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SCOTTISH BORDERS COUNCIL

MINUTE of Meeting of the SCOTTISH
COUNCIL held in via MS Teams on
Thursday, 27th January, 2022 at 10.00 am

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

Apologies:- Councillors H. Laing

In Attendance:- Director Finance and Corporate Governance, Director Infrastructure and Environment, Chief Legal Officer, Clerk to the Council.

1. **CONVENER'S REMARKS.**

The Convener congratulated the following who had received BEMs in the Queens New Years Honours:-

- Helen Ramsay and Lynsey Cargill from Ancrum, a Mother and daughter, for services to the community through Covid pandemic
- Josephine Robson from Broughton for services to Foster Care in Tweeddale
- Shelagh Mary Weir from Duns for services to Sport in the Scottish Borders

DECISION

AGREED to pass congratulations to those concerned.

2. **MINUTE**

The Minute of the Meeting held on 16 December 2021 was considered.

DECISION

AGREED that the Minute be approved and signed by the Convener.

3. **COMMITTEE MINUTES**

The Minutes of the following Committees had been circulated:-

Planning & Building Standards	6 December 2021
Executive	7 December 2021
Teviot & Liddesdale Area Partnership	7 December 2021
Coldstream Common Good Fund	8 December 2021
Jedburgh Common Good Fund	8 December 2021
Kelso Common Good Fund	8 December 2021
Audit & Scrutiny	9 December 2021
Pension Fund	14 December 2021
Pension Board	14 December 2021
Innerleithen Common Good Fund	15 December 2021
Peebles Common Good Fund	15 December 2021
Chambers Institution Trust	15 December 2021
Civic Government Licensing	17 December 2021

DECISION

APPROVED the Minutes listed above.

4. SCOTTISH BORDERS COUNCIL RESPONSE TO THE REGIONAL TRANSPORT STRATEGY

- 4.1 There had been circulated copies of a report by the Director Infrastructure and Environment seeking approval of the consultation response to South-East of Scotland Regional Transport Partnership (SEStran) in reply to the Draft Regional Transport Strategy. The response was required to be submitted by 11 February 2022. The report explained that the Draft Regional Transport Strategy (RTS) for the South-East of Scotland had been prepared by SEStran which was set up under the Transport (Scotland) Act 2005. It covered eight constituent Local Authorities, namely Clackmannanshire, East Lothian, City of Edinburgh, Falkirk, Fife, Midlothian, Scottish Borders and West Lothian. The Act also set the requirement to produce a statutory RTS to provide a strategic framework for transport management and investment for the Partnership area. The Draft RTS had been prepared to replace the Regional Transport Strategy 2015 -2025 Refresh published in July 2015. It replaced the original SEStran Regional Transport Strategy 2008 –2023 published in November 2008. An Officers Group had reviewed the draft strategy in the context of national policy, local challenges and opportunities created through the establishment of SOSE and the regions involvement in two growth deals. From this review it was clear that the draft strategy did not properly represent the Scottish Borders and should be significantly changed to reflect more rural challenges and solutions. It was proposed that Scottish Borders Council submit a structured response through the SEStran consultation portal and a detailed response to clearly articulate the areas where change was required in the draft strategy. The draft responses were provided in Appendices 1 and 2 to the report. Without an honest and detailed response the final strategy would not reflect the challenges and ambition of the Scottish Borders, leaving the region without the leverage to support cross boundary and local transport projects that were vital for our communities.
- 4.2 SEStran also used the draft strategy to highlight the historic constraints that had hindered their delivery of cross boundary transport projects in the past and identified that there were discussions ongoing with Transport Scotland regarding further powers and funding for SEStran. Developments would be monitored by Officers and communicated back to Scottish Border Council at the appropriate point. SEStran’s programme for approval of the final Regional Transport Strategy indicated the ambition to seek approval from their Board in March 2022. It was proposed that the Council request a written response from SEStran on how they had actioned the Council’s comments so that the Council could consider their approach to being involved in the final approval process. The Scottish Government would publish the draft Strategic Projects Review 2 on the 20 January 2022 (following the publication of this report) and it would inform transport investment programme in Scotland over the next 20 years (2022-2042). Mr Curry proposed that recommendation 2.1(d) in the report be amended to read “approves in principle the detailed response provided in Appendix 2, and delegates authority to the Director Infrastructure & Environment – in consultation with the Leader and the Executive Member for Infrastructure, Travel & Transport – to finalise this response, for submission to SEStran on or before 11 February 2022”.
- 4.3 Members discussed the paper in detail and expressed their concerns regarding the Strategy and its failure to properly recognise rural issues. It was important that the Council’s views were heard, particularly around the extension of the Borders Railway, and Members supported the work by officers. With regard to the wording of the response, some Members felt that the phrasing could be improved and noted that this would be addressed by the amended recommendation proposed by the Director, which was unanimously accepted.

DECISION

AGREED:-

- (a) that the finalised strategy should fully reflect the challenges and ambition of the Scottish Borders;**
- (b) that the finalised strategy should specifically address the comments identified in Section 4 of the report;**
- (c) to approve the online questionnaire responses provided in Appendix 1 to the report, for submission to SEStran on, or before 11 February 2022;**
- (d) to approve in principle the detailed response provided in Appendix 2 to the report, and delegate authority to the Director Infrastructure & Environment - in consultation with the Leader and the Executive Member for Infrastructure, Travel & Transport - to finalise this response, for submission to SEStran on or before 11 February 2022;**
- (e) that officers request a written response from SEStran on how Scottish Borders Council's comments had been incorporated into the next draft of the Strategy prior to the planned approval in March 2022;**
- (f) that a further update be brought back to Council as the discussions developed regarding potential additional powers and funding being allocated to SEStran and**
- (g) to consider any implications resulting from the Council's views on the Draft Regional Transport Strategy following the publication of the Scottish Governments Strategic Transport Review 2 on 20 January 2022.**

5. ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND THE INTRODUCTION OF A TARIFF STRUCTURE

- 5.1 There had been circulated copies of a report by the Director Infrastructure and Environment providing details of progress to date with the installation of public facing electric charging points within the Scottish Borders. The report provided information around the introduction of a pricing structure for new and existing SBC maintained electric vehicle charging points throughout the region. The report explained that a feasibility study had been commissioned, successfully funded through the Community Renewal Fund, to undertake a region wide, cross sector assessment of supply, demand and commercial opportunities to create a strategic delivery model for EV charging infrastructure. This would provide direct strategic support to all sectors across the region, which would lead on maximising the commercial opportunities for the region and minimising the expenditure for the public sector, business and residents. This project was expected to conclude later in 2022. The report detailed the current EV infrastructure across the Border and noted that there was currently no dedicated budget for repairs and replacements, a cost which was projected to increase as the infrastructure aged. It was noted that the capacity of the National Grid could also have an impact on the future installation of EV chargers. With regard to the introduction of charges those introduced by neighbouring authorities had been looked at and the proposed charges were in line with these.
- 5.2 Members welcomed the report and the introduction of charging. Mr Curry confirmed that they would work with Community Councils regarding the provision of EV Chargers and help fill the gaps where it was not attractive to commercial provision. He also highlighted the risk of network capacity and discussions were being held with SPEN to see how this could be resolved. It was proposed that rather than giving delegated powers to the Director to increase charges, if there was an increase in energy costs that charges be reviewed on an annual basis along with all other fees and charges as part of the budget process and this was agreed.

DECISION

AGREED to:-

- (a) note the progress made with the introduction of charging points as part of the Transport Scotland initiative to establish a county wide charging network;**
- (b) note that the charging infrastructure was currently free at the point of use and the financial implications of continuing with the current arrangement;**
- (c) endorse the recommendation to apply a tariff for the use of electric vehicle charging points;**
- (d) review EV charges on an annual basis along with all other fees and charges as part of the budget process to account for any variation in future transaction or energy costs; and**
- (e) note that a further report would be provided on the CRF funded EV feasibility study later in 2022/23.**

6. CONSULTATION RESPONSE ON ONSHORE WIND POLICY STATEMENT UPDATE

There had been circulated copies of a report by the Director Infrastructure and Environment seeking approval of the response, set out in Appendix 1 to the report, to the Scottish Government consultation relating to the on-shore wind policy statement update. The report explained that the consultation, which opened on 28 October, had an initial deadline for response by 21 January 2022 and it had been thought necessary that, in the limited time available to assess the proposed changes, Officers would have to lodge a provisional holding response to the consultation. However, in recent discussion with Scottish Government officials, the timescale had been extended to 31 January to accommodate Committee consideration of the consultation response. The consultation highlighted the significant role Scottish Government saw being played by On-Shore wind in the delivery of its net zero and climate change targets for 2030. The Scottish Government was considering ways it could strengthen its support for Onshore Wind deployment in Scotland, and was specifically consulting on the ambition for an additional 8-12 Gigawatts to be installed by 2030, how to tackle the barriers to deployment, and how to secure maximum economic benefit from these developments. Members considered the proposed response to be balanced and expressed concern of the capacity of the Borders landscape to accommodate any further wind turbine developments with most of the suitable sites already having already been used. With regard to the Eskdale Muir exclusion zone Councillor H. Anderson asked if a suggestion to reduce from the existing 50 km to 15 km could be added as this would help communities in her Ward to allow small scale turbines. Members also highlighted that windfarm developments provided little by way of economic benefit for the area or result in lower electricity charges and that communities should have more involvement in management of turbines. Given the recent approval for off shore wind farms the need for greater land base provision seemed unnecessary.

DECISION

AGREED to approve the consultation response set out in Appendix 1 to the report, subject to an amendment to the response to Question 27 and the exclusion zone around Eskdale Muir.

MEMBER

Councillor Jardine left the meeting during consideration of the above item

7. OPEN QUESTIONS

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

DECISION

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

8. **PRIVATE BUSINESS**

DECISION

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

SUMMARY OF PRIVATE BUSINESS

9. **MINUTE**

The private section of the Council Minute of 16 December 2021 was approved.

10. **COMMITTEE MINUTES**

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

The meeting concluded at 12.05 pm

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**SCOTTISH BORDERS COUNCIL
27 JANUARY 2022
APPENDIX I**

Question from Councillor Miers

To the Leader

What likely impact would Scotland leaving the UK have on the Borders economy in general and SBC's budget in particular?

Reply from Councillor Rowley

The Council has not commissioned any specific analysis on what impact Scotland leaving the UK would have on the Borders economy in general and SBC's budget in particular. There are studies on the economic impact of independence on the Scottish economy more broadly, which are available via a search on the internet.

Supplementary

Councillor Miers asked if the Council could set-up a working group similar to that which looked at the impacts of Brexit on the Scottish Borders. Councillor Rowley advised that it would not be possible to do this before the pre-election period but indicated that many would be including such impacts in their campaign for election.

Questions from Councillor Robson

1. To the Executive Member for Children and Young People

The report on the Proposal to Increase the Hourly Rate Paid by Scottish Borders Council to Funded Early Learning and Childcare Providers withdrawn from the agenda of the Executive Committee on 18th January. When will be republished and can you advise whether it will then be submitted to the Executive Committee or to the full Council?

Reply from Councillor C, Hamilton

This report was withdrawn in order to engage further with Childcare Providers in relation to the data they wish to have considered as part of the proposals being made. The paper will be brought back to Education Executive in the new administration.

Supplementary

In response to a question by Councillor Robson on when to expect the revised paper, Councillor Hamilton confirmed it would be brought to Members post-election.

2 To the Leader

Has the Council been able to assess the likely impact in the south of Scotland of the UK Subsidy Control Bill which seeks to replace the EU state aid regime from which the Borders benefitted for many years?

Reply from Councillor Rowley

The Council has made no assessment of the likely impact in the south of Scotland of the UK Subsidy Control Bill. We are liaising with South of Scotland Enterprise to ensure that the South of Scotland is able to benefit from these changing arrangements.

Supplementary

Councillor Robson asked that Councillor Rowley ensure particular regard was paid to agricultural subsidies as there was concern, including within the NFU, that they may have to compete with other subsidies. Councillor Rowley gave assurances that he would and confirmed he had already written to both David Mundell MP and John Lamont MP on this matter and asked that they speak to the Minister.

Questions from Councillor H. Scott

To the Executive Member for Infrastructure, Travel and Transport

1. In November 2020 I wrote to SBC complaining about the shoddy reinstatement work carried out by the contractors who had dug up a section of Abbotsford Road near to the Fire station in relation to a new build housing estate. On 3 September 2021 I received a note telling me that the repair would be inspected to ensure it met the required standard. To date there appears to have been no improvement apart from some tar being laid to fill in the hole in the original repair. Abbotsford Road was completely resurfaced at huge expense to SBC. The repairs look shoddy, and vulnerable to the ingress of water and frost compared with other repairs which have been carried out nearby. The housing works are now complete.

When will the contractor responsible for this work be compelled to make a full and proper reinstatement to the road surface?

Reply from Councillor Edgar

Thank you for raising this issue, which has been causing considerable angst for officers as well. Temporary repairs were undertaken by the contractor back in September, and it had been anticipated that the permanent reinstatement would have been undertaken long before now. The developer was spoken to again at the start of this year and then earlier this week. They have assured officers that they have made arrangements for this work to be undertaken and hope to confirm a date in the next few days. It is however the intention to serve notice on them that if this is not done in the next 28 days the Council will undertake the work itself and recharge the costs.

Supplementary

Councillor Scott sought assurances that the momentum to get this work done be kept up and Councillor Edgar advised it would.

2. An order will soon be in place prohibiting traffic from entering, driving, or waiting in Channel Street, Galashiels, in the vicinity of the Great Tapestry of Scotland building, which is to be welcomed. However, there remains the problem of illegal parking on the pavement at Douglas Bridge at its junction with Channel Street. This needs no specific legal order, and encroachment by motor vehicles could be prevented by the placing of bollards or street furniture on the footway at the entrance to Douglas Bridge. This area was repaired at great cost to SBC and its continued use as an illegal parking bay is causing damage to the paving.
 1. Will immediate action be taken by SBC to block off Douglas Bridge to prevent further damage to the pavement?
 2. If no action is to be taken, why?

Reply from Councillor Edgar

This area of 'pavement' is designated as part of the public road. Officers are aware that members are concerned about illegal parking in this area and have looked into the matter. This area was discussed by the Galashiels Road Consultation Group and is intended to allow loading and unloading as well as providing access to emergency vehicles to prevent obstructing Channel Street in an emergency. To close this area to vehicles, a re-determination order will need to be promoted.

As part of this we would need to consult with local businesses who do not have easy access for delivery and/ or emergency exits. Officers can progress this, however there are a backlog of re-determination orders that officers are working through so this is expected to take approximately 12 months to progress.

Supplementary

Councillor Scott disagreed with the answer given. All the properties concerned had a service entrance and he asked that Councillor Edgar go back to the Director and ask for a temporary

barrier to be erected. Councillor Edgar advised that he would ask officers to look at this again.

3. The Langlee Centre House Committee have expressed concern at the alterations made to the Centre, and the installation in the big hall, of equipment and petitioned cubicles by the NHS, which it is using as a Covid19 testing centre.
Can the Langlee Community Centre House Management Committee be assured that any reinstatement costs will fall to the NHS, and not SBC, Live Borders, or the Langlee Community Centre House Management Committee?

Reply from Councillor Edgar

Scottish Borders Council has now served notice on behalf of Live Borders on the UK Health Security Agency to vacate by the 31 March 2022. They have advised that the site will cease testing on the 27 March 2022 and will be demobilised. They have also invited the Council to an Exit Survey on the 31 March 2022 and the Council would be happy to have Live Borders and the Management Committee in attendance for that survey. The UK Health Security Agency is obligated under the licence agreement to reinstate the premises as they were prior to their use.

Supplementary

Councillor Scott advised that many groups had folded because they had been unable to use the centre and bookings had been lost. He therefore asked that the reinstatement works be carried out without delay along with any repairs that were required. Councillor Edgar invited Councillor Scott to attend the meeting on 31 March which he accepted.

4. To Executive Member for Children and Young People

It has been reported that the Chief Executive of Connect, a charity which commits itself to making family engagement in children's learning and school lives as good as it can be, has criticised, as inappropriate and not fit for purpose, the Scottish Government's health and well-being census, which includes questions about the sexual activity of teenagers.

A constituent, a former teacher, has also been in touch with me stating that the questions posed to young teenagers about their sexual activity are wholly inappropriate. Concern has also been raised that the information gathered can be traced back to the participant, and there is little information on the governance of how the data will be stored, or accessed.

In view of the concerns which have been expressed, is Scottish Borders Council intending to promote or participate in this census?

Reply from Councillor C. Hamilton

The health and well-being census is provided to support the planning of appropriate levels of services and resource to support young people based on the needs identified by the young people themselves.

Local authorities have the autonomy to select which questions are targeted at which age group.

Officers are currently completing a Data Protection Impact Assessment and drafting the census for Scottish Borders and have committed to offering members the opportunity to preview these at a briefing prior to circulation.

Supplementary

Councillor Scott asked that the young people be advised that the survey was not anonymous and that they could be identified. Councillor Hamilton advised she would discuss this with officers.

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