted she was the Council Representative on Peebles Drill Hall management committee. Neither Councillor declared an interest in the item and remained in the meeting.

- 10.2 There had been circulated copies of a report by Director Strategic Commissioning and Partnerships that outlined an evaluation of the community contribution to the management and maintenance of public halls, including those managed by Live Borders. Scottish Borders Council had responsibility for 62 halls, and the Federation of Village Halls indicated they had 96 members in the Borders. Scottish Borders Council retained maintenance and repair responsibility for the 62 halls that it was responsible for, including those leased to Live Borders, and individual leases contained information on the level of maintenance and repair obligation, including where Communities/Voluntary Management Committees had no obligation or responsibility. Scottish Borders Council provided annual funding to the Federation of Village Halls of approximately £50,000 per year and Live Borders provided voluntary management committees with funding on an annual basis towards operational costs. The social value of halls/community centres included use of the venues for regular local events and activities, emergency response and Covid-response. Volunteers also regular fund raising for improvements to their building, and as a proxy measure, this could inform the 'community contribution'. Programme Manager, Mr McMurdo, advised that anecdotally a number of community centres had voluntary management committees, although some faced challenges maintaining their management committee and recruiting young members.
- 10.3 Under the Service Provision Agreement Scottish Borders Council had with Live Borders for the delivery of sport and cultural services, 29 halls were under the contractual responsibility of Live Borders. The maintenance and repair responsibility for these halls remained with Scottish Borders Council under the terms of a Property and Estates Service Level Agreement. Members discussed the funding of halls and the support provided to management committee from Live Borders, noting the example of the Victoria Hall in Selkirk which was owned by the Common Good Fund and operated by Live Borders. The Selkirk Common Good Fund was responsible for paying for maintenance while Live Borders retained income from the Hall. While Live Borders provided funding to community centres, part of the process involved a recharge to the management committees, which meant these committees needed to fund raise to pay for items. This process perhaps needed reviewed. It was noted that the funding provided by Scottish Borders Council to the Federation of Village Halls areas implied that the value assigned to each area did not have a consistent funding per village hall formula. It was advised this may have been due to some federations charging administration fees which may affect the respective funding value. Members agreed that a paper should be brought back to the committee by officers outlining further detail of the management and funding of village halls, including the consistency in terms of support, which hall committees were active/dormant, which halls were struggling, and the shape of how hall committees functioned. This would highlight where there were differences in usage, funding, characteristics and management regimes to allow the Committee to judge the fairness of the operation and funding of village halls across the region.

DECISION

- (a) **AGREED that the Director Strategic Commissioning and Partnerships would provide a further report to the Committee including a statement of the operating characteristics and funding regime in regard to management and funding of halls across the Borders to develop an understanding of fairness and functioning of management committees.**
- (b) **NOTED the evaluation of the community contribution to the management and maintenance of public halls, including those managed by Live Borders as detailed within this report.**

MEMBER

Councillor Fullarton left the meeting during consideration of the above item of business.

The meeting concluded at 12.55 pm.

SCOTTISH BORDERS COUNCIL
SCRUTINY BUSINESS ACTION SHEET
AUDIT and SCRUTINY COMMITTEE

Notes:-

1. Paragraphs Marked with a * require full Council approval before action can be taken
2. Items for which no actions are required are not included

| TITLE | DECISION REQUIRING ACTION | DEPARTMENT/ SECTION | RESPONSIBLE OFFICER | Action Update |
|--|--|--|-------------------------------------|---|
| 14 March 2022 | | | | |
| 1. Management and Maintenance of Public Halls | Para 10.3 – action (a) AGREED that the Director Strategic Commissioning and Partnerships would provide a further report to the Committee including a statement of the operating characteristics and funding regime in regard to management and funding of halls across the Borders to develop an understanding of fairness and functioning of management committees. | Strategic Commissioning & Partnerships | Jen Holland | |
| 13 January 2022 | | | | |
| 1. Scrutiny Business Action Sheet | Para 2.4 – action (d) AGREED there would be a discussion at a future meeting of Audit & Scrutiny on the use of school facilities by community groups and how this could be taken forward through the Place Making discussions. | Corporate | Lesley Munro/Jenni Craig/John Curry | A report will be provided to Audit & Scrutiny Committee post-election, likely after summer 2022. |
| 2. Roads and Infrastructure Services Performance | Para 3.6 – action (b) AGREED to request the Director Finance & Corporate Governance considered the need to monitor the 10 year capital/revenue trend in funding for roads maintenance. | Finance | David Robertson | This is being taken forward by Finance in the next financial year. |
| 9 December 2021 | | | | |
| 1. Community Funding Evaluation Process | Para 3.2 – action (b) AGREED to add the review of Festival Funding to the Action Tracker. | Resilient Communities | Jenni Craig | A report on a review of Festival Funding will be taken to the Executive Committee post-election, with funding for 2022/23 based on existing arrangements. |

| TITLE | DECISION REQUIRING ACTION | DEPARTMENT/ SECTION | RESPONSIBLE OFFICER | Action Update |
|--|---|------------------------------|------------------------------|---|
| 2. Rural Proofing Policy | Para 4 – action (b) AGREED that the UN Sustainable Development Goals and Integrated Impact Assessment Goals checklists would be strengthened to ensure that elements of rurality were fully incorporated, and that the draft checklists be considered by the Committee prior to submission to Council. | Corporate | Jenny Wilkinson/ Jenni Craig | Work is now underway on the checklists. |
| 3. Waste & Recycling Communications Update | Para 5 – action (b) AGREED to ask Communication Officers to attend the March meeting of the Committee to allow Members to have a discussion about a programme of communication in regard to climate change, including waste and recycling. | Infrastructure & Environment | Ross Sharp-Dent | Due to pressure in the Communications team, this matter will be taken forward using the results of the current budget survey (helping households recycle more) which will give the basis for a communications plan and form part of the consideration for the overarching Communications Strategy. It is likely a report can be provided after summer 2022. |
| 29 June 2021 | | | | |
| 1. Scrutiny Work Programme | (a) Public transport and communities – An evaluation of the current situation and future plans for supporting rural communities to set up their own community transport where there was demand and current transport inadequate. (Initial Scrutiny hearing to determine best methodology and reporting) | Infrastructure & Environment | John Curry | Presentation to be made at meeting after summer 2022. |