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EXECUTIVE COMMITTEE TUESDAY, 7 DECEMBER 2021

A MEETING of the EXECUTIVE COMMITTEE will be held VIA MICROSOFT TEAMS on
TUESDAY, 7 DECEMBER 2021 at 10.00 am

J. J. WILKINSON,
Clerk to the Council,

1 December 2021

BUSINESS		
1.	Apologies for Absence	
2.	Order of Business	
3.	Declarations of Interest	
4.	Minute (Pages 3 - 10) Consider Minute of Meeting held on 16 November 2021 to be noted for signature by the Chairman. (Copy attached.)	2 mins
5.	Scotland Loves Local Gift Card (Pages 11 - 16) Consider Report by Director of Resilient Communities. (Copy attached.)	20 mins
6.	Request for Approval of the Road Construction Consent for Main Street, Chirnside (Pages 17 - 36) Consider Report by Director – Infrastructure & Environment. (Copy attached.)	20 mins
7.	Proposal to Introduce Empty Homes Grants (Pages 37 - 44) Consider Report by Director Infrastructure and Environment. (Copy attached.)	20 mins
8.	Economic Development Update (Pages 45 - 52) Consider Report by Director of Resilient Communities. (Copy attached.)	15 mins
9.	Annual Complaints Performance Reports 2019-20 and 2020-21 (Pages 53 - 94) Consider Report by Director Resilient Communities. (Copy attached.) a) Report 2019-20 b) Report 2020-21	20 mins

10.	Events Strategy Report To follow.	15 mins
11.	Any Other Items Previously Circulated	
12.	Any Other Items which the Chairman Decides are Urgent	

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 M. Rowley (Chairman), S. Aitchison (Vice-Chairman), G. Edgar, C. Hamilton, S. Hamilton, E. Jardine, S. Mountford, R. Tatler, G. Turnbull and T. Weatherston

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**SCOTTISH BORDERS COUNCIL
EXECUTIVE COMMITTEE**

MINUTE of Meeting of the EXECUTIVE
COMMITTEE held remotely by Microsoft
Teams on Tuesday, 16 November 2021 at
10.00 am

Present:- Councillors S. Haslam (Chairman), G. Edgar, C. Hamilton, S. Hamilton,
E. Jardine, S. Mountford, M. Rowley, R. Tatler, G. Turnbull & T. Weatherston
Also Present:- Councillors W. McAteer, E. Thornton-Nicol
Apologies:- Councillor S. Aitchison
In Attendance:- Director Finance & Corporate Governance, Director Infrastructure &
Environment, Director People, Performance & Change, Director Resilient
Communities, Director Social Work & Practice, Director Strategic
Commissioning & Partnerships, Democratic Services Team Leader,
Democratic Services Officer (D Hall).

1. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 5 October 2021.

DECISION

APPROVED for signature by the Chairman.

2. **MONITORING OF THE GENERAL FUND REVENUE BUDGET 2021/22**

- 2.1 There had been circulated copies of a report by the Director Finance & Corporate Governance providing the Committee with budgetary control statements for the Council's General Fund based on actual expenditure and income on 30 September 2021, along with explanations of the major variances identified between projected outturn expenditure/income and the approved budget. The Council had continued to experience impacts from the COVID-19 pandemic into the new financial year with a number of variations from budget evident. The report explained that due to the very challenging operating environment it remained essential that the Council continued to operate as efficiently as possible to ensure that any financial implications not yet clear could be managed as the financial year progressed.
- 2.2 The approved new corporate structure had been reflected in the report. Forecasts had been completed at the second quarter of 2021/22 at 30 September that projected the Council to be in a balanced position at the financial year end. The position required a further draw down of £0.620m from the COVID-19 reserve compared to the reported position at the end of the first quarter of the current year. The forecast position included the carry forward of resources from 2020/21. Impacts from COVID-19 were expected to continue in to 2022/23, the COVID-19 reserve would be drawn down as required to meet identified financial pressures. The latest forecast included all known pressures including loss of income, confirmed Scottish Government funding, the effects of the continued freeze on discretionary spend and assumptions around delivery of Financial Plan savings.
- 2.3 The report outlined that significant confirmed funding was in place for 2021/22, with a commitment that additional expenditure incurred through the Integration Joint Board (IJB) delivering Health & Social Care services be funded by the Scottish Government.

The report detailed the breakdown of confirmed COVID-19 funding for 2021/22, stating that a total of £31.563M was available. The total COVID-19 funding was split between funding which had been ring-fenced to be used for a specific purpose (£13.411m) such as education recovery, IJB funding, admin funding and funding to support communities, and that which could be used more generally by the Council to address COVID-19 pressures (£18.152m). Full details of funding available was provided in Appendix 2 to the report. There had been an ongoing impact on the delivery of planned Financial Plan savings during 2021/22 as a result of the diversion of management time to the pandemic during 2020/21 and into 2021/22. The level of savings required by the financial plan, totalled £9.301, in 2021/22 and an analysis of delivery of savings had been updated and provided in Appendix 3 to the report. Following the September month end savings of £2.491m had been delivered permanently, £1.964m (21%) was profiled to be delivered by 31 March 2022 and £4.846m (52%) was to be delivered on a temporary basis through alternative savings. The Director, Finance & Corporate Governance answered Members questions regarding the report and explained that reports were made regularly to the Scottish Government on a range of matters, including the impact of COVID-19 on the Council's ability to deliver fiscal savings.

DECISION

AGREED to:-

- (a) note the projected corporate monitoring position reported at 30 September 2021, the remaining pressures identified, the underlying cost drivers of this position and the identified areas of financial risk as reflected in Appendix 1 to the report;**
- (b) note the COVID-19 funding detailed in Appendix 2 to the report;**
- (c) note the progress made in achieving Financial Plan savings in Appendix 3; and**
- (d) approve the virements contained in Appendix 4 & 5 to the report.**

3. MONITORING OF THE CAPITAL FINANCIAL PLAN 2021/22

- 3.1** There had been circulated copies of a report by the Director Finance & Corporate Governance providing an update on the progress of the 2021/22 Capital Financial Plan and seeking approval for virements and the reallocation of funds. The monitoring tables in Appendix 1 to the report detailed actual expenditure to 30 September 2021. Key issues identified in the tables were summarised within the main report. The report explained that the September month end position reflected a projected outturn of £84.229m with a net budget variance of £16.445m. Further timing movements were likely as the year progressed and there was further clarity on timing of major projects. Significant expenditure was anticipated in Hawick Flood Protection scheme at £23.4m and £12m IT investment during 2021/22. There were a number of macro-economic factors affecting the Capital Plan. It was noted that the construction materials supply chain had been subject to unprecedented disruption in recent months. A surge in demand, coupled with constraints on supply had led to price increases, shortages and longer lead times and the impact of this on the Capital Plan was being assessed.
- 3.2** Current legally committed projects had a small risk of impact and block programmes of work could operate within a cash constrained budget and were low risk. The report stated that the most significant risk lay in the small number of contracts to be tendered this year which might result in budget pressure. Any financial implications from these market conditions would be reported through the regular budget monitoring cycle, with any longer term impacts reflected in the financial planning process.

- 3.3 The list of block allocations approved for the year and various approved and proposed projects to be allocation from them within the 2021/22 Capital Plan was outlined in Appendix 2 to the report. The list of estimated whole project capital costs for single projects which would not be completed in the current financial year was outlined in Appendix 3 to the report. Members discussed the report, recognising the ongoing impact of COVID-19 upon the delivery of the Capital Plan.

DECISION

- (a) **AGREED the projected outturn in Appendix 1 to the report as the revised capital budget and approved the virements required.**
- (b) **NOTED:**
- (i) **the budget virements previously approved by the Director, Finance & Corporate Governance and the Director Infrastructure & Environment detailed in Appendix 2 to the report under delegated authority;**
 - (ii) **the list of block allocations detailed in Appendix 2 to the report; and**
 - (iii) **the list of whole project costs detailed in Appendix 3 to the report.**

4. BALANCES AT MARCH 31 2022

There had been circulated copies of a report by the Director Finance & Corporate Governance providing an analysis of the Council's balances as at 31 March 2021 and details of the projected balances at 31 March 2022. The report explained that the unaudited Council's General Fund useable reserve (non-earmarked) balance was £8.3831m at 31 March 2021. The projected General Fund useable reserve was projected, to remain at £6.315m at 31 March 2021 in line with the Council's Financial Strategy. The total of all useable balances, excluding developer contributions, at 31 March 2022 was projected to be £34.288m, compared to £48.264m at 31 March 2021. The reduction in balances between the two financial years could be attributed to funding carried from 2020/21 to 2021/22 through the COVID-19 reserve, part of which had been attributed to the revenue budget in 2021/22. The projected balance on the Capital Fund of £8.111m would be affected by any further capital receipts, developer contributions, interest credited and any expenditure authorised to be financed from the Fund during the remainder of the financial year. In response to a question regarding developer contributions relating to the railway, the Director explained that in 2017 the Council agreed to pay Transport Scotland developer costs up front, and then recoup the developer contributions over time. Regarding the adverse weather fund, the Director explained that the Fund acted as a reserve to be used once the allocated winter services budget had been exhausted.

DECISION

NOTED:-

- (a) **the audited 2020/21 revenue balances at 31 March 2021;**
- (b) **the projected revenue balances as at 31 March 2022 as contained in Appendices 1 & 2 to the report; and**
- (c) **the projected balance in the Capital Fund as contained in Appendix 3 to the report.**

5. COVID-19 RESPONSE – UPDATE ON PROPOSALS TO FURTHER SUPORT INDIVIDUALS FACING FINANCIAL HARDSHIP

5.1 With reference to paragraph 5 of the Minute of 9 February 2021, there had been circulated copies of a report by the Director - Resilient Communities providing an update in relation to the allocation of the Scottish Government “Addressing future need to support individuals at financial risk 2020/21” Fund. The report also included further proposals to provide wider financial support to individuals who require additional help. A previous paper, approved by the Committee on 9 February 2021, detailed £20m of funding that had been announced by Scottish Government to be made available to Local Authorities to support those in financial hardship, £330k of which was available to Scottish Borders Council for Food and Financial Insecurity. Additional funding announced by the Scottish Government meant that a further £330k was available, to a total of £660k. Funding to both foodbanks/FareShare providers and Eildon Housing had provided much needed assistance in the provision of white goods, transport and top up of food banks for those who were self-isolating. Hardship payments of £75 had been made to approximately 1300 families across the borders, totalling over £99k.

5.2 Additional funding was sought for a range of initiatives, including £100k in relation to the extension of the Warm and Well scheme, £26k for a Scottish Child Bridging Payment, £117k to enhance the Clothing Grants Scheme, £121k to create an Inclusion Fund and £45k for a range of existing third sector networks, Community Planning Partners and other groups or organisations. A Financial Insecurity Group made up of relevant Officers and led by the Director - Resilient Communities, had continued to meet on a regular basis to discuss the funding. The proposed allocation of the next phase of funding was presented at Sections 5 and 6 of the report, which was based on the Scottish Government guidance, main objectives and the expected outcomes of the fund. The Director gave a summary of the new proposals detailed within the report and made reference to the case studies included as Appendices to the report. Members discussed the report, praised the excellent work of the officers involved, and recommended that anyone facing hardship as a result of COVID-19 utilise the funding on offer.

**DECISION
AGREED:-**

- (a) to note the funding that has been awarded to date in Appendix A to the report, and the available balances;**
- (b) to delegate authority to the Director - Resilient Communities to allocate funding as detailed in the report in respect of the following:**
 - (i) The extension of the Warm & Well Borders Scheme;**
 - (ii) Scottish Child Payments Bridging Payments, enhancing the Clothing Grants Scheme and the creation of an Inclusion Grant Scheme;**
 - (iii) Allocation of funding to a range of existing third sector networks, Community Planning Partners (including Registered Social Landlords) and any other partnerships, networks, resilience groups or other organisations who were already working with vulnerable individuals, to assist with essentials in accordance with the guidance, based on the principles of digital, fuel and food poverty and other items deemed as emergency essentials.**

- (c) **to delegate authority to the Director Finance & Corporate Governance to reflect in the budget any further funding which might be allocated to support households over the winter of 2021-22 in line with the Scottish Government's states policy intent; and**
- (d) **that all claims, financial monitoring and evaluation will be undertaken in accordance with the guidance and requirements of the Fund by officers delegated by the Director of Resilient Communities.**

6. **REVISED COMPLAINTS HANDLING PROCEDURE**

There had been circulated copies of a report by the Director, Resilient Communities that proposed the endorsement of the revised Complaints Handling Procedure. The report also outlined key changes being introduced in the revised Complaints Handling Procedure which had been developed following a review by the Scottish Public Services Ombudsman. In response to a question, Mrs Craig explained that the key factor behind the proposed changes was the desire to simplify the system and allow front line officers more flexibility in how they worked.

DECISION

AGREED to endorse the revised Complaint Handling Procedure for all Council Departments.

7. **CORONAVIRUS (COVID-19) TENANT GRANT FUND – OUTLINE OF FUND AND PROPOSALS FOR ADMINISTRATION OF FUND**

There had been circulated copies of a report by the Director, Resilient Communities, which described the Scottish Government's Tenant Grant Fund and requested delegated authority for the Director to allocate, monitor and evaluate the Scottish Borders allocation from the fund. The Deputy First Minister announced on 23 June 2021 a new £10m Tenant grant Fund as a way of preventing evictions as a result of COVID-19 related rent arrears. The Scottish Government wrote to Local Authorities (LA) on 10 September 2021 outlining the aims of the Fund and stated the level of award to each LA. Scottish Borders Council had been awarded £175k Grant Fund and £9k for the administration of the fund. Officers were liaising with partners, including 4 locally based RSLs, to assess the scale of demand for the fund and to inform the development of mechanisms for delivering the fund appropriately and effectively. The Director summarised the key elements of the report, explained that the fund was specifically for rent arrears built up between 23 March 2020 and 9 August 2021, and clarified that discussions were ongoing to ensure that private sector tenants could also access the fund on a fair basis.

DECISION

AGREED to:

- (a) **note the aims of the Fund and the funding that has been awarded as per the Scottish Government letter of 10 September 2021 per Appendix 1 to the report; and**
- (b) **delegate authority to the Director – Resilient Communities to allocate, monitor and evaluate funding in accordance with the Coronavirus (COVID-19) Tenant Grant Fund Guidance for Local Authorities.**

8. **SCOTTISH BORDERS COUNCIL QUEEN'S PLATINUM JUBILEE FUND**

There had been circulated copies of a report by the Director – Resilient Communities proposing that a sum of £70k would be allocated to create a Queen’s Platinum Jubilee Fund. The purpose of the Fund would be to enable non-profit making community/voluntary groups, schools and churches within the Borders whose project or activity was for the benefit of the wider community, to apply for grant funding to take part in celebratory events/community and legacy projects to mark the Queen’s Platinum Jubilee Weekend 2-5 June 2022. It was proposed that the Fund would open on 5 January 2022 to allow communities to plan events and activities, and close on 30 April 2022 to allow grant award payments to be processed before the Jubilee weekend. Awards up to a maximum of £2,500 would be available. In response to a question, the Director clarified that groups that had financial reserves would not be restricted from accessing the fund. Regarding the promotion of the Fund, Mrs Craig explained that a communication plan would be drawn up that aimed to ensure that the message was disseminated as widely as possible.

DECISION

AGREED:-

- (a) to the creation of a Queen’s Platinum Jubilee Fund of £70k; and**
- (b) that the decision making for the Council’s Queen’s Platinum Jubilee Fund is to be agreed at Officer level, with final approval and sign off by the Director, Resilient Communities.**

9. **OUR PLAN AND YOUR PART IN IT: SBC’S CORPORATE PERFORMANCE AND IMPROVEMENT REPORT QUARTER 2 2021/22**

There had been circulated copies of a report by the Director People, Performance & Change which presented a high level summary of Scottish Borders Council’s Quarter 2 2021/22 performance information with more detail contained within Appendices 1-3 to the report, and a summary of the Community Action Team’s activity provided in Appendix 5. The report also included highlights on the progress of change and improvement projects across Scottish Borders Council (SBC) under the Fit for 2024 programme and monitored progress of the Recovery Plan. During Quarter 2 2021/22, SBC had continued to press ahead with a range of important initiatives and innovations, including the launch of the Digital Skills programme aimed at improving overall digital skills of the workforce; improving outcomes for young people and their families through Family Group Decision Making and the utilisation of technology to automate and streamline processes. In response to a question on absence rates in schools, Mrs Hepburn undertook to investigate the matter further and explained that following the easing of COVID restrictions cases of minor illness appeared to be more common than usual, contributing to a higher than expected absence rate amongst staff and pupils. Regarding the cost per home spent by SBC collecting council tax, the Director, Finance & Corporate Governance clarified that the graph included in Appendix 1 to the report was a comparison of SBC and its local authority “family group” of comparable rural local authority areas.

DECISION

- (a) AGREED to approve the Quarterly Reports set out at Appendices 1-4 to the report.**
- (b) NOTED:-**
 - (i) the progress update relating to Change and Improvement Projects detailed in Appendix 1 of the report;**

- (ii) the changes to performance indicators outlined in report; and
- (iii) the performance summarised in the report and the action that were being undertaken within services to improve or maintain performance.

- 10 **PRIVATE BUSINESS**
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 the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 8 of Part I of Schedule 7A to the Act

SUMMARY OF PRIVATE BUSINESS

- 11 **MINUTE**
The Committee noted the Private Minute of the Meeting on 5 October 2021

The meeting concluded at 11.30 am.

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Scotland Loves Local Gift Card

Report by Director of Resilient Communities

Executive Committee

7 December 2021

1 PURPOSE AND SUMMARY

- 1.1 **This paper seeks approval to join the Scotland Loves Local Gift Card scheme which is a national initiative designed to help encourage all Scottish Local Authorities to develop their local supply chains and to help support local retailers and high streets**
- 1.2 The Gift Card was launched in July 2021 by Scotland's Towns Partnership with a view to providing opportunities for people to help support local businesses by purchasing local produce and keeping more spend within the Local Authority area.
- 1.3 The idea is that people can choose the amount of money to load onto a loyalty or gift card and spend it within businesses that have signed up to the proposal.
- 1.4 Anecdotal information would suggest that there is a view from local businesses in the Scottish Borders that this initiative would be welcomed and worth trying, especially considering the difficulties businesses have experienced during the Covid-19 pandemic.
- 1.5 A financial commitment will be required by Scottish Borders Council on an annual basis to help promote the gift card system.

2 RECOMMENDATIONS

2.1 It is recommended that the Executive Committee:

- (a) Approve the development of the gift card proposal within the Scottish Borders and allows officers the opportunity to engage with Scotland's Towns Partnership with a view to launching the scheme; and**
- (b) Receive a further report in 12 months on the operation of the scheme.**

3 BACKGROUND

- 3.1 The Scotland Loves Local Gift Card is a national initiative promoted by Scotland's Towns Partnership and supported by Scottish Government to try and encourage people in Scotland to support their local high streets. Further details can be found via this link [Gift Card – Scotland's Town Centre Recovery Campaign – Home of the Scotland Loves Local campaign. \(lovelocal.scot\)](#)
- 3.2 The idea behind the gift card is to try and encourage people to spend money in the local community, thereby helping to support local businesses and the local supply chain. Like any other gift card, you can choose the amount of money to load onto the card. However, the key difference in this case is that the money can only be spent within the boundaries of the Scottish Borders and with businesses that have signed up to the scheme.
- 3.3 The gift cards will feature a 16 digit MasterCard Number, CVV and Expiry date allowing them to be used online at independent and national retailers alike, as long as the retailer has a physical presence in the local authority area and is making a contribution to the local economy.
- 3.4 Once a business has signed up to the scheme, they will appear in an online directory and will be supported with promotional materials within an introductory period from Scotland Loves Local. There will also be technical support for cardholders and retailers provided by consultants Micronex who are based in Perth.
- 3.5 Anecdotal information from the Scottish Borders Chamber of Commerce and from local Elected Members suggests that there is an appetite for this type of initiative from local businesses and would be welcomed.
- 3.6 Our understanding is that neighbouring Local Authorities such Dumfries and Galloway and Midlothian Councils have already signed up to the scheme and East Lothian Council already had a gift card scheme in place which they believe to be worthwhile.

4 PROPOSAL

- 4.1 Following exploratory meetings with Scotland Loves Local earlier in the year, it is proposed that Scottish Borders Council signs up to the Gift Card proposal and trials the scheme over the short to medium term.
- 4.2 The scheme will require promotion and marketing in order to succeed and will be dependent on local retailers signing up to the project. Officers understand that Scotland Loves Local will provide some support to the Council in the initial stages of the project, but going forward Scottish Borders Council will be responsible for the marketing and promotion of the initiative and it has been estimated that there will be annual cost of approximately £10k to undertake this work along with the appropriate officer time.

- 4.3 A review of the scheme will be undertaken after a full year of operation to help gauge the success of the project and the results of this review will be presented to Elected Members.

5 IMPLICATIONS

5.1 Financial

The financial implications relate specifically to the ongoing promotion and advertising of the scheme, which have been estimated at approximately £10k per annum. The ongoing costs will need to be met by the Council from existing budgets.

5.2 Risk and Mitigations

The primary risk associated with the proposal centres on the take-up of the loyalty card scheme by local businesses and the officer time associated with the promotion and advertising of the scheme. To mitigate the risk, consideration should be given to how resources across the organisation could be utilised to promote the scheme.

5.3 Integrated Impact Assessment

There are no direct implications associated with an Integrated Impact Assessment.

5.4 Sustainable Development Goals

The promotion of local businesses and the local supply chain will hopefully help sustainability in the Scottish Borders.

5.5 Climate Change

There are climate change implications associated with the promotion of local businesses and the development of the local supply chain.

5.6 Rural Proofing

The report promotes the development of the local supply chain and local businesses throughout the Scottish Borders.

5.7 Data Protection Impact Statement

There are no personal data implications arising from the proposals contained in this report.

5.8 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to the scheme of administration or the scheme of delegation proposed in this report.

6 CONSULTATION

- 6.1 The Director (Finance & Corporate Governance), the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Director (People Performance & Change), the Clerk to the Council and Corporate Communications have been consulted and any comments have been incorporated into the final report.

Approved by

Jenni Craig
Director of Resilient Communities

Signature

Author(s)

Name	Designation and Contact Number
Graeme Johnstone	Lead Officer

Background Papers:

Previous Minute Reference:

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

Contact us at: gjohnstone@scotborders.gov.uk – 01835 825138

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REQUEST FOR APPROVAL OF THE ROAD CONSTRUCTION CONSENT FOR MAIN STREET, CHIRNSIDE, REFERENCE 21/00860/RCC

Report by Director – Infrastructure & Environment

Executive Committee

7 December 2021

1 PURPOSE AND SUMMARY

- 1.1 **This report proposes to seek the approval of the road construction consent, reference 21/00860/RCC, associated with the housing development at Main Street, Chirnside.**
- 1.2 Planning permission for 57 affordable dwellings at Main Street, Chirnside (application 18/00147/FUL) was granted by the Planning & Building Standards Committee on 15 October 2019 to Springfield Properties Plc.
- 1.3 The subsequent application for road construction consent, dated 21 May 2021, generated 28 objections during the consultation period. A further 3 objections have been received since the end of that statutory 28 day period.
- 1.4 27 of these objections received within the consultation period were based on the route of the proposed surface water outfall. This route is subject to Scottish Water scrutiny and is not being considered as part of the road construction consent process.
- 1.5 One objection raises concerns which are of a technical and engineering nature and it is the policy of this Council that such unresolved matters are referred to this Committee for determination.
- 1.6 A copy of the submitted information currently being considered in relation to the road construction consent application can be found on the Council's E-Planning [portal](#), reference 21/00860/RCC.
- 1.7 A copy of the draft road construction consent is attached in Appendix E of this report.

2 RECOMMENDATIONS

- 2.1 **I recommend that the Executive Committee, whilst acknowledging the content of all objections and in particular the valid objection, approves the road construction consent, reference 21/00860/RCC, for the development off Main Street, Chirnside.**

3 BACKGROUND

- 3.1 Planning application 18/00147/FUL for 57 affordable dwellings, submitted by Springfield Properties Plc, was considered and subsequently approved, by the Planning & Building Standards Committee on 15 October 2019. At this meeting, the recommendations of the Roads Planning Service were accepted by the Members. A location plan and site layout are shown in Appendix A and B respectively.
- 3.2 The development was considered against the principles of Designing Streets, a policy statement issued by the Scottish Government for street design and the recommendations of the Roads Planning Service at the application stage were based on this ethos.
- 3.3 In line with the current Local Development Plan, a maximum of 4 new dwellinghouses can be served via a private access, any more must be served by a public road.
- 3.4 It is a requirement of the Roads (Scotland) Act 1984 that anyone wishing to build a new road must first secure the approval of the local roads authority via a road construction consent (RCC).
- 3.5 An application for RCC is the process for seeking approval of the engineering and technical detail associated with the road infrastructure approved via the planning process.
- 3.6 RCC, reference 21/00860/RCC, was applied for on 18 May 2021.
- 3.7 During the statutory 28 day neighbour notification period, there were 28 objections received. 27 of these were based on the route of the surface water outfall and in particular, its relationship with a proposed allotment site, while one related to the main junction on to the Main Street.
- 3.8 The current Scheme of Delegation delegates the following authority to the Chief Planning Officer - "*Determination of all applications for road construction consent, except where there are unresolved technical or engineering objections, and to enforce the terms and conditions of such consents*".
- 3.9 In line with the current Council Scheme of Delegation, any unresolved objections to an RCC of a technical or engineering nature must be considered by the Executive Committee.
- 3.10 The objections relating to the surface water route are a matter for Scottish Water to consider and do not raise road construction issues and so are not matters for consideration as part of the road construction consent approval process. They are not therefore included for consideration within this report. A drawing showing the original wayleave route for the sewer is however shown in Appendix C for Members' information.

Since the original objections to the sewer route were submitted, the developer has realigned the sewer so as not to interfere with the allotment site.

3.11 The sole objection regarding the junction of the development with the Main Street, Chirnside, is deemed to meet the criteria outline in the Scheme of Delegation and is therefore the subject of this report. A copy of this objection is attached in Appendix D.

4 ASSESSMENT AND CONSIDERATION OF OBJECTIONS

4.1 The objection which necessitates this report, copy attached in Appendix D, covers several points relating mainly to the junction of the development access road onto Main Street, Chirnside. Each of the points raised in the objection are addressed below.

4.2 Proximity of junction to existing private garage

It is the opinion of the Roads Planning Service that the existence of the garage will not have a detrimental impact on the functionality of the proposed junction. There is ample visibility available to make all road users aware of each other in this vicinity. Vehicles leaving the site will have a clear view of any vehicle in the process of exiting the garage.

4.3 Proximity of private access to proposed junction

There is no legislation which states that a private driveway cannot be in such close proximity to a junction serving a development of this nature.

4.4 Junction visibility

When considered against the principles and guidance within Designing Streets, appropriate visibility splays for such a junction within a 30mph zone are 2.4m x 43m in each direction. These have been indicated within the submission drawings and can be achieved on site within land under the control of the applicant. These splays will also be acceptable should the Main Street remain at 20mph after the conclusion of the current trial.

4.5 Removal of part of footway

It is accepted that the provision of a junction will result in a length of carriageway having to be crossed. This, however, is an acceptable feature within settlement boundaries: The junction width will be kept to a minimum and the provision of a footway on either side of the junction will be an improvement on the surfacing of the existing "footway" which previously acted as an access to the former garage and was not a formal footway in terms of construction. The design also includes dropped kerbs at the radii which will allow for easier crossing of the junction area.

4.6 Level of traffic on Main Street

It is the opinion of the Roads Planning Service that Main Street, even with the presence of on-street parking, will cater for the increase in traffic associated with both the current phase of development and the potential future extension should it be forthcoming. The capacity of Main Street is of such a level that the vehicles generated by both the proposed and potential future development will not have a detrimental impact on the capacity or

free flow of traffic. A Transport Statement was submitted as part of the planning application process which forms the basis of this opinion. It should also be noted that the main east – west traffic route in the vicinity bypasses the village centre and does not traverse the Main Street.

4.7 *Proximity of parked cars to junction*

Due to the nature of the existing development on the Main Street, most cars park on the southern side of the street with the new junction being proposed on the north side. Due to the garage directly opposite the junction, and the lack of development and parking on the northern side, it is the opinion of the Roads Planning Service that parked vehicles will not have a detrimental impact on the proposal. There is also an element of parking proposed on the initial section of the access road where residents of the Main Street will be able to park.

4.8 *Impact on existing drainage*

The proposal has been considered by both Scottish Water and the Council's own Flood Protection Officers and neither party has raised any objections. There have also been no objections raised by either party regarding the surface water drainage for the development or the Sustainable Urban Drainage (SUDS) features it incorporates.

4.9 *Location of development within village*

Whilst Officers accept that the Council does look to cut down on the carbon footprint/pollution within the area, it also has a level of housing supply to meet and the vast majority of these dwellings are located within settlement boundaries. To provide large numbers of dwellings outwith settlement boundaries would result in the residents having to rely even more on a car for travel, hence increasing carbon emissions. When a development is within a settlement, there is a greater likelihood that residents will walk to visit friends or local amenities such as shops, pubs etc and use existing public transport connections where possible to travel further afield

4.10 The remaining objections related to the route of the surface water sewer associated with the development, shown in Appendix C. Part of this is shown going through land to the west of the development site which is currently in use as allotments by the Chirnside Allotment Society and by Chirnside Football Club. As previously mentioned, the consideration and any subsequent approval thereof is a matter for Scottish Water to review and is not included within the RCC process.

5 IMPLICATIONS

5.1 Financial

There are no costs attached to the recommendation contained in this report.

5.2 Risk and Mitigations

Should the Committee not agree to approve the road construction consent, the developer would be required to provide an amended submission taking on board any comments and recommendations of the committee. As well as causing an obvious delay in the provision of the affordable housing, any

amendments to the junction layout may also require the planning permission to be revisited or resubmitted. The end result of this may be the withdrawal of the proposal in its entirety. This would have a detrimental impact on the Council's responsibilities with meeting the affordable housing stock levels previously agreed. Furthermore, if the application is refused without justification, there is a risk of a claim being made that the Council have been unreasonable and a claim may be made for award of costs to the Scottish Ministers.

5.3 Integrated Impact Assessment

This is a routine report for statutory purposes, not a new or revised strategy of policy for decision and, as a result, completion of an integrated impact assessment is not an applicable consideration.

5.4 Sustainable Development Goals

During consideration of both the planning application and the road construction consent application associated with this development, Officers considered the movement of people and vehicles around the development, through Chirnside and to the rest of the Borders and beyond. A layout was determined which would provide suitable pedestrian connectivity to the village and the public transport services it provides. This is in an effort to encourage residents to use public transport wherever possible rather than rely solely on the private car for transport. The principles of Designing Street were taken into consideration during the processing of both the planning application and the road construction consent. These principles require that priority is given to pedestrians and cyclists over vehicular traffic and appropriate measures were incorporated in to the overall design of the development.

5.5 Climate Change

The layout being considered for approval incorporates safe pedestrian routes throughout the development and into the village beyond. This will encourage residents to walk around the local area and allow for connection to public transport services to allow travel to the Borders and beyond using sustainable transport modes. This is to encourage development within areas where residents can walk to some services within a 20 minute timescale and use public transport for accessing others. The drainage for the development has been designed to allow for climate change in terms of capacity. Furthermore, the materials chosen are such that they will be able to withstand changes in climatic events.

5.6 Rural Proofing

There is no new or amended policy or strategy as a result of this report.

5.7 Data Protection Impact Statement

There are no personal data implications arising from the proposals contained in this report.

5.8 Changes to Scheme of Administration or Scheme of Delegation

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

6 CONSULTATION

- 6.1 The Director (Finance & Corporate Governance), the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Director (People Performance & Change), the Clerk to the Council and Corporate Communications have been consulted and any comments have been incorporated into the final report.

Approved by

John Curry

Director Infrastructure & Environment

Signature

Author(s)

Name	Designation and Contact Number
Derek Inglis	Lead Roads Planning Officer - 01835 826639
Alan Scott	Senior Roads Planning Officer - 01835 836640

Background Papers: N/A

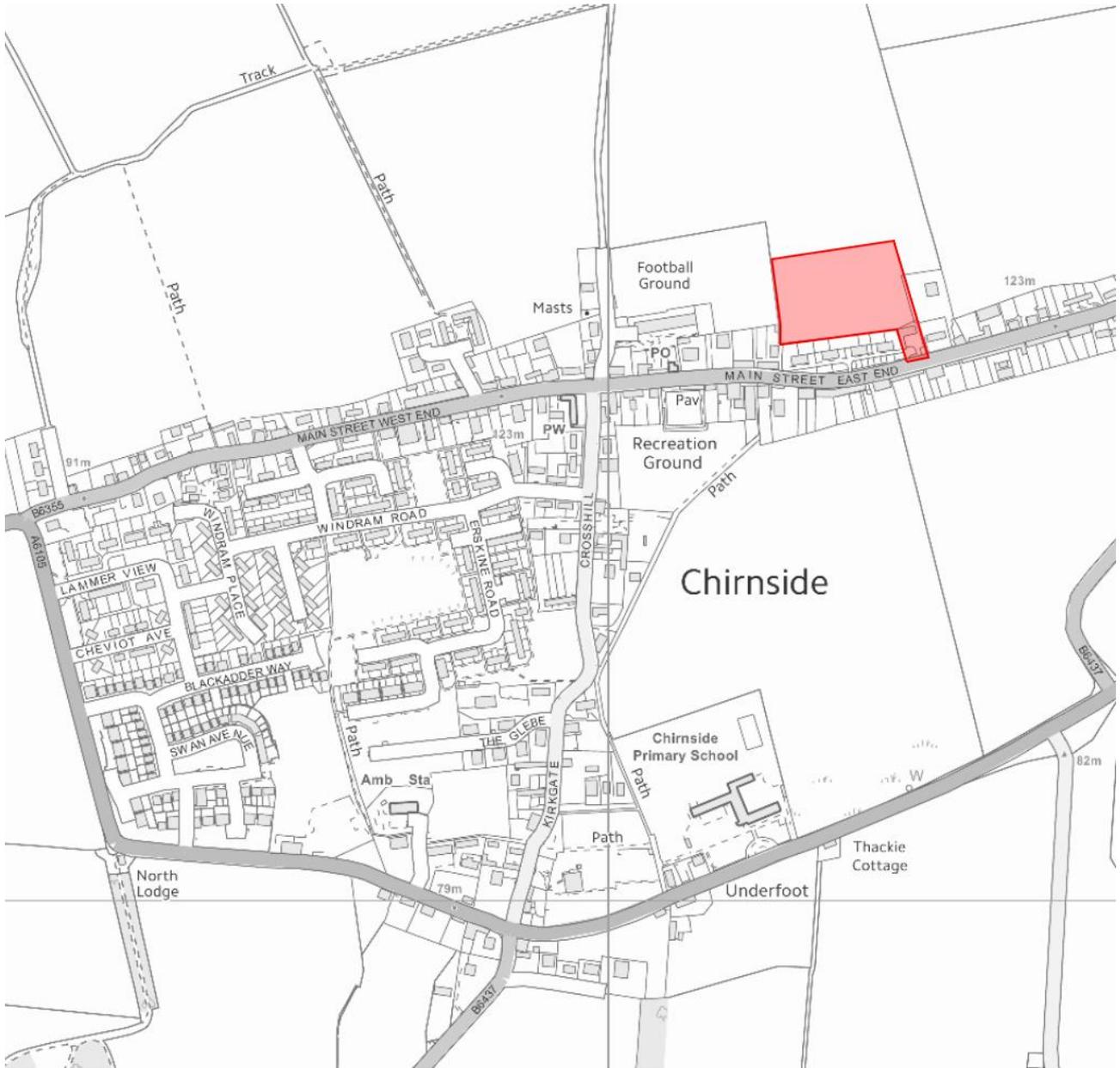
Previous Minute Reference: N/A

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

Contact us at Roads Planning Service, Council Headquarters, Newtown St. Boswells, Melrose TD7 5EQ ascott@scotborders.gov.uk

Appendix A

Location Plan



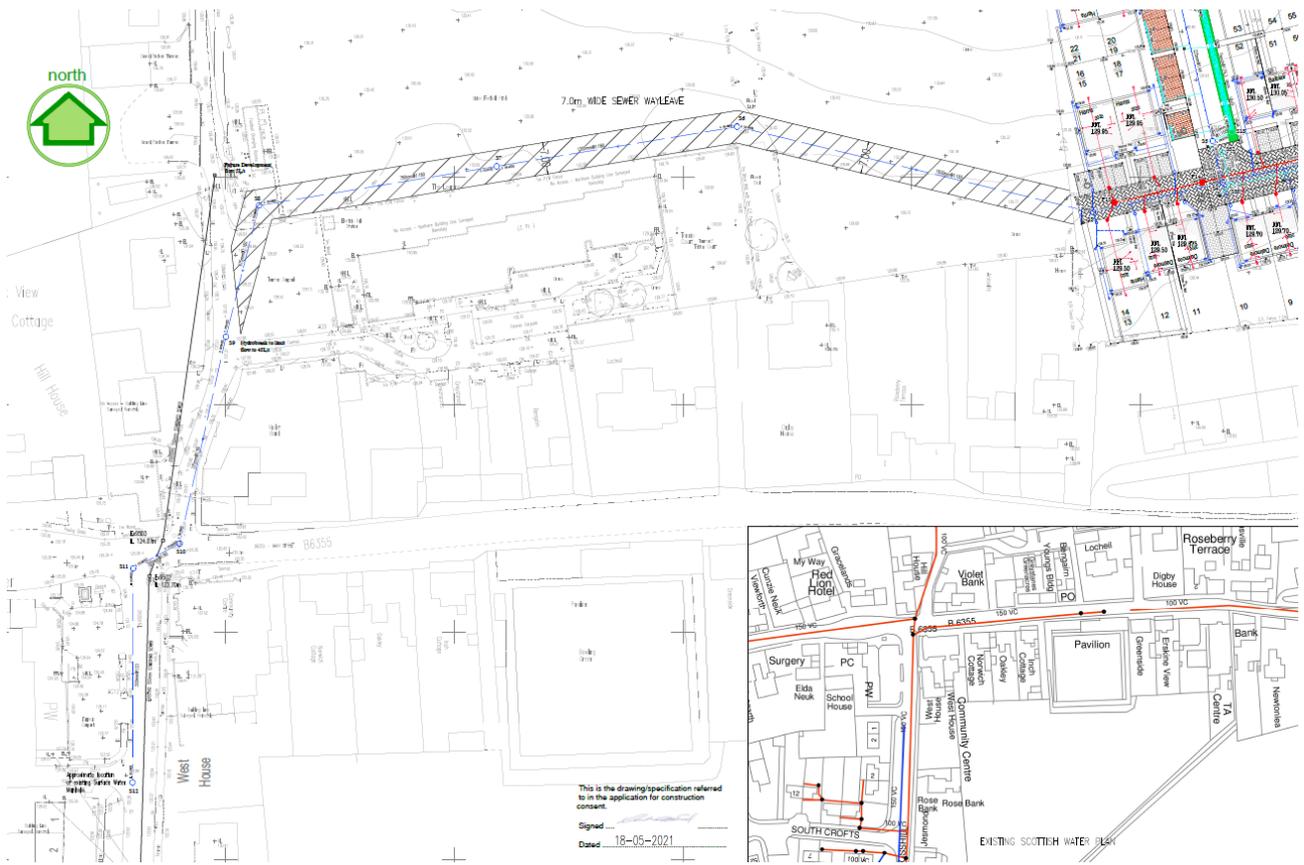
Appendix B

Site Plan



Appendix C

Off Site Drainage Wayleave



Appendix D

Objection

Main street
Chirnside
Berwickshire
TD11 3XS
6/6/21

Chief Planning Officer,

As a local resident of the area of Main Street Chirnside which will be affected by the proposed new roadway on the land formally occupied by Steels Garage I wish to object on a number of points;

1. This new access should not be allowed because there is an existing private garage entrance directly opposite to proposed roadway.

2. There is an existing private driveway entrance on the same side of the street as the proposed road and would be very near to the new junction. (If the junction already existed, the two private accesses would not be granted permission because of their proximity to said junction so I do not understand why a new access would even be considered).

3. A new major junction on a main road would need a line of sight splay in the region of 70 metres in either direction. This would not be possible to the east due to the existing boundary wall of the neighbouring house of the proposed new roadway. The line of sight may also be obstructed to the west as there are large grass bankings.

Because of the position of parked cars towards the east, vehicles would be approaching the proposed new access from that direction would be on the wrong side of the road, making it very dangerous for anyone trying to turn left from the new junction.

There would be no clear line of sight to the east at all if there were ever a vehicle parked (legally) at the bottom of the private drive.

As the new access road would have to have a less steep gradient than the existing access to the site, the position that a driver would be in at the junction would not allow an unobstructed view along the street towards the east.

4. The formation of a major junction with the main road would remove a large section of the pavement on the north side of the street, making it unsafe for pedestrians, wheelchair users and parents with prams\ young children. Because of the varied width of the footpath on the south side of the street, the north side

is the only safe option for people to walk from the east end towards the crosshill.

5. The main street is already very busy and congested, there is a danger that if the new roadway was allowed, more than 100 more cars could be using this stretch of road and making it very dangerous and unsafe for local residents.

6. Many of local residents have to park on the street as most of the houses are of a terraced/ semi detached nature and allowing a new roadway would make it illegal for them to park outside their own homes due to laws regarding parking opposite or in the proximity of a junction. This would also mean that the residents wouldn't be able to stop outside their own front doors to drop off shopping or have any deliveries to their homes. This would also restrict tradesmen etc to work at people houses as they would not be able to park vans anywhere near to where they were working.

It would also be very unfair to residents who are elderly, disabled or families with young children (most of the residents in the area affected come into one of these categories) as they would now have to find alternative parking which could be as far away as the east end or the crosshill areas of the village, causing more congestion further along the street.

7. The area of road where the proposed new junction would exit is already prone to flooding and adding a large expanse of non porous tarmac in the form of a new housing development access road would only add to the problem and there is a serious threat to damage to properties in the event of heavy rain fall causing flash flooding as the water runs down the hill.

I am led to believe that a new access road cannot drain onto a main road and must be contained before it reaches the road it joins.

This could also be a hazard in the winter as a frozen road surface could be potentially lethal as vehicles approach the junction.

8. In a time where more and more local authorities are trying to cut down on pollution in residential areas I feel it would be going against all sense of judgement to allow a new roadway and junction to be allowed which would increase pollution from an extra 100 or so extra vehicles in an already congested area of a small village. (initially a 57 house development but as always there will be a phase 2 so 100 extra vehicles is possibly a low estimate)

Draft Road Construction Consent



21/00860/RCC

FORM CC2

**SCOTTISH BORDERS COUNCIL
PLANNING, HOUSING and RELATED SERVICES
ROADS (SCOTLAND) ACT 1984 SECTION 21
CONSTRUCTION CONSENT TO CONSTRUCT OR EXTEND A ROAD
CONSTRUCTION CONSENT REF.**

Scottish Borders Council, hereinafter referred to as the Council, acting under and by virtue of Section 21 of the Roads (Scotland) Act 1984, hereby grant Construction Consent to:

**Springfield Properties Plc., 3 Central Park Avenue, Larbert,
Falkirk FK5 4RX**

(hereinafter referred to as "the developer"), for roadworks in connection with the development at:

East Comrades Park, Main Street, Chirnside, Duns

in accordance with (a) the schedule of drawings, particulars and specifications submitted to and approved by the Council which plans are docketed and signed by the Planning & Development Standards Manager as relative hereto; and (b) the relative provisions of the said Roads (Scotland) Act 1984.

In addition, Construction Consent is subject to the attached Schedule of Conditions.

It should be noted that responsibility for the accuracy and suitability of the design lies with the applicant and that the granting of Construction Consent does not relieve the applicant of this responsibility. The Council has the right to request alterations to the design or specification of the roadwork at any time prior to adoption of the road.

Date: 7th December 2021

Planning, Housing and Related Services
Council Headquarters
Newtown St. Boswells
MELROSE
TD6 0SA

Alan J Scott

PP PLANNING AND DEVELOPMENT STANDARDS MANAGER

**THIS CONSENT DOES NOT EXEMPT THE APPLICANT FROM THE NEED TO OBTAIN ANY
OTHER CONSENT WHICH MAY BE REQUIRED BY OTHER ENACTMENTS SUCH AS
PLANNING CONSENT OR BUILDING WARRANT.**

**SCOTTISH BORDERS COUNCIL
PLANNING, HOUSING and RELATED SERVICES
ROADS (SCOTLAND) ACT 1984 SECTION 21
CONSTRUCTION CONSENT TO CONSTRUCT OR EXTEND A ROAD**

Schedule of drawings, particulars and specifications relating to Construction Consent Ref. 21/00860//RCC granted in connection with the construction/extension of roads in connection with the housing association development at:

East Comrades Park, Main Street, Chirnside, Duns

Drawings:

<u>Dwg N^o</u>	<u>Date</u>	<u>Title</u>
Chirn-Eng-001 Rev C	24-09-2021	Roads Layout
Chirn-Eng-002 Rev C	17-09-2021	Roads Long Sections
Chirn-Eng-003 Rev A	24-09-2021	Road Construction Details
Chirn-Eng-004 Rev B	15-09-2021	Road Adoption Plan
Chirn-Eng-005 Rev A	08-07-2021	Manhole Schedules
Chirn-Eng-006 Rev A	12-07-2021	Drainage Long Sections
Chirn-Eng-007 Rev I	20-03-2019	Site Design Layout
Chirn-Eng-008	13-02-2018	Refuse Vehicle Swept Path
Chirn-Eng-011 Rev A	15-07-2021	Drainage Construction Details
Chirn-Eng-016	09-2021	Kerbing Layout
Chirn-Eng-017	09-2021	Service Route Layout
ALD_3685 Rev A	22-07-2021	Street Lighting Layout

12 N^o drawings refer to this application

Particulars:

All Street Lighting shall be constructed as per the Scottish Borders Council Road Lighting Design Brief. This document is site specific and will be provided upon application to Scottish Borders Council Road Lighting Section.

Specifications:

The specification for the road and road drainage work shall be in accordance with the 'Manual of Contract Documents for Highway Works'.

Signed: *Alan J Scott*
PP Planning & Development Standards Manager

Date: 7th December 2021

**SCOTTISH BORDERS COUNCIL
PLANNING, HOUSING and RELATED SERVICES
ROAD CONSTRUCTION CONSENT REF. 21/00860/RCC
SCHEDULE OF CONDITIONS**

1. All adoptable work including any prospective public parking is shown coloured on Drawing N^o Chirn-Eng-004 Rev B and must be carried out by a contractor first approved by the Council. It should be noted that prospective public parking cannot be allocated to properties.
2. The surface course on the carriageways and footways shall not be laid without the Council agreeing in writing that the building works served by them are substantially complete and that all service connections to individual building plots have been extended beyond the limits of any carriageway or footway.
3. The street lighting to be approved by the Council in writing, installed to the approved design and operational between each dwelling and the existing public road prior to that dwelling being occupied.
4. Access to the site to be granted during normal working hours to Council employees for inspection purposes and samples of construction materials to be provided free of charge on request for testing purposes.
5. Wheel washing facilities to be provided on-site that prevent mud being deposited on the public roads off-site as well as on the prospective public road(s) serving occupied houses on-site.
6. The developer and/or their contractor must comply with the Council's 'Inspection Procedures for Developments' a copy of which is included below.
7. Where the combined extent of any utility work undertaken by or on behalf of the developer in any road leading to the development site is such that the Council is of the opinion that it has resulted in a significant deterioration of that road then the developer will be responsible for resurfacing/reconstructing the road to the satisfaction of the Council.
8. The developer agrees to meet the Council's site supervision and materials testing costs in accordance with our scale of charges (copy attached).
9. All construction work shall be in accordance with the Council's 'Standards for Development Roads' and the 'Manual of Contract Documents for Highway Works'.
10. Curtilage parking when measured from the back of the service strip or footway must be at least 6m in length if one car deep and at least 12m in length if two cars deep. The gradient of the parking/turning area must not be steeper than 1 in 15. Any excess length of driveway leading to the parking/turning area may be as steep as 1 in 8.
11. All existing land or other drains severed by the road construction are to be connected into a drainage system in accordance with a scheme of details to be agreed by the Council.
12. The carriageway (and footways, footpaths and cycle paths if part of the consent) shall be constructed to at least binder course level and the street lighting shall be installed and be

operational between the public road and each dwelling before the dwelling is occupied.

13. All gully frames, manhole covers and other ironwork in the carriageways, footways, footpaths and cycle paths shall be set at the temporary surface level before any dwelling is occupied.
14. The roads approved in this consent shall be used only for road purposes, as regulated by the Roads (Scotland) Act 1984; from the time the first house served by them is occupied.
15. **Springfield Properties PLC.** as owner grant the Council and Public Utility Authorities free of charge a right of servitude to allow maintenance work to be carried out in the service strips coloured brown on Drawing N° Chirn-Eng-004 Rev B.
16. No fences, walls, rockeries or other landscape features shall be erected on, or trees or hedges planted in, the service strips coloured brown on Drawing N° Chirn-Eng-004 Rev B without permission having been granted in writing by the Council.
17. The visibility splays must be kept free of any obstruction to visibility in perpetuity.
18. Conditions 14 to 17 must be included in conditions of sale or title granted to successors in title.
19. The developer and/or their agent agree to the reproduction by the Council of any drawing included in the application documents for use for a Roads Authority purpose.
20. The developer shall, upon requesting the Council to adopt the roads within the development, supply a copy of the as-built drawings and all roads submitted for adoption must connect with an existing public road.
21. Upon completion of the carriageway surface course the developer will be responsible for providing appropriate road markings and traffic signs through liaison with the Council's Traffic Section.
22. Prior to the occupation of the first house, the developer shall provide and erect street name plates through liaison with the Council's Traffic Section.
23. This consent is valid for 5 years from the date it was granted. The Council may grant an extension in time, but any such extension may require amended drawings, different conditions of consent and a revised level of security for the outstanding work.

Your lawyer's attention should be drawn to conditions 14 to 19 of this consent

Signed: *Alan J Scott*
pp Planning & Development Standards Manager

Date: 7th December 2021

APPEALS

1. If the developer is aggrieved by the decision of the Council to grant consent subject to any of the conditions imposed, they may appeal to the Scottish Ministers in accordance with the Roads Construction Consent (Appeals Procedure) (Scotland) Regulations 1986 within 28 days of receipt of this notice.
2. Any notice of appeal should be sent to the Scottish Ministers, The Scottish Government, Transport Department, Victoria Quay, Leith, Edinburgh EH6 6QQ.
3. The Scottish Ministers shall notify the Council and all Section 21 parties in writing of the appeal and give them the opportunity to make written representations.

ADDITION OF A ROAD TO LIST OF PUBLIC ROADS

1. Where upon the satisfactory completion of a private road constructed in accordance with a Construction Consent granted under Section 21 of the Roads (Scotland) Act 1984 the person granted such consent applies to the Council to have the road(s) adopted the Council shall within 12 months of the application add the road(s) to the 'List of Public Roads' subject to any defective work being made good.
2. All submissions should include two paper copies and one electronic version of the drawings submitted for Construction Consent and contain all relevant as built details. The areas offered for adoption should be shown in colour on an adoption plan which should clearly indicate the ownership of all areas so coloured.

**SCOTTISH BORDERS COUNCIL - ROAD CONSTRUCTION CONSENT
INSPECTION PROCEDURES FOR DEVELOPMENTS**

1. Two weeks notice must be given to the Planning & Development Standards Manager of the start of roadwork together with names and telephone numbers of responsible persons who may be contacted in connection with the construction of the works.
2. During the construction period, irrespective of whether or not it is intended that the road(s) be subsequently adopted as public, the Planning & Development Standards Manager's representative must be afforded access to the site to ensure that the works are being undertaken in conformity with the Construction Consent.
3. The developer and/or their contractor should provide every facility to enable the Planning & Development Standards Manager's representative to examine the works being executed and the materials being used, but will remain responsible for ensuring that standards are met.
4. In accordance with Section 140(6)(b) of the Roads (Scotland) Act 1984, Scottish Borders Council reserves the right to charge for expenses incurred in inspecting and testing arising from the granting of Construction Consent. Samples of the various materials proposed to be used should be supplied, free of cost to the Council, together with particulars as to the source of supply or manufacture of such materials, or, at the discretion of the Planning & Development Standards Manager, test certificates may be submitted indicating the suitability of the materials proposed for use.
5. The developer or his contractor must give the Planning & Development Standards Manager's representative a minimum of 2 working days notice (excluding weekends) of:-
 - a. Drainage trench excavation,
 - b. Drainage trench backfill,
 - c. Testing of adoptable drainage sewers,
 - d. Completion of formation,
 - e. Commencement of kerbing,
 - f. Commencement of each pavement layer to the carriageways, footways and footpaths,
 - g. Each concrete pour (including blinding) and commencement of steel fixing where reinforced concrete is used,
 - h. Striking of formwork,
 - i. Setting out of road lighting plant positions and backfilling of cable trenches,
 - j. Completion of verges/service strips.

These are minimum requirements and, in certain cases, the developer may be required to notify the Planning & Development Standards Manager's representative of additional construction stages.

6. Upon completion of the road(s), irrespective of whether the road(s) are intended to be subsequently adopted as public, a request should be made to the Planning & Development Standards Manager to have a completion inspection carried out. As a result of this inspection, a list of any remedial work required to bring the road(s)/Street Lighting up to the Local Roads Authority's standards will be prepared. The road/Street Lighting can be adopted one year after satisfactory completion, at the request of the developer, subject to any defective work being made good.

SCALE OF CHARGES FOR SITE INSPECTIONS**SUPERVISOR**

Roads Planning Site Inspector	£40.47 per hour
Lead Roads Planning Officer	£58.15 per hour
Senior Structural Engineer	£55.59 per hour
Senior Roads Planning Officer	£46.99 per hour
Street Lighting Supervisor	£42.93 per hour
Roads Planning Officer	£42.21 per hour
Street Lighting Technician	£34.95 per hour
Roads Planning Technician	£33.16 per hour
Modern Apprentice	£18.70 per hour

MILEAGE

£0.45p per mile

SUBSISTENCE:

Lunch: £3.50

MATERIALS TESTING

Testing of aggregate/bituminous samples: £45 to £48

Please note that the above figures act as a reasonably accurate guide. The actual charges will reflect the expense incurred. The charges will be reviewed on an annual basis at the end of April.

You can get this document on tape, in large print, and various other formats by contacting us at the address below. In addition, contact the address below for information on language translations, additional copies, or to arrange for an officer to meet with you to explain any areas of the publication that you would like clarified.

Contact – Christine Blaszk, Planning, Housing and Related Services, Scottish Borders Council, Council Headquarters, Newtown St. Boswells, Melrose TD6 0SA Tel: 01835 826641 email: placeroadsplanning@scotborders.gov.uk

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PROPOSED INTRODUCTION OF EMPTY HOME GRANTS

Report by Director Infrastructure and Environment

Executive Committee

7 December 2021

1 PURPOSE AND SUMMARY

- 1.1 **This report seeks approval to allocate £500k from the second homes council tax affordable housing investment budget to provide grant assistance to owners of empty properties to help bring them back into use as housing, subject to the detailed criteria (paragraph 4.5).**
- 1.2 The Housing (Scotland) Act 2001 places a statutory requirement on Local Authorities to develop a Local Housing Strategy (LHS). This strategy sets the strategic direction for housing investment and service delivery and identifies the need to bring empty properties back into effective use.
- 1.3 The most common hurdle for empty home owners is the financial cost of bringing the property back into use. The [report to Committee](#) in April 2021 highlighted the creation of a specific fund to assist owners would be explored with proposals being brought back to Committee for approval.
- 1.4 The introduction of an empty homes grant will contribute to the strategic objectives highlighted in the [LHS](#), the [Strategic Housing Investment Plan](#) and the [Rapid Re-Housing Transition Plan](#). In addition, tackling empty properties supports the approach to town centres and regeneration.

2 RECOMMENDATIONS

- 2.1 **It is recommended that the Executive Committee:-**
 - (a) **Agrees to allocate an initial £500k from the second homes council tax affordable housing investment budget to provide grant assistance to owners of empty properties to help bring them back into use as housing, subject to detailed criteria (paragraph 4.5);**
 - (b) **Note that should the grant assistance prove successful, Officers will bring back proposals recommending an ongoing annual allocation from the revenues raised from second homes council tax.**

3 BACKGROUND

- 3.1 In March 2021 the Scottish Government published a 20 year Strategy for Housing; [Housing to 2040](#). A number of key actions specific to and prioritising, empty homes have been identified in this strategy.
- 3.3 The Housing (Scotland) Act 2001 places a statutory requirement on local authorities to develop a Local Housing Strategy (LHS). The LHS sets out the strategic direction for housing investment and service delivery in the Scottish Borders for 2017-22 and was approved by Scottish Borders Council and submitted to the Scottish Government in September 2017. Tackling issues around empty properties and bringing them back into effective use remains a priority for action in this strategy.
- 3.4 In addition to contributing to the strategic objectives for empty homes as highlighted in the [LHS](#) this proposal supports the objectives of the [Strategic Housing Investment Plan](#) (SHIP) and the [Rapid Re-Housing Transition Plan](#) (RRTP), as well as contributing to wider Council priorities including the approach to town centres, regeneration and place making.
- 3.5 Addressing empty properties also contributes to Council priorities around sustainability and promoting a low carbon economy, promoting health and wellbeing, promoting economic growth and the regeneration of town centres. [The proposed Local Development Plan 2](#) (LDP) highlights support for the Town Centre First principle and an approach to decisions that considers the health and vibrancy of town centres from the outset. Enabling development of high quality and affordable housing, in these locations in particular, can help increase the number of people living in our town centres while also supporting the Council's Climate Change Plan.
- 3.6 Delivery of an empty homes grant would also align with the objectives of the Borderlands Growth Deal to stimulate the repurposing of towns and centres across the area while also helping provide much needed homes. By putting this budget in place, it should further enable the region to attract inward investment, bolstering the areas economic recovery from the Covid-19 pandemic, the impacts of which have been felt throughout the Borders.

4 CONSIDERATIONS

- 4.1 The [report to Committee](#) in April 2021 reported that 1,543 homes were registered as long term empty, accounting for 2.6% of the total housing stock in the Borders; higher than the national average of 1.8%. The report also highlighted the costs of empty homes to the local economy and the impact on both the community and the Council. Homes lying empty cost communities in financial terms (as well as social) for example in lost rent, lost local spending, cost of boarding up properties, dealing with and responding to anti-social behavior, crime, and emergency services call-outs. By proactively tackling empty homes in addition to saving on these costs, the estimated community spend generated through the re-occupation of an empty home is estimated as £13,410 per property per year¹.

¹<https://www.ons.gov.uk/peoplepopulationandcommunity/personalandhouseholdfinances/incomeandwealth/compendium/familyspending/2014-12-02>

- 4.2 The grant assistance proposed will incentivise the creation of new affordable homes. On average there are approximately over 1,200 lets every year among the four Borders Based RSLs and collectively there were 21,602 bids made for available properties, an average of 16 bids per property, in 2019/20. Through the pilot process Officers will explore how this opportunity can also support homeless applicants in particular.
- 4.3 As empty homes represent a wasted resource in the Borders and can also cause significant problems for neighbours and surrounding communities there is merit in providing financial assistance to owners to bring their properties back in to use as housing. It is recognised that working proactively with owners to bring properties back into use can be time consuming and complex and it is also recognised that one of the most significant barriers to bringing properties back in to use are the associated costs. These typically range from £6k to £25k but can be more.
- 4.4 The Housing Act and scheme of assistance provides a legislative and tested model in regards to house condition and the provision of support in the form of grant. Therefore, it is the intention to align the empty homes grant with the existing scheme of assistance processes in regard to financial assistance. The recommendation in this report is that Committee agree to allocate an initial £500k to provide grant assistance to owners of empty properties across the Borders to help bring them back into use as affordable housing and subject to detailed criteria specified.
- 4.5 The proposed eligibility requirements and detailed criteria are set out in Appendix 1 of this report. In summary these include (but are not limited to) the following proposed conditions:
- The discretionary fund will be aimed at homes that are currently empty and in need of refurbishment;
 - The property must have been registered as empty and not been used as residential accommodation for at least one year. This is intended to ensure that speculative property developers did not seek to take advantage of the scheme;
 - The grant rate will be capped at 75% of the total cost of works required with a maximum grant award of £25k per home provided and a minimum of £1k. In exceptional circumstances and where there is a strong business case Officers can consider increasing the maximum award level;
 - Allocations will be subject to conditions set out in the Housing (Scotland) Act 2006, which secure the residential status of the property and ensure it is appropriately maintained. Private landlords (current or prospective) or owners who intend to occupy the property themselves would be able to apply subject to the following additional conditions:
 - i. The owner must agree to rent or occupy the improved property for a minimum period of five years
 - ii. Rent must be capped at Local Housing Allowance rates for that period

- iii. The owner must prove to the Council on an annual basis the property is still being made available for private let at an affordable level or being occupied by the owner or their immediate family.
 - iv. Where the intention is to rent the property works to meet future energy efficiency standards must be considered.
 - v. At least three fully costed and itemised schedules of works from different contractors will be required. These must specify the total costs to undertake works and state whether or not costs includes VAT. Homes empty for over 2 years qualify for a reduced VAT rate of 5%. Homes empty for over ten years are zero rated.
 - vi. The property must have sufficient equity as the grant sum will be secured against the property with conditions. Any breach to grant conditions will require repayment on a sliding scale over years 1-5 with any associated costs also being recoverable from the owner.
 - vii. The grant will generally be paid on completion of works and following inspection however for larger, more complex cases, or where financial hardship is demonstrated, a staged payment process will be available dependent on individual circumstances.
- Should Members agree this recommendation, applications will be determined by officers as a delegated matter. However, should exceptional circumstances arise and a single applicant seeks to apply for in excess of £25k for a single unit approval will be delegated to the Director of Finance and Corporate Governance and the Director of Infrastructure and Environment.

4.6 As this will be a new grant offer in the Borders it's difficult to predict what the level of uptake might be. Learning from other Local Authorities who offer similar grant assistance for empty properties suggests that by March 2023 applications for the initial proposed budget allocation could be achieved in full and around 30-35 owners supported with financial assistance. It should be noted, however, that there have been a number of challenges facing property owners and the construction trade during 2020/21 and into 2021/22 which may have an impact on timescales and costs.

4.7 As highlighted in recommendation (b) a review of the grant assistance offer will be undertaken when the initial budget has been allocated in full. This will provide officers and members an opportunity to consider how successful the outcomes of this assistance have been, whether the priorities and criteria in terms of targeting this resource have been appropriate and to consider whether an annual allocation would be a future recommendation to Committee.

4.8 The Housing Strategy Team will continue to work with a number of empty property owners who have, for a number of reasons, been unable to progress bringing their properties back in to use but will also be able to take a more proactive and strategic approach through the recent appointment of a dedicated Empty Homes Officer, alongside the proposed offer of grant assistance.

5 IMPLICATIONS

5.1 Financial

- (a) It is recommended in this report that an initial £500k is allocated from the second home council tax affordable housing investment budget to provide grant assistance to owners of empty properties to help bring them back into use as housing.
- (b) The affordable housing investment budget income can be used by local authorities to support revenue and capital expenditure related to a range of affordable housing activity including “bringing empty properties back into affordable housing use”. This income must be utilised in support of the delivery of local housing priorities and the proposed funding allocation meets the suitability criteria for the Council tax income generated from second homes. Table 1 below sets out current commitments. Table 2 shows the balance of available funding with the inclusion of a £500k empty homes grant commitment.

Table 1: Current 2nd Homes Council Tax financial table

	2021/22 £'000	2022/23 £'000	2023/24 £'000	2024/25 £'000	2025/26 £'000
Funding brought forward	2,887	3,087	2,638	3,738	4,883
Anticipated 2nd Homes Council Tax	1,103	1,211	1,247	1,285	1,323
Total Funding Available	3,990	4,298	3,885	5,023	6,206
Current Investment Commitments	903	1,660	147	140	890
Available Funding	3,087	2,638	3,738	4,883	5,316

Table 2: 2nd Homes Council Tax financial table including the proposed £500k allocation

	2021/22 £'000	2022/23 £'000	2023/24 £'000	2024/25 £'000	2025/26 £'000
Funding brought forward	2,887	3,087	2,338	3,238	4,383
Anticipated 2nd Homes Council Tax	1,103	1,211	1,247	1,285	1,323
Total Funding Available	3,990	4,298	3,585	4,523	5,706
Current Investment Commitments	903	1,960	347	140	890
Available Funding	3,087	2,338	3,238	4,383	4,816

- (c) This report is recommending an initial, and non-recurring, allocation of £500k to pilot and test the approach. This will likely be drawn down over 2022/23 and 2023/24 financial years. Therefore, at this test stage, there will be no long term impact on the budget available.

- (d) Dedicated Officer resource, supplemented with this proposed grant assistance, should result in more empty homes being brought back in to use. Where these empty homes are currently charged 200% Council Tax there could be a reduction in Council Tax income. It is difficult to quantify at this stage what that reduction may be, however there is the intention to carry out a full financial impact assessment of the revised approach to empty homes prior to any future recommendations being presented to committee. The intention of the current 200% levy is to incentivise owners to bring homes back in to use.
- (e) With a 75% grant award available the proposed allocation is estimated to support further local investment in excess of £100k from private property owners' own resources.
- (f) Where any specific actions are considered as having a further resource implication for the Council Officers would bring back proposals for consideration by the Executive Committee as they arise.

5.2 Risk and Mitigations

- (a) Delivery of the LHS aims and objectives in relation to empty homes is largely dependent upon a number of variables, not least of which relate to resource and other political and organisational decision making processes beyond the control of the Local Authority.
- (b) Toward the end of pilot period there will be a review of the empty homes service and the grant assistance offer to assess the potential for an annual budget allocation or whether alternative action is deemed necessary.

5.3 Integrated Impact Assessment

- (a) A full Equality Impact Assessment was carried out on the current LHS (2017-2022). Equalities forms an integral part of the LHS process and is part of the LHS guidance.
- (b) A full Integrated Impact Assessment will be embedded in the development process of the new Local Housing Strategy.

5.4 Sustainable Development Goals

It is considered that the recommendations in this report will contribute positively to goals 7, 8 and 11. Bringing empty homes back in to use reduces the negative impact that neglected empty homes can have on communities and contributes to the local economy as noted at 4.1.

5.5 Climate Change

It is considered that there are no direct effects on the Council's carbon emissions arising from the report recommendations. There are likely to be positive effects by promoting sustainability through better use of existing stock. Bringing empty homes back in to use is a sustainable way of increasing the local supply of housing and has the environmental benefit of reduced CO₂ production compared with new build. Officers will also

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Donna Bogdanovic can also give information on other language translations as well as providing additional copies. Contact us at housingenquiries@scotborders.gov.uk or tel:01896 661392

Scottish Borders Council Proposed Empty Homes Grant Scheme: Overview and Detailed Criteria

Due to the high need and demand for affordable housing Scottish Borders Council is committed to helping bring as many empty properties in the area back into use as is practically possible. Empty properties represent a loss in the overall housing stock available and a key priority identified in the Local Housing Strategy is to utilise the private sector housing supply more effectively.

The Housing (Scotland) Act 2006, aims to encourage home owners to take more responsibility for the condition of their homes, to ensure that private housing in Scotland is kept in a decent state of repair. To do that it requires that local authorities provide a scheme of assistance, primarily to provide information and advice and in some case practical assistance. Financial assistance for property repair and maintenance is at local authorities' discretion.

The Housing Act and scheme of assistance provides a legislative and tested model in regards to house condition and the provision of support in the form of grant. Therefore, it is the intention to align the empty homes grant with the existing scheme of assistance processes in regard to financial assistance.

Empty Homes Grant: Proposed Outline Grant Criteria & Conditions

- Discretionary grant for empty homes to be used for owner occupation or let as private rented accommodation for a minimum period of 5 years.
- Where rented the rent must be capped at [Local Housing Allowance](#) (LHA) rates for that period (5 years).
- The property must be registered as empty for at least one year prior to application and to be used as full time residential accommodation on completion of repair or refurbishment works.
- Vacant commercial properties will be considered if they have secured planning permission for residential use, and have been empty for longer than 12 months
- Grant up to a maximum of 75% of total cost of works and capped at £25k per property (subject to funds being available) to bring an empty property back into use. Where the intention is to occupy the property the grant offer will be capped at 50% of the total cost of works.
- Landlords must be registered with Scottish Borders Council
- Properties must meet the Tolerable or repairing Standards on completion of works.
- At least 3 fully costed and itemised schedules of works from different contractors will be required. These must specify the total costs to undertake works and state whether or not costs includes VAT. NB. Properties LTE for over 2 years qualify for VAT reduction of 5% Homes empty for more than ten years are zero rated.
- Projects involving major works require the appointment of an independent agent, architect, surveyor or equivalent to specify, tender and supervise the works.
- Properties should not have had any previous grant/loan or public subsidy in the last 10 years (excluding energy efficiency related grants through the EES:ABS programme)
- Owners can apply for empty homes grant for up to a maximum of 5 properties across the Scottish Borders area.
- Improvement works must be carried out within a period of twelve months from the date of grant applications approval. Extensions to timescales will only be granted in exceptional circumstances.

APPENDIX 1

- If the house is sold or ownership transferred within 5 years of completion of work any grant paid will be reclaimed on a sliding scale through years 1-5 and with interest.
- Any breach to grant conditions will result in requirement of grant to be repaid on a sliding scale through years 1-5 with any associated costs also being recoverable from the owner.
- Grant conditions are recorded on property titles
- Successful grant applicants (where rented) must provide copy of the tenancy agreement for the initial tenancy and thereafter any new tenancies/tenants or amendments made during the 5 year period.
- The owner of the land/property must take all reasonable steps to keep it in a good state of repair.
- The owners of the land or premises must certify that the conditions, in so far as they apply, are being observed.
- The Council will also reserve the right to periodically inspect the property to ensure that it is being maintained to the required standard.
- The property must have sufficient equity.
- The grant will generally be paid on completion of works and following inspection however for larger more complex works, or where financial hardship can be demonstrated, a staged payment process will be available dependent on individual circumstances.



Economic Development Update

Report by Director of Resilient Communities

Executive Committee

7 December 2021

1 PURPOSE AND SUMMARY

- 1.1 **This paper provides Elected Members with an update on a number of projects that have an economic development related theme.**
- 1.2 A Borders Railway Prospectus has recently been produced by the Borderlands Partnership. This document presents a high level assessment of the transport connectivity issues in the Borderlands area. The prospectus identified and highlighted the development of the Tweedbank to Carlisle railway as the best solution to improve transport connectivity in our area. In addition, a Borders Railway Reference Group has recently been initiated to help progress the project and a meeting with the Cabinet Secretary for Finance and the Economy was held in October to specifically discuss the Borders Railway project.
- 1.3 Within the Borderlands Inclusive Growth Deal, work is ongoing in relation to the various business cases impacting on the Scottish Borders. The programme is overseen by the Borderlands Partnership and meetings are usually held on a quarterly basis. As Councillor Rowley has recently been appointed the Leader of the Council there is now a need to appoint a substitute member who can take his place if he cannot attend Partnership meetings.
- 1.4 Scottish Borders Council and South of Scotland Enterprise (SOSE) agreed to form a strategic partnership in relation to the delivery of the Business Gateway Service in November 2020, with the service transferring to SOSE in April this year. This paper provides a regular update and confirms that there has been a general increase in business start-ups and general activity over recent months.
- 1.5 A Scottish Borders Local Employability Partnership has recently been established to meet the requirements of the Scottish Government's No One Left Behind (NOLB) policy agenda. This involves local authorities being given a lead role in co-ordinating employability services in partnership with other local bodies together with a new funding regime which is to start in the next financial year 2022/23. The Partnership has to produce a Delivery Plan setting out the plans for employability services in the Scottish Borders over the next three financial years 2022/23-2023/24.

- 1.6 Recent UK Government funding opportunities relating specifically to Building Back Better indicates that the Community Renewal Fund and the Levelling Up Fund are the key schemes where Local Authorities have the primary responsibility for leading on potential bids. The Community Renewal Fund is a one-off revenue based fund designed to support public bodies and community groups. A total of 29 applications were received with 14 submitted to UK Government earlier this year. Following an announcement in early November, a total of 8 applications were successful and need to be completed by June 2022. The Levelling Up Fund is capital based and bids are currently being developed for round two of the fund which is expected to be announced by the UK Government early next year.
- 1.7 A new website has been developed to advise community groups and charities of the potential opportunities that may be available through the Edinburgh and South East Scotland City Deal process.

2 RECOMMENDATIONS

2.1 It is recommended that the Executive Committee:

- (a) Notes the provided Economic Development updates; and**
- (b) Considers nominating a Substitute Member for the Borderlands Partnership which will be agreed at the next meeting of Scottish Borders Council.**

3 Background

3.1 This report covers some of the key aspects relating to economic development, details are presented below.

4 Borders Railway Extension Feasibility Study

- 4.1 The Borderlands Inclusive Growth Deal was signed in March 2021 by the Borderlands Partnership, the UK and Scottish Governments and the local authorities within the Borderlands area. The deal included £10m of funding to undertake feasibility work to help assess the options in relation to the extension of the Borders Railway from Tweedbank route by taking it through Hawick to connect to Carlisle.
- 4.2 The Borderlands Partnership which comprises Council Leaders and the Chair of the Borderlands Economic Forum have been actively promoting this project and recently produced a Borders Railway Prospectus which carried out a high level assessment of what is needed to tackle the transport connectivity issues in the Borderlands. The process identified and highlighted the development of the Tweedbank to Carlisle railway as one of the best solutions to improved transport connectivity in the Borderlands area.
- 4.3 The Prospectus indicated that the railway extension will result in a positive transformational change for the area's fortunes. Importantly, while this project addresses a regional connectivity need, it also has the potential to provide solutions at the UK level for enhancing cross border capacity, resilience and connectivity and links into a number of extremely exciting Borderlands proposals in Carlisle City and Cumbria, including the redevelopment of Carlisle Railway Station in preparation for potential High Speed Rail proposals.
- 4.4 The Scottish Government is currently progressing the evidence base for this project through the Strategic Transport Projects Review (STRP2) process, with the initial findings to be reported by Transport Scotland in January next year.
- 4.5 In addition, a Borders Railway Inclusive Growth Deal Reference Group has been initiated, which comprises of officials from the Scottish and UK Government and from the Borderlands Local Authorities. The first meeting of this group met in October and is planned to convene until the work already underway through STPR2 has concluded.
- 4.6 A meeting between Ms Kate Forbes MSP, Scottish Government Cabinet Secretary for Finance and the Economy, and the Borderlands Partnership was also arranged in October to discuss progress on the Borderlands Inclusive Growth Deal and specifically the Borders Railway extension proposals. This meeting was attended by the Leaders of the Borderlands Partnership, including the Council Leader from Scottish Borders Council.

5 Borderlands Inclusive Growth Deal

- 5.1 Work is ongoing on taking forward the various business cases impacting on the Scottish Borders. The progress in taking one of these key projects, the Borders Railway Extension Feasibility Study, has been outlined in the previous section.
- 5.2 The Borderlands Inclusive Deal Growth Programme is overseen by the Borderlands Partnership which comprises the Leaders of the five local authorities i.e. Dumfries and Galloway Council, Carlisle City Council, Cumbria County Council, Northumberland County Council, and Scottish Borders Council together with the chair of the Borderlands Economic Forum.
- 5.3 Decisions by the Partnership require all local authorities to be represented at its meetings. These meetings take place quarterly, therefore this means if Leaders are not present there is a need for substitutes.
- 5.4 Councillor Mark Rowley was the substitute member for Scottish Borders Council. As he has been appointed the Leader of the Council there is now a need to appoint a substitute member who can take his place if he cannot attend Partnership meetings.

6 Business Gateway

- 6.1 Scottish Borders Council and South of Scotland Enterprise (SOSE) agreed to form a strategic partnership in relation to the delivery of the Business Gateway Service. This arrangement was agreed by Scottish Borders Council on 26 November 2020, with the service transferring to SOSE in April this year.
- 6.2 As part of this partnership arrangement, regular updates in the form of business start-ups and general activity will be provided to Scottish Borders Council at regular intervals.
- 6.3 The Business Gateway outputs from quarter two of this financial year have been provided in **Table 3.1** and it can be noted that there appears to have been a general increase in activity over recent months in relation to business start-ups and general enquiries.

Table 3.1 – Business Gateway Outputs – Quarter Two 2021/22

Output Targets 2021/22		Targets 2021/22	Actual Q1 Outputs	Projected Q2 Outputs	Projected Q3 Outputs	Projected Q4 Outputs
Start-up Service	Current Position					
Total number of start-up customers who have begun trading	The first quarter has focused on bedding in the new service, recruiting the new team and building a post-covid recovery pipeline of potential business start-ups.	150	3	45	50	60
Start-up with Employees	The first quarter has focused on bedding in the new service, recruiting the new team and building a post-covid recovery pipeline of potential business start-ups.	20	0	8	5	10
Number of business Start-up enquiries	New target introduced to demonstrate demand for individuals exploring business start-up	300	61	93	80	84
Number of Start-up workshops / seminars held	Currently BG workshop programme is being delivered by BG National. Local workshops will recommence following end of Covid restrictions. Currently we do not anticipate face-to-face workshops before Quarter 3.	35	0	5	15	20
Number of clients attending start-up workshops/seminars	This target reflects the estimated number of attendees from Scottish Borders at national workshops/seminars, which forms part of our pipeline	250	164	70	150	150
Number of Clients receiving Digital Boost 1-2-1 consultancy	This target focuses on the number of clients from Scottish Borders receiving digital boost support	30	7	5	9	9

7 Employability

- 7.1 A Scottish Borders Local Employability Partnership has recently been established to meet the requirements of the Scottish Government’s No One Left Behind (NOLB) policy agenda. This involves local authorities being given a lead role in coordinating employability services in partnership with other local bodies, together with a new funding regime which is to start in the next financial year 2022/23.
- 7.2 The Partnership is chaired by Lesley Munro, Director of Education and Lifelong Learning, Scottish Borders Council. Its other members are senior officers from Skills Development Scotland, Department of Work and Pensions, South of Scotland Enterprise, Scottish Borders Chambers of Commerce, Borders College, Scottish Borders Social Enterprise Chamber and a representative from Scottish Borders Registered Social Landlords (RSLs). It is intended that this membership will be reviewed on a regular basis and representatives from other organisations will be invited as appropriate.
- 7.3 The work of Partnership links closely into the work Scottish Borders Community Planning Partnership and the Borders Learning and Skills Group. It will also take account of the South of Scotland Regional Economic Strategy and its Delivery Plan, the Integrated Regional Enterprise and Skills (IRES) programme of Edinburgh and South East Scotland City Region Deal and the Borderlands Inclusive Growth Deal.
- 7.4 The Partnership has to produce a Delivery Plan setting out the plans for employability services in the Scottish Borders over the next three financial years 2022/23-2023/24. The Partnership is planning to use 2022/23 as a transitional year. This approach will be critical to help ensure continuity of employability support services in the Scottish Borders and to allow the Partnership to consider the priorities going forward. A fuller report on work of the Partnership including the Delivery Plan will be presented to the Executive Committee early next year.

8 UK Government Funding – Build Back Better

- 8.1 In March 2021, the UK Government published the UK Budget which was accompanied by a number of documents that related specifically to the proposed levelling up agenda. Three UK-wide funding schemes were introduced as part of this process:
- Community Renewal Fund;
 - Levelling Up Fund; and
 - Community Ownership Fund.
- 8.2 Local Authorities have been given the primary responsibility for leading on bids to the Community Renewal Fund and the Levelling-Up Fund.
- 8.3 The UK Government sub-divided the whole of the Country into priority areas based primarily on economic resilience, with the Scottish Borders designated as a category one area and therefore given more consideration for financial support.
- 8.4 The Community Renewal Fund (CRF) is a one off revenue fund designed to support public bodies, voluntary groups and communities to pilot new ideas and approaches to better support economic development related activities. The UK Government intends that the CRF will pave the way for the introduction of a UK Shared Prosperity Fund which will replace Structural Funds that were issued through the European Union.
- 8.5 In the Scottish Borders, Scottish Borders Council administered the application process. A total of 29 applications were received and reviewed by an independent panel, with 14 applications approved for submission to UK Government by Scottish Borders Council at the end of June 2021.
- 8.6 The UK Government announced its decisions on applications in early November 2021 and eight were successful in securing funding. The awards were:
- £381,821 to support the development of sustainability focussed courses by Borders College.
 - £218,739 to fund an employment and wellbeing programme for people by Berwickshire Housing Association.
 - £187,272 to develop the electric vehicle charging infrastructure across the Scottish Borders, by Scottish Borders Council.
 - £160,854 for the Scottish Borders Community Development Company (known as The Bridge) for workshops to help communities deliver larger scale projects.
 - £158,041 to help the development of a mountain biking by Scottish Cycling.
 - £90,739 for a feasibility study to develop an area of land purchased by Newcastleton and District Community Trust.
 - £82,445 to help support the delivery of training and heritage focused activities by Archaeology Scotland.
 - £57,120 for the Southern Uplands Partnership to develop energy efficiency training schemes.

8.7 In relation to the Levelling Up Funds, officers within Scottish Borders Council and partners are developing bids for Round 2 which is expected to be announced by the UK Government early next year. This will be the subject of a report to the Executive Committee when more information is available.

9 Edinburgh and South East Scotland City Region Deal

9.1 The Edinburgh and South East Scotland City Region Deal is a mechanism for accelerating growth and significant investment in the South East of Scotland. The key project in the Scottish Borders that is being promoted through the city region deal is the delivery of a new Borders Innovation Park in Tweedbank.

9.2 As well as creating a large number of potential jobs throughout the South East of Scotland, one of the key aspects of the City Region Deal is to offer communities benefits.

9.3 A new website has recently been developed that details the potential benefits that community groups, charities and businesses could access through the city deal process and a link to this website has been provided: <https://www.esescommunities.org/>

10 IMPLICATIONS

10.1 Financial

Each project noted in the paper has their own particular financial issues and will be reported individually. This is an update report and therefore detailed analysis of each project has not been provided in this instance.

10.2 Risk and Mitigations

Each project noted in the paper has their own particular issues in relation to risk and potential mitigation and will be reported individually. This is an update report and therefore detailed analysis of each project has not been provided in this instance.

10.3 Integrated Impact Assessment

There are no direct implications associated with an Integrated Impact Assessment. However, a key aspect of Scottish Borders Council's work in relation to Economic Development is to reduce barriers to inequality and help to promote sustainable, inclusive economic growth.

10.4 Sustainable Development Goals

The intention for each of the projects noted in the paper is to provide socially and environmentally responsible decision making, balanced with delivering economic benefits to help sustain local communities and where applicable the local supply chain and to support the circular economy.

10.5 Climate Change

There are no direct implications associated to climate change in this report.

10.6 Rural Proofing

This report provides an update on a number of projects that would potentially have a positive impact on the Scottish Borders.

10.7 Data Protection Impact Statement

There are no personal data implications arising from the proposals contained in this report.

10.8 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to the scheme of administration or the scheme of delegation proposed in this report.

11 CONSULTATION

11.1 The Director (Finance & Corporate Governance), the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Director (People Performance & Change), the Clerk to the Council and Corporate Communications have been consulted and any comments received shall be reported back at the meeting.

Approved by

Jenni Craig
Director of Resilient Communities

Signature

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Graeme Johnstone	Lead Officer
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Background Papers:

Previous Minute Reference:

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SCOTTISH BORDERS COUNCIL'S ANNUAL COMPLAINTS PERFORMANCE REPORT: 2019/20 and 2020/21

Report by Director Resilient Communities

EXECUTIVE COMMITTEE

7 December 2021

1 PURPOSE AND SUMMARY

- 1.1 This report presents a summary of Scottish Borders Council's "Complaints Annual Performance Report for 2019/20 and 2020/21", which is presented as Appendix 1 and Appendix 2. This sets out how many complaints have been received, how effectively complaints have been dealt with, trends over time and how Scottish Borders Council (SBC) compares to other similar rural Local Authorities and the national average. It also provides a summary of the eight performance indicators that the Scottish Public Services Ombudsman (SPSO) requires all Local Authorities to report against.**
- 1.2 The Annual Report is a requirement of all Local Authorities and allows the SPSO to assess the effectiveness of Councils' Complaint Handling Procedures (CHP). It also ensures an ongoing focus on learning from complaints received to inform continuous improvement.
- 1.3 During 2019/20, SBC received 1034 complaints, of which 725 were defined as valid and during 2020/21, SBC received 1076 complaints, of which 780 were defined as valid. In 2019/20 Scottish Borders Council continued to perform well against the Scottish averages and similar Scottish Local Authorities in relation to the 8 SPSO performance indicators, but the performance on timeliness of response has decreased through 2020/21.

2 RECOMMENDATIONS

- 2.1 I recommend that the Committee notes the performance of handling complaints for the periods 1 April 2019 to 31 March 2020 and 1 April 2020 to 31 March 2021.**

3 BACKGROUND

- 3.1 The Public Services Reform (Scotland) Act 2010 gave the SPSO the authority to lead the development of a standardised complaints handling procedure to be used across the public sector.
- 3.2 In May 2012, the SPSO issued finalised guidance on the handling of complaints, 'Local Authority Model Complaints Handling Procedure'. In November 2012 Scottish Borders Council approved a 'Complaints Handling Procedure' (CHP), based on this guidance, which then became publicly available and fully implemented during 2013.
- 3.3 In 2018-19, the SPSO conducted a review of their Model Complaints Handling Procedures (MCHP) to establish their effectiveness and usability. Following consultation across all sectors the MCHPs were revised to standardise the core text across all of Scotland's public services and to update the MCHPs in line with issues identified by the SPSO in their casework, research and good practice.
- 3.4 The CHP defines a complaint as "any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by us or on our behalf". It also defines how a complaint will be handled and the timescales to resolve any complaint received.
- 3.5 The objective of the (CHP) is to resolve complaints (i.e. customer dissatisfaction) as close to the point of service delivery and as soon as possible. The majority of 'Valid' complaints go through the Frontline 'Stage 1' process where the complaint should be closed within 5 working days. However, if the complaint is complex, needing detailed investigation or Escalated from Stage 1 because the customer is dissatisfied with the original response, it is considered an Investigation Stage 'Stage 2' complaint. Stage 2 complaints should be closed within 20 working days. If, after 'Stage 2', the customer is not satisfied with the response to their complaint or how it was handled, they can refer their complaint to the SPSO.
- 3.6 In August 2014, the SPSO issued guidance stating that the annual performance of Local Authorities handling of complaints should be formally presented in an annual report across eight specified key performance indicators. It was later confirmed that this report should be published.
- 3.7 Elected Members are also kept aware of key SPSO indicators on a quarterly basis through Scottish Borders Council's Corporate Performance reporting to Executive Committee. This covers the quarterly data and actions being taken to maintain or improve performance. This information is also reported publicly on a quarterly basis (www.scotborders.gov.uk/performance).
- 3.8 In November 2015, it was agreed that SPSO decisions, recommendations and subsequent actions would be reported in the Complaints Annual Performance Report.
- 3.9 Live Borders complaints performance for 2019/20 is included at the end of Appendix 1. There is no 2020/21 performance information to report due to the service interruptions Live Borders experienced as a result of the Covid-19 pandemic.

4 OVERVIEW OF COMPLAINTS ANNUAL PERFORMANCE REPORT 2019/20

- 4.1 The 'Scottish Borders Council Annual Complaint Performance Report 2019/20' (presented in Appendix 1 to this Report) is the way in which the Council complies with its statutory responsibility stemming from the Public Services Reform (Scotland) Act 2010.
- 4.2 The 2019/20 Annual Complaint Performance Report was not published last year due to the response to Covid-19 and service pressures that resulted from the re-deployment of officers.
- 4.3 The performance indicators in the report relate to 'Valid' complaints that were either opened and or closed within financial year 2019/20. These indicators are based on the eight key performance indicators developed by the SPSO in conjunction with all 32 Scottish Local Authorities. These are:
1. Complaints received per 1,000 of population
 2. Closed complaints
 3. Complaints upheld / not upheld
 4. Average time spent responding to complaints
 5. Complaints closed against timescales
 6. Complaints that were granted authorised extensions
 7. Customer satisfaction
 8. What we have learned, changed or improved
- 4.4 The number of complaints received in 2019/20 increased compared to 2018/19, and the number that were classified as 'Valid' increased; 725 valid compared to 625 in the previous year.
- 4.5 How the Council handled the 'Valid' complaints it received and closed in 2019/20 can be summarised as follows:
- (a) The number of 'Valid' complaints received in 2019/20 (725) meant that on average there were 6.3 complaints per 1,000 population in 2019/20, up from 5.4 in 2018/19.
 - (b) The proportion of closed complaints that were handled at Stage 1 decreased from 78.4% in 2018/19 to 75% in 2019/20. It costs more to handle complaints at Stage 2 compared to handling them at Stage 1 but where complaints are more complicated they cannot be handled at Stage 1.
 - (c) The proportion of Stage 1, Stage 2 complaints that were 'Upheld' increased from 37% to 48%, and from 45% to 47%, where as complaints Escalated from Stage 1 that were 'Upheld' decreased from 39% to 30%.
 - (d) The average time taken to respond to complaints at Stage 1 has risen to 5.3 days in 2019/20 from 4.6 days in 2018/19. Similarly, the average time taken to respond to complaints at Stage 2 has risen to 22.5 days in 2019/20 from 18.2 days in 2018/19. The average time taken to respond to complaints Escalated from Stage 1 has risen to 32.4 days in 2019/20 compared to 14.9 days in 2018/19.
 - (e) The proportion of SBC's complaints closed against timescales for Stage 1 has reduced to 77% (from 81% in 2018/19) from Stage 2 has reduced to 60% (from 74% in 2018/19) and from Escalated from Stage 1 has reduced to 24% (from 79% in 2018/19).

- (f) The proportion of SBC's Stage 1, Stage 2 and Escalated from Stage 1 closed complaints that have been granted an authorised extension has reduced from 2.8%, 18.1%, 3.6% respectively to 2%, 5% and 6% respectively in 2019/20.
- (g) In 2019/20 there was an oversight and a reduced number of Complaints Handling Customer Satisfaction Surveys were sent out. However, of those people that completed the 'Complaints Handling Customer Satisfaction Survey' in 2019/20, 43% were either very or fairly satisfied with how their complaint was handled by the Council compared to 38% who were very or fairly dissatisfied. The highest levels of satisfaction were around information being easy to understand, with 60% very or fairly satisfied, How well staff did their jobs with 50% very or fairly satisfied and being treated fairly with 40.9% very or fairly satisfied. Highest levels of dissatisfaction however were around being kept up to date with progress with 45.5% very or fairly dissatisfied.
- (h) Over the year, the Council received approximately 186 unsolicited comments and compliments for the services provided, an increase from 104 in 2018/19. Of these 116 were compliments. These compliments related to areas such as kerb-side waste and recycling, roads and drainage, community recycling centres, health and social care and customer services. There were also a number of compliments about occasions where council staff had assisted members of the public who had fallen or had an accident.

4.6 The Complaints Annual Performance Report 2019/20 also contains benchmarking information, comparing SBC to the performance for Scotland and its Family Group (similar Scottish Local Authorities, including Aberdeenshire, Argyll & Bute, Dumfries & Galloway, Eilean Siar, Highland, Orkney Islands, Scottish Borders, and Shetland Islands). The highlights include:

- (a) In 2019/20 SBC received slightly more complaints per 1,000 citizens (6.3) than the Family Group average of 6.0, but few than the Scottish average of 10.34.
- (b) SBC closed marginally less complaints at Stage 1 (75%) compared to the Family Group (76.5%), but proportionally fewer than the Scottish average (89.1%). At Stage 2, SBC closed more complaints (21%) compared to the Family Group (20.4%) and the Scottish average (7.8%).
- (c) Similar to last year, a lower proportion of complaints made to SBC were upheld compared with those complaints made to the Scottish Local Authority sector as a whole. Specifically, 48% of the Stage 1 complaints to SBC were upheld compared to 62% for Scotland. The proportion of Stage 2 complaints that were upheld for the Scottish Borders (47%) was higher than the Family Group average but equal to the Scottish average (47%); the proportion of Escalated from Stage 1 complaints that were upheld for the Scottish Borders (30%) was also lower than the level for Scotland (51%).
- (d) SBC's average response time for Stages 1 and 2 was quicker compared to both the Family Group and Scotland overall, but slower than both at Escalated from Stage 1. Notably at Stage 1,

the average time for SBC to respond was significantly quicker at 5.3 days (Family Group 8.1 days, Scotland 10.2 days).

- (e) SBC's proportion of Stage 1 complaints closed within timescales (77%) was also higher compared to the Family Group (66.3%) and the Scottish average (61%). However, it was lower at Stage 2 (60%) than the Family Group (67.2%) and the Scottish average (61.9%). For Escalated from Stage 1 it was 24% compared to 52.1% for the Family Group and 59.7% for the Scottish average.
 - (f) The proportion of Stage 1, Stage 2 and Escalated from Stage 1 closed complaints that were granted an extension for SBC was below the proportion for the Family Group and Scotland for all stages.
- 4.7 If, after fully investigating a complaint, an individual is still dissatisfied with the decision or the way in which their complaint has been dealt with, the customer can ask the SPSO to look at the complaint. In 2019/20 the SPSO received 41 complaints about Scottish Borders Council. This is equal to 3.3% of all complaints received by the SPSO in relation to the Local Authority sector. Of the 38 SPSO complaints closed about SBC in 2019/20, only 1 was fully investigated and it was not upheld or partially upheld. Anonymised details of this complaint are presented at Section 3 of Appendix 1.

5 OVERVIEW OF COMPLAINTS ANNUAL PERFORMANCE REPORT 2020/21

- 5.1 The 'Scottish Borders Council Annual Complaint Performance Report 2020/21' (presented in Appendix 2 to this Report) is the way in which the Council complies with its statutory responsibility stemming from the Public Services Reform (Scotland) Act 2010.
- 5.2 The performance indicators in the report relate to 'Valid' complaints that were either opened and or closed within financial year 2020/21. These indicators are based on the eight key performance indicators developed by the SPSO in conjunction with all 32 Scottish Local Authorities. These are:
1. Complaints received per 1,000 of population
 2. Closed complaints
 3. Complaints upheld / not upheld
 4. Average time spent responding to complaints
 5. Complaints closed against timescales
 6. Complaints that were granted authorised extensions
 7. Customer satisfaction
 8. What we have learned, changed or improved
- 5.3 The number of complaints received in 2020/21 increased compared to 2019/20, and the number that were classified as 'Valid' increased; 780 valid compared to 725 in the previous year.
- 5.4 How the Council handled the 'Valid' complaints it received and closed in 2019/20 can be summarised as follows:
- (a) The number of 'Valid' complaints received in 2020/21 (780) meant that on average there were 6.8 complaints per 1,000 population in 2020/21, up from 6.3 in 2019/20

- (b) The proportion of closed complaints that were handled at Stage 1 increased from 75% in 2019/20 to 85.4% in 2020/21. This is a positive step because it is more resource intensive to handle complaints at Stage 2 compared to handling them at Stage 1
- (c) The proportion of Stage 1, Stage 2 and Escalated from Stage 1 complaints that were 'Not Upheld' increased from 52% to 63.4%, from 53% to 61.5%, and from 70% to 77.8%.
- (d) The average time taken to respond to complaints at Stage 1 has risen to 5.9 days in 2020/21 from 5.3 days in 2019/20. Similarly, the average time taken to respond to complaints at Stage 2 has risen to 23.1 days in 2020/21 from 22.5 days in 2019/20. The average time taken to respond to complaints Escalated from Stage 1 has also risen to 41.6 days in 2020/21 compared to 32.4 days in 2019/20.
- (e) The proportion of SBC's complaints closed against timescales for Stage 1 has increased to 80% (from 77% in 2019/20) from Stage 2 has increased to 66% (from 60% in 2019/20) and from Escalated from Stage 1 has reduced to 22% (from 24% in 2019/20).
- (f) The proportion of SBC's Stage 1 and Stage 2 closed complaints that have been granted an authorised extension has reduced from 2% and 5% respectively to 1% and 3% respectively in 2019/20. Escalated from Stage 1 closed complaints that have been granted an authorised extension have remained the same as 2019/20 (6%).
- (g) The number of Complaints Handling Customer Satisfaction Surveys sent out has returned to normal levels after a drop in 2019/20. Of those people that completed the 'Complaints Handling Customer Satisfaction Survey' in 2020/21, 58% were either very or fairly satisfied with how their complaint was handled by the Council compared to 23% who were very or fairly dissatisfied. The highest levels of satisfaction were around being able to deal with someone who could help you (65.9%) and how well staff did their jobs (63.4%). Highest levels of dissatisfaction however were around being kept up to date with progress with 31.7% very or fairly dissatisfied and the final outcome with 34.1% very or fairly dissatisfied.
- (h) Over the year, the Council received approximately 192 unsolicited comments and compliments for the services provided, an increase from 186 in 2019/20. Of these 103 were compliments. These compliments related to areas such as kerb-side waste and recycling, roads, community recycling centres, health and social care, customer services, and emergency planning.

5.5 The Complaints Annual Performance Report 2020/21 also contains benchmarking information, comparing SBC to the performance for Scotland and its Family Group (similar Scottish Local Authorities, including Aberdeenshire, Argyll & Bute, Dumfries & Galloway, Eilean Siar, Highland, Orkney Islands, Scottish Borders, and Shetland Islands). The highlights include:

- (a) In 2020/21 SBC received more complaints per 1,000 citizens (6.8) than the Family Group average of 4.8, but few than the Scottish average of 9.89.
- (b) SBC closed more complaints at Stage 1 (85.4%) compared to the Family Group (76.6%), but fewer than the Scottish average (88.7%). At Stage 2, SBC closed less complaints (12.2%) compared to the Family Group (20%) and the Scottish average (8.4%).
- (c) Similar to last year, a lower proportion of complaints made to SBC were upheld compared with those complaints made to the Scottish Local Authority sector as a whole. Specifically, 36.6% of the Stage 1 complaints to SBC were upheld compared to 50.7% for Family Group and 61.3% for Scotland. The proportion of Stage 2 complaints that were upheld for the Scottish Borders (38.5%) was lower than the Family Group average (42.2%) and the Scottish average (43.7%); the proportion of Escalated from Stage 1 complaints that were upheld for the Scottish Borders (22.2%) was also lower than the level for the Family Group (44.9%) and Scotland (44.8%).
- (d) SBC's average response time for Stage 1 (5.9 days) was quicker compared to both the Family Group (6.3) and Scotland (6.5) overall, but slower than both at Stage 2 and Escalated from Stage 1. The Stage 2, the average time for SBC to respond was 23.1 days (Family Group 21.8 days, Scotland 22.9 days) and the Escalated from Stage 1 average time for SBC to respond was 41.6 days (Family Group 23.9 days, Scotland 20.7 days). It is fair to say that in addition to SBC's generally worsening average response time, that we are seeing the impact of responding to the Covid-19 pandemic in these figures. This is especially true of the Escalated from Stage 1 complaints where complicated cases and small numbers have a large impact on the indicators.
- (e) SBC's proportion of Stage 1 complaints closed within timescales (80%) was higher compared to the Family Group (72.2%) and the Scottish average (71.1%). However, it was lower at Stage 2 (66%) than the Family Group (69.3%) and higher than the Scottish average (62.7%). For Escalated from Stage 1 it was significantly lower at 22% compared to 53.7% for the Family Group and 65.5% for the Scottish average.
- (f) The proportion of Stage 1, Stage 2 and Escalated from Stage 1 closed complaints that were granted an extension for SBC was below the proportion for the Family Group and Scotland for all stages.

5.6 If, after fully investigating a complaint, an individual is still dissatisfied with the decision or the way in which their complaint has been dealt with, the customer can ask the SPSO to look at the complaint. In 2020/21 the SPSO received 15 complaints about Scottish Borders Council. This is equal to 1.6% of all complaints received by the SPSO in relation to the Local Authority sector. Of the 17 SPSO complaints closed about SBC in 2020/21, none of them were upheld or partially upheld. Details of the complaint is presented at Section 3 of Appendix 2.

- 5.7 Work is currently ongoing to build a new complaint recording system. Part of this project is a complete refresh of system and complaint handling training. It is expected that this refresh will make a significant difference in the long run to SBC's complaint handling performance. However, in the short term there may be a decrease as officers become accustomed to using a very different system and approach to complaints handling.

6 IMPLICATIONS

6.1 Financial

There are no costs attached to any of the recommendations contained in this report.

6.2 Risk and Mitigations

- (a) By following efficient and robust complaints handling procedures, reputational damage can be significantly reduced. Analysis of complaints can be useful in identifying or highlighting risks that SBC may not be aware of. This enables SBC to mitigate these risks and reduce the impact or likelihood of them occurring and of impacting on the quality of services delivered.
- (b) Internal Audit assurance work was undertaken during 2017 in relation to complaints and was designed to improve internal control and governance arrangements, specifically as a contribution to the Council's corporate management of risk. Implementation of the agreed Internal Audit recommendations arising from this work are designed to improve consistency in complaint handling practices across the Council and to demonstrate learning from complaints. The development of the new complaints recording system is progressing well, and will address all the Internal Audit recommendations.

5.3 Integrated Impact Assessment

It is anticipated there will be no adverse impact due to race, disability, gender, age, sexual orientation or religion/belief arising from the proposals contained in this report.

5.4 Sustainable Development Goals

There are no direct economic, social or environmental issues with this report which would affect the Council's sustainability policy.

5.5 Climate Change

There are no direct carbon emissions impacts as a result of this report.

5.6 Rural Proofing

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

5.7 Data Protection Impact Statement

There are no personal data implications arising from the proposals contained in this report.

5.8 Changes to Scheme of Administration or Scheme of Delegation

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

6 CONSULTATION

6.1 The Director (Finance & Corporate Governance), the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Director (People Performance & Change), the Clerk to the Council and Corporate Communications have been consulted and all comments received incorporated into the final report.

Approved by

Name

Title

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Background Papers:

Previous Minute Reference:

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Scottish Borders Council Annual Complaint Performance Report 2019/20

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1. Overview

1.1. Introduction

This is the council’s annual complaints performance report that provides information on customer complaints received from our customers between 1 April 2019 and 31 March 2020.

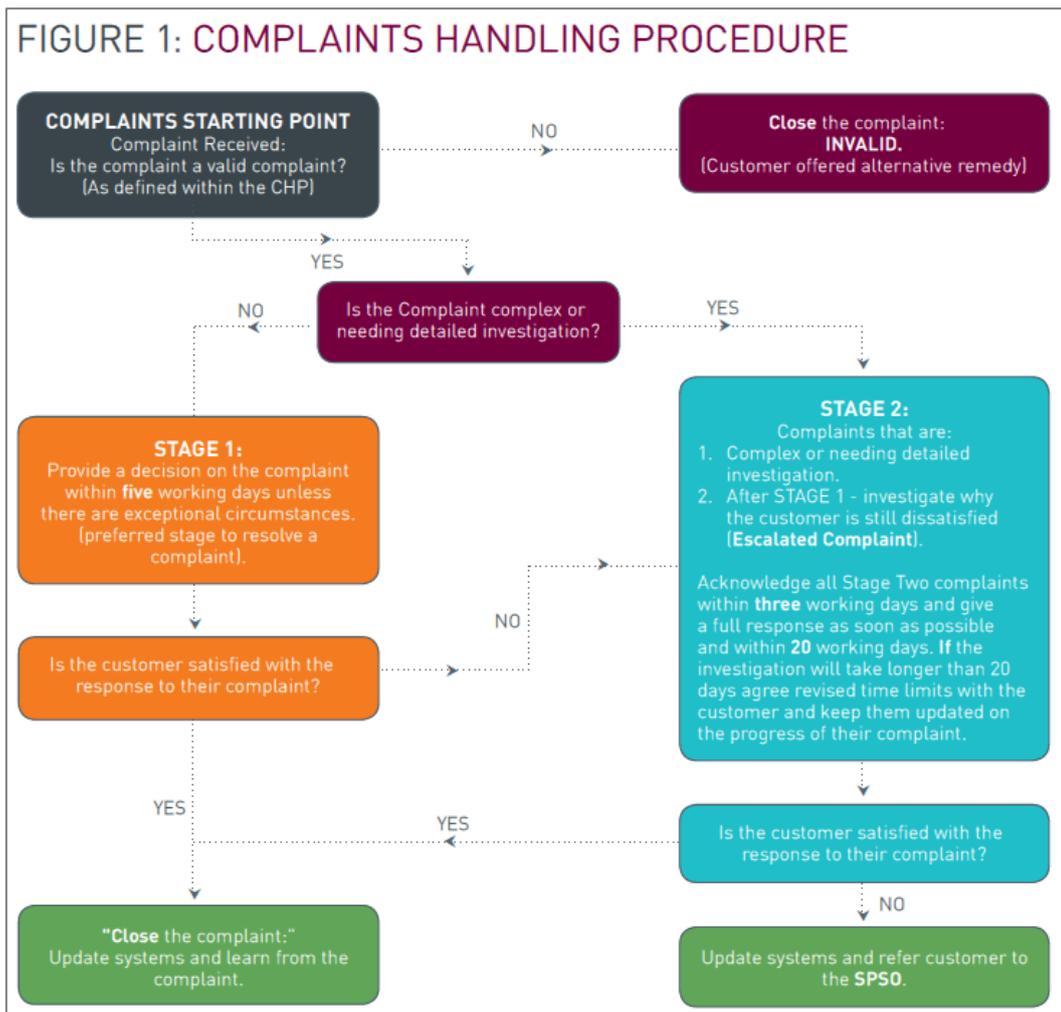
Scottish Borders Council always aims to provide the highest possible quality of service to the residents of the Scottish Borders. However, there are times when things go wrong and we fail to meet the expectations of our customers.

The council’s complaints procedure provides our customers with a clear and structured way to provide feedback on what has gone wrong with a council service. The process to resolution should be straightforward and timely. Listening to our customers helps us to put things right, improve our services and learn from our mistakes.

This report provides us with an opportunity to share how well we are performing.

1.2. Corporate Complaints Procedure

Scottish Borders Council (SBC) values all complaints and we strive to use them to help us improve our services. The objective of the Complaints Handling Procedure (CHP) is to resolve customer dissatisfaction as close to the point of service delivery and as soon as possible at Stage One in the procedure. Figure 1 is a flow chart of SBC’s CHP. Complaints can be raised online, by email, in person, by telephone or letter.



Complaints performance is reported on a quarterly basis to both the council's Corporate Management Team and the council's Executive Committee. All complaints performance statistics are reported to the public and are available on the council's website.

2. Complaint Performance Statistics

This report presents how SBC performs based on eight key performance indicators developed by the Scottish Public Services Ombudsman (SPSO) in conjunction with all 32 Scottish Local Authorities.

The number of complaints closed in 2019/20 was **725**. This is an increase on the number closed in the previous year. The council will continue to analysis complaints to help inform service improvement, identify training opportunities for our staff and help prioritise our activities to meet the changing needs of the residents of the Scottish Borders. Complaint benchmark data for 2019/20 is accurate at the time of publishing this report. Where applicable, this report has included the Scottish Local Authority national average and Family Group performance indicators for comparative information. The council's performance relating to the processing of complaints continues to perform well against many of the Scottish National and Family Group Averages.

2.1. Indicator 1: Complaints closed per 1,000 population

This indicator records the total number of 'Valid' complaints received by SBC during the financial year (April to March) as a rate per 1,000 population. In 2019/20 SBC received **1034** complaints of which **301** were closed as 'Invalid'. The remaining **725** were handled as 'Valid' complaints. This is equivalent to 6.3 received complaints per 1,000 population.

Table 1 provides SBC's total complaints closed per 1,000 population over the past 5 years along with the Scottish and Family Group Averages for 2019-20. The table shows that there has been an increase in complaints closed and complaints closed by SBC per 1,000 population in 2019/20.

Table 1: Complaints closed per 1,000 population

Measure	2015/16	2016/17	2017/18	2018/19	2019/20	FG 1 Average 2019-20	Scottish Average 2019-20
Population Total	114,030	114,030	114,530	115,020	115,270	919,340	5,424,800
Total number of Valid complaints	564	563	670	625	725	5,479	56,119
Number of complaints per 1,000	4.9	4.9	5.8	5.4	6.3	6.0	10.34

2.2. Indicator 2: Closed complaints

This indicator provides information on the number of complaints closed at stage one, stage two and escalated complaints as a percentage of all complaints closed. Table 2 provides the performance information for this indicator.

The term 'closed' refers to a complaint that has had a response sent to the customer and at the time, no further action was required to respond to the customer

Escalated complaints are those complaints that have been resolved at Stage One initially, but the customer was not satisfied with the response they received. When the customer requests that the same issue is considered again at Stage Two, of the complaints handling procedure, these complaints are called ‘escalated’ complaints.

Table 2: Closed Complaints

Complaints Closed as a % of all complaints closed	2015/16	2016/17	2017/18	2018/19	2019/20	FG 1 Average 2019-20	Scottish Average 2019-20
Stage One	81%	76%	75%	78%	75%	76.5%	89.1%
Stage Two	14%	20%	21%	17%	21%	20.4%	7.8%
Escalated from Stage One	5%	4%	4%	4%	5%	3.1%	3.2%

2.3. Indicator 3: Complaints upheld and not upheld

There is a requirement for a formal outcome to be recorded for each complaint. SBC made the decision not to use a ‘Partially Upheld’ outcome when the CHP was introduced in 2013. Therefore, for the purposes of this reporting, complaints are recorded as either ‘Upheld’ or ‘Not Upheld’

This indicator measures the percentage of complaints, which were upheld or not upheld, recorded at each stage. The results can be seen in Tables 3 and 4.

Table 3: Upheld Complaints

Complaints upheld	2015/16	2016/17	2017/18	2018/19	2019/20	FG 1 Average 2019-20	Scottish Average 2019-20
Stage One	44%	40%	42%	37%	48%	50%	62%
Stage Two	39%	38%	38%	45%	47%	38%	47%
Escalated from Stage One	23%	46%	50%	39%	30%	49%	51%

It should be noted that in Table 3 above, the ‘Upheld’ and ‘Partially Upheld’ outcomes for the Family Group and Scottish Average have been added together, to allow meaningful comparison with SBC’s figures. This is because SBC does not use a ‘Partially Upheld’ outcome.

Table 4: Not Upheld Complaints

Complaints not upheld	2015/16	2016/17	2017/18	2018/19	2019/20	FG 1 Average 2019-20	Scottish Average 2019-20
Stage One	56%	60%	58%	63%	52%	49.1%	36.3%
Stage Two	61%	62%	62%	55%	53%	61.8%	53.7%
Escalated from Stage One	77%	54%	50%	61%	70%	50.9%	45.5%

2.4. Indicator 4: Average times

Indicator 4 represents the average time in working days to close complaints. Indicator 4 performance can be seen in Table 5.

Table 5: Average times

Average times	2015/16	2016/17	2017/18	2018/19	2019/20	FG 1 Average 2019-20	Scottish Average 2019-20
Stage One	4.0	3.9	4.0	4.6	5.3	8.1	10.2
Stage Two	17.2	17.5	17.7	18.2	22.5	24.0	23.9
Escalated from Stage One	16.7	17.0	18.0	14.9	32.4	25.4	17.5

The average time taken to close complaints at Stage One, Stage Two and Escalated from Stage One continues to worsen. The Escalated from Stage One figure is particularly poor in 2019/20. Comparison with the Family Group and Scottish Averages shows that this increasing length of time to close complaints is a national picture, and with the exception of complaints Escalated from Stage One SBC's average working days to close complaints are less than the Family Group and Scottish averages.

2.5. Indicator 5: Performance against timescales

This indicator reports the percentage of complaints at each stage that were closed in full within the set timescales of 5 and 20 working days. These include cases where an extension to the timescale has been authorised. Indicator 5 performance can be seen in Table 6.

Table 6: Performance against timescales

Performance against timescales	2015/16	2016/17	2017/18	2018/19	2019/20	FG 1 Average 2019-20	Scottish Average 2019-20
Stage One	85%	87%	86%	81%	77%	66.3%	61.0%
Stage Two	78%	78%	67%	74%	60%	67.2%	61.9%
Escalated from Stage One	83%	65%	54%	79%	24%	52.1%	59.7%

2.6. Indicator 6: Number of cases where an extension is authorised

SBC always aims to respond to complaints as quickly as possible. There are, however, times when a complaint is particularly complex and it is not feasible to fully investigate the issues within the prescribed timescales. In these situations SBC agree with a complainant to extend the timescale for closing the complaint.

This indicator reports the percentage of complaints at each stage where an extension to the 5 or 20 working day timeline has been authorised. Indicator 6 performance can be seen in Table 7.

Table 7: Number of cases where an extension is authorised

Percentage of cases where an extension is authorised	2015/16	2016/17	2017/18	2018/19	2019/20	FG 1 Average 2019-20	Scottish Average 2019-20
Stage One	3%	3%	4%	3%	2%	11.2%	4.5%
Stage Two	18%	15%	18%	11%	5%	14.0%	12.7%
Escalated from Stage One	10%	12%	31%	4%	6%	12.3%	8.6%

2.7. Indicator 7: Customer Satisfaction

SBC runs a Complaint Handling Customer Satisfaction Survey on an ongoing basis. Customers are contacted approximately one week after their complaint is closed inviting them to provide feedback on their experience. Indicator 7 performance can be seen in Table 8. This indicator provides information on the levels of customer satisfaction with the complaint handling procedure and process.

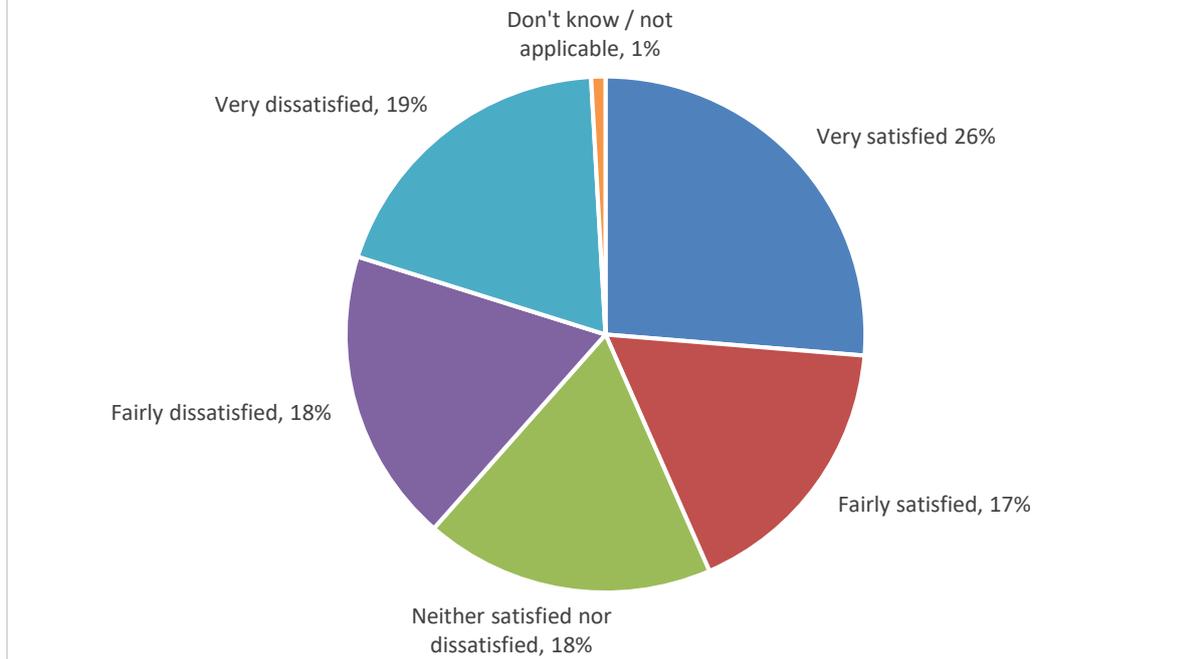
The survey asks the customer to state how satisfied or dissatisfied they are with:

- Being able to deal with someone who could help you with your complaint?
- That someone took responsibility for your complaint?
- Being given information that was easy to understand?
- Being given all the information you needed?
- Being treated fairly?
- Being kept up to date on the progress of your complaint?
- How well the staff did their job?
- The time taken to deal with your complaint from start to finish?
- The final outcome?

Table 8: Customer Satisfaction

Survey Invitations Sent:	2016/17	2017/18	2018/19	2019/20
No. survey Invitations Sent	146	225	131	57
No. closed complaints	563	691	645	725
% of customers invited to respond to the survey	26%	33%	20%	8%
Return Rate:				
No. Returned	26	25	33	25
% Return Rate	18%	11%	25%	44%
Responses:				
Either Fairly or Very Satisfied	57%	60%	49%	43%
Either Fairly or Very Dissatisfied	20%	20%	30%	38%

**Figure 2 Overall Complaints Handling Customer Satisfaction
2019/20**



Despite fewer satisfaction surveys being sent out in 2019/20 there was a higher return rate. In 2019/20, satisfaction with complaints handling has dropped for the 3rd year in a row and dissatisfaction has increased for a 2nd year in a row.

2.8. Indicator 8: Learning from Complaints

Formal complaint reports are provided to the corporate Management Team on a monthly basis and complaints performance information is provided to Elected Members on a quarterly basis through our Corporate Public Performance Report.

We take all complaints seriously, and the information gathered from them is invaluable in helping to continually improve our services. Since the introduction of the Complaints Handling Procedure, many changes and improvements have been made to services as a result of complaints and some examples of case studies are detailed in this section.

Case Study 1

Customer A raised concerns with the Council regarding rubbish from the primary school next-door coming over the wall into their garden. This was having a real impact on Customer A's quality of life. On a daily basis Customer A told the council, they picked up more than 50 crisp bags from the garden.

It was noted that the litter that goes over the wall into the garden was not solely from the primary school. Due to the garden's location rubbish from the High School, Rugby Club events and general town litter would compound the litter problem from the primary school.

The Head Teacher wrote to Customer A to provide reassurance that measures were being put into place to improve the situation for Customer A and for the school.

Better bins were being ordered, chicken wire was being put on the schools side of the fence so that litter could not blow under it. Two additional sets of litter pickers were purchased and following the complaint, classes were sent out into the estate grounds to tidy up.

The school also entered into 'The Great Big Schools Clean' in connection with 'The Great British Spring Clean 2019', and in the school assembly each week the Head Teacher discussed litter, to reinforce the importance of looking after the school grounds and helping to care for their 'next door neighbour'.

Case Study 2

Customer B called the council after receiving a reminder for an outstanding council tax amount. Customer B had called the council prior to selling their property to check whether they had outstanding council tax balance. Customer B was told no. Customer B then cancelled their Direct Debit and the council refunded the overpaid council tax.

Unfortunately, the final balance calculation that showed a refund was due included a final payment that could not be taken because Customer B cancelled their direct debit before the payment was collected. This then resulted in a balance being owed on the account and the reminder letter being sent.

To prevent this happening again an additional step has been added into the process. This is to ensure staff check what payments have been received. The council tax refund process has also been changed to ensure staff check the notes section to see if there are any automated notices regarding direct debits being cancelled.

Case Study 3

Customer C has an electric vehicle and planned a journey that went through Hawick, where the council's website advertised a rapid charge unit was available for recharging. Customer C chose a particular site in Hawick since it was closer, and their charge was getting low.

When Customer C arrived at the site, they found the unit had been decommissioned even though the council's website still showed it as active.

Customer C stressed how important it is that organisations' provide accurate and up to date information so electric vehicle users are not caught out.

In the complaint response, the council explained that the rapid charge unit at the site in question had been decommissioned as a result of extensive flood damage. It was acknowledged that the council website had not been updated to reflect this and an apology was issued.

The response also explained that due the ongoing flood prevention scheme that is currently underway in Hawick the council is considering alternative locations within Hawick for rapid chargers and hope to be in a position to install additional infrastructure in the near future.

Following the receipt of this complaint the council's website has been updated to include information and directions to the Charge Place Scotland website. This site is much more informative regarding the up to date data for the national charging infrastructure not just the ones in the borders.

Case Study 4

Customer D raised concerns that the glass recycling bins at Reston had not been emptied for at least 4 weeks. The bins were full and bottles were being dumped on the ground beside the bins. This was not the first time this had happened in recent months.

The response to Customer D explained that the bottle banks at this location (Reston) were on a monthly uplifted schedule. When speaking to the glass contractor it was identified that the collection was delayed by 4 days because they had vehicle breakdowns.

It was also noted, that the community council, wanted to relocate the glass banks to another part of the village. The council was working with the community council to get the appropriate permissions in place for this relocation.

As a result of this complaint, the council planned to speak to the contractor with a view to increasing the uplift frequency and if there is space at the proposed new site then additional glass banks could also be put in so that there is additional capacity.

3. SPSO LEARNING AND IMPROVEMENT

If, after we have fully investigated a complaint, the customer is still dissatisfied with our decision or the way in which we have handled their complaint, the customer can ask the SPSO to look at the complaint. In 2019/20, the SPSO received 41 and closed 38 complaints about SBC. This is equal to 3.3% of all complaints received by the SPSO in relation to the Local Authority Sector, or 3.0% of all complaints closed by the SPSO in relation to the Local Authority Sector. The numbers of complaints that go to the SPSO are a very small proportion of all the complaints made about Scottish Local Authorities; this is illustrated in Figure 3.

Figure 1: Illustration of SPSO complaints of all complaints for 2019/20

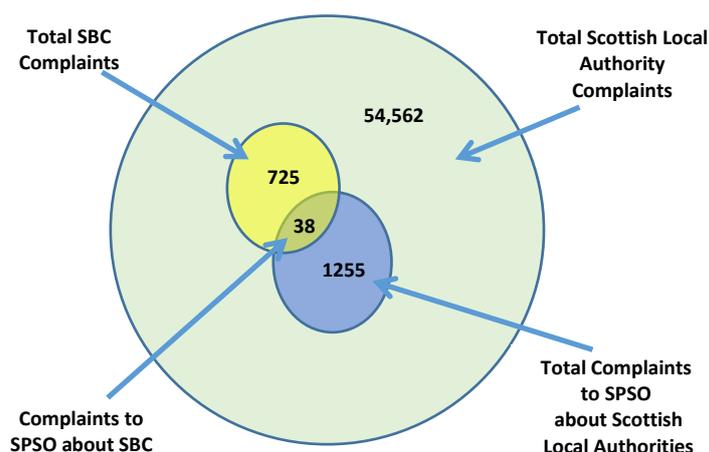


Table 9 below shows the number of complaints about SBC received by the SPSO and this as a percentage of the Local authority Sector

Table 9: SPSO Complaints Received by Year

SPSO Received Complaints /Year	2015/16	2016/17	2017/18	2018/19	2019/20
SPSO Received Complaints about SBC	33	20	27	11	41
SBC Complaints as % all for Scottish Local Authority sector	1.9%	1.3%	1.8%	0.8%	3.3%

Table 10 below shows how SBC compares to the Scottish Local Authority Sector in relation to complaints closed by the SPSO.

Table 10: SPSO Closed Complaints for SBC / Year

SPSO Closed Complaints for SBC / Year	2017/18			2018/19			2019/20		
	SBC Count	SBC %	Sector %	SBC Count	SBC %	Sector %	SBC Count	SBC %	Sector %
Closed	30	1.9%	2.7%	24	1.9%	2.3%	38	3.0%	2.2%
Stage SPSO Complaint Closed									
Advice	12	1.9%	42%	2	0.7%	22%	12	2.4%	39%
Early Resolution	14	1.9%	47%	20	3.2%	49%	25	3.7%	54%
Investigation	4	2.4%	11%	1	1.0%	8%	1	1.2%	7%
Premature	7	1.6%	28%	1	0.3%	24%	5	1.9%	21%
SPSO Decision									
Fit for SPSO	9	4.6%	11%	1	1.0%	8%	1	1.2%	7%
Upheld / Partially Upheld	5	4.7%	6.0%	1	1.8%	4%	0	0%	4%

In 2019/20, the SPSO undertook one investigation into a complaint about SBC. The published Case Studies for this complaint is detailed below. The complaint was not upheld and SBC did not receive any recommendations.

Case Study One:

Mr C complained about the council's handling of a planning application for a new development. Mr C said that the council did not undertake an independent transport assessment, and did not fully take into account the numerous objections raised, particularly about traffic and road safety. Mr C said that the council used the wrong guidance in assessing the traffic capacity of the road, and did not take into account relevant Scottish Government policy.

The council said that the consultation responses were considered in detail in the report of handling, and they also met with objectors (including Mr C) to discuss his concerns. They said that the relevant policies had been taken into account, and the guidance used to assess road capacity was appropriate.

We took independent advice from a planning adviser. We found evidence that the written consultation responses had been taken into account, and objectors (including Mr C) also had the opportunity to speak to the planning committee who made the decision. We considered that the guidance used to assess traffic capacity was appropriate, and there was evidence that the council had also taken into account relevant Scottish Government policy. While the transport assessment was carried out by the developer (not the council), this is standard practice, and the council had agreed the scope and reviewed the result. Therefore, we did not uphold Mr C's complaint.

4. 2019/20 Complaint Summary

In 2019/20, the council closed 725 valid complaints and this represents an increase of 100 from the 2018/19 figure of 625.

75% of all complaints closed by the council were resolved at Stage One (Frontline Resolution), 21% of complaints resolved at Stage Two (Investigation) with the remaining 5% of complaints being resolved after being escalated from Stage One.

The average times taken by the council to resolve Stage One, Stage Two and Escalated from Stage One complaints were 5.3 days, 22.5 days and 32.4 days respectively. The council's overall performance relating to the timeliness of processing complaints has decreased for all stages, but especially for Escalated from Stage One. That said, the council's performance is better at Stage One and Stage Two than the Family Group and the Scottish Averages. SBC's performance of Escalated from Stage one complaints is worse than other the Family Group and Scottish Averages.

77% of Stage One complaints were resolved within 5 days and 60% of Stage Two complaints were resolved within 20 days. Whereas only 24% of Escalated from Stage One complaints were resolved within 20 working days. The Scottish National Average 2019-20 is 61% and 61.9% for Stage One and Stage Two resolution respectively. The Scottish National Average 2019-20 for Escalated from Stage One complaints is 59.7%

The percentage of Stage One, Stage Two and Escalated form Stage One complaints that were upheld in 2019/20 were 48%, 47% and 30% respectively. The council's performance in relation to this measure outperformed the Scottish National Averages for 2019/20 which were 62%, 47% and 51%.

In 2019/20, fewer complaint handling customer satisfaction surveys were issued, but we received the highest percentage return rate to date, which was 44%. The percentage of customers either fairly of very satisfied has decreased from 49% in 2018/19 to 43%. However, we continue to have more customers say they are very satisfied with the handling of their complaint than any of the other categories. See Figure 2.

In 2019/20, the Council received approximately 186 unsolicited comments and compliments for the services provided, an increase from 104 in 2018/19. Of these 116 were compliments. These compliments related to areas such as kerb-side waste and recycling, roads and drainage, community recycling centres, health and social care and customer services. There were also a number of compliments council staff who had assisted members of the public who had fallen or had an accident.

Overall, there has been an increase in the number of complaints closed in 2019/20 when compared to the previous year. In 2019/20, we continue to have more complaints that are not upheld that are upheld. The council's performance relating to the processing of complaints continues to perform well against the Scottish National and Family Group averages in many indicators.

5. Live Borders Complaints

Live Borders has a Complaints Handling Procedure that aligns with SBC's and the SPSO's Model Complaints Handling Procedure (MCHP). The Volume of all complaints, comments and compliments for 2019/20 are presented below (as well as overall figures for 2016/17, 2017/18 and 2018/19 for comparison).

Complaints 2018/19	Q1	Q2	Q3	Q4	2019/20	2018/19	2017/18	2016/17
Price	2	0	1	1	4	8	14	16
Booking/access/info	23	9	17	12	61	87	55	78
Quality	9	2	18	16	45	47	47	27
Staff attitude	4	2	2	1	9	19	11	4
Other	15	8	8	6	37	21	47	8
Total	53	21	46	36	156	181	174	133
Comments	23	4	4	0	31	72	87	64
Compliments	9	6	5	5	25	12	21	8

The number of complaints recorded has decreased since last year by 14 % and the number of comments has decreased by 57% whilst the number of compliments has increased by 108%.

Price:

Last year we commented on price explaining rigorous benchmarking and the desire to provide value for money. The number of complaints concerning price has fallen to extremely low levels, indicating that our price point is right for the Borders.

“Eyemouth leisure centre - we are visiting the area and visited the centre for a swim. Very clean facilities, staff extremely friendly and helpful. Only negative, showers by side of pool kept changing from tepid to cold but other than that, good value as price was reasonable compared to other [local authority] areas where we didn't visit the pool due to high cost. Keep prices reasonable as it encourages people to use facilities.”

Staff Attitude:

The number of complaints concerning staff attitude has halved. We continue to roll out World Host training to our staff and now have 52% of frontline staff (149) trained in World Host. Nurturing our staff and focusing on the importance of great customer service is clearly making a difference that is reflected in our statistics.

Channel:

90% of our complaints in 2019/20 were received electronically, with similar numbers for both online and by email. The balance has changed from 2018/19 when the bulk of electronic receipts were online. The percentage of electronic submissions by email was 52% in 2018/19 and this has risen to 77% for 2019/20.

2019/20 Quarter by Quarter analysis	Q1	Q2	Q3	Q4
Total received	53	14	46	36
Received online	26	4	20	14
% received online	49%	29%	43%	39%
Closed complaints	56	13	47	36
Closed at stage 1	54	13	46	36
Closed at stage 2	1	0	0	0
Escalated from Stage 1 and closed	1	0	1	0
Total Upheld	29	5	26	26
Closed within authorised timescale	45	12	46	35
% closed within time scale	85%	86%	100%	98%

Complaints which were not upheld: 3 concerned compensation, 34 requests for information or an explanation of policy or practice, 28 were routine first time requests for service.

Complaints which were upheld concerning: price 25% (one complaint) booking/ access information 50%, quality 75%, staff attitude 78%, other 38%

5.1 Live Borders Learning from Complaints

Respect:

Live Borders took on the management of the Greenyards (Melrose 3G) in 2019. This facility is adjacent to the church and whilst the two-minute silence was observed on the pitch, the noise from the game disturbed those at the remembrance service. We have learnt from this and will not take bookings on the morning of Remembrance Sunday in future, as a mark of respect.

Engagement:

We received a complaint about the lack of disabled changing facilities at Harestanes. We are keen to develop this as a “changing places” facility; however, this comes at a time of some considerable budgetary pressure. We have implemented some interim arrangements, whilst scoping a wider improvement plan for the Visitor Centre. Meantime we are keeping the customer informed and updated, as they are keen to share updates with their own network.

We also received complaints regarding the very much-reduced opening hours at one of our leisure centres over the festive season. One person in particular represented a number of members. Whilst the complaint were handled through the CHP, we elected to meet with the customer to discuss and explain our rationale and the extreme budget pressures we faced, in particular with that facility. This brought about an understanding and an appreciation of being kept informed. Members were offered access to Trifitness during this period, and could of course enjoy a swim at a nearby pool, some 5 miles away.

5.2 2019/20 Comments & Compliments

Along with complaints, the number of comments we received in the last year has declined. This is likely to reflect greater engagement at sites, our staff listening and responding and thus pre-empting the customers need to complain. This aligns with the roll out of World Host Training and our strategic objectives.

We are also receiving more compliments and are now collecting these more diligently, not just counting those received through the 3Cs portal. Compliments are shared with the staff / facility concerned and the upward management structure. Compliments in the main are about our staff, their friendliness, helpfulness and knowledge. We are proud of our people.

We have 21 records of customer satisfaction with complaints handling and resolution reasons include:

- Proactive actions and proposals going forward
- Being kept informed
- Appreciation of follow up
- Speed, result and explanation

Swimming Lessons: “My daughter had a great lesson on Saturday, there was a different instructor this week but she was also more authoritative over the class and although my daughter was a little shaky at the start got on with the lesson no problem at all. I thought it was quite obvious that something had been done about it as the instructor was very safety conscious and made me feel much more at ease watching her.” I thank you for your ongoing investigations it’s very much appreciated.”

Feedback from following a BBC recording at a Live Borders Swimming Pool: “I hope my email finds you well today. We arrived back in Glasgow last night and are busy now getting the programme edited to put out on the BBC Scotland channel tonight at 10pm. I just wanted to get in touch and thank you for all of your help with our Outside Broadcast. It was great to bring the show to X and hopefully the audience enjoyed it too! I would also like to feedback on A who was just fantastic to work with both in the run up to the event and on the day. He was incredibly helpful and accommodating and we would have had a difficult job without him – if you can pass this onto his Manager we would really appreciate it.”

Eyemouth Triathlon: “I am not the best with words but feel strongly that I need to get in touch as I want to commend the Live Borders team for the Eyemouth triathlon event yesterday. It was my first experience of triathlon, and admit I was equally excited and nervous for my challenge. Each member of the team were so approachable and helpful all offering enthusiasm about the event and encouragement for myself and all other participants. Although the course had to be changed at last minute it was ensured that there were enough marshals on route to avoid any issues!” Although my body is aching today I will definitely attempt another! Thank you again for an enjoyable well organised event!”

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Scottish Borders Council Annual Complaint Performance Report 2020/21

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1. Overview

1.1. Introduction

This is the council’s annual complaints performance report that provides information on customer complaints received between 1 April 2020 and 31 March 2021.

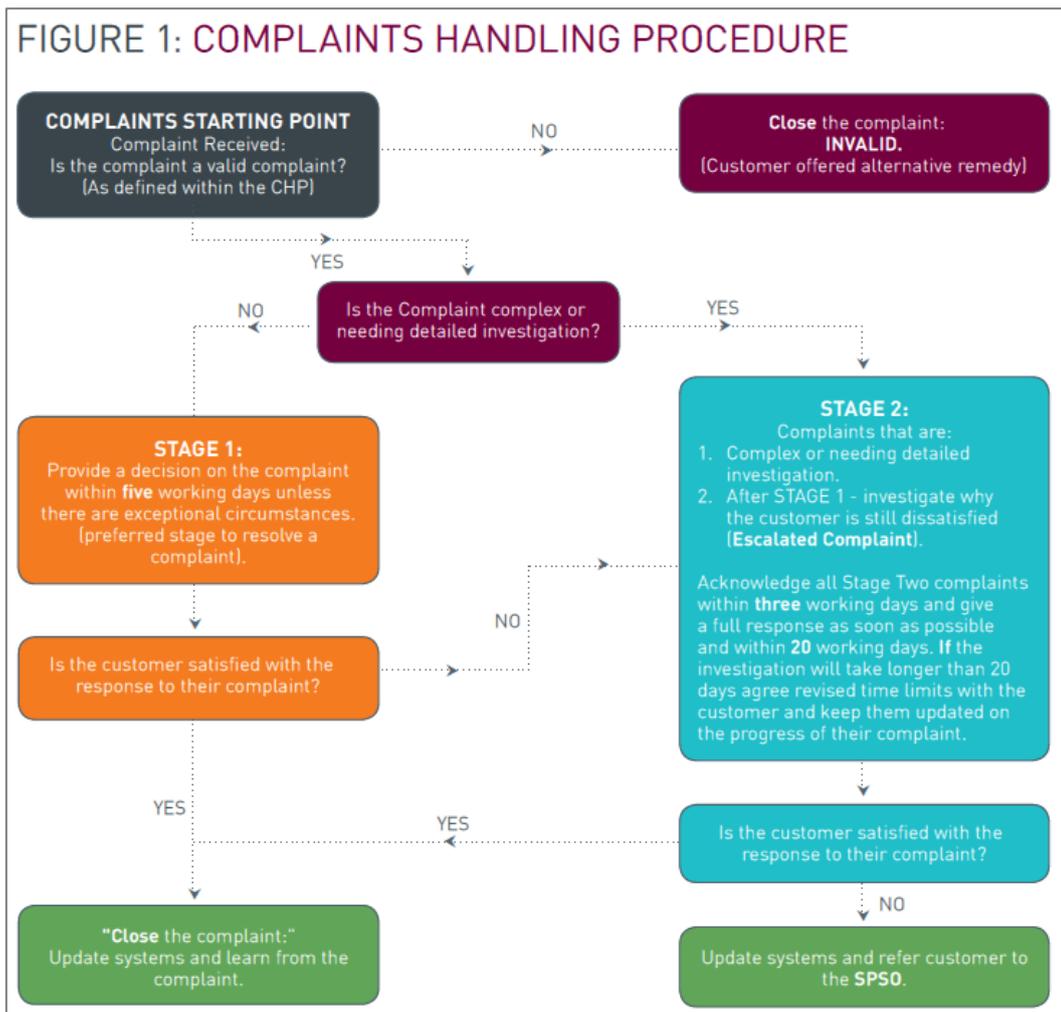
Scottish Borders Council always aims to provide the highest possible quality of service to the residents of the Scottish Borders. However, there are times when things go wrong and we fail to meet the expectations of our customers.

The council’s complaints procedure provides our customers with a clear and structured way to provide feedback on what has gone wrong with a council service. The process to resolution should be straightforward and timely. Listening to our customers helps us to put things right, improve our services and learn from our mistakes.

This report provides us with an opportunity to share how well we are performing.

1.2. Corporate Complaints Procedure

Scottish Borders Council (SBC) values all complaints and we strive to use them to help us improve our services. The objective of the Complaints Handling Procedure (CHP) is to resolve customer dissatisfaction as close to the point of service delivery and as soon as possible at Stage One in the procedure. Figure 1 is a flow chart of SBC’s CHP. Complaints can be raised online, by email, in person, by telephone or by letter.



Complaints performance is reported on a quarterly basis to both the council's Corporate Management Team and the council's Executive Committee. All complaints performance statistics are reported to the public and are available on the council's website.

2. Complaint Performance Statistics

This report presents how SBC performs based on eight key performance indicators developed by the Scottish Public Services Ombudsman (SPSO) in conjunction with all 32 Scottish Local Authorities.

The number of complaints closed in 2020-21 was 780. This is an increase on the number closed in the previous year. The council will continue to analysis complaints to help inform service improvement, identify training opportunities for our staff and help prioritise our activities to meet the changing needs of the residents of the Scottish Borders. Complaint benchmark data for 2020-21 is accurate at the time of publishing this report. Where applicable, this report has included the Scottish Local Authority national average and Family Group performance indicators for comparative information. The council's performance relating to the processing of complaints performs well against the Scottish National and Family Group averages in many indicators, but performance in poorer in relation to indicators that measure timeliness of responses.

2.1. Indicator 1: Complaints closed per 1,000 population

This indicator records the total number of 'Valid' complaints received by SBC during the financial year (April to March) as a rate per 1,000 population. In 2020-21 SBC received **1076** complaints of which **298** were closed as 'Invalid'. The remaining **780** were handled as 'Valid' complaints. This is equivalent to 6.8 received complaints per 1,000 population.

Table 1 provides SBC's total complaints closed per 1,000 population over the past 5 years along with the Scottish and Family Group Averages for 2020-21. The table shows that there has been an increase in complaints closed and complaints closed by SBC per 1,000 population in 2020-21.

Table 1: Complaints closed per 1,000 population

Measure	2016/17	2017/18	2018/19	2019/20	2020/21	FG 1 Average 2020-21	Scottish Average 2020-21
Population Total	114,030	114,530	115,020	115,270	115510	919,190	5,424,800
Total number of Valid complaints	563	670	625	725	780	4,319	50,742
Number of complaints per 1,000	4.9	5.8	5.4	6.3	6.8	4.8	9.89

2.2. Indicator 2: Closed complaints

This indicator provides information on the number of complaints closed at stage one, stage two and escalated complaints as a percentage of all complaints closed. Table 2 provides the performance information for this indicator.

The term 'closed' refers to a complaint that has had a response sent to the customer and at the time, no further action was required to respond to the customer.

Escalated complaints are those complaints that have been resolved at Stage One initially, but the customer was not satisfied with the response they received. When the customer requests that the same issue is considered again at Stage Two, of the complaints handling procedure, these complaints are called ‘escalated’ complaints.

Table 2: Closed Complaints

Complaints Closed as a % of all complaints closed	2016/17	2017/18	2018/19	2019/20	2020/21	FG 1 Average 2020-21	Scottish Average 2020-21
Stage One	76%	75%	78%	75%	85.4%	76.6%	88.7%
Stage Two	20%	21%	17%	21%	12.2%	20.0%	8.4%
Escalated from Stage One	4%	4%	4%	5%	2.4%	3.4%	2.8%

2.3. Indicator 3: Complaints upheld and not upheld

There is a requirement for a formal outcome to be recorded for each complaint. SBC made the decision not to use a ‘Partially Upheld’ outcome when the CHP was introduced in 2013. Therefore, for the purposes of this reporting, complaints are recorded as either ‘Upheld’ or ‘Not Upheld’

This indicator measures the percentage of complaints, which were upheld or not upheld, recorded at each stage. The results can be seen in Tables 3 and 4.

Table 3: Upheld Complaints

Complaints upheld	2016/17	2017/18	2018/19	2019/20	2020/21	FG 1 Average 2020-21	Scottish Average 2020-21
Stage One	40%	42%	37%	48%	36.6%	50.7%	61.3%
Stage Two	38%	38%	45%	47%	38.5%	42.2%	43.7%
Escalated from Stage One	46%	50%	39%	30%	22.2%	44.9%	44.8%

It should be noted that in Table 3 above, the ‘Upheld’ and ‘Partially Upheld’ outcomes for the Family Group and Scottish Average have been added together, to allow meaningful comparison with SBC’s figures. This is because SBC does not use a ‘Partially Upheld’ outcome.

Table 4: Not Upheld Complaints

Complaints not upheld	2016/17	2017/18	2018/19	2019/20	2020/21	FG 1 Average 2020-21	Scottish Average 2020-21
Stage One	60%	58%	63%	52%	63.4%	49.2%	35.9%
Stage Two	62%	62%	55%	53%	61.5%	57.8%	48.4%
Escalated from Stage One	54%	50%	61%	70%	77.8%	55.1%	49.5%

2.4. Indicator 4: Average times

Indicator 4 represents the average time in working days to close complaints. Indicator 4 performance can be seen in Table 5.

Table 5: Average times

Average times	2016/17	2017/18	2018/19	2019/20	2020/21	FG 1 Average 2020-21	Scottish Average 2020-21
Stage One	3.9	4.0	4.6	5.3	5.9	6.3	6.5
Stage Two	17.5	17.7	18.2	22.5	23.1	21.8	22.9
Escalated from Stage One	17.0	18.0	14.9	32.4	41.6	23.9	20.7

The average time taken to close complaints at Stage One, Stage Two and Escalated from Stage One continues to worsen. The Escalated from Stage One figure is particularly poor in 2020/21. Comparison with the Family Group and Scottish Averages shows that this increasing length of time to close complaints is a national picture, and with the exception of complaints closed at Stage One SBC's average working days to close complaints are above those of the Family Group and Scottish averages.

2.5. Indicator 5: Performance against timescales

This indicator reports the percentage of complaints at each stage that were closed in full within the set timescales of 5 and 20 working days. These include cases where an extension to the timescale has been authorised. Indicator 5 performance can be seen in Table 6.

Table 6: Performance against timescales

Performance against timescales	2016/17	2017/18	2018/19	2019/20	2020/21	FG 1 Average 2020-21	Scottish Average 2020-21
Stage One	87%	86%	81%	77%	80%	72.2%%	71.1%
Stage Two	78%	67%	74%	60%	66%	69.3%	62.7%
Escalated from Stage One	65%	54%	79%	24%	22%	53.7%	65.5%

2.6. Indicator 6: Number of cases where an extension is authorised

SBC always aims to respond to complaints as quickly as possible. There are, however, times when a complaint is particularly complex and it is not feasible to fully investigate the issues within the prescribed timescales. In these situations SBC agree with a complainant to extend the timescale for closing the complaint.

This indicator reports the percentage of complaints at each stage where an extension to the 5 or 20 working day timeline has been authorised. Indicator 6 performance can be seen in Table 7.

Table 7: Number of cases where an extension is authorised

Percentage of cases where an extension is authorised	2016/17	2017/18	2018/19	2019/20	2020/21	FG 1 Average 2020-21	Scottish Average 2020-21
Stage One	3%	4%	3%	2%	1%	15.6%	4.6%
Stage Two	15%	18%	11%	5%	3%	17.7%	14.3%
Escalated from Stage One	12%	31%	4%	6%	6%	17.0%	16.1%

2.7. Indicator 7: Customer Satisfaction

SBC runs a Complaint Handling Customer Satisfaction Survey on an ongoing basis. Customers are contacted approximately one week after their complaint is closed inviting them to provide feedback on their experience. Indicator 7 performance can be seen in Table 8. This indicator provides information on the levels of customer satisfaction with the complaint handling procedure and process.

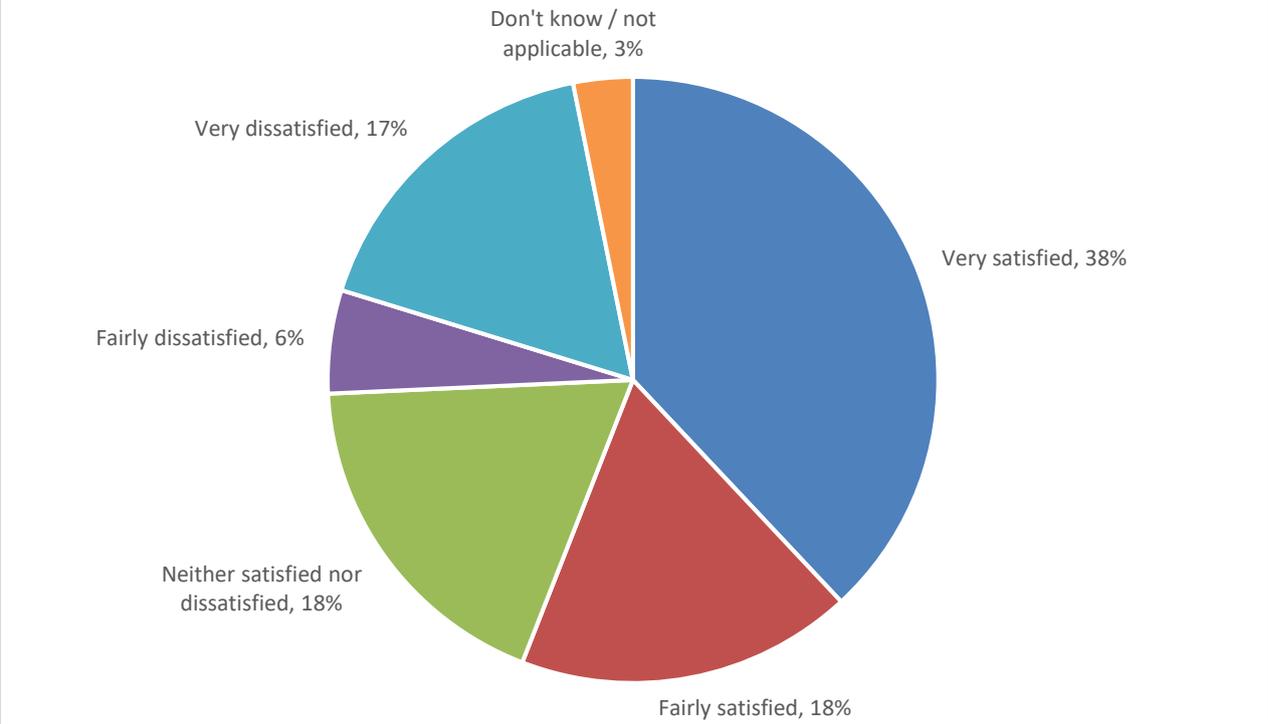
The survey asks the customer to state how satisfied or dissatisfied they are with:

- Being able to deal with someone who could help you with your complaint?
- That someone took responsibility for your complaint?
- Being given information that was easy to understand?
- Being given all the information you needed?
- Being treated fairly?
- Being kept up to date on the progress of your complaint?
- How well the staff did their job?
- The time taken to deal with your complaint from start to finish?
- The final outcome?

Table 8: Customer Satisfaction

Survey Invitations Sent:	2016/17	2017/18	2018/19	2019/20	2020/21
No. survey Invitations Sent	146	225	131	57	166
No. closed complaints	563	691	645	725	780
% of customers invited to respond to the survey	26%	33%	20%	8%	21%
Return Rate:					
No. Returned	26	25	33	25	41
% Return Rate	18%	11%	25%	44%	25%
Responses:					
Either Fairly or Very Satisfied	57%	60%	49%	43%	58%
Either Fairly or Very Dissatisfied	20%	20%	30%	38%	23%

Figure 2 Overall Complaints Handling Customer Satisfaction 2020/21



In 2020/21, the number of surveys issued is back up to normal levels following a reduction in the number sent out in 2019/20. In 2020/21, satisfaction with complaints handling has improved and returned to levels seen in 2016/17.

2.8. Indicator 8: Learning from Complaints

Formal complaint reports are provided to the Corporate Management Team on a monthly basis and complaints performance information is provided to Elected Members on a quarterly basis through our Corporate Public Performance Report.

We take all complaints seriously, and the information gathered from them is invaluable in helping to continually improve our services. Since the introduction of the Complaints Handling Procedure, many changes and improvements have been made to services as a result of complaints and some examples of case studies are detailed in this section.

Case Study One

Customer A complaint that for the 4th time their bin collection had been missed. They had noted other housing developments in the area having their bins collected, but the bins in Customer A's development were missed.

The investigation into the complaint found that on this occasion the bin lorry had actually broken down. However, the investigation also showed that there was a pattern of the bins in this housing development being missed.

As a result, the route and the allocation of vehicles has been examined and changes made. The changes will be monitored and reviewed if necessary. The service are also making an investment in the fleet of collection vehicles, however this is on a phased approach.

Case Study Two

Customer B contacted the Council to complain about the state of one of the rural roads near his home. The main road in the area had been closed for a period of time to enable road repairs and resurfacing. Unfortunately, many HGV's and large vehicles were using the rural road near Customer B's home, which was unsuitable for HGV's and large vehicles, rather than follow the official diversion route.

As a result, damage was caused to verges and the road was covered with detritus generated from the damaged verges.

As there was no recourse against the drivers of the HGV's and large vehicles, the Council agreed to take remedial action that included using a mechanical excavator to repair the verges and scraping and sweeping the road. The Council also agreed to install additional signage in future, as part of our traffic management plan, to discourage the use of unsuitable roads during road works.

The Roads service are also considering how they communicate works with local residents and businesses in advance and during the works. The current approach is a manual process that often is at short notice. They are considering technology solutions that can provide notifications through an SB Alert type platform in advance but also during the works providing real time updates.

Case Study Three

Customer C contacted the council to complaint that their parents' domestic waste and recycling bins had not been emptied for the past month. Customer C had put in place arrangements for their elderly parents to receive an assisted lift for their domestic waste and recycling bins.

Following investigation, it was found that the request for an assisted lift had not been recorded properly. Managers committed to ensuring all assisted lift requests were recorded immediately following the request

in future. They also contacted the Foreman and driver for the route to explain what was required for this assisted lift and information on the assisted lift is now carried in the collection vehicle.

The wastes service are also exploring options for technology solutions to record customer information and link this to in-cab technology so the service can deliver better-coordinated services.

Case Study Four

Customer D contacted the council to complain that more money than they had authorised was taken from their account via Direct Debit. They explained that this had put them under financial pressure for the month as they were on a low wage.

The matter was investigated and it was found that the member of staff who set up the Direct Debit was not aware that the system would not take into account a payment the customer made over the telephone, on the day the Direct Debit was set up, when calculating the Direct Debit amount. With this payment, not showing on the account until the next day the system calculated the Direct Debit at a higher rate than agreed.

The team's supervisors have provided further training to the member of staff and they have updated the team's training manuals, so staff are aware that payments made will not show on a customer's account until the day following the payment and they therefore need to adjust the Direct Debit manually to include this payment. The supervisors also offered the customer a refund of the extra amount taken.

Case Study Five

Customer E contacted the council to make a complaint about an ongoing problem on their street regarding inconsiderate parking by their neighbours. The inconsiderate parking was having a knock on effect on the collection of rubbish from the street, because the collection vehicle struggled to access the street due to the badly parked cars. Despite letters from the council to residents asking them to be considerate when parking, there was still an ongoing problem. The customer had also tried to involve the police, but they referred them back to the council.

A two-stage solution to the problem was developed. Firstly, residents were asked to present their rubbish bins for collection at the top of the street rather than outside their properties. This was a temporary measure to ensure rubbish was being collected. The second part of the solution was to have parking control measures put in place. The roads section were asked to have double yellow lines added to the entrance of the street. This would then enable parking violation action to be taken in future.

This case study is one example of behavioural changes that have emerged as a result of Covid – 19. Many more people are working from home that means there are more cars parked on streets at collection time. In some areas, this results in restricted access for collection vehicles and increased complaints relating to missed bins.

Case Study Six

A number of complaints were received from parents of children attending a newly built high school. As part of the design of the new school 3 blocks of unisex toilets were included. The parents complained that their children were refusing to use the toilets because they were uncomfortable sharing with the other sex.

As a result of the complaints, a compromise was put in place. One toilet block was designated for males, another for females and the third block remained unisex.

3. SPSO LEARNING AND IMPROVEMENT

If, after we have fully investigated a complaint, the customer is still dissatisfied with our decision or the way in which we have handled their complaint, the customer can ask the SPSO to look at the complaint. In 2020/21, the SPSO received 15 and closed 17 complaints about SBC. This is equal to 1.6% of all complaints received by the SPSO in relation to the Local Authority Sector, or 1.8% of all complaints closed by the SPSO in relation to the Local Authority Sector. The numbers of complaints that go to the SPSO are a very small proportion of all the complaints made about Scottish Local Authorities; this is illustrated in Figure 3.

Figure 1: Illustration of SPSO complaints of all complaints for 2020/21

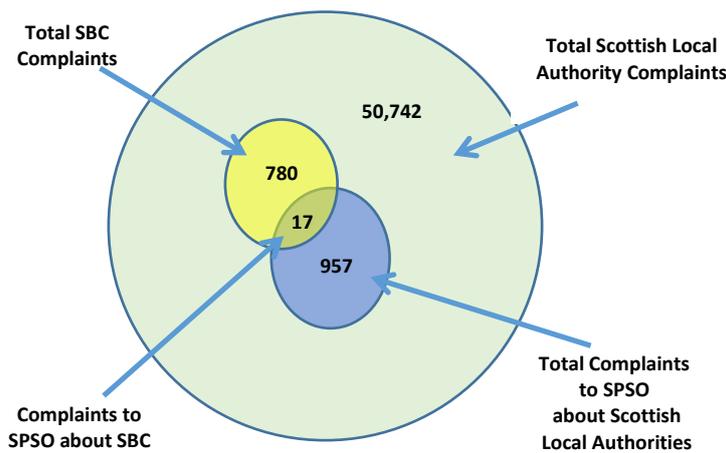


Table 9 below shows the number of complaints about SBC received by the SPSO and this as a percentage of the Local authority Sector

Table 9: SPSO Complaints Received by Year

SPSO Received Complaints /Year	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
SPSO Received Complaints about SBC	33	20	27	11	41	15
SBC Complaints as % all for Scottish Local Authority sector	1.9%	1.3%	1.8%	0.8%	3.3%	1.6%

Table 10 below shows how SBC compares to the Scottish Local Authority Sector in relation to complaints closed by the SPSO.

Table 10: SPSO Closed Complaints for SBC / Year

SPSO Closed Complaints for SBC / Year	2018/19			2019/20			2020/21		
	SBC Count	SBC %	Sector %	SBC Count	SBC %	Sector %	SBC Count	SBC %	Sector %
Closed	24	1.9%	2.3%	38	3.0%	2.2%	17	1.8%	1.7%
Stage SPSO Complaint Closed									
Advice	2	0.7%	22%	12	2.4%	39%	6	1.6%	40%
Early Resolution	20	3.2%	49%	25	3.7%	54%	10	2.0%	53%
Investigation	1	1.0%	8%	1	1.2%	7%	1	1.6%	7%
Premature	1	0.3%	24%	5	1.9%	21%	2	0.8%	27%
SPSO Decision									
Fit for SPSO	1	1.0%	8%	1	1.2%	7%	1	1.6%	7%
Upheld / Partially Upheld	1	1.8%	4%	0	0%	4%	0	0%	4%

In 2020/21, the SPSO undertook one investigation into a complaint about SBC. The published Case Studies for this complaint is detailed below. The complaint was not upheld and SBC did not receive any recommendations.

Case Study One:

Mr C was the owner of a property that included a parking space noted in the title deeds. Subsequently, Mr C installed a collapsible parking pole to prevent others parking in the space. The council issued a notice to Mr C requiring that he remove the parking pole. The council advised Mr C that the road had been adopted as a 'public road', which meant control of the road rested with the council. Mr C disputed the council's position and pointed towards the council's inability to provide a complete copy of a technical drawing that accompanied a road construction consent form. He considered that this meant that the council could not demonstrate that the parking space was part of the public road.

Mr C complained about the council's decision to require him to remove the parking pole. We found that the council has discretionary power to require removal of something placed in a public road causing obstruction. Mr C had not been granted consent in writing to install a parking pole in the parking space he owned. We found no maladministration in relation to the council's decision-making in this matter. We did not uphold this complaint.

Mr C also complained about the council's investigation into a missing technical drawing. We found that a black and white copy of the drawing was available and this had evidentiary value in the council confirming which areas were originally intended to form part of the adopted road. We also found that a separate document consisted in the main record for delineating adopted areas. We were satisfied that the steps taken by the council to search for the document were reasonable. We did not uphold this complaint.

4. 2020/21 Complaint Summary

In 2020/21, the council closed 780 valid complaints and this represents an increase of 55 from the 2019/20 figure of 725.

85.4% of all complaints closed by the council were resolved at Stage One (Frontline Resolution), 12.2% of complaints resolved at Stage Two (Investigation) with the remaining 2.3% of complaints being resolved after being escalated from Stage One.

The average times taken by the council to resolve Stage One, Stage Two and Escalated from Stage One complaints were 5.9 days, 23.1 days and 41.6 days respectively. The council's overall performance relating to the timeliness of processing complaints has decreased for all stages, but especially for Escalated from Stage One. Of the 18 complaints Escalated from Stage One, only 4 were answered on time. That said, the council's performance at Stage One is better than the Family Group and the Scottish Averages and accounts for 85% of all the complaints submitted. SBC's performance of Stage Two and Escalated from Stage one complaints is worse than the Family Group and Scottish Averages.

80% of Stage One complaints were resolved within 5 days and 66% of Stage Two complaints were resolved within 20 days, which is an improvement percentage wise when compared to 2019/20. The percentages in 2019/20 were 75% and 60% respectively. However, only 22% of Escalated from Stage One complaints were resolved within 20 working days compared to 24% in 2019/20. The Scottish National Average for 2020-21 is 71.1% and 62.7% for Stage One and Stage Two resolution respectively. SBC's performance in relation to the Scottish and Family Group averages is positive. The Scottish National Average for 2020-21 for Escalated from Stage One complaints is 65.5%.

The percentage of Stage One, Stage Two and Escalated form Stage One complaints that were upheld in 2020/21 were 36.6%, 38.5% and 22.2% respectively. The council's performance in relation to this measure outperformed the Scottish National Averages for 2020/21 that were 61.3%, 43.7% and 44.8%.

In 2020/21, the number of surveys issued is back up to normal levels following a reduction in the number sent out in 2019/20. We achieved a return rate of 25%. The percentage of customers either fairly or very satisfied has improved and returned to levels seen in 2016/17 with 58% either fairly or very satisfied. We continue to have more customers say they are very satisfied with the handling of their complaint than any of the other categories. See Figure 2.

In 2020/21, the Council also received approximately 192 unsolicited comments and compliments for the services provided. This was an increase from 186 in 2019/20. Of these 103 were compliments. These compliments related to areas such as kerb-side waste and recycling, roads, community recycling centers, health and social care, customer services, and emergency planning

Overall, there has been an increase in the number of complaints closed in 2020/21 when compared to the previous year. In 2020/21, we also continue to have more complaints that are not upheld than are upheld. The council's performance relating to the processing of complaints performs well against the Scottish National and Family Group averages in many indicators, but performance is poorer in relation to indicators that measure timeliness of responses. Work is currently being undertaken to pursue overdue complaints more vigorously, which will hopefully have a positive impact on the indicators in 2021/22.