

Public Document Pack



SCOTTISH BORDERS COUNCIL THURSDAY, 31 MARCH, 2022

A MEETING of the SCOTTISH BORDERS COUNCIL will be held VIA MICROSOFT TEAMS on THURSDAY, 31 MARCH, 2022 at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,
24 March 2022

BUSINESS																														
1.	Convener's Remarks.																													
2.	Apologies for Absence.																													
3.	Order of Business.																													
4.	Declarations of Interest.																													
5.	<p>Minute (Pages 5 - 14)</p> <p>Consider Minute of Scottish Borders Council held on 10 March 2022 for approval and signing by the Convener. (Copy attached.)</p>	2 mins																												
6.	<p>Committee Minutes</p> <p>Consider Minutes of the following Committees:-</p> <table style="width: 100%; border-collapse: collapse;"> <tbody> <tr><td>(a) Berwickshire Area Partnership</td><td style="text-align: right;">27 January 2022</td></tr> <tr><td>(b) Teviot & Liddesdale Area Partnership</td><td style="text-align: right;">1 February 2022</td></tr> <tr><td>(c) Eildon Area Partnership</td><td style="text-align: right;">10 February 2022</td></tr> <tr><td>(d) Audit & Scrutiny</td><td style="text-align: right;">14 February 2022</td></tr> <tr><td>(e) Chambers Institution Trust</td><td style="text-align: right;">16 February 2022</td></tr> <tr><td>(f) Local Review Body</td><td style="text-align: right;">21 February 2022</td></tr> <tr><td>(g) Peebles Common Good Fund</td><td style="text-align: right;">23 February 2022</td></tr> <tr><td>(h) Civic Government Licensing</td><td style="text-align: right;">25 February 2022</td></tr> <tr><td>(i) Jedburgh Common Good Fund</td><td style="text-align: right;">28 February 2022</td></tr> <tr><td>(j) Executive</td><td style="text-align: right;">1 March 2022</td></tr> <tr><td>(k) Community Planning Strategic Board</td><td style="text-align: right;">3 March 2022</td></tr> <tr><td>(l) Planning & Building Standards</td><td style="text-align: right;">7 March 2022</td></tr> <tr><td>(m) Local Review Body</td><td style="text-align: right;">7 March 2022</td></tr> <tr><td>(n) Executive</td><td style="text-align: right;">21 March 2022</td></tr> </tbody> </table> <p>(Please see separate Supplement containing the public Committee Minutes.)</p>	(a) Berwickshire Area Partnership	27 January 2022	(b) Teviot & Liddesdale Area Partnership	1 February 2022	(c) Eildon Area Partnership	10 February 2022	(d) Audit & Scrutiny	14 February 2022	(e) Chambers Institution Trust	16 February 2022	(f) Local Review Body	21 February 2022	(g) Peebles Common Good Fund	23 February 2022	(h) Civic Government Licensing	25 February 2022	(i) Jedburgh Common Good Fund	28 February 2022	(j) Executive	1 March 2022	(k) Community Planning Strategic Board	3 March 2022	(l) Planning & Building Standards	7 March 2022	(m) Local Review Body	7 March 2022	(n) Executive	21 March 2022	5 mins
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7.	<p>Committee Recommendations (Pages 15 - 16)</p> <p>Consider recommendation by the Jedburgh Common Good Fund Sub-</p>	5 mins																												

	Committee at their meeting on 28 February 2022. (Copy Minute extract attached.)	
8.	Capital Programme 2022/23 - Block Allocations (Pages 17 - 36) Consider report by Director Finance and Corporate Governance. (Copy attached.)	5 mins
9.	Local Authority Covid Economic Recovery Fund (Pages 37 - 44) Consider report by Director Resilient Communities. (Copy attached.)	20 mins
10.	Managing Customer Engagement Policy (Pages 45 - 82) Consider report by Director Resilient Communities. (Copy attached)	15 mins
11.	Health and Social Care Integration Scheme Refresh Consider report by Chief Officer Health and Social Care. (Copy to follow.)	15 mins
12.	Audit and Scrutiny Committee (Audit business) (Pages 83 - 90) Consider Annual/End of Term Report 2021/22 from the Chairman. (Copy attached)	15 mins
13.	Sexual Entertainment Venues (Pages 91 - 108) Consider report by Director Finance and Corporate Governance. (Copy attached.)	15 mins
14.	Recording of Committee Meetings (Pages 109 - 136) Consider report by Director, Finance & Corporate Governance. (Copy attached.)	10 mins
15.	Employee Volunteering Policy (Pages 137 - 144) Consider report by Director People, Performance and Change. (Copy attached.)	15 mins
16.	Employee Recognition in relation to the COVID 19 pandemic (Pages 145 - 154) Consider report by Director People Performance and Change. (Copy attached.)	10 mins
17.	Draft Calendar of Meetings August-December 2022 (Pages 155 - 160) Consider draft Calendar of Meetings for the period 1 August to 31 December 2022. (Copy attached.)	5 mins
18.	Open Questions	15 mins
19.	Valedictory	40 mins
20.	Any Other Items Previously Circulated	
21.	Any Other Items Which the Convener Decides Are Urgent	
22.	Private Business	

	<p>Before proceeding with the private business, the following motion should be approved:-</p> <p>“That under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 7A to the aforementioned Act.”</p>													
23.	<p>Minute (Pages 161 - 162)</p> <p>Consider private Section of Minute of Scottish Borders Council held on 10 March 2022. (Copy attached.)</p>	1 mins												
24.	<p>Committee Minutes</p> <p>Consider private Sections of the Minutes of the following Committees:-</p> <table border="0"> <tr> <td>a)</td> <td>Chambers Institution Trust</td> <td>16 February 2022</td> </tr> <tr> <td>b)</td> <td>Peebles Common Good Fund</td> <td>23 February 2022</td> </tr> <tr> <td>c)</td> <td>Civic Government Licensing</td> <td>18 March 2022</td> </tr> <tr> <td>d)</td> <td>Executive</td> <td>22 March 2022</td> </tr> </table> <p>(Please see separate Supplement containing private Committee Minutes.)</p>	a)	Chambers Institution Trust	16 February 2022	b)	Peebles Common Good Fund	23 February 2022	c)	Civic Government Licensing	18 March 2022	d)	Executive	22 March 2022	2 mins
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25.	<p>Committee Recommendation (Pages 163 - 164)</p> <p>Consider private recommendation made by the Jedburgh Common Good Fund Sub-Committee at their meeting on 21 March 2022. (Copy Minute Extract attached.)</p>	5 mins												
26.	<p>Interim Update : Inspire Academy - Building on Success (Pages 165 - 230)</p> <p>Consider report by Director Education and Lifelong Learning. (Copy attached.)</p>	20 mins												

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.**

Please direct any enquiries to Louise McGeoch Tel 01835 825005
email lmcgeoch@scotborders.gov.uk

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SCOTTISH BORDERS COUNCIL

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held in Via Microsoft Teams on 10 March 2022 at 10.00 a.m.

Present:- Councillors D. Parker (Convener), S. Aitchison, A. Anderson, H. Anderson, S. Bell, J. Brown, K. Chapman, C. Cochrane, G. Edgar, J. A. Fullarton, J. Greenwell, C. Hamilton, S. Hamilton, S. Haslam (from paragraph 5), E. Jardine, H. Laing, 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
In Attendance:- Chief Executive, Director Education and Lifelong Learning, Director Infrastructure and Environment, Director Social Work and Practice, Financial Services Manager, Chief Legal Officer, Clerk to the Council.

1. **CONVENER'S REMARKS**

The Convener paid tribute to the work of volunteers and resilience groups. He advised that from the very start of the pandemic we saw people coming together to join their local Resilience Group or set up new groups as required. These volunteers worked tirelessly at a very challenging time to support the vulnerable by providing services such as shopping, prescription collections or a friendly voice at the end of the phone. While it was not possible to quantify the number of hours or amount of support they provided it was massive, the like of which even in the Borders had never been seen before. The most humbling thing about all of this was that they were not asked to do it, they just did. It was impossible to single out any one individual or particular group for particular praise because every action, however small, that every volunteer performed in their community made a difference to someone and deserve our heartfelt thanks.

DECISION

AGREED to applaud the work of the volunteers and community resilience groups concerned.

2. **MINUTES**

The Minutes of the Meetings held on 27 January, 18 February, 22 February and 25 February 2022 were considered.

DECISION

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

3. **COMMITTEE MINUTES**

The Minutes of the following Committees had been circulated:-

(a)	Planning & Building Standards	10 January 2022
(b)	Audit & Scrutiny	13 January 2022
(c)	Executive	18 January 2022
(d)	Tweeddale Area Partnership	18 January 2022
(e)	Chambers Institution Trust	19 January 2022
(f)	Cheviot Area Partnership	26 January 2022
(g)	Berwickshire Area Partnership	27 January 2022
(h)	Teviot & Liddesdale Area Partnership	1 February 2022
(i)	Executive	8 February 2022
(j)	Eildon Area Partnership	10 February 2022

DECISION

APPROVED the Minutes listed above.

4. IMPLEMENTATION OF ACTIONS IN RELATION TO INDEPENDENT INQUIRY

- 4.1 With reference to paragraph 1 of the Minute of 25 February 2022, there had been circulated copies of a report by the Chief Executive regarding the preparation of an action plan to deal with the recommendations arising from the independent inquiry. This followed on from the conclusion of the Independent Inquiry into the Council's handling of concerns raised about a former Scottish Borders Council employee, who was subsequently charged with five counts of assaulting children and a further charge of abusive behaviour at a school in the Scottish Borders. On 25 February 2022, Council accepted the recommendations contained within the Inquiry Report by Andrew Webster QC and noted that the Chief Executive would prepare an action plan to address the Inquiry recommendations. The Action plan was appended to the report. The action plan has been prepared, setting out the steps the Council needed to now take to address the identified failings, and to meet the Inquiry recommendations. It was recognised that some of the work set out in the plan had potentially far-reaching remits, in that it touched upon, not only the specific service areas mentioned within the Inquiry Report, but also had relevance across the entire breadth of the Council. Accordingly, it was anticipated that the action plan would grow and evolve as implementation progressed. In order to ensure that the identified improvements were achieved, it was considered necessary to put in place a system of governance and oversight which would remain in place until the Council could be satisfied that the necessary improvements had been established, implemented and tested successfully. The Chief Executive highlighted the main points and advised that budget would be needed to allow implementation of the actions. Members in general welcomed the action plan.
- 4.2 Councillor H. Anderson moved the following amendments to the recommendations in the report:-
- To amend Recommendation 2.1(a) to read "to endorse the Action Plan (attached as Appendix 1), and that this adequately reflects the work required to implement the Inquiry recommendations; this is subject to the inclusion of the following wording at the end of the sentence in Action 14(d) "having particular regard to the barriers perceived in such situations".
 - To amend Recommendation 2.1(b) to read – "to agree to establish a Review Group, tasked with overseeing the performance of the action plan, in consultation with the Portfolio holder for Education and a member of the Opposition."
 - To add to the end of Recommendation 2.1(c) – "however, in the event of the new Administration after the election continuing to exclude Opposition members from the Executive Committee of the Council, then reviews of progress and action must be submitted instead to full Council for approval and action".
- 4.3 Councillor Tatler moved as a further amendment that Recommendation 2.1(c) be amended to read "to bring before the full Council updates on the work of the Review Group and the approval of any resultant changes to policy or procedure". Councillor Anderson agreed to accept this amendment to replace her suggested re-wording after being given assurances that there would be monthly updates on progress to Council.
- 4.4 Members discussed the report in detail and accepted the proposed amendments to the recommendations.

**DECISION
AGREED:-**

- (a) to endorse the Action Plan, as contained in Appendix 1 to the report, and that this adequately reflected the work required to implement the Inquiry recommendations; this was subject to the inclusion of the following wording at the end of the sentence in Action 14(d) "having particular regard to the barriers perceived in such situations";**

- (b) to establish a Review Group, tasked with overseeing the performance of the action plan, in consultation with the Portfolio holder for Education and a member of the Opposition; and**
- (c) to bring before the full Council monthly updates on the work of the Review Group and the approval of any resultant changes to policy or procedure.**

MEMBER

Councillor Haslam joined the meeting.

5. CLIMATE CHANGE ROUTE MAP – PRIORITY ACTION PLAN 2022/24

- 5.1 With reference to paragraph 10 of the Minute of 17 June 2021, there had been circulated copies of a report by the Director Infrastructure and Environment seeking approval of the draft 'Climate Change Route Map - Priority Action Plan 2022/24' as set out in Appendix 1 to the report. The report explained that at its meeting on 17 June 2021, Scottish Borders Council approved a 'Scottish Borders Climate Change Route Map' ('the CCRM') and agreed that 'a plan of priority actions to be undertaken over the next two years' be developed and brought back to Council for approval. It was proposed that progress and delivery of the Priority Action Plan be overseen and scrutinised by the Sustainable Development Committee, with a consolidated report presented annually to full Council. Council was also asked to note that the Priority Action Plan would continue to develop and incorporate additional workstreams. These developments would be reported to the Sustainable Development Committee.
- 5.2 The CCRM set a strategic direction for the Council and its partners and communities to move to a net zero emissions Scottish Borders economy by 2045, in line with the national target set by the Scottish Government. The CCRM was structured around 5 Themes, each consisting of 5 Milestones. These Themes were:
 - Building Resilience
 - Decarbonising our Transport Use
 - Nature-based Solutions to Climate Change
 - Lowering our Energy Consumption
 - Decarbonising our Waste Management
- 5.3 The priority actions specified in Appendix 1 to the report responded to the Milestones identified within the themes of CCRM. Clearly, it would not be possible to deliver everything at the same pace or time, so an assessment had been undertaken to determine which actions should be prioritised over the next two years. Members supported the proposals and made particular mention of the demand responsive transport pilot. The importance of good communication was also highlighted.

DECISION

AGREED:-

- (a) to approve the draft 'Climate Change Route Map - Priority Action Plan 2022/24' ('the Priority Action Plan'), as set out in Appendix 1 to the report;**
- (b) that progress and delivery of the Priority Action Plan be overseen and scrutinised by the Sustainable Development Committee, and reported annually to full Council; and**
- (c) to note the additional actions set out in the report to be developed by officers during 2022 and reported to the Sustainable Development Committee as early as practicable in the new Council term.**

MEMBER

Councillor Aitchison left the meeting.

DECLARATION OF INTEREST

Councillor Rowley declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the meeting during the discussion.

6. LOCAL DEVELOPMENT PLAN

With reference to paragraph 7 of the Minute of 25 September 2020, there had been circulated copies of a report by the Director Infrastructure and Environment dealing with the representations received relating to the proposed Local Development Plan (LDP). It sought agreement to take the representations/issues to Examination for consideration by independent Scottish Government Appointed Persons (Reporters) prior to their report back to Council for further consideration. It further sought agreement to the proposed response to the representations / issues received on the Proposed Plan as set out in Appendix A to the report. Appendix A to the report summarised the representations/issues to the Proposed LDP, and provided a proposed response as to the Council's view. The report proposed resolution to those representations that did not constitute a significant change to the policies or proposals within the Plan. It also identified where it was proposed to direct the Reporter to consider changes to the Plan that were considered to be non-significant. Appendix B to the report set out summaries of those responses that supported/noted and/or provided comments on the content of the Plan which had not been subject to objection by other parties. Those responses would not be considered as part of the Examination, but were presented to the Council for completeness. It was recommended that the unresolved representations along with those where the Council proposed a resolution were remitted for consideration by the independent Scottish Government Reporter(s) to the Examination. The ensuing report by the Reporter(s) would subsequently be considered by the Council before moving towards adoption. It was also explained that in addition to Appendices A and B it was also a requirement to submit a proposed Action Programme, contained in Appendix C to the report; a Habitats Appraisal Record contained in Appendix D to the report; and a Report on conformity of the Council's consultation processes to its published Participation Statement contained in Appendix E to the report. It was also noted that the new Planning (Scotland) Act 2019 proposed a number of changes to the planning system and the emerging National Planning Framework, which would be a significant factor in guiding how LDPs were implemented and might have implications on the Examination depending upon when it was enacted. Members thanked all officers involved in undertaking this work. Members expressed disappointment regarding the proposed removal of protection from the route of the former railway leading to Hawick and Newcastleton and the implications this might have for the extension of the Borders Railway.

DECISION

AGREED:-

- (a) the responses and recommendations set out in Appendix A to the report in respect of the representations/issues submitted to the Proposed Local Development Plan;**
- (b) to remit all representations/issues to the Proposed Local Development Plan to Examination for consideration by the independent Scottish Government Reporter(s);**
- (c) to note the additional comments received on the Proposed Local Development Plan as set out in Appendix B to the report;**
- (d) to delegate authority to the Service Director of Infrastructure and Environment to make minor edit changes to Appendices A and B to the report;**

- (e) to note the Proposed Action Programme in Appendix C to the report, the Habitat Regulation Appraisal in Appendix D to the report and the Report on Participation Statement in Appendix E to the report; and
- (f) to receive the report prepared by the independent Scottish Government Reporter(s) prior to final consideration of the Scottish Borders Local Development Plan.

MEMBERS

Councillors Aitchison and Rowley re-joined the meeting.

7. MOTION BY COUNCILLOR ROWLEY

Councillor Rowley, seconded by Councillor Greenwell, moved approval of the Motion as detailed on the agenda in the following terms:-

“Whilst the eyes of the world are rightly on the utterly appalling events in Ukraine there are still positive things happening around the world. There is a beacon of light here in the Borders

Could I commend to council the extraordinary achievement of my constituent, David Melrose, who is currently competing in the Paralympic in Beijing. He's in the curling team.....

David is a former Council employee, he's an active member of the local community in Berwickshire and a key member of Duns Community Council. He's an inspiration.

Whilst helping his community as a Fire Service reservisthe received massive life-changing injuries that confined him to a wheelchair

Despite that he's fought back. He's continued his community involvement but impressively he's taken-on the challenge of elite sport at an international level.”

Councillors Rowley and Greenwell spoke in support of the Motion which was unanimously approved

DECISION

AGREED to approve the Motion as detailed above.

8. MOTION BY COUNCILLOR THORNTON-NICOL

Councillor Thornton-Nicol, seconded by Councillor Linehan, moved approval of the Motion which had been published with the agenda papers in the following terms:-

“This Council is aware that we have people living with Dementia in the Scottish Borders. We understand that, occasionally, sadly, people go missing and the more people are looking for them, the better the chance of them being found quickly.

Purple Alert is a community minded app which can be downloaded to any smart phone. This app was developed by Alzheimer Scotland, Police Scotland people living with Dementia, their carers and more.

The app will provide alerts to individuals who have signed up in a geographical area when a registered person with Dementia goes missing. This extends the network of people who are aware of the missing individual and are able, where possible, to look for them. It provides guidance on how the system works and how to report a sighting.

As Scottish Borders Council moves to be a Smart Digital Rural Area through the Digital Transformation strategy, we have an opportunity to download Purple Alert to every Council smart phone and help and support those living with Dementia in a very simple, cost free, way.

Council will ensure that every smart phone recipient is encouraged to register on the app. Council will also advise partners of Purple Alert and encourage them to have all staff registered.”

Councillors Thornton-Nicol and Linehan spoke in support of the Motion which was unanimously approved.

DECISION

AGREED to approve the Motion as detailed above.

9. **URGENT BUSINESS**

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Convener was of the opinion that the items dealt with in the following two paragraph should be considered at the meeting as a matter of urgency, in view of the need to make an early decision.

10. **URGENT MOTION BY COUNCILLOR ROWLEY**

Councillor Rowley, seconded by Councillor Bell, moved approval of the Motion which had been published with the agenda papers in the following terms:-

“Scottish Borders Council wishes to record its horror at the events in Ukraine and the suffering and devastation being inflicted on the Ukrainian people by an unjustified, ongoing and brutal act of war.

We hope the Borders will offer welcoming arms to those seeking refuge from conflict in due course

Whilst regret, condemnation and solidarity are important to record, we recognise that practical help is vital and needs to be efficient and swift.

Organisations across the Borders are already mounting their own relief plans, there are currently vans being driven from the Borders into Europe, packed full of supplies generously donated by local residents. Those efforts are entirely commendable.

However, it has become clear in recent days that the scale of the event and the complexity of logistics mean that in the immediate term the most effective way for us to deliver aid to the people who need it most is to use the organisations that are experts in disaster relief and currently have folk on the ground both in and around Ukraine.

The Disasters Emergency Committee seems to be the best way of doing that with a partnership over 27 experienced relief charities. They estimate 18 million people will be affected and 4 million people displaced. The scale of the task is huge, but they have skilled people in Ukraine and in neighbouring countries now able to deliver relief where it is needed.

We ask that the Chief Executive make prominent use of all of SBC's communications assets and social media outlets to communicate that the best way of helping now is to enthusiastically support the work of the DEC with donations and to encourage Borderers to do so, but also to highlight the independent work by many people, businesses, organisations and charities across the Scottish Borders who are running individual initiatives”

Councillors Rowley and Bell spoke in support of the Motion. The Convener advised that in light of the subject matter of this Motion he would allow contributions from all Members if they wished. Members spoke in support and the Motion was unanimously approved.

DECISION

AGREED to approve the Motion as detailed above.

MEMBER

Councillor Aitchison left the meeting

11. **URGENT MOTION BY COUNCILLOR PATERSON**

Councillor Paterson, seconded by Councillor Edgar, moved the following Motions:-

“Scottish Borders Council calls for Councillor Mark Rowley to resign as Leader, given he is now employed by SOSE.”

Councillors Paterson and Edgar spoke in support of the Motion.

Councillor Mountford, seconded by Councillor S. Hamilton, moved as an amendment that the Motion be rejected.

At the request of Members, the Chief Legal Officer provided guidance on the Councillors Code of Conduct and advised that there had been a recent change to the section in respect of conflict of interest which she quoted and highlighted that it related to public perception.

During the discussion of the Motion, Councillor H. Scott, seconded by Councillor S. Scott, moved in terms of Standing Order 36 “that the question be now put”.

VOTE

For - 16 votes

Against - 16 votes

Abstention due to technical difficulties - 1

There being an equality of votes the Convener exercised his casting vote against the Motion.

The discussion of the original Motion therefore continued and Members expressed views for and against the Motion. At the conclusion of the debate the vote was conducted as follows:-

VOTE

Motion - 15 votes

Amendment - 16 votes

Abstentions - 2

The Amendment was accordingly carried.

DECISION

DECIDED that the Motion be rejected.

MEMBER

Councillor Marshall left the meeting during the following item.

12. **OPEN QUESTIONS**

The questions submitted by Councillor H. Scott were answered.

DECISION

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

13. **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

14. **Minute**

The private section of the Council Minute of 18 February 2022 was approved.

15. **Committee Minutes**

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

16. **Disposal of Homes Owned by Bridge Homes Limited Liability Partnership**

Members approved a report by the Director Infrastructure and Environment.

The meeting concluded at 2.10 p.m.

SCOTTISH BORDERS COUNCIL
10 MARCH 2022
APPENDIX I

Questions from Councillor H. Scott

To Executive Member for Children and Young People

1. The Chair of Galashiels Academy Parent Council, on behalf of the other secondary school chairs in the Borders, has expressed concern at the reduction in the amount allocated to schools in the form of devolved school management (DSM) budgets. In the budget passed by SBC on 22 February it was stated that £2.9m would be allocated to recruit 49 new teaching and 26 support staff in our schools.
 1. Will this money be included in the devolved school management (DSM) budgets, or will it be administered centrally?
 2. Will DSMs be reduced or increased in 2022/23 and in future years, and in either case by how much?

Reply by Councillor C. Hamilton

1. I can confirm that the additional monies will be reflected within the revised Devolved School Management Scheme, currently being drafted by headteachers and senior officers and which will be implemented in the new financial year.
 2. The addition of this £2.9m means that the overall amount to be devolved to schools increases in 2022/23. The total amount devolved in 2021/22 was £58,399, 000 and in 2022/23 this will be at least £61,768, 000. Funding devolved to schools is generally calculated in response to school rolls so it is not possible to identify specific values beyond the coming financial year at this point.
2. On 25 November 2021, Scottish Borders Council unanimously approved a motion submitted by me:

“That this Council consults with secondary pupils and staff in the Scottish Borders, on proposals to install gender neutral toilets in the new Galashiels Community Campus, and Peebles High School, the aim to learn and implement lessons for the improvement of those arrangements from those schools and campuses where they are currently in use.”

 1. At what stage in its development is this consultation?
 2. When will it be circulated, and to whom?
 3. What question(s) will be asked?

Reply by Councillor C. Hamilton

1. Pupils from Kelso High and Jedburgh Campus will be asked to comment on their respective new build schools with specific questions on the organisation of the toilets, this information will be used along with details of other gender neutral examples e.g. those in The Tapestry building to consult with students and staff in Galashiels Academy and Peebles High School.
2. This will form part of the consultation process to be undertaken with pupils and staff across both schools on the wider design and plans for each school. These stakeholder events are scheduled to be held in Autumn of this year.
3. Specific questions have not been devised for this purpose.

Supplementary

Councillor Scott expressed his disappointment at the lack of progress in 4 months since his motion. He asked that Councillor Hamilton liaise with officers to report back at the final meeting of Council.

To Executive Member for Infrastructure, Travel and Transport

1. Whilst the building of the new Galashiels Community Campus is to be welcomed, some current users of the Focus Community Centre and its Management Committee, are concerned that whilst some groups might move to the Campus, others may wish to stay at the Focus Centre. This has led in turn to some wondering what future the Focus building has once the building of the Campus is complete.
 1. Has any decision been made as to the removal or retention of the Focus Centre building once the Campus is fully operational?
 2. If it is to be removed, when is that likely to occur?

Reply from Councillor Edgar

No decision has been made in relation to the Focus Community Centre following the opening of the Galashiels Community Campus, scheduled for 2025. While the Council owns and maintains the building, the Focus Centre like the other community centres across Scottish Borders, is operated by a Management Committee reporting to Live Borders. Officers from both Scottish Borders Council and Live Borders will monitor the use of the Focus Centre with the Management Committee following opening of the Galashiels Community Campus.

2. On 6 February 2020, I met with officers from SBC and Live Borders where much needed repairs in Stow Town Hall, were identified and later begun, especially in relation to dampness and the ingress of rainwater.
 1. Have all the necessary repairs been completed?
 2. If not what remains to be done and what is the estimated completion date?

Reply from Councillor Edgar

Due to the extensive dry rot outbreak, works have taken far longer than anticipated. Works are almost complete – there is one first floor room which needs to be re-floored. An order has been placed and Officers are awaiting confirmation of start and completion dates which are subject to material availability and the contractor's availability. Once dates are confirmed these can be shared.

Supplementary

Councillor Scott asked that the Community Council be kept updated with progress.

SCOTTISH BORDERS COUNCIL – 31 MARCH 2022

STARRED ITEMS FROM COMMITTEE MINUTES

JEDBURGH COMMON GOOD SUB-COMMITTEE – 28 FEBRUARY 2022

3.0 ALLERLEY WELL PLAY PARK FUNDING PROPOSAL

- 3.1 There had been circulated copies of a report by the Director of Infrastructure and Environment which set out proposals for additional funding of £50,000 towards the Allerley Well Play Park in Jedburgh from the Jedburgh Common Good Fund. The report explained that Since May 2018 Scottish Borders Council had, through a programme of investment, invested £2.1m, with a further £0.647m forecast in 2021/22 in enhancing the network of play areas and community spaces throughout the Scottish Borders, aimed at providing high quality facilities in strategic locations to encourage play, greater physical activity and outdoor access for children and young people. As part of this, destination play areas had been delivered in Harestanes, Galashiels, Kelso, Peebles, Hawick, Coldstream and Newtown St Boswells, with further projects to be delivered in Jedburgh, Duns, Eyemouth and Earlston.
- 3.2 Delivery of the new Destination play park at Allerley Well Park was part of a suite of four play park projects included in a tender that was awarded to Wicksteed Leisure Ltd in 2020. Scottish Borders Council had funding available of £200,000 for the new play facilities planned for Allerley Well Park in Jedburgh. Following discussions with Elected Members, it was agreed that Wicksteed Leisure Ltd would design the new destination play park on the site of the existing small play park in Allerley Well Park. As part of these discussions it was agreed that the value of the project would be increased to £250,000 to deliver the agreed layout plan, and that the additional £50,000 required would be requested from the Jedburgh Common Good Fund. The proposed layout plan had been circulated to the Jedburgh & District Elected Members for consideration. The proposed new, accessible for all, play park would include 25 separate items, including the central feature of a bespoke multi-play item, which included a 6.5m long double width slide & locally inspired climbing rockscape feature. The new play park would cover an area of 920 square metres, surrounded by fencing and with a complete wet-pour safety surfacing. The additional funding being requested would enhance the play park to provide more equipment and provide a greater experience for the children using the play park. It was anticipated that the play park would be constructed in summer 2022, so draw down of funds would be in 2022/23. Mr Blackie highlighted the main points in the report and answered Members questions.

DECISION

- * **AGREED TO RECOMMEND to Council that the proposed additional funding of £50,000 be approved as a contribution for the new Allerley Well Play Park in Jedburgh from the Jedburgh Common Good Fund.**

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CAPITAL PROGRAMME 2022/23 – BLOCK ALLOCATIONS

Report by Director, Finance & Corporate Governance

SCOTTISH BORDERS COUNCIL

31 MARCH 2022

1 PURPOSE AND SUMMARY

- 1.1 This report seeks Scottish Borders Council approval for the proposed individual projects and programmes within the various block allocations in the 2022/23 Capital Financial Plan.**
- 1.2 Appendices A-P contain proposals for various projects to be allocated from the block allocations. These overall block allocation were approved in the 2022/23 Capital Financial Plan at the meeting of Scottish Borders Council on 22 February 2022.
- 1.3 Not all projects have been fully identified at this point and as and when this information is available this will be brought to the Executive Committee for consideration as part of the quarterly monitoring reports.

2 RECOMMENDATIONS

- 2.1 It is recommended that Council approves the block allocation breakdowns contained in Appendices A-P.**

3 BACKGROUND

- 3.1 Section 7 of the current Financial Regulations covers Budgetary Control and paragraph 7.15 onwards details the framework for Capital. The Regulations stipulate detailed expenditure plans must be presented for approval. This report provides the details for the initial allocation of items in the Capital Financial Plan, identified as blocks in financial years 2022/23 - 2024/25, for approval.
- 3.2 The Council approved the 2022/23 to 2031/32 Capital Financial Plan on 22 February 2022 and this programme contained a number of block allocations.
- 3.3 Following the approval of the Capital Financial Plan, project managers have been working to develop the individual projects and streams within these block allocations.

4 CAPITAL BLOCK ALLOCATIONS 2022/23 – 2024/25

- 4.1 It is proposed that the following budget headings within the 2022/23 Capital Financial Plan, as approved on 22 February 2022, are treated as block allocations within the context of the Financial Regulations as they apply to Capital Budgetary Control. They are listed below along with the Appendix number where detail of the proposed allocations can be found:

APP	CAPITAL INVESTMENT PROPOSALS	2022/23 £'000	2023/24 £'000	2024/25 £'000	Total Operational Plan
	Flood & Coastal Protection				
A	Flood Prevention Works & Scheme Preparation	372	372	372	1,116
	Land and Property Infrastructure				
B	Asset Rationalisation & Demolition	1,075	0	0	1,075
C	Cemetery Land Acquisition & Development	895	0	105	1,000
D	Building Upgrades	522	437	437	1,396
E	Energy Efficiency Works	1,878	1,045	1,045	3,968
F	Health and Safety Works	633	400	400	1,433
G	Play Areas and Outdoor Community Spaces	1,635	764	518	2,917
	Road & Transport Infrastructure				
H	Cycling Walking & Safer Streets	404	404	404	1,212
I	Lighting Asset Management Plan	160	160	160	480
J	Roads & Bridges -inc. RAMP, Winter Damage & Slopes	7,731	7,660	7,100	22,491
	Corporate				
K	ICT - Outwith CGI Scope	24	24	56	104
	Learning Estate				
L	Learning Estate Block	2,153	1,800	1,790	5,743

	Sports Infrastructure				
M	Culture & Sports Trusts - Plant & Services	255	215	215	685
	Culture & Heritage				
N	Public Halls Upgrades	284	0	0	284
	Economic Regeneration				
O	Borders Town Centre Regeneration Block	873	70	70	1,013
	Social Care Infrastructure				
P	Care Inspectorate Requirements & Upgrades	40	41	41	122
	Total	18,934	13,392	12,713	45,039

5 IMPLICATIONS

5.1 Financial

- (a) The blocks in Appendices A – P are reported as the amounts relating to the approved 2022/23 budgets and contain any timing movements resulting from the 2021/22 programme monitoring reported up to the Executive Committee on 8 February 2022.
- (b) It is proposed that in order to comply with the Financial Regulations, the individual lines contained in the Appendix for each block will be interpreted as the detailed plans for the block. Each line in the block is therefore an individual project or “budget heading” for the purpose of Budgetary Control. This means that, if required, virements between these “budget headings” will be subject to the appropriate approval process. The only exception to this is where there is still an “Unallocated Balance”.
- (c) These block allocations may be affected by the 2021/22 capital monitoring out-turn which will be reported to Executive Committee in June 2022 and any changes as a result of this will be reflected in future monitoring reports.

5.2 Risk and Mitigations

There is a risk that as a project progresses through the various phases from inception to construction and commissioning, adjustments will be required to the phasing of the projects delivery or cost estimate, or that the project may not be able to be progressed as anticipated. These risks will be managed through regular capital project monitoring meetings with budget holders and project managers and timely reporting to elected members for decision-making at an appropriate Committee.

5.3 Integrated Impact Assessment

No Equalities Impact Assessment has been carried out in relation to the contents of this report; it is, however, expected that for individual projects this work will have been undertaken by the relevant project manager/ budget holder prior to budget being approved.

5.4 **Sustainable Development Goals**

There are no direct economic, social or environmental issues with this report although there may be within individual projects and these will be identified and addressed as appropriate as part of their specific governance arrangements.

5.5 **Climate Change**

There are no direct carbon emissions impacts as a result of this monitoring report; however, there may be within individual projects and these will be identified and addressed as appropriate as part of their specific governance arrangements.

5.6 **Rural Proofing**

This report does not relate to 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 Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR & Communications, the Clerk to the Council and Corporate Communications have been consulted and comments have been incorporated into this final report.

6.2 The Director Infrastructure & Environment has been consulted in the preparation of this report and the content of the detailed appendices.

Approved by

David Robertson
Director Finance & Corporate Governance

Author(s)

Name	Designation and Contact Number
Suzy Douglas	Financial Services Manager, 01835 824000 Ext 5881

Background Papers: None

Previous Minute Reference: [insert last Minute reference (if any)]

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

Contact us at Suzy Douglas, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA; Tel: 01835 824000 X5881.

2022/23 BLOCK ALLOCATIONS

Service	Infrastructure & Environment
Sub Heading	Flood & Coastal Protection
Block	Flood Prevention Works & Scheme Preparation

Budget Allocation	2022/23 £000's	2023/24 £000's	2024/25 £000's
Approved Budget per 2022/23 Financial Plan	372	372	372
Total Budget	372	372	372

Table of Proposed Schemes	2022/23 £000's	2023/24 £000's	2024/25 £000's
Project Title			
Galashiels Natural Flood Management	70		
Community Resilience	10		
Ettrick Valley Study	25	10	
Lindean Study	2		
Management Fee	30	30	30
Slitrig Study	10	10	
Newcastleton Temporary Bund	80		
Hawick Natural Flood Management	100	28	
Hawick Surface Water Management Plan	10		
Eyemouth Coastal	5		
Romanno Bridge	10		
Minor Works	20	20	20
Bonchester Bridge Flood Scheme Preparation		90	
Jedburgh Flood Scheme Preparation		110	
Surface Water Management Plans	-	-	173
Unallocated Balance		74	149
TOTAL	372	372	372

2022/23 BLOCK ALLOCATIONS

Service	Infrastructure & Environment
Sub Heading	Land and Property Infrastructure
Block	Asset Rationalisation & Demolition

Budget Allocation	2022/23 £000's	2023/24 £000's	2024/25 £000's
Approved Budget per 2022/23 Financial Plan	1,075		-
Total Budget	1,075	-	-

Table of Proposed Schemes	2022/23 £000's	2023/24 £000's	2024/25 £000's
Project Title			
Hawick Town Hall - agile working	60		
Asset development and reconfiguration	872		
Old Canteen - surfacing works	32		
Emergency Planning Centre	60		
St Mary's Mill, Selkirk Upgrade new Museum	4		
Fees - HQ Visioning Pilot	32		
Demolition - preliminaries, provisional sums, contingencies, surveys & fees etc (incl JCJ Group Variations)	15		
Unallocated Balance	-	-	-
TOTAL	1,075	-	-

2022/23 BLOCK ALLOCATIONS

Service	Infrastructure & Environment
Sub Heading	Land and Property Infrastructure
Block	Cemetery Land Acquisition & Development

Budget Allocation	2022/23 £000's	2023/24 £000's	2024/25 £000's
Approved Budget per 2022/23 Financial Plan	895		105
Total Budget	895	-	105

Table of Proposed Schemes	2022/23 £000's	2023/24 £000's	2024/25 £000's
Project Title			
Land acquisition & site development	895		105
Unallocated Balance	-	-	-
TOTAL	895	-	105

2022/23 BLOCK ALLOCATIONS

Service	Infrastructure & Environment
Sub Heading	Land and Property Infrastructure
Block	Building Upgrades

Budget Allocation	2022/23 £000's	2023/24 £000's	2024/25 £000's
Approved Budget per 2022/23 Financial Plan	522	437	437
Total Budget	522	437	437

	2022/23 £000's	2023/24 £000's	2024/25 £000's
Table of Proposed Schemes			
Project Title	£000's	£000's	£000's
Hawick Library stonework minor refurbishment	20	15	
Newby Court Units roofing upgrade	25		
Swinton PS Windows replacement	34		
Lift infrastructure upgrades	150	55	50
Industrial Units fabric upgrades		50	
Newlands PS window replacement	13		
Electrical Infrastructure management	28	50	50
School toilet upgrades	80	80	80
Hillview Ind. Est Coldstream door replacements	45		
Chirnside PS roofing upgrade - flat roof section	35		
Eyemouth CC roofing upgrades		50	50
Duns depot window replacement	22		
Schools resurfacing upgrades	35	35	
Linglie Mill roofing & rainwater goods upgrade	35	15	
Unallocated Balance	-	87	35 172
TOTAL	522	437	437

2022/23 BLOCK ALLOCATIONS

Service	Infrastructure & Environment
Sub Heading	Land and Property Infrastructure
Block	Energy Efficiency Works

Budget Allocation	2022/23 £000's	2023/24 £000's	2024/25 £000's
Approved Budget per 2022/23 Financial Plan	1,878	1,045	1,045
Total Budget	1,878	1,045	1,045

Table of Proposed Schemes	2022/23 £000's	2023/24 £000's	2024/25 £000's
Project Title			
LED Lighting rollout		75	75
Low Carbon Infrastructure Transformation (LCITP) Smart Grid	700		
Solar Photo Voltaic panels installation	200	150	100
Electric Vehicle Charger Points rollout	200	150	100
Broughton PS heating & lighting upgrade	90		
Balmoral PS window replacement windows	93		
Chirnside PS front elevation window replacement	350		
Conversion of energy source (Oil to 'green' energy source)	245	250	250
Window & roofing upgrades to thermally efficient alternatives		210	110
Unallocated Balance	-	210	410
TOTAL	1,878	1,045	1,045

2022/23 BLOCK ALLOCATIONS

Service	Infrastructure & Environment
Sub Heading	Land and Property Infrastructure
Block	Health and Safety Works

Budget Allocation	2022/23 £000's	2023/24 £000's	2024/25 £000's
Approved Budget per 2022/23 Financial Plan	633	400	400
Total Budget	633	400	400

Table of Proposed Schemes	2022/23 £000's	2023/24 £000's	2024/25 £000's
Project Title			
Legionella upgrade water tanks	50	50	50
Asbestos Management	30	50	50
School Security upgrade work	13	20	90
Drumlanrig Primary window upgrade	100	50	
Innerleithen Library dry rot works	30		
6 School Brae, Peebles window refurbishment	35		
St Ronan's Primary heating upgrade	75		
Halyrude Primary electrical infrastructure upgrade	25		
Selkirk HS electrical infrastructure upgrade		90	
Southdean cemetery wall works	90	50	
Makerstoun cemetery wall works	15		
Stow cemetery wall works	10		
Fire alarm systems upgrades	100		
Council HQ tower concrete repairs	60		
Cemetery wall works	-	50	50
Unallocated Balance	-	40	160
TOTAL	633	400	400

2022/23 BLOCK ALLOCATIONS

Service	Infrastructure & Environment
Sub Heading	Land and Property Infrastructure
Block	Play Areas and Outdoor Community Spaces

Budget Allocation	2022/23 £000's	2023/24 £000's	2024/25 £000's
Approved Budget per 2022/23 Financial Plan	1,635	764	518
Total Budget	1,635	764	518

Table of Proposed Schemes	2022/23 £000's	2023/24 £000's	2024/25 £000's
Project Title			
Duns Public Park	198		
Jedburgh Allerley Well Park	200		
Jedburgh Skate Park	270		
Peebles Victoria Park Skate Park	200		
Reston	77		
Earlston NEW play park (PS)		300	
Gavinton	60		
St Boswells Jenny Moore's Road	180		
Newstead The Orchard	60		
Selkirk Bog Park	60		
Chirnside		60	
Kelso High Croft		60	
Hawick Sleepy Valley, Burnfoot		200	
Galashiels Woodstock Avenue		80	
Paxton			60
Heiton			60
Newcastleton			200
Peebles Eliots Park			60
Walkerburn Alexandra Park			100
Hawick Walled Garden Glass house	60		
Duns Public Park Drainage Works (estimate)	58		
Innerleithen Public Park Drainage & Surfacing Works (estimate £100-130k)	130		
Management Fee	82	64	38
TOTAL	1,635	764	518

2022/23 BLOCK ALLOCATIONS

Service	Infrastructure & Environment
Sub Heading	Road & Transport Infrastructure
Block	Cycling Walking & Safer Streets

Budget Allocation	2022/23 £000's	2023/24 £000's	2024/25 £000's
Approved Budget per 2022/23 Financial Plan	404	404	404
Total Budget	404	404	404

Table of Proposed Schemes	2022/23 £000's	2023/24 £000's	2024/25 £000's
Project Title			
Walking	202	202	202
Cycling	202	202	202
Unallocated Balance	-	-	-
TOTAL	404	404	404

2022/23 BLOCK ALLOCATIONS

Service	Infrastructure & Environment
Sub Heading	Road & Transport Infrastructure
Block	Lighting Asset Management Plan

Budget Allocation	2022/23 £000's	2023/24 £000's	2024/25 £000's
Approved Budget per 2022/23 Financial Plan	160	160	160
Total Budget	160	160	160

Table of Proposed Schemes	2022/23 £000's	2023/24 £000's	2024/25 £000's
Project Title			
Carnarvon Street, Hawick	30		
Kenilworth Avenue, Galashiels	30		
Queensway, Earlston	30		
Craigerne Lane, Peebles	20		
Langlee Drive, Galashiels	30		
Marchmont Crescent, Greenlaw	10		
Corroded Columns	10		
Deanshead, Eyemouth		20	
Weensgate Drive, Hawick		30	
St Dunstons Park, Melrose		30	
Queensway, Earlston		30	
Netherdale Ind Est, Galashiels		20	
Weensgate Drive, Hawick			30
Springmount Lane, Peebles			20
Park Crescent, Newtown St Boswells			20
Berrymoss Court, Kelso			30
Unallocated Balance		30	60
TOTAL	160	160	160

2022/23 BLOCK ALLOCATIONS

Service	Infrastructure & Environment
Sub Heading	Road & Transport Infrastructure
Block	Roads & Bridges -inc. RAMP, Winter Damage & Slopes

Budget Allocation	2022/23 £000's	2023/24 £000's	2024/25 £000's
Approved Budget per 2022/23 Financial Plan	7,731	7,660	7,100
Total Budget	7,731	7,660	7,100

Table of Proposed Schemes Project Title	2022/23 £000's	2023/24 £000's	2024/25 £000's
Surface Dressing - prior patching where necessary, applying bond coat to existing surface and then small chips on top. This is preventative maintenance.	2,500	2,000	1,380
Patching - applying first time fixes to A&B class roads, these repairs will be permanent and semi-permanent, this will include cutting out defective area, and trimming the edges of the holes before re-filling.	2,400	1,920	1,290
Resurfacing/Overlays - this will include overlays on the top of the existing surface and in-lays i.e. removing existing surface and replacing with new material.	1,135	968	660
Walls & Structures	200	160	120
Footways	250	200	150
Drainage	350	280	210
Masonry Refurbishment	781	600	450
Union Chain Bridge	115	0	0
Unallocated Balance	-	1,532	2,840
TOTAL	7,731	7,660	7,100

2022/23 BLOCK ALLOCATIONS

Service	Finance, IT and Procurement
Sub Heading	Corporate
Block	ICT - Outwith CGI Scope

Budget Allocation	2022/23 £000's	2023/24 £000's	2024/25 £000's
Approved Budget per 2022/23 Financial Plan	24	24	56
Total Budget	24	24	56

Table of Proposed Schemes	2022/23 £000's	2023/24 £000's	2024/25 £000's
Project Title			
PC Replacement	24	24	56
Unallocated Balance			
TOTAL	24	24	56

2022/23 BLOCK ALLOCATIONS

Service	Education & Lifelong Learning
Sub Heading	Learning Estate
Block	Learning Estate Block

Budget Allocation	2022/23 £000's	2023/24 £000's	2024/25 £000's
Approved Budget per 2022/23 Financial Plan	2,153	1,800	1,790
Total Budget	2,153	1,800	1,790

Table of Proposed Schemes Project Title	2022/23 £000's	2023/24 £000's	2024/25 £000's
Improve and Enhance School Environments			
Outdoor Learning Provisions	510	360	250
Primary School Refurbishments	940	500	250
School toilet programme	213	200	190
Meet security and legislative obligations			
Kitchen refurbishment programme	50	50	50
Accessibility works	30	10	10
Secure receptions programme	80	40	40
Urgent, unplanned and fees			
Professional fees	180	180	180
Project closure contingencies	150	100	100
Unallocated Balance		360	720
TOTAL	2,153	1,800	1,790

2022/23 BLOCK ALLOCATIONS

Service	Contracted Services
Sub Heading	Sports Infrastructure
Block	Culture & Sports Trusts - Plant & Services

Budget Allocation	2022/23 £000's	2023/24 £000's	2024/25 £000's
Approved Budget per 2022/23 Financial Plan	255	215	215
Total Budget	255	215	215

Table of Proposed Schemes	2022/23 £000's	2023/24 £000's	2024/25 £000's
Project Title			
Selkirk Leisure Centre - calorifier replacement	15		
Peebles Swimming Pool - circulation pumps	15		
Eyemouth Leisure Centre - main air handling unit (AHU)	30		
Kelso Swimming Pool - changing facilities & toilets	47		
Peebles Swimming Pool - changing facilities, toilets, sauna, steam room	47		
Gala Swimming Pool - pool pumps	8		
Gala Swimming Pool - underwater lighting	6		
Eyemouth Leisure Centre - secondary and main pool pumps & inverters	20		
Eyemouth Leisure Centre - actuators pool heating	5		
Peebles Swimming Pool - heat pumps	14		
Selkirk Swimming Pool - roof mounted pool extract fans	9		
Gytes Leisure Centre - air handling unit (AHU)		50	
Teviotdale Leisure Centre - boilers		60	
Kelso Swimming Pool - tank refurbishment		20	
Peebles Swimming Pool - pool heating actuators		12	
Peebles Swimming Pool - Reception			25
Peebles Swimming Pool - Sauna/Steam Room			20
Teviotdale Leisure Centre Pool - tank refurbishment			30
Ultra Violet Filtration - Pools TBC			50
Jedburgh Leisure Facilities Trust	15	15	15
Berwickshire Recreation Education Sports Trust	24	15	15
Unallocated Balance		43	60
TOTAL	255	215	215

2022/23 BLOCK ALLOCATIONS

Service	Contracted Services
Sub Heading	Culture & Heritage
Block	Public Halls Upgrades

Budget Allocation	2022/23 £000's	2023/24 £000's	2024/25 £000's
Approved Budget per 2022/23 Financial Plan	284	-	-
Total Budget	284	-	-

Table of Proposed Schemes	2022/23 £000's	2023/24 £000's	2024/25 £000's
Project Title			
Corn Exchange/Ormiston Institute Refurbishment (bal)	4		
Kelso Tait Hall refurbishment	173		
Innerleithen Memorial Hall refurbishment	59		
Selkirk Victoria Hall	25		
PA systems (all venues)	23		
Unallocated Balance			
TOTAL	284	-	-

2022/23 BLOCK ALLOCATIONS

Service	Economic Development & Corporate Services
Sub Heading	Economic Regeneration
Block	Borders Town Centre Regeneration Block

Budget Allocation	2022/23 £000's	2023/24 £000's	2024/25 £000's
Approved Budget per 2022/23 Financial Plan	873	70	70
Total Budget	873	70	70

Table of Proposed Schemes Project Title	2022/23 £000's	2023/24 £000's	2024/25 £000's
Hawick Public Realm	110		
Place Based Investment Programme 2021/22 :			
Eyemouth - Waterfront Project	180		
Galashiels - Town Centre Public Realm	10		
Hawick Business Centre	80		
Hawick Common Haugh Car Park	15		
Buccleuch House, Newcastleton - Secure Cycle Pods	30		
Craikhope Outdoor Centre improvements	20		
Yetholm Community Shop	90		
Peebles Burgh Hall	100		
Unallocated	17		
Workshop Development	86		
Town Centre Regeneration Enabling Work (Galashiels, Hawick, Eyemouth, Jedburgh, Selkirk)	135	70	70
TOTAL	873	70	70

2022/23 BLOCK ALLOCATIONS

Service	Health & Social Care
Sub Heading	Social Care Infrastructure
Block	Care Inspectorate Requirements & Upgrades

Budget Allocation	2022/23 £000's	2023/24 £000's	2024/25 £000's
Approved Budget per 2022/23 Financial Plan	40	41	41
Total Budget	40	41	41

Table of Proposed Schemes Project Title	2022/23 £000's	2023/24 £000's	2024/25 £000's
Deanfield, Hawick 01-C100025			
Grove House, Kelso 01-C100026			
St. Ronans, Peebles 01-C100272			
Saltgreens, Eyemouth 01-C100027			
Waverley, Galashiels 01-C100028			
Day Services 01-C100273			
Block to be allocated post Care Inspectorate Inspection	40	41	41
Unallocated Balance	-	-	-
Unallocated Balance	-	-	-
TOTAL	40	41	41



LOCAL AUTHORITY COVID ECONOMIC RECOVERY FUND

Report by Director of Resilient Communities

SCOTTISH BORDERS COUNCIL

31 March 2022

1 PURPOSE AND SUMMARY

- 1.1 This paper provides elected members with information on additional funding from Scottish Government that has been allocated to Local Authorities to provide a flexible response to economic recovery and provide additional support for low income households during financial year 2022/23.**
- 1.2 Scottish Government has recently announced an £80m Local Authority COVID Economic Recovery (LACER) fund. The purpose of this funding is to help support local economic recovery and potentially provide some additional funding for low-income households. Scottish Borders Council has been allocated £1.724m.
- 1.3 The proposals for this funding that have been developed are aligned to existing Strategies and plans and are focussed on the two target groups of local businesses and low- income households.
- 1.4 It is recommended that a further report be brought to Council at the earliest opportunity with further proposals to support local businesses once an assessment process has been carried out.
- 1.5 All claims, monitoring and evaluation will be in accordance with the requirements of the Fund.

2 RECOMMENDATIONS

2.1 It is recommended that Scottish Borders Council:

- a) Notes the allocation of £1.724m from the Scottish Government Local Authority COVID Economic Recovery Fund to be allocated by Scottish Borders Council in Financial Year 2022/23;**
- b) Agrees the proposed allocations of the funding for 2022/23 as detailed in section 4 of the report;**

- c) Delegates authority to the Director of Resilient Communities and the Director of Finance and Corporate Governance to distribute the allocations identified in section 4 of the report; and**
- d) Agrees that a further report be brought to Council at the earliest opportunity which will outline the further proposals to support businesses in accordance with the five principles of the funding scheme.**

3 BACKGROUND

- 3.1 Scottish Government has recently announced additional grant funding for Scottish Local Authorities. The funding stream is called the Local Authority COVID Economic Recovery (LACER) fund.
- 3.2 The main purpose of this funding is to help support local economic recovery and help address the cost of living impacts currently being experienced by low-income households.
- 3.3 Scottish Borders Council has been allocated £1.724m of funding via the General Revenue Grant to be allocated and spent during financial year 2022/23.
- 3.4 It has been acknowledged that Local Authorities are best placed to understand the needs of businesses and communities locally and therefore Scottish Government has provided local authorities with the flexibility and discretion to allocate and deliver interventions that best meet that local need, based on five key guiding principles.
- 3.5 The five guiding principles of the Fund are detailed below:
 - Principle 1: Interventions made under this fund should be based on economic recovery and/or low-income household support;
 - Principle 2: A collaborative approach towards sharing of best practice and learnings from different interventions should be adopted to maximise benefits;
 - Principle 3: Local Authorities may wish to allocate funding to interventions that support local economic recovery and enable businesses to move from surviving the period of trading restrictions towards recovery, growth, adaptation and resilience;
 - Principle 4: Local Authorities may wish to allocate funding to projects that can help rebuild consumer confidence and stimulate demand and economic activity; and
 - Principle 5: Local Authorities may wish to allocate funding to support the low-income households that have been disproportionately impacted by the pandemic as well as the current cost of living crisis.

4 PROPOSALS

- 4.1 The Scottish Government has provided some initial guidance with the five principles which allows a flexible approach to be applied when designing and delivering interventions that best meet local need. As the funding can be used over the course of 2022/23 careful thought has been given to what could, and should, be put in place in the short-term and what would benefit from further consideration and implementation later in the year.

- 4.2 The Council approved its Anti-Poverty Strategy in February 2021 which outlines six themes and seven outcomes. The first outcome relating to the 'Pockets' theme looks to '*Maximise financial resources of households on low incomes and reduce outgoing costs. Low-income households can access services and be socially, digitally and financially included*'. The proposals detailed below will increase the financial resources in our low-income households at a time of significant challenge.
- 4.3 The Scottish Borders Council Plan for 2022/23 was approved on 22 February 2022 with an agreed outcome to '*Reduce the number of children in poverty and reduce the impact of living in poverty on families*'. The Scottish Borders Local Child Poverty Action Report 2021/22 also outlined the implications of Covid-19 for Child Poverty locally including the costs of living, which some of the proposals below specifically respond to.
- 4.4 Over the period of the pandemic, the Council has issued a number of financial payments to households as part of a suite of support provided. The proposals detailed in the report build on this experience.
- 4.5 On 7 December 2021 the Executive Committee gave approval to implementing the Scotland Loves Local Gift Card Scheme which is a national initiative designed to help encourage all Scottish Local Authorities to encourage people in Scotland to support their local retailers and high streets. To date, only a small number of retailers have signed up to the scheme and there is an opportunity, using this funding, to increase the numbers significantly which would allow the potential use of the cards as a distribution tool for other funding in the future.
- 4.6 Taking into the account the considerations detailed above, officers have identified three immediate proposals in the table below that, with the approval of Elected Members, would allow the allocation of a significant proportion of the funding now. These proposals would support our lowest-income households, particularly families, with the increasing costs of living, increasing the income people have to spend in the local economy and prioritising the roll out of the Scotland Loves Local Gift Card Scheme across the Scottish Borders to encourage and promote spend our local businesses.

Suggested allocations/proposals	Proposed Allocation (£m)
Proposal 1	
<p>To provide a one-off payment of £150 to our lowest income households in recognition of the increased cost of living including rising food, fuel and transport costs.</p> <p>Approximately 7700 households who are currently in receipt of a Council Tax Reduction, based on low income, would benefit from this payment.</p>	£1.155

Proposal 2	
<p>This proposal if approved would provide families with a payment of £100 to each child currently entitled to free school meals. This payment would provide further support to families in addition to the proposed payment of £150.</p> <p>This is in recognition of the increased cost of living and the impact this has especially during school holidays. It is hoped that this payment will not only support families in meeting essential costs but also enable them to participate in locally arranged events and activities which in turn will help support local businesses.</p> <p>This type of support and payment builds on the method that has been used previously in relation to the Financial Hardship Fund and has proved a successful way to ensure that targeted support is provided efficiently, quickly and with dignity.</p>	£0.222
Proposal 3	
<p>The Scotland Loves Local Gift Card Scheme is a national initiative designed to help encourage all Scottish Local Authorities to develop their local supply chains and people to support their local retailers and high streets.</p> <p>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.</p> <p>Approximately 30 businesses have already signed up to the gift card initiative, but we need to help ensure that a wide range of businesses are available to the general public to provide choice and help deliver a successful scheme especially if the Council wishes to potentially use this scheme as a distribution method for future funding.</p> <p>Officers believe there is a key piece of initial work that is required to try and stimulate the response from local businesses and this proposed allocation if approved would allow that marketing work to take place.</p>	£0.030
Proposal 4	
<p>That officers assess the most appropriate way of providing further support to businesses and bring a report back to Council at the earliest opportunity.</p>	£0.317
Total funding available	£1.724

- 4.7 The proposals above are similar to what we know some other local authorities have already approved or are considering. Like other local authorities it is proposed that some further consideration is given to the use of the remaining £0.317m. This will allow Officers to collaborate with colleagues nationally, and stakeholders locally, on the best use of the funding to support businesses and drive economic recovery.

5 IMPLICATIONS

5.1 Financial

- a) The Local Authority Covid Economic Recovery Fund, provided by Scottish Government has allocated £80m to provide a flexible response to economic recovery and provide some support for low income families during the next financial year.
- b) Scottish Borders Council's allocation for 2022/23 is £1.724m and this funding is a one-off payment allocation.

5.2 Risk and Mitigations

The key risk associated with this report is in the requirement for officers to allocate funding to suitable projects and schemes that will hopefully make a significant difference to sections of the community that are continuing to experience challenges through Covid-19 and current cost of living expenses.

If we do not consider the allocation of funding to suitable projects and schemes, there is a risk that there will be a further impact on those who are already at risk of financial hardship.

5.3 Integrated Impact Assessment

There are no direct implications associated with an Integrated Impact Assessment as the report is not proposing a change to policy or the formal adoption of a strategy, policy or plan. The key aspect of this funding is to try and reduce barriers to inequality, alleviate hardship and help to promote sustainable, inclusive economic development through the promotion of local business.

5.4 Sustainable Development Goals

These proposals are expected to deliver against the United Nations Sustainable Development Goals by helping to direct funding to projects that incorporates socially and environmental decision making, balanced with providing economic benefits that in turn will help to sustain local communities throughout the Scottish Borders.

It is anticipated that as a result of this funding to those households identified within the table at 4.1, there will be a positive effect on the following community outcomes:

- a) Include under-represented or excluded groups
- b) Improve community quality of life
- c) Improve community capacity
- d) Take into account equal opportunities

5.5 **Climate Change**

The intention of the funding is partly to help local businesses that have suffered during Covid-19 and the intension is for future proposals to help improve local supply chains, which in turn can help to reduce the need to travel, encourage local sustainable employment and to ultimately help local communities deliver in terms of the race to net zero.

5.6 **Rural Proofing**

The key focus of this funding is to try and encourage the viability of local businesses and retail outlets which are at the heart of communities in the Scottish Borders. The fund is also intended to deliver support to people who may have been disproportionately impacted by Covid-19 and the pressures associated with the current cost of living crisis.

5.7 **Data Protection Impact Statement**

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

5.8 **Changes to Scheme of Administration or Scheme of Delegation**

There are no proposed changes to the Scheme of Administration or Scheme of Delegation.

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 not yet been consulted and comments received will be 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
Shona Smith	Communities and Partnership Manager

Background Papers:

Previous Minute Reference:

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MANAGING CUSTOMER ENGAGEMENT POLICY

Report by Director Resilient Communities

Scottish Borders Council

31 March 2022

1. PURPOSE AND SUMMARY

- 1.1 This report proposes the amalgamation of the Vexatious Complaints and Correspondence Policy and the Unacceptable Actions and Behaviours Policy into one policy and refreshes the approach to managing unacceptable customer engagements.**
- 1.2 The Scottish Public Services Ombudsman's (SPSO) Model Complaints Handling Procedure (MCHP) requires all public services to have a policy in place to manage unacceptable customer behaviour.
- 1.3 The Managing Customer Engagement Policy incorporates the Unacceptable Actions and Behaviours Policy that manages violent, aggressive, threatening or abusive behaviour into a refreshed policy that manages all types of unacceptable customer behaviour.
- 1.4 The Managing Customer Engagement Policy also introduces the logging of every unacceptable customer engagement, so behavioural trends can be identified sooner and appropriate actions taken to protect officers.
- 1.5 Officers are also empowered to escalate cases where they feel action needs to be taken or they are finding engagement with a particular customer problematic.

2. RECOMMENDATIONS

2.1 I recommend that the Committee:-

- (a) Approves the policy and agrees to its implementation;**
- (b) Amend the remit of the Complaints Review Group to include the powers to make the decision to apply the Managing Customer Engagement Policy;**
- (c) Amend the Scheme of Delegation, for the Chief Executive, to review, where an appeal is requested, the Complaints Review Group's decision to apply the Managing Customer Engagement Policy.**

3. BACKGROUND

- 3.1 In April 2014, the Vexatious Complaints and Correspondence policy was approved. This policy fulfilled the SPSO's expectation that all public services have a policy in place to manage unacceptable customer behaviour.
- 3.2 Since this time the SPSO have launched two revised versions of their own Unacceptable Actions Policy.
- 3.3 Across these two revisions the language and approach taken by the SPSO towards managing customer behaviour has changed quite significantly.
- 3.4 In the past year, several cases have highlighted some areas where improvements in the process would be beneficial. This and the SPSO's changed approach have been the drivers for refreshing the Council's approach to managing customer engagement.
- 3.5 Amalgamating the Vexatious Complaints and Correspondence policy and the Unacceptable Actions and Behaviours policy will simplify the approach to managing unacceptable customer engagements with the council and thereby encourage staff to report any incidents of unacceptable behaviour.

4. KEY CHANGES TO THE POLICY

4.1. Approach to managing customer behaviour

- (a) The approach to managing customer behaviour will focus on supporting positive engagement between council officers and customers. Supporting positive engagement includes supporting customers to express their concerns about our services in a constructive manner, where necessary by ensuring:
 - our staff have appropriate training to identify where additional support may be needed
 - reasonable adjustments are put in place where necessary
 - our staff are supported to treat our users with kindness and compassion
 - we will seek to defuse and de-escalate situations
 - we will signpost to organisations who can provide independent advice and support, where appropriate
- (b) Where there are situations of unacceptable behaviour that we need to respond to or manage we will seek, whenever possible, to restore the relationship by taking a restorative approach. Examples of a restorative approach may be:
 - actively managing customer's expectations which can help to prevent issues from arising in the first place or escalating further

- ensuring customers understand what language and approaches to communication will assist officers in addressing the issues they have raised
- (c) Where restorative approaches and attempts to restore relationships fail active management of customer engagements will be undertaken. Active management seeks to maintain our ability to deliver our services while minimising the impact of the situation that is causing the disruption. The approach used could include:
- restricting contact by channel (e.g. phone or email) or to a named person
 - not providing direct contact details or staff names (when there is a risk this will lead to harassment)
 - communicating through a third party such as an advocate rather than direct contact
 - directing phone calls to an automated service (when phone contact is blocking others from accessing our service or is abusive)
 - restricting time/volume of contact
 - restricting topics officers will correspond in relation to
- (d) The Health and Safety procedures already in place to manage violent, aggressive, threatening or abusive behaviour will still apply. Where appropriate the measures mentioned in (b) and (c) above will run in conjunction with the Health and Safety procedures.

4.2. The language used

- (a) Using terminology or labelling customer behaviour as vexatious can inflame situations further. It is therefore, not helpful when trying to de-escalate a situation or restore a relationship.
- (b) The language used in connection with unacceptable behaviour is changing from labelling customers or their behaviour as vexatious to describing problematic behaviour as customer engagement that has become difficult to manage.

4.3. Scope of the policy

- (a) Previously, the Vexatious Complaints and Correspondence policy did not, in the first instance, apply to complaints that fell within the remit of the Social Work Statutory Complaints process.
- (b) However, the Public Services Reform (Social Work Complaints Procedure) (Scotland) Order 2016 brought social work complaint handling into line with other local authority (LA) complaints handling, by bringing it under the remit of the Public Services Reform (Scotland) Act 2010 (the Act).

- (c) In April 2017 the council implemented the SPSO's Social Work Model Complaints Handling Procedure, which was then incorporated into the SPSO's Local Authority Model Complaints Handling Procedure in 2021.
- (d) As such Social Work complaints now fall within the scope of the Managing Customer Engagement policy.
- (e) Also within the scope of the policy are customer engagements with Elected Members that have become difficult to manage. Whilst, the authorisation, logging, documentation and appeals parts of this policy do not apply to elected members engagements, the policy does however provide a framework to help them to manage any difficult engagements they encounter.

4.4. Levels of managing customer engagement

- (a) There will be three levels of managing customer engagement:
 - Immediate action required by member of staff, for example putting the phone down
 - Manager approved restorative approach
 - Complaints Review Group active management approach

4.5. Introduction of an appeals process

- (a) Currently, under the Vexatious Complaints & Correspondence policy, there is no internal route of appeal. Customers are signposted to the SPSO if they disagree with the application of the policy.
- (b) In this refreshed policy, the remit of the Complaints Review Group is being changed. The Complaints Review Group will now make the decisions to apply the policy to a customer's contact, rather than recommend an approach to the Chief Executive, who then made the decision to apply the policy.
- (c) The Chief Executive will now take on an internal appeal role.
- (d) Appeals will be considered in one of three ways depending on the level the restriction was taken at. These are:
 - through our complaints handling procedure where an employee took immediate action to manage a customer's engagement
 - through the Complaints Review Group where restorative approach or a decision to restrict contact in their service was made by a senior manager
 - by the Chief Executive where the Complaints Review Group has made a decision to restrict contact with a service or the council as a whole

4.6. Protecting our staff

- (a) The policy provides support for officers from an early stage in an engagement with customers, where previously a situation needed to be unmanageable before action could be taken.
- (b) Officers are empowered to take immediate action where they find a customer engagement personally distressing or difficult.
- (c) Under the refreshed policy, all engagements where officers have found that a customer engagement has become difficult to manage or that they have found personally distressing or threatening must be logged.
- (d) By logging all of these interactions managers are able to bring together an overview of how officers across the council are being treated. It will also be possible to identify trends where engagement from one customer is challenging across services in the council.
- (e) The policy accepts that each officer will have different trigger points and tolerances. It is scalable and can accommodate these variances but also introduces the assurance of consistency through manager approval of any actions taken or requested.
- (f) The policy also signposts officers to supporting documentation that has been written by the SPSO specifically to assist staff dealing with problem behaviour.

4.7. Logging System

- (a) An interim solution in SharePoint will be used initially, with the final solution being built in Jadu.
- (b) Jadu is the software currently used to host SBC's website. Jadu provides a content management solution that is being developed to customise a new customer relationship management system for SBC.

4.8. Training

- (a) Awareness training will be put in place to ensure all employees are aware of the policy and how to use it.
- (b) Guidance on how to use both the interim logging system and the final solution will be produced.

5 IMPLICATIONS

5.1 Financial

There are no costs, beyond staff time, attached to any of the recommendations contained in this report.

5.2 Risk and Mitigations

- (a) Section 2 (1) of the Health and Safety at Work etc. Act 1974 places a duty upon employers to take reasonable care of the health and safety at work of the workforce.

Therefore, SBC, as an employer, has a duty to assess all risks, and reduce and minimise such exposure and its effect upon those affected.

The Managing Customer Engagement policy is part of the process by which this achieved and it further supports SBC's discharge of these duties.

- (b) The definitions in the policy are not prescriptive and, therefore, some level of interpretation is required. This could lead to differences in opinion and interpretation.

However, the authorisation process through managers and the Complaints Review Group will ensure there is consistency in the application of the policy.

- (c) It is likely customers whose engagement is managed through this policy will react unfavourably and they may take the case to the Scottish Public Service Ombudsman (SPSO).

This policy is based on the SPSO's own policy on customer engagements.

The logging system will ensure there is a detailed record of the decision making process and systems in place to review the decisions which means the Council will be able to defend any challenges.

5.3 Integrated Impact Assessment

- a) A light touch assessment has been carried out. This will be published on Scottish Borders Council's Equality and Diversity Pages of the website as equality, diversity and socio-economic factors have duly been considered when preparing this report. This report is for an amendment to the current Vexatious Complaints and Correspondence policy, which is based on the SPSO's Customer Engagement policy. Each public sector organisation across Scotland is required to implement an unacceptable actions policy.
- b) In addition, officers will be engaging with the Equalities Forum regarding the Council's approach to supporting vulnerable clients and customers to engage with the council. The understanding gained through this consultation will be used to inform officers' approach to this policy.

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**

It is not anticipated that this revised procedure will have any significant impact on climate change.

5.6 **Rural Proofing**

It is anticipated there will be no adverse impact on the rural area from the proposals contained in this report.

5.7 **Data Protection Impact Statement**

All potential risks of non-compliance with Data Protection legislation are being identified, assessed and recorded within a Data Protection Impact Assessment. The controls to mitigate any potentially negative impact identified within the Assessment will be implemented to ensure the proposed changes and new data processing complies with Data Protection legislation.

5.8 **Changes to Scheme of Administration or Scheme of Delegation**

- a) As a result of this policy the Scheme of Delegation will need to be amended.
- b) The policy proposes that, the Complaints Review Group is given the authority to make the decision to apply the Managing Customer Engagements policy to a customer's interactions with the Council. In the Scheme of Delegation this authority currently rests with the Chief Executive.
- c) This policy proposes that the Chief Executive will review the decision, of the Complaints Review Group, to apply the Managing Customer Engagement policy, where a customer appeals the decision.
- d) Therefore, the Scheme of Delegation needs to be amended, for the Chief Executive or a nominated depute, to review, where an appeal is requested, the Complaints Review Group's decision to apply the Managing Customer Engagement Policy.

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 comments received incorporated into the final report.

6.2 Others consulted are –

- Chief Executive
- Director (Social Work & Practice)
- Director (Resilient Communities)
- Corporate Equalities and Diversity Officer

- Information Manager
- Health & Safety Team Leader

Approved by

Name **Jenni Craig**
Title **Director of Resilient Communities**

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Background Papers:

Previous Minute Reference: 24 April 2014

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Scottish Borders Council

Managing Customer Engagement Policy

Unacceptable Actions Policy



Version	Changes	Date
1	Approved at Council	24 April 2014
1.1	Appendix 2 amended, no contact with customer after review if there is no change regarding the length of time the policy is to be applied	26 June 2014
1.2	Review and updating of policy approved at Council	31 March 2022

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1. Introduction

- 1.1 This policy details our approach to managing the way customers engage with us and the services we offer. It also details how we deal with the very small minority of customers whose engagement has become difficult to manage.
- 1.2 The term 'customer' includes any person who engages with any aspect of our services or anyone acting on behalf of such a person. The principles set out in this policy apply to the Council's dealings with its customers in all circumstances.
- 1.3 The policy is based on the Scottish Public Services Ombudsman's Customer Engagement Policy and other Public Services' Unacceptable Actions Policies.
- 1.4 In most cases, dealing with customers is a straightforward process, but occasionally the behaviour or actions of a customer makes it very difficult for us to do our jobs. In a small number of cases the manner in which a customer is engaging with us becomes unacceptable because it is abusive towards our employees or abuses our processes.
- 1.5 When this happens we will take action to protect our employees. We will also consider the impact the behaviour has on our ability to do our work and provide a service to other customers.
- 1.6 We will promote this policy and our zero tolerance approach to threats and violent and abusive behaviour towards staff, on a regular basis through social media, the website and in our buildings that are open to the public.

2. Policy Aims & Objectives

The objectives of the policy are:

- 2.1 To ensure we deal fairly, honestly, consistently and appropriately with all customers, including those whose behaviour or actions is difficult to manage or has become unacceptable. We believe that all customers have the right to be heard, understood and respected. We also consider that our employees and elected members have the same rights.
- 2.2 To provide services that are accessible to all customers and others engaging with us. However, where we find it necessary to take steps to manage a customer's engagement with us, we retain the right to restrict or change access to our employees and/or services.
- 2.3 To ensure that Council employees, elected members and other customers are not disadvantaged or put at risk by the manner in which our customers interact with us.
- 2.4 To provide guidance to all members of staff on how they are expected to manage all customer engagement, including that of customers whose engagement has become difficult.
- 2.5 To provide guidance on the situations where we may need to actively

manage customers' engagement to protect our staff or maintain our ability to deliver our services. It is important to note this may not be the fault of the customer, but as a result of circumstances outwith their control

- 2.6 To support our employees and elected members when dealing with customer engagement, that is considered to be difficult or unacceptable, whether this is directed at them verbally, in writing or by social media and the internet.
- 2.7 To support Health and Safety arrangements in particular dealing with violence and aggression towards employees and elected members in the workplace (this includes any location where employees are undertaking duties on behalf of Scottish Borders Council (SBC)).
- Section 2 (1) of the Health and Safety at Work etc. Act 1974 places a duty upon employers to take reasonable care of the health and safety at work of the workforce and that of others affected by their acts and omissions.
 - SBC has a duty to appropriately report some of the incidents referred to in this policy under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR).
 - It is the employee's duty to report all incidents of unacceptable actions and behaviour to their respective line manager, to ensure that SBC meets the statutory duties placed upon it by the Health and Safety at Work etc. Act 1974."
 - This policy supports the Health and Safety arrangements, which enable SBC satisfy those obligations (3.0) in relation to violence and aggression and any other form of actions or behaviour which are considered to be unacceptable, as a route to support and protect employees whilst at work.
 - See Appendix 4 for more information

3. Managing Customer Engagement

- 3.1 We will support positive engagement with our customers and will let them know how they can engage positively with us. We'll do this by providing information on how they can access our services and request adjustments. We will also explain clearly, what we need from them to provide the best possible service.
- 3.2 Supporting positive engagement includes supporting people to express concerns about our service in a constructive manner, where necessary by ensuring:
- Our staff have appropriate training to identify where additional support may be needed
 - Reasonable adjustments are put in place where necessary
 - Our staff are supported to treat our customers with kindness and compassion
 - We will seek to defuse and de-escalate situations
 - We will signpost to organisations who can provide independent advice and support, where appropriate

- 3.3 While we will work to support positive engagement, there are some situations, which we need to respond to or manage. This may be because of the negative impact on the wellbeing of our staff and our ability to provide a service.
- 3.4 We acknowledge that in providing a wide range of services internally and to the community that there will be occasions where employees will be exposed to unacceptable actions and behaviour. We also recognise that as an employer we have a duty to assess all the risks, reduce and minimise this exposure and its effect upon those affected.
- 3.5 We accept that customers may be upset and distressed when they contact the Council. This may result in customers acting out of character due to times of trouble or stress. There may also have been upsetting or distressing circumstances leading up to a customer formally contacting us. We want to support them to engage positively with us.
- 3.6 We do not view engagement as unacceptable just because a customer is being forceful or determined. We will seek, whenever possible to restore the relationship and to ensure we can provide a full service.
- 3.7 However, we do need to take action if the situation becomes unacceptable or is resulting in unreasonable demands or unreasonable behaviour towards our staff and others.
- 3.8 When we need to manage engagement in this way, we will ensure responses are proportionate to the behaviour and the impact on our services and our staff. This guidance gives general advice, but we will, whenever possible, explain clearly the reason for any specific decision to the customer and/or keep a separate documented record if that is not possible or appropriate.
- 3.9 The decision whether or not to take a management approach does not affect the right of any employee to end contact they find personally distressing or uncomfortable. This is because it is not appropriate for anyone to continue to engage if they are becoming distressed or it is having other negative impacts on them. This is the case even if we decide that the criteria for further management is not met.

4. Higher risk areas and roles

- 4.1 We acknowledge that employees who come into contact with customers, clients, service users in the day to day delivery of their service are more likely to be at risk of exposure to unacceptable actions and behaviour than others.
- 4.2 Where this increased risk is identified, by risk assessment, then training and suitable safe systems of work will be provided to enable employees to recognise the key warning signs that precede such behaviour. Employees will also be shown how to employ the appropriate techniques to diffuse situations in order to prevent escalation into significant incidents.
- 4.3 A generic list of possible higher risk work areas and associated roles is shown in Appendix 4.
- 4.4 For those who work in these areas it is possible that there are health and

safety arrangements or techniques in place that always need to be considered.

- 4.5 If you are unaware of any health and safety arrangements, safe systems of working or techniques for working with customers, clients, service users in the day to day delivery of your service please discuss this with your line manager as soon as possible.

5. Restorative approaches, recovering the relationship

- 5.1 Where possible, we should seek to act in ways that recover the relationship.
- 5.2 For example:
- staff may seek to defuse and de-escalate by suggesting breaks if conversations are becoming heated
 - intervene early before behaviour escalates
 - make proactive adjustments to our service to help individual users manage the anxiety and stress of engaging with us.
- 5.3 Actively managing expectations can help to prevent issues from arising in the first place.
- 5.4 Reasonable adjustments should be made, when appropriate, to help individuals remain actively and positively involved with our services.
- 5.5 For further information on restorative approaches or recovering the relationship, see the SPSO's guidance called [Complaints Handling Practice Guide Supporting Respectful Engagement: Handling Difficult Situations](#).
- 5.6 When restorative approaches are not possible, are inappropriate or have been tried and failed, an active management approach will be taken.

6. Identifying and defining types of engagement we need to manage

This policy defines various aspects of customer engagement that needs to be managed under four broad categories as detailed below.

6.1 **Category One: Violent, aggressive, threatening or abusive behaviour**

Violent, aggressive, threatening or abusive behaviour towards staff or Elected Members will not be accepted

Examples of engagement grouped under this heading whether verbal or written includes:

- Physical violence
- Threatening behaviour or language, or actual threats
- Demeaning, abusive, indecent, offensive language or comments and rudeness
- Written, verbal or physical harassment
- Comments that discriminate on the basis of sex, sexual orientation, race and ethnicity, age, disability, religion and belief or other relevant distinction
- Slanderous, libelous remarks, unsubstantiated allegations and

inflammatory statements

- Use of aggressive or inappropriate gestures

This list is not exhaustive

• **Violent or aggressive behaviour**

- Violent or aggressive behaviour is not restricted to acts that may result in physical harm. It also includes behaviour or language (whether verbal or written) that may cause employees, elected members and other representatives acting on our behalf to feel offended, afraid, threatened, humiliated or abused.
- The Health and Safety definition of a violent incident is: Any incident, in which an employee is abused, threatened or assaulted in circumstances arising out of or in connection with his or her work. This will include not only physical attacks, but threats and fear of violence, verbal abuse, racial, religious and sexual harassment, or humiliating behaviour, likely to undermine self-confidence and cause employees to suffer anxiety or stress related disorders.

• **Abusive language**

- Abusive language, whether verbal or written, includes all language that is designed or could be perceived as designed to insult or degrade, discriminate on the basis of sex, sexual orientation, race and ethnicity, age, disability, religion and belief or any other relevant distinction, or which makes serious allegations that individuals have committed criminal, corrupt or perverse conduct without any supporting evidence.
- Language, which makes unfounded allegations about an individual's professional ability or capability or seeks to belittle or denigrate them personally
- Comments made about Scottish Borders Council or our staff on social media or in consultations, can be included under this heading

• **Harassment**

- Harassment of staff, whether accompanied or not by violence or abusive comments, is not acceptable.
- Harassment would include repeatedly contacting or continuing to contact individual staff members when previously asked not to
- Contacting staff outside of the office to seek to influence or intimidate them. This includes contact via social network sites and social contact in public places.
- Targeting and naming our staff on public or other easily shared social media. We encourage those who wish to

criticise Scottish Borders Council online to name the Council rather than individuals. We will make it clear that our staff are acting with the Council's delegated authority and the Council can be named. Naming of individuals online may lead to active management of the customer's engagement.

- Statements that individuals intend to record and then use that recording publicly or to live stream, even if there is no directly abusive content to the statement. We support and can assist in providing recordings for personal use as a reasonable adjustment.

6.2 Category Two: Demands on the Council

Examples of engagement grouped under this heading includes:

- Demanding responses within an unreasonable timescale
- Insisting on seeing/speaking to/corresponding with a particular employee
- Insisting on not seeing/speaking to/corresponding with a particular employee or service
- Repeatedly changing the substance of a complaint or raising unrelated concerns
- Raising the same matters with different employees in either the same or other departments
- This form of customer engagement becomes unacceptable, when it starts to impact, or complying with the request impacts substantially on the work of the employee or the service, by taking up an excessive amount of employee time to the disadvantage of other customers or functions. This may be because of the amount of information the customer is seeking or the nature and scale of the service they expect.

6.3 Category Three: Levels of Contact

Examples of engagement grouped under this heading includes:

- Will not or cannot accept that we are unable to assist them further or provide a level of service, other than that already provided.
- Persists in disagreeing with the action or decision taken in relation to their complaint or issue.
- Makes a number of calls in one hour, one day or one week
- Repeatedly makes long telephone calls to us
- Inundates us with copies of information that has been sent already or that is irrelevant to the matter raised
- Raising multiple complaints about an issue
- An email is sent to numerous members of staff and or Councillors (scatter gun approach)
- A generic mailbox as included on an individual's distribution list, thereby copying the Council into correspondence that is not relevant to us, or appropriate for us

- **Levels of Contact**
 - Sometimes the volume and duration of customer engagement causes problems. This can occur over a short period of time or occur over the lifespan of handling an issue raised by the customer.
 - We consider that the level of customer engagement has become unacceptable when the amount of time spent talking to a customer on the telephone, responding to e-mails and written correspondence, or responding to other forms of electronic communications impacts on our ability to deal with that issue or other customers' issues, and causes distress to either employees or other customers.
- **Use of the complaint procedure**
 - We support the rights of people and organisations to complain more than once about an issue when they have a continuing relationship with us and if subsequent incidents occur.
 - Use of the complaint processes to make multiple complaints about an issue, or when the effect of the repeated complaints, is to harass, or to prevent us from pursuing a legitimate aim or implementing a legitimate decision is not an appropriate use of the complaints procedure.
 - We consider access to a complaints procedure to be important, and it will only be in exceptional circumstances that we would consider such repeated use is unacceptable, but we reserve the right to do so in such cases.

6.4 **Category Four: Persistence**

Examples of engagement grouped under this heading include:

- Unwillingness or inability to accept reasonable and logical explanations
- Unwillingness or inability to accept a decision made
- Continuing to pursue an issue without presenting any new and relevant information
- Repeat requests for information (not FOI/EIR) explanations, clarification or repeat questions
- Sending multiple emails to many employees or elected members
- Organised and targeted campaigns designed to deliberately disrupt the work of the Council or a particular member of staff
- Use of social media or the internet to draw attention to a particular issue repeatedly
- These engagements are considered unacceptable when they take up a disproportionate amount of employee time and resources or have a negative impact on our employees' wellbeing.
- Some customers cannot or will not accept that the Council is

unable to assist them further or to provide a level of service, other than that already provided.

- Unreasonable persistence is continued, incessant and unrelenting engagement that has a disproportionate and unreasonable impact on our employees, elected members, and Services' time, resources and wellbeing.

7. Actively managing behaviour

- 7.1 Active management seeks to maintain our ability to deliver our services while minimising the impact of the situation that is causing the disruption. It is important to note that this may not be the fault of an individual but because of circumstances outwith their control.
- 7.2 We will aim to do this in a way that, wherever possible, allows the issue to be resolved, or for the service to be provided through the Council's normal processes.
- 7.3 We will try to ensure that any action we take is the minimum required to solve the problem. Taking into account relevant personal circumstances, the seriousness of the matter that is brought to our attention and the needs of the customer.
- 7.4 The approach used could include:
- restricting contact by channel (e.g. phone or email) or to a named person
 - not providing direct contact details or staff names (when there is a risk this will lead to harassment)
 - communicating through a third party such as an advocate rather than direct contact
 - directing phone calls to an automated service (when phone contact is blocking others from accessing our service or is abusive)
 - restricting time/volume of contact
 - restricting topics officers will correspond in relation to
- 7.5 To ensure consistency, a decision to actively manage a situation, either as part of a restorative approach or when these are not appropriate or have been tried and failed, needs to be made by a manager or the Complaints Review Group. The exception is when immediate action is needed to manage a customer's engagement.
- 7.6 With regards to an elected member experiencing customer engagement that is difficult to manage, their code of conduct requires that everyone is treated with respect, however, they are not obliged to respond to all correspondence. Where they feel a customer's engagement needs to be actively managed it is for them to determine what action is appropriate, however, they can consult the Monitoring Officer for advice, if required.
- 7.7 Guidance for managers on how to determine when an active management approach is appropriate for them to authorise vs the Complaints Review Group is detailed in Appendix 1.
- 7.8 All manager or Complaints Review Group determined restrictions

require to be supported by evidence and can be challenged by an appeal. Further details of the appeals process is contained in Section 11 - The Process for Appealing a Decision to Restrict Contact. The appeal process does not apply to action taken by elected members.

- 7.9 Restrictions are normally subject to review at appropriate intervals while we are providing a service. We retain the discretion to not include a review if the reason for the restriction means that would not be appropriate. The timing and circumstances where review would be considered should be explained clearly to the person who is under restriction at the time the restriction is put in place.

8. Protecting our staff and others

- 8.1 There are some situations that we are not able to accept and we will always take action. We have **zero tolerance** for threats, violent, aggressive and abusive behaviour towards staff. This is to ensure their own safety and wellbeing and this also protects other staff.
- 8.2 In these situations staff always need to take action to respond to or disengage. They also need to raise these incidents with a manager to discuss what happened and any steps they were able to take.
- 8.3 It is important to note that in some situations, the only appropriate action is to end contact immediately.
- 8.4 In all circumstances where some form of active management is required, even if that is at the restorative or recovering the relationship stage the incident must be logged and all paperwork kept and uploaded into the logging system. This is not applicable to elected members.

9. Actively managing engagement that is violent, aggressive, threatening or abusive

- 9.1 The threat or use of physical violence, verbal abuse or harassment of our employees is likely to result in termination of all direct contact with the customer. There are exceptions to this.
- 9.2 We will always report incidents, where physical violence is used, to the police. Any incidents of physical violence must be recorded in Lexi (Health & Safety Portal) as well as the Managing Customer Engagement System (until system integration is put in place).
- 9.3 We will always consider reporting an incident to the police where physical violence is threatened. Any incidents of threatened physical violence must be recorded in Lexi (Health & Safety Portal) as well as the Managing Customer Engagement System (until system integration is put in place).
- 9.4 It should be noted that deciding to contact the police is a matter of judgment and in some cases may not be appropriate (for example, if a threat is immediately withdrawn and was clearly flippant).
- 9.5 However, this is an important safeguard and the person who receives the threat, and particularly anyone who has been

personally threatened, should not make a decision not to inform the police alone.

- 9.6 The decision should be made with a manager who must clearly record the decision. The manager should take into account not only the views of the staff member but also consider the impact on other staff who may come into contact with the individual. If other staff have witnessed the event, they should all be asked to put this on record.

Phone or face to face contact

- 9.7 All staff have the authority to end any engagement or interaction which they find personally distressing or difficult at the point of occurrence. Staff should not feel they need to continue to engage in contact if it is having a negative impact on them or which is making them feel uncomfortable.
- 9.8 During phone or face-to-face contact staff should issue a warning before ending contact if it is safe, and they consider it appropriate to do so. But a warning is not required if it would be unsafe to do so or the language is intense, deeply upsetting or extreme.
- 9.9 If staff are informed they are being recorded for later use in public or are being live-streamed, they need to end contact politely but immediately. Recording is acceptable for personal use, where permission is requested and we can support that. See Appendix 2 for more information on covert and overt recording of staff. Depending on the surrounding circumstances, the recording of staff could be considered as harassment.
- 9.10 Where a face to face customer engagement becomes difficult or distressing you should ask the customer to leave the building. If they refuse to do so, call the police on 101 and explain the situation.
- 9.11 If a face to face customer engagement becomes difficult and you feel threatened, you need to follow your office's emergency procedures. For example:
- Use the code word to get colleagues attention and assistance
 - press the panic alarm and call 999
 - exit the office, to a safe space, where appropriate
- 9.12 If you are a frontline worker in an office that is open to the public and you do not know what your office's emergency procedure is, please discuss this with your line manager as soon as possible.
- 9.13 If you work in any other environment where you come into contact with customers, clients, service users in the day to day delivery of your service, please ensure you are aware of any safe systems of working that are in place by discussing this with your line manager.

Written or email correspondence to SBC

- 9.14 We do not deal with correspondence that is abusive to employees or elected members or that contains threats or allegations that lack substantive evidence.
- 9.15 If we receive correspondence that is threatening, violent or abusive,

the sender should be informed this is unacceptable and it will not be tolerated. We will explain and say that we consider their language offensive, unnecessary and unhelpful.

- 9.16 We will ask the customer to stop using such language and advise that we will not respond to their correspondence if the action or behaviour continues.
- 9.17 When informing the customer that their written or email correspondence is unacceptable we should not respond directly to the correspondence or any information within it. The response should solely focus on the active management of the engagement.
- 9.18 Copies of the written or email correspondence and the reply must be kept and uploaded into the logging system.
- 9.19 The decision that correspondence is unacceptable must be made by a manager to ensure consistency. Where this behaviour is repeated despite warnings or an individual instance is regarded as at the higher end of abusive we may need to take steps to restrict methods of contact with the service. For guidance on how to take steps see Appendix 1 & 3.

Online, web and social media

- 9.20 Also included under this heading are consultations and any software package or application that facilitates correspondence between the customer and the Council.
- 9.21 This is a fast-moving and changing area; nevertheless, the principles outlined in this policy will still apply. Actions may include:
- blocking accounts or using other technical options available on the relevant platform to minimise exposure
 - using the relevant social media platform's own reporting mechanisms to seek to have the content removed
 - limiting contact with the individual through other channels to reduce risk to staff – this could include ensuring the person is not provided with contact details
 - direct threats on social media should be dealt with like any physical or verbal threat (see below).
- 9.22 In cases where social media is repeatedly used to abuse, threaten, offend, or humiliate in public forums we will request the customer stop the abuse or remove comments.
- 9.23 Where the customer continues this behavior we will support the employee or elected member in their rights in Law to take action against the perpetrators.
- 9.24 Relevant managers will contact Corporate Communications and or Legal Services for further advice on the appropriate course of action. This may result in us contacting the administrator of social media sites and asking them to remove any abusive or defamatory comments.
- 9.25 We share information, images and videos with the public through external social media sites. Social media offers opportunities for open discussion and debate and should be encouraged. Comments made by customers to these sites are reviewed and, while comments will not be edited by our employees, a comment may be

deleted if it is offensive, abusive or threatening to employees or elected members. Please also see the Social Media Policy.

9.26 In addition, offensive or unacceptable actions, language or trolling may also result in the customer being blocked and or reported to the social media site administrator.

10. Actively managing engagement that is demanding, unmanageable in terms of excessive levels of contact or overly persistent

10.1 Wherever possible, before making the decision to apply this policy, we will give the customer the opportunity to change their behaviour or action by contacting the customer to:

- discuss their behaviour
- explain why this behaviour is causing us concern
- ask them to change their behaviour
- explain the actions that we may take if their behaviour does not change.

10.2 Some further examples of active management approaches we may take are detailed below. It should be noted that not all these approaches are suitable for managers to take without the approval of the Complaints Review Group:

- a) require contact to be in a particular form (for example, letters or email only)
- b) require contact to take place with one named member of staff only
- c) restrict telephone calls to specified days / times / duration
- d) require any personal contact to take place in the presence of an appropriate witness
- e) let the customer know that we consider the matter closed and no further reply or acknowledgement will be made on the matter raised
- f) ban a customer from one or more Council premises
- g) limit the number of issues that will be considered in a given period and ask the customer to limit or focus their requests accordingly.
- h) return the documents to the complainant or in extreme cases advise the complainant that further irrelevant documents will be destroyed
- i) take other action that we consider appropriate, which may include directing emails to a separate, monitored mailbox, blocking emails or in extreme cases, raising legal action

10.3 These options are not exhaustive and often local or other factors will be relevant in deciding what might be appropriate action. For instance, any arrangements for limiting a customer's contact must take account of the customer's individual circumstances, bearing in mind such issues as age, disability, sex, transgender, race, sexual

orientation and religion or belief.

- 10.4 Any employee or elected member who directly experiences aggressive or abusive behaviour from a customer has the authority to deal immediately with that behaviour in a manner they consider appropriate and in line with this policy.
- 10.5 With the exception of such immediate decisions, taken at the time of an incident, decisions to restrict contact with us are only taken after careful consideration of the situation by either a senior manager or the Complaints Review Group (dependent on the level of restrictions).

11. How We Let Customers Know We Have Made the Decision to Restrict Contact

- 11.1 When an employee makes an immediate decision in response to aggressive or abusive behaviour, the customer is advised at the time of the incident, where appropriate.
- 11.2 In situations where action is not taken immediately, but the decision has been taken to apply this policy to a customer, we will contact the customer in writing or as appropriate to explain:
 - why the decision has been taken
 - what action will be taken
 - the duration of that action, if appropriate
 - the appeal process of this policy
 - if appropriate, who this information will be shared with and possibly recorded on our Customer Relationship Management System
- 11.3 Where a customer continues to behave in a way which is unacceptable, this should be referred to the Complaints Review Group, where we may decide to stop all contact with the customer in relation to the matters they have raised and where appropriate, stop any investigation into a complaint.
- 11.4 Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, the Council will consider whether other options, for example reporting the matter to the police or taking legal action, are appropriate. In these circumstances legal advice may be sought and the customer will be informed of the action we are taking.
- 11.5 There may be occasions where the threat is so extreme that we may act without prior warning.

12. The Process for Appealing a Decision to Restrict Contact

- 12.1 A customer can appeal a decision to restrict contact. If they do this, we will only consider arguments that relate to the restrictions put in place and not to matters raised with us, or our decisions regarding those matters.
- 12.2 An appeal can include, for example, a customer arguing that their

engagement with us was incorrectly identified as unacceptable, the restrictions were disproportionate or that they will have an adverse impact on the customer because of personal circumstances.

- 12.3 Appeals will be considered in one of three ways depending on the level the restriction was taken at:
- through our complaints handling procedure where an employee took immediate action to manage a customer's engagement
 - through the Complaints Review Group where a decision to restrict contact in their service was made by a senior manager
 - by the Chief Executive where the Complaints Review Group has made a decision to restrict contact with a service or the council as a whole
- 12.4 The customer will be advised of the outcome in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.
- 12.5 The appeal process does not apply to action taken by elected members.

13. Recording and Reviewing the Decision to Restrict Contact

- 13.1 The Council will record all incidents of unacceptable customer engagement. Where active management has been applied, all personal details about the customer and about measures taken will be managed and stored appropriately in line with data protection and records management principles and procedures.
- 13.2 The status of all customers with active management arrangements in place will be reviewed through the Complaints Review Group on a regular basis. A decision to restrict a customer's contact will be reconsidered if the customer demonstrates a more acceptable approach to engaging with the council.

14. Further guidance or advice

- 14.1 Please see Appendix 1 and the Flow Charts at Appendix 3.
- 14.2 If you require any guidance or advice on a particular case please contact the SPSO Liaison Officer, or by emailing the SBC Corporate Complaints mailbox.

15. Other Resources

- 15.1 SPSO's guidance called "[Complaints Handling Practice Guide Supporting Respectful Engagement: Handling Difficult Situations](#)".
- 15.2 SPSO's "[Phrase Cards for Conversations with Complainants](#)".

Appendix 1

Guidance on how to use the Managing Customer Engagement Policy

There are 3 levels in this policy to manage customer engagement.

These are:

- Immediate action to manage customer engagement
- Manager approved restorative approach to customer engagement
- Complaints Review Group approved active management of customer engagement

However, where an engagement that needs to be managed falls under **Category One – violent, aggressive, threatening or abusive** it should be noted that:

- Managers must log this type of incident in Lexi (Health and Safety Portal) and follow the associated processes and decision making routes.
- Employees can also log incidents they have experienced in Lexi, where appropriate and they normally do this. This can be done via the Mobile Portal at [Assure - Portal \(sheassure.net\)](https://sheassure.net)
- Managers should check with their employees that the incident has been logged in Lexi and where it hasn't, they must log it themselves or instruct their employee to do so.
- Managers can request advice from the Complaints Review Group, through the Complaints Review Group escalation route, but the Complaints Review Group will not be the decision maker in these instances, and the appeals routes in this policy do not apply.
- Where the abuse is in written format managers, once the incident is logged in Lexi (Health and Safety Portal) may choose to progress action through the Manager approved restorative approach to customer engagement or the Complaints Review Group approved active management of customer engagement, where this is appropriate.

Immediate action to manage customer engagement

- As per the Phone or Face to Face section at 8.7, all staff have the authority to end any engagement or interaction which they find personally distressing or difficult at the point of occurrence.
- They do not need permission to do this and it is at their discretion.

- Everyone has different tolerances and triggers. We should all be aware of our triggers and tolerance levels and attempt to manage customer engagements before they reach the point where we need to take action. More information on this can be found in the SPSO's guidance called "[Complaints Handling Practice Guide Supporting Respectful Engagement: Handling Difficult Situations](#)".
- Where this doesn't work or you find any engagement or interaction personally distressing or difficult, for example if a customer is swearing at you over the phone you should:
 - warn the customer that you may need to put the phone down if they do not stop swearing at you
 - if they do not stop swearing at you, be polite, tell them that you are going to put the phone down because they are still swearing at you
 - then put the phone down
- Where you have taken immediate action you must log the incident and speak to your line manager about it and the action you took.

Manager approved restorative approach to customer engagement

- This will mainly be to actively manage customer expectations, which can help to prevent issues from arising in the first place or escalating. This is part of supporting restorative approaches and recovering the relationship.
- However, it may also be to explain to the customer how to positively engage with us and address, for example, abusive and or threatening language in written correspondence.
- Whenever you receive unacceptable correspondence, or experience engagement that is unpleasant this should be discussed with your manager and logged. The logging form will lead you through questions that will submit a request to your manager for approval.
- Some incidents may be handled through Health and Safety procedures and fall outwith this approach to managing customer engagement.
- Where your manager approves your request for a restorative approach, they will discuss with you the approach they have approved.
- You will need to draft the letter to the customer discussing their behaviour, explaining why this behaviour is causing concern, asking them to change this behaviour and explaining what actions may be taken if their behaviour does not change
- This draft must be checked by your manager before it is issued.

- A copy of the letter that is sent to the customer must be uploaded into the logging system.
- It is also possible for the manager to initiate a restorative approach or to request an active management approach.
- The request does not need to be generated by the member of staff. A manager may identify an emerging trend and implement a restorative approach.

Complaints Review Group approved active management of customer engagement

- The Complaints Review Group consists of two Directors, the Chief Legal Officer and the SPSO Liaison Officer.
- The Complaints Review Group must be asked to approve active management when restorative approaches are not appropriate or have been tried and failed. For example, when a customer's approach to engagement with the council has not changed following a request to change, or there is a requirement to put in place contact restrictions in order to protect the safety and wellbeing of staff.
- When you log an unacceptable engagement or incident, the form will lead you through a series of questions and will submit a form to your manager for approval. If your manager supports your request, the request will be sent to the Complaints Review Group.
- A manager can also submit a request to the Complaints Review Group, if they become concerned about the correspondence from a particular customer.
- The Complaints Review Group will consider your request and come back to you and your manager with an explanation of what measures have been approved.
- You and your manager will need to draft the letter to the customer explaining the measures that are being put in place. This draft must be checked by the Complaints Review Group before it is issued.
- A copy of the letter that is sent to the customer must be uploaded into the logging system.

The flow charts in Appendix 3 detail the process

Overt and Covert Recording of Staff

Appendix 2

Recording a Member of Staff

Whilst we should discourage customers from recording us as we do our jobs, there is no rule to say they cannot record an interaction with us. However, the recording should only be for personal use and as a reasonable adjustment measure. In addition, as a courtesy, customers should always ask for our permission to record us.

When considering whether it is acceptable to grant permission to make a recording, we must also consider the circumstances, i.e. who is present (taking into account their age and capacity). It is also advisable to clarify what is meant by 'personal use'.

To discourage customers from recording us we can consider offering:

- to provide individuals with a written record summary, and or a verbatim record (if practical) of the meeting for their own personal use
- taking proactive steps to investigate concerns and address any issues, to avoid customers feeling it is necessary to record members of staff

Overt Recordings:

Some general guidance and considerations for when a recording is requested are as follows:

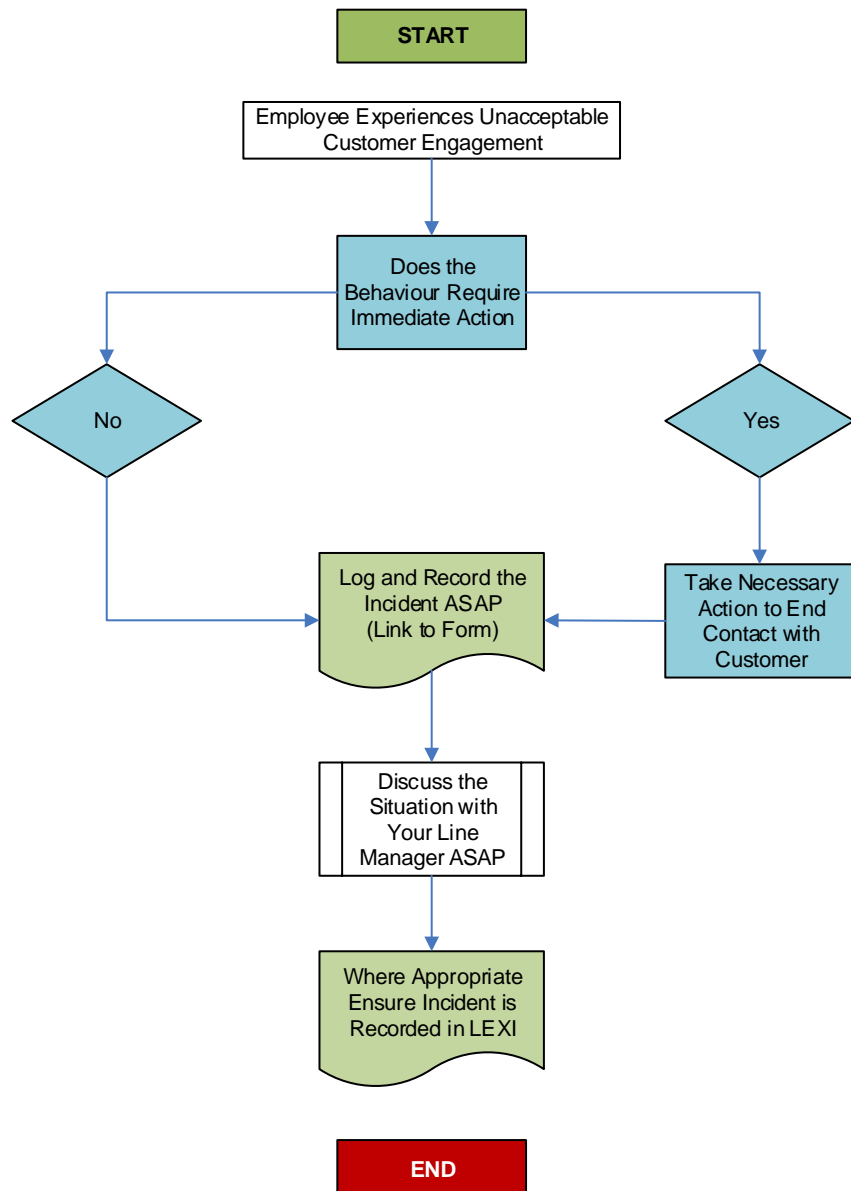
- Any recording should be done openly and honestly
- If a vulnerable person or child below the age of 16 is to be recorded, we must consider age and capacity before agreeing
- The recording process itself should not interfere with the interaction
- The individual understands that in some cases a note may be placed on their file stating that they recorded the interaction
- Depending on the nature of the conversation, the customer should be reminded of the private and confidential nature of the recording – these types of recordings should only be for personal use
- Individuals are aware that the misuse of a recording may result in criminal or civil proceedings
- Individuals are discouraged from undertaking recordings in the first place, unless it is deemed absolutely necessary by highlighting the above responsibilities.

Covert Recordings:

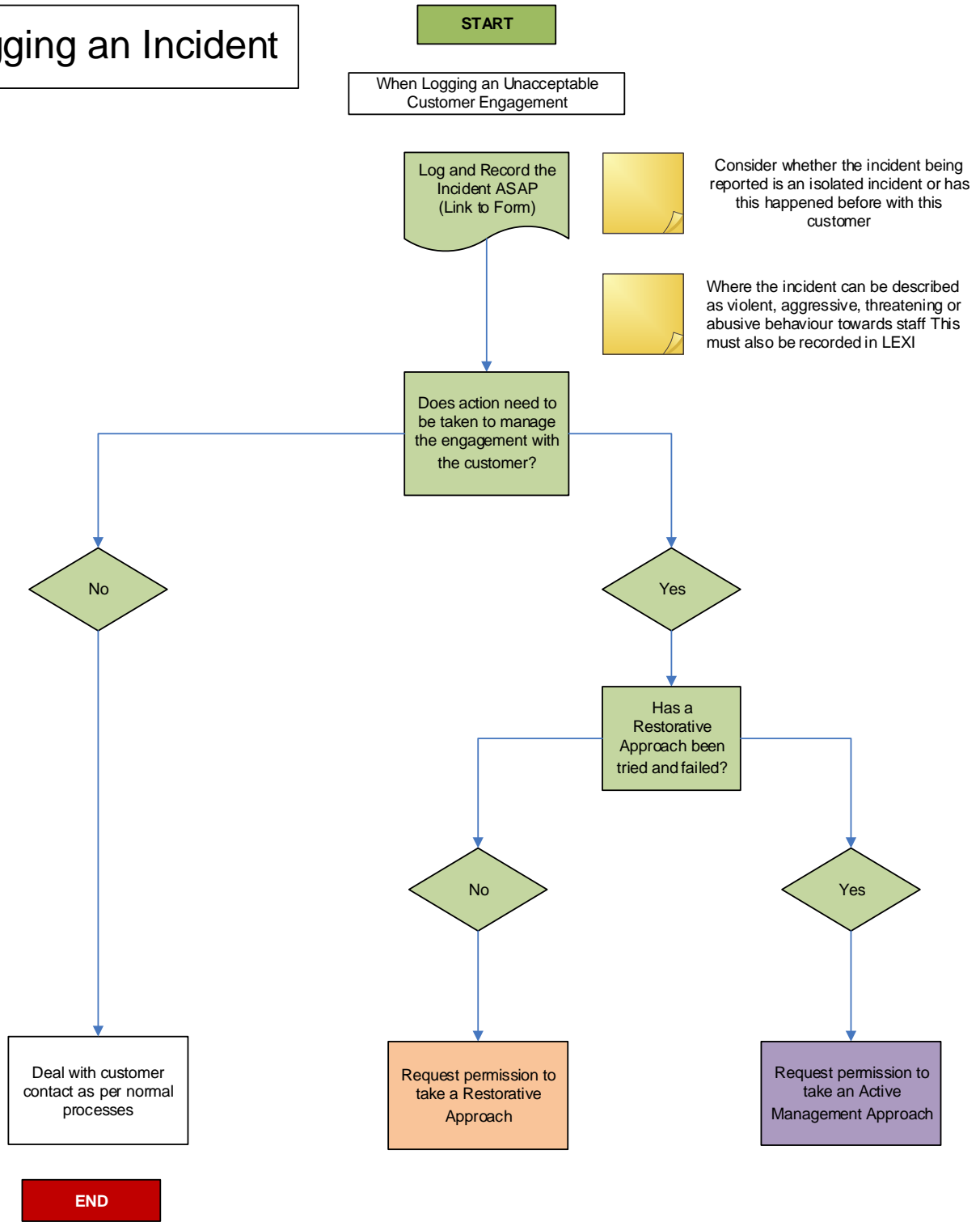
In addition to above points:

- Where you suspect a customer is recording you or they tell you they are recording you, and they threaten you with the use of the recording for other than personal use, e.g. recorded for later use in public i.e. on social media or are being live-streamed, you should end contact politely but immediately.
- These situations should always be logged

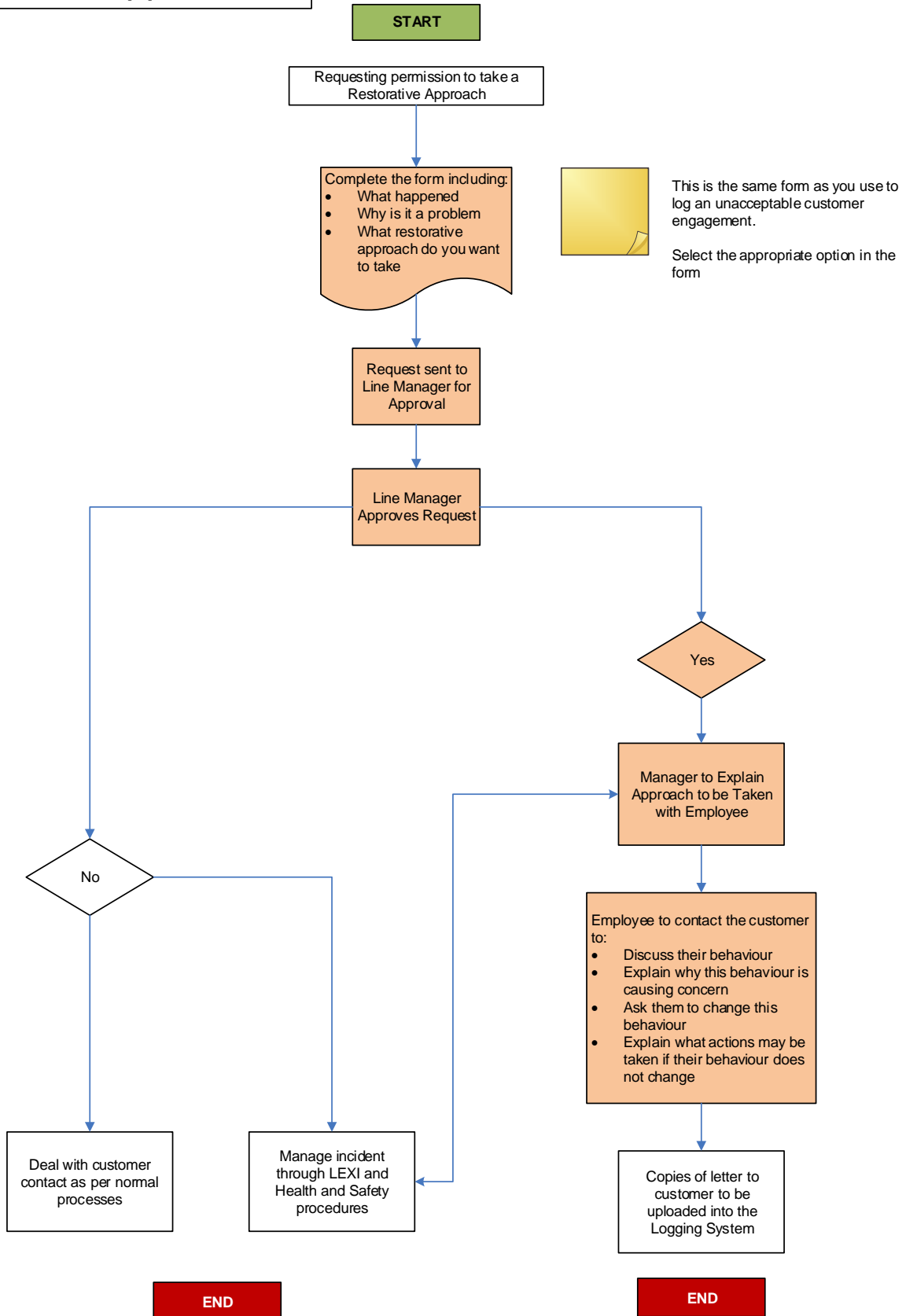
What to do when you Experience Unacceptable Engagement



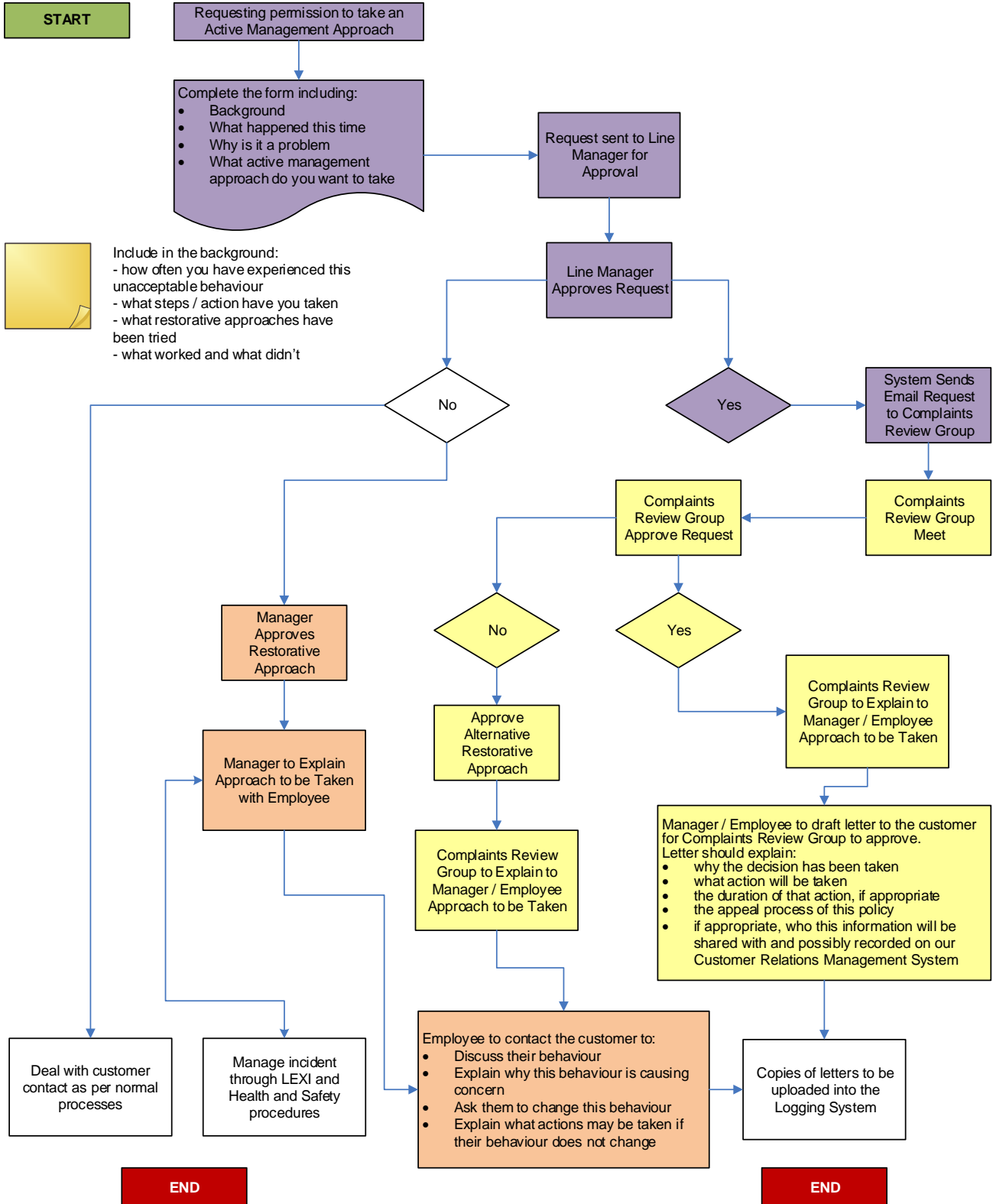
Logging an Incident



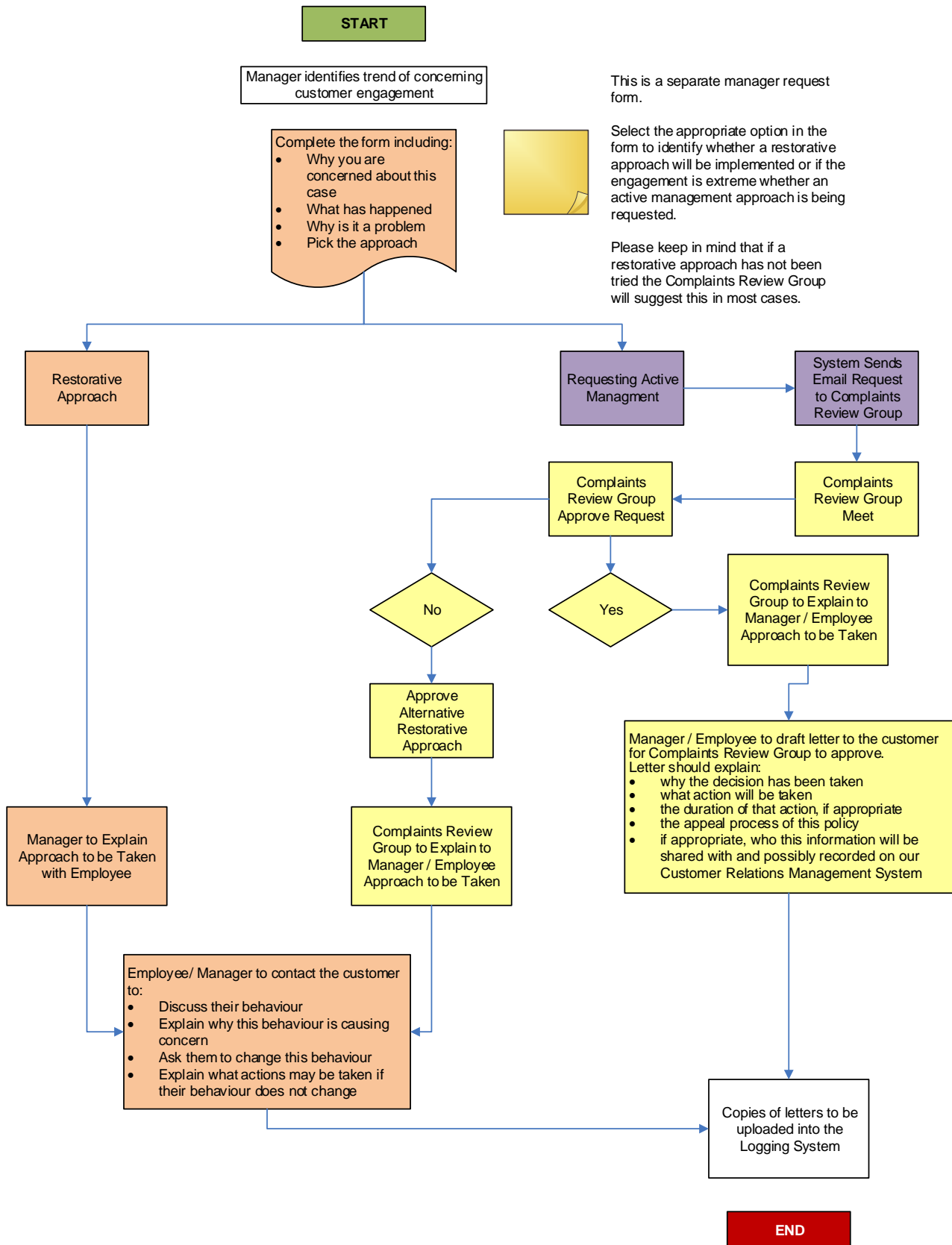
Requesting a Restorative Approach



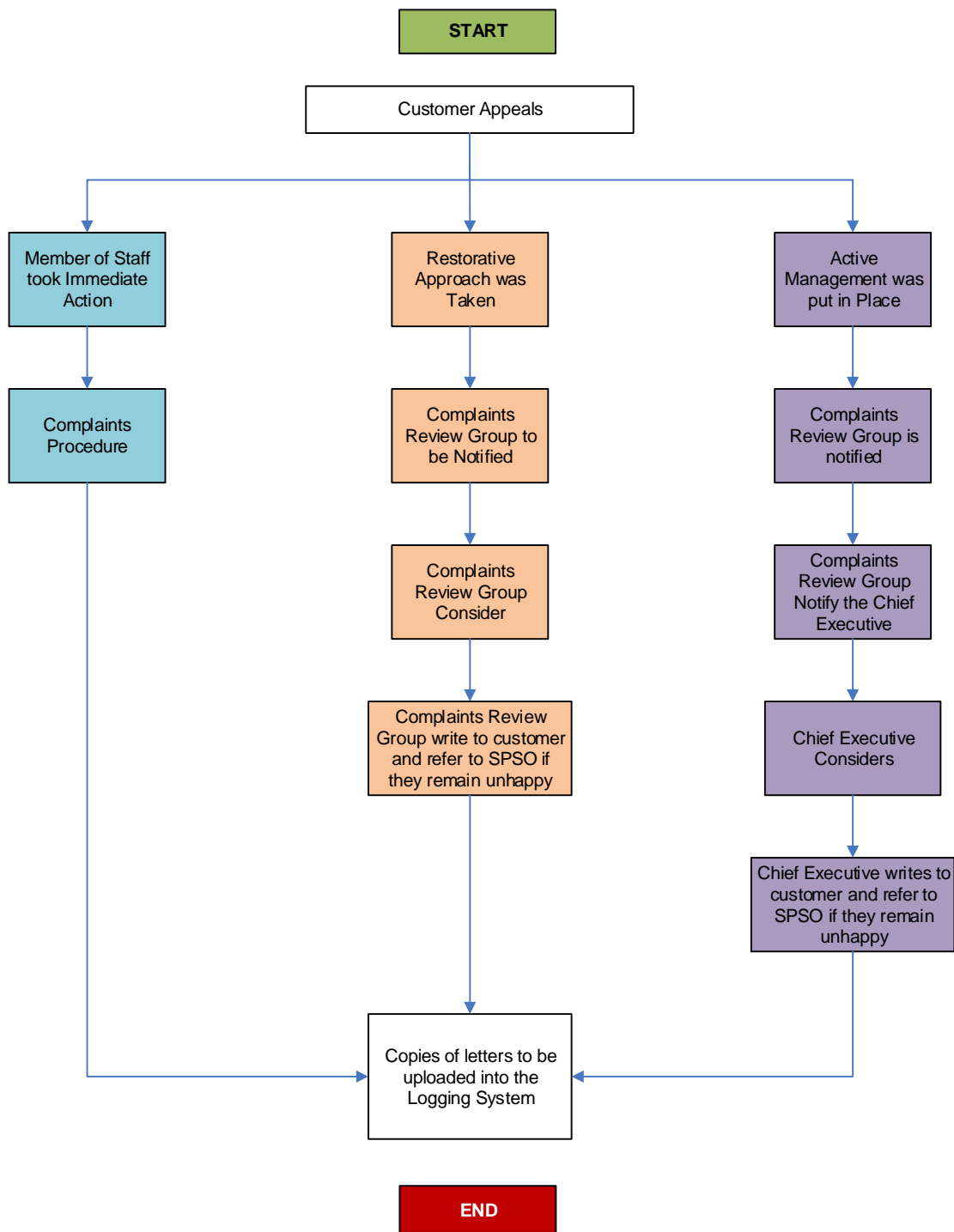
Requesting an Active Management Approach



Manager Initiated Restorative Approach or Request for an Active Management Approach



Appeals Process



Further Information in Relation to Supporting Health & Safety Arrangements

The Health and Safety Executive (HSE) defines workplace violence as:

"Any incident, in which a person is abused, threatened or assaulted in circumstances relating to their work".

This definition encompasses both physical injury and emotional harm and therefore includes any action or behaviour which is considered as being unacceptable.

This policy utilises the characteristics of the perpetrator to define the type of violence to which people are exposed. These categories use the findings of the National Institute of Occupational Health and Safety Report; Workplace Violence; prevention, strategies and research needs (NIOSH2006) which in turn uses the typology from the Californian Occupational Safety and Health Administration model categories.

This policy focuses only on types 1 and 2.

Type	Description
Type 1- Criminal intent.	The perpetrator has no legitimate relationship to the business or its employee, and is usually committing a crime in conjunction with violence. These crimes can include shoplifting, robbery and terrorism.
Type 2 – Customer or service user and / or their family and friends.	The perpetrator has a legitimate relationship with the business and becomes violent while being served by the business. This category includes customers, service users, patients, clients, students and any other group to whom the business provides a service.
Type 3 – Worker on worker. (Not covered by this policy see *)	The perpetrator is an employee or past employee of the business who attacks or threatens another employee(s) or past employee(s) in the workplace.
Type 4 – Personal relationship. (Not covered by this policy see **)	The perpetrator usually does not have a relationship with the business but has a personal relationship with the intended victim. This category includes victims of domestic violence assaulted or threatened whilst in the workplace.

*Incidents arising from Type 3 –Employee to employee are not covered by this policy and should be managed by the use of the HR harassment and bullying policy.

**Incidents arising from Type 4 – Personal relationship are not covered by this policy and should be managed by reporting the incident to the police.

Unacceptable Actions Policy

Possible higher risk work areas and roles

Employee role (typical)
Additional needs assistants and other support staff
Anti social behaviour team
Car park wardens / attendants
Children and young people staff /home school link staff
Community learning teams / Adult literacy workers
Community safety team
Community support staff
Criminal justice team
Debt Counsellors
Educational psychologists
Integrated children's services staff
Librarians and Museum curator teams
Neighbourhood waste / refuse / recycling staff
Parks and grounds maintenance staff
Passenger transport drivers and escorts
Peripatetic staff
Planning department officers
Rangers
Rape and domestic abuse coordinators
Regulatory services officers
Roads and fleet services staff
School admin / janitorial staff
School teaching staff. (Nursery / Primary / Secondary.)
Social care workers / Home and day care assistants
Street cleansing staff
Trading standards staff
Welfare benefits team
Youth workers and support teams

Note this list is indicative only, and may not accurately represent all work areas and roles within SBC that fall into this category.

AUDIT AND SCRUTINY COMMITTEE ANNUAL / END OF TERM REPORT 2021/22

Report by the Chair of the Audit and Scrutiny Committee

SCOTTISH BORDERS COUNCIL

31 March 2022

1 PURPOSE AND SUMMARY

- 1.1 The purpose of this report is to submit the Audit and Scrutiny Committee Annual / End of Term Report 2021/22 to all elected members which presents the performance in relation to its Terms of Reference and the effectiveness of the Committee in meeting its purpose, relating to its Audit functions.**
- 1.2 It is important that the Council's Audit and Scrutiny Committee fully complies with best practice guidance on Audit Committees to ensure it can demonstrate its effectiveness as a scrutiny body (Audit functions) as a foundation for sound corporate governance for the Council.
- 1.3 The CIPFA Audit Committees Practical Guidance for Local Authorities and Police 2018 Edition (hereinafter referred to as CIPFA Audit Committees Guidance) includes the production of an annual report on the performance of the Audit and Scrutiny Committee against its remit (Audit functions) for submission to the Council. The Audit and Scrutiny Committee Annual / End of Term Report 2021/22 (Appendix 1) is presented for consideration. Scottish Borders Council continues to be a lead authority in adopting this best practice.
- 1.4 The Audit and Scrutiny Committee carried out self-assessments of Compliance with the Good Practice Principles Checklist and Evaluation of Effectiveness Toolkit from the CIPFA Audit Committees Guidance during their Informal Session on 14 February 2022 facilitated by the Chief Officer Audit & Risk. The Members of the Committee considered the Annual / End of Term Report and supporting self-assessment documents at their meeting on 14 March 2022 and agreed that they accurately represented the results of the self-assessment exercise. The outcome of the self-assessments was a high degree of performance against the good practice principles and a high degree of effectiveness.

2 RECOMMENDATIONS

- 2.1 **I recommend that the Council:**
 - a) acknowledges the performance of the Audit and Scrutiny Committee and its assurance to the Council as set out in its Annual / End of Term Report 2021/22 (Appendix 1); and**

- b) endorses the Committee's recommendations set out in Appendix 1, as follows:**
- i. Approves an extension to the appointment of the external members of the Audit and Scrutiny Committee (Audit functions) for one year to October 2022, noting that the current incumbents are in agreement to this;**
 - ii. Agrees that other Committees should carry out self-assessments of fulfilling their remits as part of continuous improvement;**
 - iii. Provide the opportunity for the external members of the Audit Committee or equivalent and other Committees to be involved in the Induction Programme and ongoing Development Programme for Elected Members post-local government elections in May 2022.**
 - iv. Agree that the appointed Chair will have previously served on an Audit Committee or equivalent, where practicable.**
 - v. Endorses a further cycle of presentations by Directors on risks and mitigations to the Audit Committee or equivalent. In addition, the Audit Committee or equivalent should gain insights on the efficacy of the Council's risk management framework through benchmarking with other organisations; and**
 - vi. Agrees that Informal / Development Sessions continue to be used for refresher briefing / training for Committee Members.**

3 BACKGROUND

- 3.1 It is important that the Council's Audit and Scrutiny Committee fully complies with best practice guidance on Audit Committees to ensure it can demonstrate its effectiveness as a scrutiny body (Audit functions) as a foundation for sound corporate governance.
- 3.2 The Chartered Institute of Public Finance and Accountancy (CIPFA) issued an updated guidance note Audit Committees Practical Guidance for Local Authorities and Police 2018 Edition (hereinafter referred to as CIPFA Audit Committees Guidance). It incorporates CIPFA's 2018 Position Statement: Audit Committees in Local Authorities and Police which sets out CIPFA's view of the role and functions of an Audit Committee.
- 3.3 The CIPFA Audit Committees Guidance includes the production of an annual report on the performance of the Audit and Scrutiny Committee against its remit of Audit functions for submission to the Council. The Audit and Scrutiny Committee Annual / End of Term Report 2021/22 (Appendix 1) is presented for consideration. Scottish Borders Council continues to be a lead authority in adopting this best practice.
- 3.4 The Audit and Scrutiny Committee carried out self-assessments of Compliance with the Good Practice Principles Checklist and Evaluation of Effectiveness Toolkit from the CIPFA Audit Committees Guidance during the Informal Session on 14 February 2022 facilitated by the Chief Officer Audit & Risk. The Members of the Committee considered the Annual / End of Term Report 2021/22 and supporting self-assessment documents at the Audit and Scrutiny Committee meeting on 14 March 2022 and agreed that they accurately represented the results of the self-assessment exercise, with some minor amendments agreed to emphasise its risk oversight.
- 3.5 The outcome of the self-assessments for the Committee was a high degree of performance against the good practice principles and a high degree of effectiveness. The Committee has identified the following lessons learned on how it has effectively fulfilled its Audit functions:
- Recognise the importance of regular and refresher training to enable them to fulfil their remit effectively;
 - Gain insights on the efficacy of the Council's risk management framework through a schedule of Directors' presentations on risk and mitigations within their areas of responsibility; and
 - Target its critical evaluation of the Best Value Action Plan delivery, to enhance the arrangements for ensuring value for money.
- 3.6 The Audit and Scrutiny Committee Annual / End of Term Report 2021/22 is designed both to provide assurance to full Council and to share lessons learned on how the Committee has improved its effectiveness (Audit functions) during its 5-year term in order to inform the new Audit Committee or equivalent and its members post-Local Elections in May 2022.

4 IMPLICATIONS

4.1 Financial

There are no direct financial implications associated with this report.

4.2 Risk and Mitigations

The role of the Audit and Scrutiny Committee (Audit functions) includes the high level oversight of the effectiveness of the Council's systems of internal financial control, internal control and governance, including risk management.

There is a risk that the Audit and Scrutiny Committee does not fully comply with best practice guidance thus limiting its effectiveness as a scrutiny body (Audit functions) as a foundation for sound corporate governance. The completion of the annual self-assessment and identification and implementation of improvement actions as evidenced through this Annual / End of Term Report will mitigate this risk.

4.3 **Integrated Impact Assessment**

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

4.4 **Sustainable Development Goals**

The recommendations in this report will not directly impact any of the 17 UN Sustainable Development Goals.

4.5 **Climate Change**

This report does not relate to any proposal, plan or project and as a result the checklist on Climate Change is not an applicable consideration.

4.6 **Rural Proofing**

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

4.7 **Data Protection Impact Statement**

There are no personal data implications arising from content of this report.

4.8 **Changes to Scheme of Administration or Scheme of Delegation**

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

5 **CONSULTATION**

5.1 The members of the Audit and Scrutiny Committee were engaged in the annual self-assessment process during the Informal Session on 14 February 2022 facilitated by the Chief Officer Audit & Risk. The Committee at its meeting on 14 March 2022 endorsed the Annual / End of Term Report 2021/22, with minor amendments to emphasise its risk management oversight, and the supporting self-assessment documents.

5.2 The Strategic Leadership Team, Chief Legal Officer (and Monitoring Officer), Clerk to the Council, and Communications team were consulted by email to ensure awareness of the content of the Annual / End of Term Report.

Approved by
Cllr Stuart Bell, Chair of the Audit and Scrutiny Committee

Author(s)

Name	Designation and Contact Number
Jill Stacey	Chief Officer Audit and Risk Tel 01835 825036

Background Papers: CIPFA Audit Committees Practical Guidance for Local Authorities and Police 2018 Edition

Previous Minute Reference: Audit and Scrutiny Committee 10 May 2021; Scottish Borders Council 27 May 2021

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Contact us at Internal Audit intaudit@scotborders.gov.uk

**SCOTTISH BORDERS COUNCIL
AUDIT AND SCRUTINY COMMITTEE (AUDIT BUSINESS)
ANNUAL / END OF TERM REPORT FROM THE CHAIRMAN – 2021/22**

This annual/end of term report has been prepared to inform the Scottish Borders Council of the work carried out by the Council's Audit and Scrutiny Committee during the financial year. The content and presentation of this report meets the requirements of the CIPFA Audit Committees Guidance 2018 to report to full Council on a regular basis on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose relating to its Audit functions. In addition, this end of term report is to share lessons learned and areas of improvement to inform the new Audit Committee post-local elections in May 2022.

Meetings

The Audit and Scrutiny Committee (A&SC) has met 6 times during the financial year relating to its Audit functions, which included meetings on 10 May, 29 June, 20 September, 21 October, 22 November 2021, 14 February and 14 March 2022 to consider reports pertinent to the audit cycle. As and when required immediately prior to the formal meeting, an Informal Session was arranged to enable the members of the Committee to meet privately and separately with the auditors to raise any matters pertinent to the annual audit cycle of reporting or to discuss matters relevant to their learning and development. The Committee met at other times during the year to consider items relating to the Scrutiny Programme of Work.

The remit of the Audit and Scrutiny Committee (Audit functions) is to have high level oversight of the Council's and the Pension Fund's framework of internal financial control, corporate governance, risk management systems and associated internal control environment. To fulfil this remit, it sought assurance on the adequacy and effectiveness of Council's and the Pension Fund's systems of corporate governance and internal control for efficient operations and for the highest standards of probity and public accountability. It did this through material it received from Internal Audit, External Audit, other external scrutiny, audit and inspection agencies, and assurances from Management. It focused entirely on matters of risk management, internal control and governance, giving specialist advice to the Council on the value of the audit process, on the integrity of financial reporting and on governance arrangements, and acted as a bridge between the Council and other stakeholders.

The Committee scrutinised the Annual Report and Accounts of the Council and of the Pension Fund at appropriate times in accordance with its terms of reference, which also includes promotion of the highest standards of conduct and professional and ethical behaviour. The Audit Committee also reviewed the Annual Governance Statement in order to assess whether it properly reflects the risk environment and whether the content is consistent with its evaluation of the internal controls and governance arrangements based on evidence received during the year.

The Committee approved the terms of reference for Internal Audit (Internal Audit Charter) and the Internal Audit Strategy and Annual Plan. It considered Internal Audit's executive summaries of reports findings, audit opinions, good practice and recommendations and monitored their implementation on a regular basis. It monitored Internal Audit's performance including progress against the annual plan, conformance with Public Sector Internal Audit Standards 2017 (PSIAS), and quality assurance and improvement plan (QAIP) within Internal Audit mid-term performance and annual assurance reports, and considered the statutory annual audit opinion within the Internal Audit Annual Assurance Report.

It also reviewed the External Audit Strategies and Plans including arrangements for effective liaison between External and Internal Audit, considered External Audit reports including the Annual Reports to Members and the Controller of Audit on the annual audits of the Council and of the Pension Fund,

reviewed the main issues arising from the External Audit of the Council’s statutory accounts and those of the Pension Fund, and monitored the implementation of agreed actions arising.

The Committee considered the effectiveness of the risk management process throughout the Council by way of an Annual Report which set out the risk management activity and the next steps to refine practices. It received presentations by Executive / Service Directors, as part of a scheduled programme with a new format, on the strategic risks facing their Services and the internal controls and governance in place to manage those risks to demonstrate how risk management is embedded within Services.

The Committee considered the adequacy and effectiveness of the Council’s counter fraud arrangements by way of an Annual Report, which set out the counter fraud activity and progress with improvement actions, and received assurances from the Auditors on fraud risks and controls.

The Committee undertook the scrutiny role for the development of future Treasury Management strategy prior to its presentation to Council for approval. It also received mid-term and annual reports on the extent of compliance with the approved Treasury Management strategy and an analysis of the performance against the targets set. During the year it recommended the Treasury Management strategy and performance monitoring reports for Council approval.

The Minutes of Audit and Scrutiny Committee meetings were presented for approval by the Council, and any exceptional items or recommendations were referred to the Council in accordance with the remit of the Committee.

Membership

The Membership of the Audit and Scrutiny Committee is part of the approved Scottish Borders Council’s Scheme of Administration (approved 28 September 2017; amended 25 February 2021) namely “Nine members of the Council not on the Executive Committee” and “....considering Audit matters (for that part of the meeting only) two additional members appointed from an external source as non-voting members.” Two non-voting external members were appointed from the community to October 2021, one as a reappointment, following a recruitment and selection process carried out during autumn 2018 approved by the Council. This enhances the independence of the Audit and Scrutiny Committee’s role in the scrutiny process of internal controls and governance and complies with best practice on independence as set out in CIPFA ‘Audit Committees’ Guidance (2018).

The Committee membership during the year was Councillors S Bell (Chairman), H Anderson, J Fullerton, J Greenwell, N Richards, E Robson, H Scott, S Scott, E Thornton-Nicol, Ms H Barnett and Mr M Middlemiss.

Those present at the virtual meetings which considered Audit matters was as follows:

Member	10 May 2021	29 Jun 2021	20 Sept 2021	21 Oct 2021	22 Nov 2021	14 Feb 2022	14 Mar 2022
Cllr S Bell (Chair)	√	√	√	√	√	√	√
Cllr H Anderson	√	√	√	√	√	√	√
Cllr J Fullerton	√	√	√	√	√	√	√
Cllr J Greenwell	√	√	√	√			
Cllr N Richards	√	√	√	√	√	√	√
Cllr E Robson	√	√	√	√	√	√	√
Cllr H Scott		√	√	√	√	√	
Cllr S Scott	√	√	√			√	√
Cllr E Thornton-Nicol	√		√	√	√	√	√
Ms H Barnett			√	√		√	√
Mr M Middlemiss	√	√		√		√	

Every meeting of the Audit and Scrutiny Committee in 2021/22 which considered Audit matters was quorate (i.e. at least four Elected Members present).

The Director Finance & Corporate Governance, the Chief Officer Audit & Risk, and external auditors attend all Committee meetings; other senior officers attend Committee meetings on request. The Democratic Services section has provided a Committee Officer as the minute secretary.

Skills and Knowledge

Given the wider corporate governance remit of Audit and Scrutiny Committees within local government and the topics now covered by the external and internal audit functions, it is noteworthy that there is a range of skills, knowledge and experience that Audit and Scrutiny Committee members bring to the committee to fulfil its Audit functions, not limited to financial and business management. This enhances the quality of scrutiny and discussion of reports at the meetings. No one committee member would be expected to be expert in all areas.

The Informal Sessions provide the space for Committee members to reflect on their skills and knowledge, and to identify other learning and development to fulfil their role. For example:

- 29 June 2021 – To provide a refresh for Members on the Risk Management framework, process and practices, senior management and elected members' roles and responsibilities, and system.
- 22 November 2021 – The specialist advisor provided Treasury Management refresh training for Members covering legal and regulatory framework, officers and elected members' roles and responsibilities, risks (threats and opportunities), and skills and knowledge.

Self-Assessment of the Committee

The annual self-assessment was carried out by members of the Audit and Scrutiny Committee on 14 February 2022 during an Informal Session facilitated by the Chief Officer Audit & Risk using the 'Good Practice Principles Checklist' and 'Evaluation of Effectiveness Toolkit' from the CIPFA 'Audit Committees Guidance'. This was useful for Members to ensure the Committee can demonstrate its effectiveness as a scrutiny body (Audit functions) as a foundation for sound corporate governance.

The outcome of the self-assessments for the Committee was a high degree of performance against the good practice principles and a high degree of effectiveness. The Committee has identified the following lessons learned on how it has effectively fulfilled its Audit functions:

- The A&SC deems this a beneficial exercise on an annual basis. It provides an opportunity to reflect on how it conducts its business and to identify any areas of improvement or learning and development.
- The open recruitment and selection process to appoint external members of the Audit and Scrutiny Committee outwith the cycle of local elections facilitates continuity management of membership. In addition, the individual external members bring a different perspective to complement those Councillors appointed to A&SC. The self-assessment highlighted that the two external members have served beyond their original appointment to October 2021.
- The A&SC noted the benefits of an experienced Chair who utilises opportunities as required to meet with the key people involved in the Council's governance and conducts business effectively.
- The A&SC welcomes feedback on its performance from those interacting with the Committee or relying on its work. Those Directors who had presented to the Committee during the year provided feedback on their interaction with the Committee. This will be formally documented in future. In addition, the Director of Finance & Corporate Governance will be specifically asked for feedback as the SLT representative on A&SC.
- The approach for A&SC to receive presentations by Directors on the risks and mitigations associated with their areas of responsibility worked well for the Committee to hold Risk Owners to account for strategic risks and enable oversight of risk management in practice.
- There is a need to recognise the importance of regular and refresher training to improve knowledge and understanding of technical areas, such as Treasury Management and Statutory Accounts, to enable them to fulfil their remit effectively.

- There is evidence of continuous improvement through appropriate scrutiny and challenge on its Action Tracker to ensure that A&SC recommendations have been recorded and are monitored to ensure they are fully implemented to its satisfaction.
- The Committee has critically evaluated progress with delivery of Best Value Action Plan. It recommends that the speed of implementation is increased by the Council to enhance the arrangements for ensuring value for money.
- The Committee endorsed the revised Counter Fraud Policy & Strategy prior to Council approval 16 December 2021. It notes that this is the beginning of the new counter fraud staff resourcing model and practices, which require close and ongoing scrutiny due to fraud risk.

Assurance Statement to the Council

The Audit and Scrutiny Committee provides the following assurance to the Council:

- The Council has received the Minutes of the Audit and Scrutiny Committee meetings throughout the year.
- The Audit and Scrutiny Committee has operated in accordance with its agreed terms of reference, and accordingly with the audit committee principles in CIPFA Position Statement, relating to its Audit functions. It did this through material it received from Internal Audit, External Audit, other audit and inspection bodies, and assurance from Management. It focussed entirely on matters of risk management, internal control and governance, giving specialist advice to the Council on the value of the audit process, on the integrity of financial reporting, and acted as a bridge between the Council and its stakeholders.
- For all audit reports, the Audit and Scrutiny Committee considered whether it was satisfied that an adequate Management response was in place to ensure action would be taken to manage risk and address concerns on internal controls and governance arrangements.
- There is effective engagement of committee members including challenge and questions relating to the business on the agendas. Recommendations are made by the Audit and Scrutiny Committee which are monitored through an Action Tracker to ensure these are acted upon within reasonable timescales to address concerns raised by the Committee.
- The Audit and Scrutiny Committee has received and considered material to fulfil its scrutiny role on treasury management activity in advance of the treasury management strategy and monitoring reports being presented for Council approval.

Recommendations for the Council

- Approve an extension to the appointment of the external members for one year to October 2022, noting that the current incumbents are in agreement to this.
- Agree that other Committees should carry out annual self-assessments of fulfilling their remits as part of continuous improvement.
- Provide the opportunity for the external members of A&SC and other Committees to be involved in the Induction Programme and ongoing Development Programme for Elected Members post-local government elections in May 2022.
- Agree that the Chair will have previously served on an Audit Committee, where practicable.
- Endorse a further cycle of presentations by Directors on risks and mitigations to A&SC. In addition, the A&SC should gain insights on the efficacy of the Council's risk management framework through benchmarking with other organisations.
- Agree that Informal / Development Sessions continue to be used of refresher briefing / training.

Councillor Stuart Bell
 Chairman of Audit and Scrutiny Committee
 14 March 2022



SEXUAL ENTERTAINMENT VENUES

Report by Director – Finance and Corporate Governance

SCOTTISH BORDERS COUNCIL

31 March 2022

1 PURPOSE AND SUMMARY

- 1.1 This report advises Members of the terms of the draft sexual entertainment venues policy statement ("SEV Policy Statement) following Council's resolution to licence such venues in the Scottish Borders area.**
- 1.2 At its meeting on 25 March 2021, Council passed a resolution in terms of Section 45B of the Civic Government (Scotland) Act 1982 as amended by the Air Weapons and Licensing (Scotland) Act 2015. As a consequence Council requires to prepare a SEV Policy statement which cannot come into effect until at least one year after the passing of the resolution and a stage 2 public consultation will be required on the content of the draft policy.

2 RECOMMENDATIONS

- 2.1 **It is recommended that Scottish Borders Council**
 - (a) approves the draft SEV Policy Statement.**
 - (b) instructs the Director, Finance and Corporate Governance to conduct the stage 2 public consultation required on the content of the draft SEV Policy Statement and to report to Council on the outcome of the stage 2 consultation.**

3 BACKGROUND

3.1 The Air Weapons and Licensing (Scotland) Act 2015 has, from 26 April 2019, amended the Civic Government (Scotland) Act 1982 to introduce a discretionary power for Local Authorities in Scotland to licence SEVs within their individual areas.

A SEV is any premises at which sexual entertainment is provided before a live audience for financial gain and where its purpose is the sexual stimulation of members of the audience.

There are no SEV's in the Scottish Borders area, and as far as the Council is aware, there are no plans to open one. There are SEV's in some of the cities or larger towns in Scotland.

3.2 Since the new power falls within the Council's responsibilities for Civic Government Licensing, its introduction was intimated to the Civic Government Licensing Committee at an informal meeting held on 25 October 2019. Members of the Committee expressed support for the idea that Council should consider adopting a Resolution. They were keen to explore the option of having a regulatory framework in place that would be operative if an SEV seeks to operate within the Scottish Borders area in future.

3.3 The Committee Members asked that a short term working group consisting of Members, SBC Officers and multi-agency representatives be formed to ensure that the statutory objectives in relation to SEV activity are properly considered. The working group met twice and their findings formed the basis of the recommendation in the report considered by Council on 27 August 2020.

3.4 At the meeting on 27 August 2020 Council agreed that a stage 1 consultation on whether the Council should resolve to licence SEV's should be carried out and instructed the Director Finance and Corporate Governance to do so. The stage 1 consultation was carried out over a period of 12 weeks between 19 November 2020 and 14 February 2021.

3.5 At the meeting on 25 March 2021, following consideration of the responses received during the Stage 1 consultation, Council adopted a resolution to licence Sexual Entertainment Venues and instructed the preparation of a draft SEV Policy Statement and to subsequently report to Council on the content of the draft prior to a stage 2 public consultation.

3.6 The short term working group have considered the draft SEV Policy Statement as detailed in Appendix 1. In doing so the short term working group has determined that the appropriate number of sexual entertainment venues for the locality of the Scottish Borders should be set at nil all as set out in paragraph 7 of the draft SEV Policy Statement.

4 PROCESS

4.1 Following the adoption of a Resolution the Council has a statutory duty to publish a Draft Policy Statement. The stage 2 public consultation will then ask for views on that Draft Policy Statement. The policy will include matters such as the proposed appropriate number of SEVs (if any) to be permitted in the Scottish Borders, what localities are considered suitable (or unsuitable) for the operation of a SEV and what measures the Council would expect applicants to have in place to address the following objectives:

- preventing public nuisance, crime and disorder;
- securing public safety;
- protecting children and young people from harm; and reducing violence against women.

The Resolution cannot come into force until at least a period of one year has passed after it is adopted.

5 IMPLICATIONS

5.1 Financial

There are no costs attributed to any of the recommendations contained in this report. There are no costs associated with the publication of the Draft SEV Policy Statement as this will be published online.

5.2 Risk and Mitigations

The carrying out of the consultation and the consideration of the responses received allow the Council to determine the final content of the SEV Policy Statement.

5.3 Integrated Impact Assessment

An IIA has been carried out. The decision to licence SEVs has the potential to create considerations for our Fairer Scotland duties. In terms of Equalities, the decision is one which has the potential to create impact in relation to the protected characteristics of Sex and of Religious Belief. It is therefore important that any groups representing those potentially impacted are made aware of the content of the draft SEV Policy Statement during the Consultation and their views be actively sought.

5.4 Sustainable Development Goals

There are no sustainable development goals arising from the proposals contained in this report.

5.5 Climate Change

There are no climate change impacts arising from the proposals contained in this report.

5.6 Rural Proofing

There are no rural proofing issues arising from the proposals contained in this report.

5.7 Data Protection Impact Statement

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

5.8 Changes to Scheme of Administration or Scheme of Delegation

No changes to either the scheme of administration or the scheme of delegation are required as a result of the recommendations 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 are being consulted and any comments received will need to be incorporated into the final report.

Approved by

David Robertson

Director – Finance & Corporate Governance Signature

Author(s)

Name	Designation and Contact Number
Nuala McKinlay	Chief Legal Officer (Monitoring Officer)
Ron Kirk	Managing Solicitor – Property and Licensing

Background Papers: None

Previous Minute Reference: **27 August 2020**
25 March 2021

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SCOTTISH BORDERS COUNCIL

Policy Statement on the Licensing of Sexual Entertainment Venues

Section 45C of the Civic Government (Scotland) Act 1982

This Statement of Licensing Policy of the Scottish Borders Council, the Licensing Authority for the Scottish Borders area was prepared in relation to the licensing of Sexual Entertainment Venues under the Civic Government (Scotland) Act 1982 as amended. Publication of the policy was approved on XXXXXXXX.

This Policy is operative from XXXXXX

Contents

1. *Definitions*
2. *Making an Application*
3. *Fees*
4. *Making Objections to Applications*
5. *Mandatory Grounds for Refusal*
6. *Discretionary Grounds for Refusal*
7. *Number of Sexual Entertainment Venues*
8. *Relevant Locality.*
9. *Licence Conditions*
10. *Standard Conditions*
11. *Duration of Licences*
12. *Waivers*

Licensing Policy Vision Statement

We want to make sure that Scottish Borders Council regulates and restricts Sexual Entertainment Venues to ensure that the Scottish Borders continues to offer a wide choice of high quality and well managed entertainment and cultural venues within a safe, orderly and attractive environment; valued by those who live here, work here and come to visit.

The statutory Statement of Licensing Policy published under the Civic Government (Scotland) Act 1982 as amended sets out how the council as a Licensing Authority promotes the licensing objectives behind the Civic Government (Scotland) Act 1982 as amended relating to the provision of regulated entertainment, and the potential provision of late night refreshment.

Resolution

On 25 March 2021 the council passed a resolution in terms of Section 45B of the Civic Government (Scotland) Act 1982 as amended by The Air Weapons and Licensing (Scotland) Act 2015. The effect of passing this resolution is to require sexual entertainment venues to be licenced under the 1982 Act. A licence issued by the council may last up to 1 year and subject to these policies, may be renewed.

1. Definitions

- 1.1 “Sexual entertainment venue” means any premises at which sexual entertainment is provided before a live audience for (or with a view to) the financial gain of the organiser. Sexual entertainment” means:-
- (a) any live performance, or
 - (b) any live display of nudity, which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).
- For the purposes of the definition of “sexual entertainment”, “display of nudity” means:-
- (a) in the case of a woman, the showing of (to any extent and by any means) her nipples, pubic area, genitals or anus,
 - (b) in the case of a man, the showing of (to any extent and by any means) his pubic area, genitals or anus.
- Sexual entertainment is provided if (and only if) it is provided (or allowed to be provided) by or on behalf of the organiser.
- References in Schedule 2 (as modified for the purposes of section 45B) to the use of any premises by a person as a sexual entertainment venue are to be read as references to their use by the organiser.
- The following are not sexual entertainment venues:-
- (a) a sex shop (within the meaning of paragraph 2(1) of Schedule 2),
 - (b) such other premises as the Scottish Ministers may by order specify.
- 1.2 This policy sets out the councils approach to the regulation of sexual entertainment – premises under the Civic Government (Scotland) Act 1982 as amended by The Air Weapons and Licensing (Scotland) Act 2015.
- 1.3 The aims and objective of this policy are therefore to promote;
- (a) Preventing crime and disorder,
 - (b) Securing public safety,
 - (c) Preventing public nuisance,
 - (d) Protecting and improving public health, and
 - (e) Protecting children and young persons from harm.
- 1.4 The council will always consider the individual circumstances of each application made under the 1982 Act. It may make exceptions to its own policies where it is appropriate to do so and it will give reasons for doing this.
- 1.5 This statement of SEV Licensing Policy does not undermine the right of any individual to apply under the terms of the 1982 Act and have any such application considered on its individual merits.

2. Making an Application

- 2.1 The SEV licensing regime will take place from xxxxxx. Under paragraph 25(3) of Schedule 2 of the 1982 Act, we as the local authority cannot consider any application for an SEV licence prior to the date specified in the resolution and cannot grant any licence until we have considered all applications received prior to that date.
- 2.2 Application forms for SEVs will be available from XXXXXX and will only be considered on or after that date.
- 2.3 The application must be in writing, and shall state the full name and address of the applicant, the date and place of birth of the applicant, where the applicant is not to be carrying on the day to day management of the SEV, the full name, address and date and place of birth of the person who is and shall be signed by the applicant or his agent under Schedule 2 of the 1982 Act.
- 2.4 The application must be in writing, giving the full address and name of applicant, the date and place of birth of the applicant or if the applicant is not a person, its name, registered

or principal office address and the names and private addresses of the directors or other person responsible for its management under Paragraph 10 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Additional information may be requested as a part of the application. What is reasonable should be judged in the context of the aims of the act.

- 2.5 An applicant for the grant, renewal or transfer of a licence under this Schedule shall give public notice of the application.
- 2.6 Notice shall in all cases be given by the applicant publishing an advertisement in a local newspaper circulating in the appropriate authority's area. The licensing authority may also require the applicant to display a public notice at the proposed premises and applications will be advertised on the Council's website.
- 2.7 The publication shall not be later than 7 days after the date of the application.
- 2.8 Where the application is in respect of premises, notice of it shall in addition be displayed for 21 days beginning with the date of the application on or near the premises and in a place where the notice can conveniently be read by the public.
- 2.9 Every notice under this paragraph which relates to premises shall identify the premises. Every such notice which relates to a vehicle, vessel or stall shall specify where it is to be used as a sex establishment
- 2.10 Where an SEV is trading in the area before the resolution has been published and before the specified day of effect has applied for a SEV licence under Schedule 2 of the 1982 Act, then they may continue trading until the application is considered. If the application is refused they may continue to trade until the timescale for an appeal under paragraph 24 has lapsed or the appeal has been determined or abandoned.

3. Fees

- 3.1 The Civic Government (Scotland) Act 1982 permits the authority to set a reasonable fee as the authority shall seek to ensure that from time to time the total amount of fees receivable by the authority is sufficient to meet the expenses of the council in exercising their functions under the Act. The fees will be reviewed annually in line with a review of Licensing fees and will be incorporated within the list of Civic Government Licensing fees. The fees will not be reduced or refunded if the application is refused or the licence is granted for less than was requested.

4. Making Objections to Applications

- 4.1 An objection or representation relating to an application for the grant or renewal of a licence under this schedule shall be considered on if the objection or representation is
 - (a) In writing;
 - (b) specifies the grounds of the objection or, as the case may be, the nature of the representation;
 - (c) specifies the name and address of the person making it;
 - (d) is signed;
 - (e) was made to them within 28 days of whichever is the later or, as the case may be, latest of the following dates—
 - (i) the date of submission to them of the application;
 - (ii) the date when public advertisement was first given under paragraph 2.6 above;
 - (iii) the date, if any, specified by the local authority under paragraph 7(10) above.
- 4.2 The authority before reaching a final decision upon such an application, give the applicant and any person who has made a relevant objection or representation an opportunity to be heard by them and where they propose to do so, must within such reasonable period (not being less than 14 days) of the date of hearing, notify the applicant and each such person of that date.

5. Mandatory Grounds for Refusal

- 5.1 Specific mandatory grounds for refusal are set out in Schedule 2 of the 1982 Act. A licence cannot be granted or renewed by the authority if:
- (a) to a person under the age of 18;
 - (b) to a person who is for the time being disqualified under paragraph 13(10) or 19(5) of the 1982 Act
 - (c) to a person other than a natural person if any director of it or partner in it or any other person responsible for its management is disqualified under paragraph 13(10) or 19(5) below of the 1982 Act;
 - (d) to a person who has been convicted of an offence under paragraphs 19 to 21 of the 1982 Act;
 - (e) to a person who is not resident in the United Kingdom or was not so resident throughout the period of six months immediately preceding the date when the application was made;
 - (f) to a body corporate which is not incorporated in the United Kingdom;
 - (g) to a person who has, within the period of 12 months immediately preceding the date when the application was made, been refused by the same local authority the grant or renewal of a licence under this Schedule for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal; or
 - (h) to a person other than a natural person if any director of it or partner in it or any other person responsible for its management has, within that period, been refused by the same local authority the grant or renewal of such a licence, unless the refusal has been reversed on appeal.

Paragraph 13(10) of the 1982 Act

Where a licence under this Schedule is revoked, its holder shall be disqualified from holding or obtaining such a licence in the Scottish Borders area for a period of 12 months beginning with the date of revocation unless the revocation has been reversed on appeal.

Paragraph 19(5) of the 1982 Act

- (a) that the applicant or, where the applicant is a person other than a natural person, any director of it or any partner in it or any person responsible for its management, is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) that, if the licence were to be granted or renewed, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he/she made the application;
- (c) that the number of sexual entertainment venues in the relevant locality at the time the application is made is equal to or exceeds the number which the Scottish Borders Council consider is appropriate for that locality. Nil may be an appropriate number;
- (d) that the grant or renewal of the licence would be inappropriate, having regard—
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

6. Discretionary Grounds for Refusal

- 6.1 A licence may be refused where:

- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) if the licence were to be granted, renewed, or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he/she made the application;
- (c) the number of sexual entertainment venues in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
- (d) that the grant or renewal of the licence would be inappropriate having regard -
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

7. Number of Sexual Entertainment Venues

- 7.1 As set out within the 1982 Act, Schedule 2 provides that a Local Authority may refuse an application if it is satisfied that the number of sexual entertainment venues in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality. The Council is able to determine that the appropriate number for a locality is nil.
- 7.2 Sexual entertainment venues cater for a particular adult audience and by attracting those customers can affect the character of the locality in which they are situated. The council considers that localities which are characterised by particular uses, whether by residents, visitors or workers, should not include sexual entertainment venues.
- 7.3 After consultation with local residents and consideration of the geography and layout of towns and villages within the Scottish Borders area, Scottish Borders Council has determined that the appropriate number of sexual entertainment venues in the Scottish Borders is nil for all localities.
- 7.4 Towns with surrounding communities with fewer than 2,000 residents are considered too small to be able to support sexual entertainment venues. There would be too few local residents and tourists to make a sexual entertainment venue commercially viable. Furthermore, the nature of sexual entertainment venues and the impact that they and their customers can have in these localities would significantly distort the character of these communities. In these smaller communities it is extremely difficult to identify premises that are not in close proximity to the areas mentioned in the guidance to the act: residential areas, schools, including the routes to and from school regularly used by children, or places of worship. Therefore, the appropriate number of sexual entertainment venues licenced in towns and all other communities or villages in the Scottish Borders area with fewer than 2,000 residents is nil. According to data provided by the National Records of Scotland the population estimate for the following settlement areas as at 2020 was:

Tweedbank	-	1996
Coldstream	-	1887
West Linton	-	1843
Lauder	-	1837
Earlston	-	1727
Newtown St.Boswells	-	1474
Chirnside	-	1449
St.Boswells	-	1443

Darnick and Gattonside	-	910
Cardrona	-	849
Newcastleton	-	757
Walkerburn	-	714
Denholm	-	702
Stow	-	697
Greenlaw	-	604
Yetholm	-	599
Ayton	-	595
Coldingham	-	501

7.5 Larger towns with populations in excess of 2000 residents have the most potential for hosting sexual entertainment venues. The larger towns have established town centres that contain several licenced premises and, in some cases, nightclubs. Town centres would appear to be the most likely areas to establish a sexual entertainment venue. However, the town centres of the larger towns are heavily used by local residents going about their daily business and include routes to and from schools regularly used by children. In addition, the town centres are also close to places of worship and tourist attractions. The town centres are the only viable location a sexual entertainment venue could be considered but such a venue would be outwith the existing character and functions of the larger towns and would potentially reduce their appeal to visitors especially those with children. Consequently, it is considered that the number of sexual entertainment venues in the larger towns in the Scottish Borders area with more than 2000 residents is nil. According to data provided by the National Records of Scotland the population estimate for the following settlement areas as at 2020 was:

Hawick	-	13,653
Galashiels	-	12,568
Peebles	-	8,519
Kelso	-	6,833
Selkirk	-	5,435
Jedburgh	-	3,774
Eyemouth	-	3,480
Innerleithen	-	3,174
Duns	-	2,766
Melrose and Newstead	-	2,492

7.6 From time to time the Scottish Borders Council will review the appropriate number of sexual entertainment venues for their area.

7.7 With the appropriate number of sexual entertainment venue licenced premises set to nil for all relevant localities within the Scottish Borders area there is a presumption against the granting of new licences. Applicants will therefore have to demonstrate exceptional reasons as to why a licence should be granted in order to overcome this presumption. For the avoidance of doubt the council considers that responsible management and the implementation of appropriate operating policies at sexual entertainment venues are essential to ensure the promotion of the licensing aims and objectives and so being a responsible operator is a basic requirement and is not considered as exceptional.

8. Relevant Locality

8.1 With reference to Schedule 2 of the 1982 Act “relevant locality” means:
 (a) in relation to premises, the locality where they are situated; and

- (b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex shop.
- (c) that the number of sex shops in the relevant locality at the time the application is made is equal to or exceeds the number which the local authority consider is appropriate for that locality;
- (d) that the grant or renewal of the licence would be inappropriate, having regard:-
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

9. Licence Conditions

- 9.1 The council considers that responsible management and the implementation of appropriate operating policies at sexual entertainment venues are essential to ensure the promotion of the licensing aims and objectives.
- 9.2 Under the 1982 Act, the council may grant or renew a sexual entertainment venue licence on such terms and conditions and subject to such restrictions as it may specify.
- 9.3 Additionally, and notwithstanding its power to condition licences when determining their grant or renewal, the council may make regulations prescribing standard conditions applicable to licences for sexual entertainment venues, that is to say, terms, conditions and restrictions on or subject to which licences are in general to be granted, renewed or transferred by the council.
- 9.4 It will only impose such conditions as are appropriate to promote the policy aims and objectives.
- 9.5 In ensuring compliance with the sexual entertainment licence regime the council will aim to promote the policy aims and objectives.
- 9.6 Through standard conditions the council seeks to ensure that sexual entertainment venues are well managed and supervised, restrict the sexual entertainment activities and the manner in which they are permitted to be provided, protect performers, and control the impact of the venue and its customers in relation to its locality.
- 9.7 The council will prescribe, and from time to time revise, standard conditions which will apply generally to licences that the council will grant or renew.

10. Standard Conditions

Location

- 10.1 Premises should fit in with the character of the area and surrounding premises to the satisfaction of the licensing authority.
- 10.2 The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the council in writing.
- 10.3 The use of any cruising cars or any other wheeled carriage [whether for the purposes of hire or reward or not] by the premises to solicit customers and/or transport to or from the premises is prohibited.

Appearance, displays and layout of premises

- 10.4 Copies of the licence and the conditions attached to the licence shall be clearly displayed so that every person entering the premises can see a copy of both the licence and the conditions.
- 10.5 Any charge for entering the premises shall be clearly and legibly displayed outside the premises.

- 10.6 No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing or similar matter shall be displayed outside the premises without the written permission of Scottish Borders Council, except for those signs or notices that are required to be displayed by these licence conditions.
- 10.7 Price lists for both drinks and sexual entertainment and the code of conduct for customers will be clearly displayed at each table and at each entrance to the premises.
- 10.8 Price lists and the code of conduct for customers must be printed in a manner which is clear and easy to read during the normal operation of the premises.
- 10.9 The entrance to the premises shall be so designed and constructed as to prevent persons outside the premises having a view of the interior. No part of the performance shall be visible from outside the premises.
- 10.10 Any person who can be observed from outside of the premises must be properly and decently dressed. Scantily clad individuals must not exhibit in the entranceway or in the area surrounding the premises. There shall be no attempt made outside the premises to solicit people to enter.
- 10.11 All external doors (including fire-exit doors and patio doors) to the premises shall not be propped open during the course of the relevant entertainment.
- 10.12 All windows must be dressed or designed so as to prevent persons outside the premises having a view of the interior.
- 10.13 No window shall contain any sign, advertising material, goods or display likely to cause an offence to persons passing the window. This includes any advertising material, photographs or other images that indicate and suggest that erotic dancing takes place on the premises and which may be offensive.
- 10.14 Lighting in all parts of the premises must be in operation continuously during the whole time the premises are open as a sex establishment.
- 10.15 The premises shall be maintained in good repair and condition. All parts of the Premises shall be kept in a clean and hygienic condition to the satisfaction of the Council.
- 10.16 Doors and openings which lead to parts of the premises which are not open to the public shall be clearly marked "staff only" or by some other sign that deters the public from using such doors or openings.
- 10.17 The external doors to the Sex Establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
- 10.18 The Licensee shall make provision in the means of access both to and within the Sex Establishment for the needs of members of the public visiting the establishment who are disabled.
- 10.19 All exhibits, displays, demonstrations and like activities must be open and available to all customers at no charge other than any initial entrance fee to the establishment and there shall be no individual cubicles or rooms designed to accommodate individual persons or groups of persons where exclusive demonstrations, displays, exhibits or similar activities may take place, unless authorisation/consent is first granted by the Council.
- 10.20 The authorised entertainment must only take place in designated areas approved by the Council;
- 10.21 Suitable changing rooms with restricted access should be provided for performers, separate from customers and other staff, where they may prepare for their performance;
- 10.22 Safe and controlled access to the dressing room for performers must be maintained at all times when the performance is taking place and immediately afterwards;
- 10.23 The agreed activities will take place only in designated areas as indicated on the plans authorised by the Licensing Authority and in the full view of the audience. No part of the premises accessible to the audience shall be concealed from observation without the appropriate authorisation from the Licensing Authority.
- 10.24 No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
- 10.25 No change of use of any portion of the Premises from that approved by the Council shall be made until the consent of the Council has been obtained thereto.

Opening times

- 10.26 Except with the previous consent of the Council a sexual entertainment venue shall not be open to the public before 22:00 hours and shall not be kept open after 03:00 hours. Opening hours may be aligned to alcohol licensing hours.
- 10.27 Except with the previous consent of the Council a sexual entertainment venue shall not be open on Sundays, Good Friday and Christmas Day.

Control of entry

- 10.28 No person under 18 years of age shall be admitted on the premises.
- 10.29 The Challenge 25 proof of age scheme shall be operated at the premises whereby any person suspected of being under 25 years of age shall be required to produce identification proving they are over 18 years of age. The only acceptable forms of identification are recognised photographic identification cards, such as driving licence or passport.
- 10.30 Any person who appears to be drunk / intoxicated or under the influence of illegal drugs shall not be permitted entrance to the premises.
- 10.31 A policy of random searches of persons entering the premises shall be operated.
- 10.32 Any person found to be in possession of illegal drugs upon entry shall be prevented entry and, where possible, restrained until the Police can take such person into custody. Any persons found using illegal drugs on the premises shall be removed from the premises or, where possible, restrained until the Police can take such person into custody.
- 10.33 The premises shall maintain a refusals log whereby on any occasion a person is refused entry details shall be recorded. The log must be made available on request by Police Scotland or an authorised officer of the Council.
- 10.34 No tickets shall be sold and no admission money taken in a place to which members of the public, other than permitted customers of the Sex Establishment, have access.
- 10.35 A minimum of two Door Supervisors registered with the Security Industry Authority must be on duty at all times the premises are operating with adult entertainment.
- 10.36 Door Supervisors shall continually monitor all entrances, exits and toilets.
- 10.37 The Door Supervisor register shall be made available to Police Officers or authorised officers of the Council on request.
- 10.38 The Designated Premises Supervisor shall, as soon as is reasonably practicable within 72 hours, notify the Security Industry Authority of any door supervisors dismissed for serious misconduct which might reasonably affect the continuation of such registration.

Conduct of performers

- 10.39 No person under 18 years of age shall be admitted on the premises.
- 10.40 Dancers will only perform on the stage area or when providing a private dance.
- 10.41 Dancers will only be present in the licenced area in a state of nudity when they are performing on stage or providing a private dance.
- 10.42 Relevant entertainment will only be performed by the dancer. There must be no audience participation.
- 10.43 There must be no physical contact between dancers.
- 10.44 There must be no physical contact between the dancer and the customer at any time.
- 10.45 Any performance will be restricted to dancing and the removal of clothes. There will not be any other form of sexual activity or stimulation which, for the avoidance of doubt, includes kissing.
- 10.46 Sex toys must not be used and penetration of the genital area by any means must not take place.
- 10.47 Customers must remain seated for the duration of the performance.
- 10.48 Customers will not be permitted to throw money at the dancers.

- 10.49 Patrons or members of the audience shall not take photographs or record digital images of performers by any means.
- 10.50 All booths and VIP areas used for private dances must be visible to supervision and must not have closing doors, curtains or coverings of any description.
- 10.51 All booths and VIP areas used for private dances must be directly supervised by either a SIA registered door supervisor, or a member of staff who has direct contact with SIA registered door supervisors working on the premises at all times the booths/areas are in use. Direct supervision does not include remote supervision by CCTV.
- 10.52 Any person on the premises who can be observed from outside the premises will be properly and decently dressed.
- 10.53 The licensee will ensure dancers have secure dressing rooms, facilities to secure valuables and proper sanitation facilities available to them.
- 10.54 The practice of filming is prohibited.
- 10.55 Exit routes for performers must be kept clear.

Protection of performers and prevention of crime (including safety of public and performers)

- 10.56 There shall be a written code of conduct for performers. All performers shall be required to certify their agreement to comply with the code and a record shall be kept on the premises and be made available upon request by the police or an authorised officer of the Council. The code shall include the following:
 - (a) The licence conditions relating to performances of sexual entertainment.
 - (b) House rules.
 - (c) Internal disciplinary procedure and details of any financial penalties that may be imposed. This should include a system to ensure that performers suffering a genuine sickness or domestic emergency are not made subject to unfair punitive financial penalties.
 - (d) Drugs monitoring.
 - (e) No contact with customers outside the club.
 - (f) The arrangements for breaks and smoking facilities provided.
 - (g) Copies of approved forms of ID supplied by each performer i.e. passport, photo card driving licence or PASS card.
- 10.57 Performers shall be provided with secure and private changing facilities
- 10.58 Means to secure personal property shall be provided for the performers
- 10.59 Any exterior smoking area for use by performers shall be kept secure and separate to any public smoking area. If no smoking area is provided a maximum of 3 performers may be permitted to take a break at any one time.
- 10.60 The licence holder shall implement a written policy to ensure the safety of performers when leaving the premises following any period of work
- 10.61 All fees and charges for performers shall be stated in writing and prominently displayed in the changing area.
- 10.62 The Licensee shall take all reasonable precautions for the safety of the public and employees.
- 10.63 There must be a minimum of one member of security staff present on any floor where a performance of sexual entertainment is taking place and one member of security staff at the entrance to the premises, at all times the premises is open to the public.
- 10.64 The Licensee shall comply with any fire prevention and safety measures that may be required by the Scottish Fire and Rescue Service and shall maintain and keep available for use all specified fire-fighting equipment and extinguishers.

Management

- 10.65 Before a dancer is permitted to work on the premises the licensee will ensure that the dancer:
 - (a) has not been convicted of theft, drug offences or prostitution,

- (b) has the right to work in the UK.
- 10.66 The licensee will keep records of the checks, including copies of any documentation such as a basic disclosure, passport, visa, driving licence or national insurance number provided by the dancer.
- 10.67 All premises that provide relevant entertainment will be expected to provide new dancers with a pack of information. This pack will include:
 - (a) A copy of the sexual entertainment venue licence, including the conditions applied by the Licensing Committee,
 - (b) Details of any other conditions applied by management of the premises,
 - (c) Details of how to report crime to the relevant authority,
 - (d) Details of the premises public liability insurance,
 - (e) Information on how dancers can obtain personal liability insurance,
 - (f) Details of unions, trade organisations or other bodies that represent the interests of dancers,
 - (g) Details of local women's specialist support services and how to access them,
 - (h) Instructions on the use of mobile phone apps re personal safety
 - (i) A copy of the code of conduct for dancers,
 - (j) A copy of the code of conduct for customers, and
 - (k) Price lists for drinks and sexual entertainment.
- 10.68 The information provided in the pack will be provided in the dressing rooms or a sign will be placed in the dressing room advising the pack is available on request.
- 10.69 All performers who engage in an evening of work at the premises shall sign a document to confirm the start and finish time of the shift. The document should be dated and contain the performer's true name as well as the stage name. These records shall be kept for a minimum period of six months and shall be produced on request by an authorised officer.
- 10.70 Employment records for performers and staff shall be kept for a minimum of six months following the cessation of their employment.
- 10.71 Accurate payment and remuneration records shall be maintained and shall be made available upon request to the Police or an authorised officer of the Council.

Maintenance and repair

- 10.72 The licence holder shall maintain the licenced premises in good order, repair and state of cleanliness at all times.
- 10.73 Should an authorised officer take issue with the condition of any parts of the premises internal or external, notice will be given in writing and must be rectified within a period of 28days from the date of the notice. Any appeal against such notice must be made in writing to the licensing service within 14days of issue. The appeal will be determined by the Public Protection Sub Committee.
- 10.74 The licence holder shall take appropriate measures to ensure that refuse from the premises are kept secure from public accessibility pending removal from site.
- 10.75 The licence holder shall comply with any fire prevention and safety measures that may be required by the Fire Authority or suitably competent local authority officer.

CCTV

- 10.76 The CCTV system must comply with: British Standard 7958:2015 - Closed circuit television (CCTV). Management and operation. Code of practice.
- 10.77 Where CCTV system incorporates a digital recording function, it must also comply with: BS EN 62676-4:2015 - Video surveillance systems for use in security applications. Application guidelines.
- 10.78 The designated premises manager (as specified in any licence in force for the premises granted under the Licensing (S) Act 2005)/premises owner must maintain an annual

- registration with the Information Commissioner's Office - as stipulated under the Data Protection Act 2018.
- 10.79 At all times, the CCTV system and recordings must be kept in a secured environment under the control of the designated premises manager (as specified in any licence in force for the premises granted under the Licensing (S) Act 2005) or other nominated responsible named individual. Also a full instruction manual for the CCTV system must be available to the Police and other Responsible Authorities.
- 10.80 The CCTV system must be maintained in good working order to:
- (a) Operate on 'real-time' at a minimum rate of 20 frames-per-second, with constant, correct time/date generation.
 - (b) Have a recording capability capable of providing individual pictures.
 - (c) Provide clean, clear and unobstructed camera views of evidential quality in all lighting conditions.
 - (d) Provide correctly timed and date stamped recordings - which must be stored in date order, numbered sequentially and kept for a period of 31 days and handed to the Police on request.
 - (e) Export footage to a removable storage medium with a time and date integral to the image – where possible, to also include any software needed to replay the footage.
 - (f) Ensure exported footage at the same, or similar quality to that recorded on the system recording.
- 10.81 During all periods of licensable activity a nominated and trained 'CCTV Operator' must be on duty, who is competent in the operation of the CCTV equipment in order to:
- (a) inspect the CCTV system on a daily basis, and ensure that all cameras are in full working order.
 - (b) record each inspection on a 'CCTV maintenance' log sheet, and endorse with their signature.
 - (c) facilitate the downloading CCTV footage.
- 10.82 During all periods of non-licensable activity, a 'CCTV Operator' must be contactable by the police on a designated emergency-only telephone number. This number must be registered with the local police licensing officer.
- 10.83 The CCTV system must:
- (a) Incorporate at least one camera on every entrance and exit to the premises - individuals must identifiable.
 - (b) Incorporate at least one camera on all areas where the sale/supply of alcohol occurs - individuals must identifiable.
 - (c) Incorporate at least one camera on any potential queue area external to the premises, and car parking area within the boundary of the premises - individuals must be identifiable.
 - (d) Ensure that all other cameras at the premises allow for individuals to be recognisable.
 - (e) Incorporate a dedicated CCTV camera for each booth – individuals must be clearly identifiable.
- 10.84 In the event of a technical failure of the CCTV system, the nominated CCTV Operator will ensure the matter is reported to the Scottish Borders Council Licensing Team within 24 hours.
- 10.85 A camera which records a facial picture of customers entering the premises shall be situated at the reception and a monitor situated there so customers entering can see same.
- 10.86 CCTV shall cover all public areas of the premises including all areas where performances of sexual entertainment are conducted.

Enforcement

- 10.87 Inspection and enforcement will be based on the principles of risk assessment, having a graduated response and targeting problem premises. Inspections will not be undertaken routinely. Enforcement of the legislation will be objective and transparent.
- 10.88 An intelligence led approach will be adopted and information regarding incidents of violent crime, disorder and nuisance in and around licenced premises will be collated to provide a risk assessment basis for inspection and, where appropriate, surveillance, with high-risk operations receiving more attention than premises carrying low public safety/nuisance risks.
- 10.89 The Scottish Borders Licensing Authority may take appropriate enforcement action against those responsible for unlicenced premises/activity.
- 10.90 Any complaints received by the council about unlicenced activity or the way licenced premises may be operating will be dealt with in accordance with the council's relevant policies and may result in an adjustment to the risk rating, prompting more frequent visits. We will work with businesses in an attempt to resolve issues that are of concern.
- 10.91 Following a hearing, the Licensing Committee may attach further conditions to a licence, considered necessary and proportionate in the public interest including, but not limited to, the interest of public policy, public security, public health or the protection of the environment. This could include conditions restricting the opening and closing times of the premises.

Staff Training

- 10.92 Staff must be trained appropriately to ensure compliance with all policies, procedures and conditions.

11. Duration of Licences

- 11.1 Unless a shorter period is specifically stated, all licences will be granted for one year, which shall be the maximum duration of any licence.

12. Waivers

- 12.1 A waiver may be applied for. An application has to be made in writing. The Authority may waive the requirement of a licence in any case where they consider that to require a licence would be unreasonable or inappropriate in accordance with Schedule 2 of the 1982 act.

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RECORDING OF COUNCIL MEETINGS

Report by Director Finance & Corporate Governance

SCOTTISH BORDERS COUNCIL

31 March 2022

1 PURPOSE AND SUMMARY

- 1.1 **This report proposes that public Council committee meetings which are livestreamed are recorded and such a recording is kept for 180 days before being deleted.**
- 1.2 At its meeting on 30 July 2020, in response to continuing public health concerns around the pandemic, Scottish Borders Council agreed that online meetings would be available to view via a livestream. From 10 August 2020, the public parts of Council and all committee meetings have been livestreamed at the time of the meeting. However, no recording of the meeting is made and is not therefore available to view after the meeting has finished. In order to promote democratic engagement with the Borders community, officers have been looking at the means to be able to record meetings and make these available to the public after the event, in compliance with GDPR Regulations. Confidential business is not livestreamed and it is not intended that this part of a meeting will be recorded.
- 1.3 It is now proposed that when public business is being considered at any Council committee meeting which is livestreamed, these meetings will be recorded and made available to the public after the meeting through the link to the event livestream. This link will remain live for 180 days after the meeting and will then be automatically deleted. A notice to this effect will be placed on the agenda for the meeting. At the start of the meeting the Chair will announce whether the meeting is being livestreamed and recorded. The Chair will also have the discretion to terminate or suspend livestreaming and recording, either to receive advice from officers, or if in their opinion allowing livestreaming or recording to continue would prejudice the proceedings of the meeting. Unfortunately, the technology to be able to livestream and record physical/blended committee meetings will only be available at Council Headquarters for the foreseeable future, once work to install the technology is completed. Therefore any meetings which take place elsewhere will not be livestreamed or recorded unless they take place wholly online.
- 1.4 The Council is a Data Controller under the GDPR and Data Protection Act 2018. Data collected during the livestream will be retained in accordance

with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available for 180 days after the meeting via the Council's website. Members of the public will need access to devices to enable them to access the Council's website and recordings of meetings. These devices can be smart phones, I pads or other tablets, laptops or pcs. Contact centres and libraries have public pcs available with internet access or access to SBC websites, which members of the public can use to view meetings.

2 RECOMMENDATIONS

3.1 I recommend that Scottish Borders Council:

- (a) approves the recording of livestreamed Council committee meetings which will be available to view for 180 days after the meeting and thereafter be deleted;**
- (b) agrees that a notice will be placed on agendas advising when a meeting is being recorded and at the start of such a meeting the Chair will announce whether the meeting is being livestreamed and recorded and by participating in the meeting, attendees give consent for this;**
- (c) agrees that the Chair will have the discretion to terminate or suspend livestreaming or recording, either to receive advice from officers, or if in their opinion allowing livestreaming or recording to continue would prejudice the proceedings of the meeting and this is added to Standing Order No. 16 (duties of Chairman); and**
- (d) notes that under the GDPR and Data Protection Act 2018, data collected during the livestream will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available for 180 days after the meeting via the Council's website.**

3 BACKGROUND

- 3.1 Section 50A of the Local Government (Scotland) Act 1973 governs admission to meetings of local authorities. Paragraph 7 states that "Nothing in this section shall require a local authority to permit the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or the making of any oral report on any proceedings as they take place."
- 3.2 At its meeting on 30 July 2020, in response to continuing public health concerns around the pandemic, Members agreed to an amendment to Standing Order 49(a) which included that meetings would be available to view via a livestream. From 10 August 2020, the public part of Council and all online committee meetings have been livestreamed at the time of the meeting. However, no recording of the meeting is made and is not therefore available to view after the meeting has finished.
- 3.3 In order to promote democratic engagement with the Borders community, officers have been looking at the means to be able to record meetings and make these available to the public after the event, in compliance with GDPR Regulations. Confidential business is not livestreamed and it is not intended that this part of a meeting will be recorded.

4 RECORDING COMMITTEE MEETINGS

- 4.1 It is now proposed that when public business is being considered at any Council committee meeting which is livestreamed, these meetings will be recorded and made available to the public after the meeting through the link to the event livestream. This link will remain live for 180 days after the meeting and will then be automatically deleted. This does not permit any person other than the Council from recording, photographing or filming any committee proceedings.
- 4.2 There is a current project underway to install technology in the Council Chamber which will allow blended meetings to take place. It is therefore intended that once this is available, when Council committees return to physical meetings in the Chamber at Council Headquarters, either fully or in a blended manner, that any members of the public entering the room need to be aware that they may be filmed and those images and sound recordings may be used for webcasting. In this respect, signs will be displayed at the entrance to all Council meetings which are being webcast and recorded to tell attendees that this is happening. There will also be a notice on the agenda for the meeting. At the start of the meeting the Chair will announce whether the meeting is being livestreamed and recorded and the Chair will also have the discretion to terminate or suspend recording if in their opinion allowing recording to continue would prejudice the proceedings of the meeting. Unfortunately, the technology to be able to livestream and record physical/blended committee meetings will only be available in the Chamber at Council Headquarters for the foreseeable future. Therefore any meetings which take place elsewhere will not be livestreamed or recorded unless they take place wholly online.

- 4.3 The Council is a Data Controller under the GDPR and Data Protection Act 2018. Data collected during the livestream will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available for 180 days after the meeting via the Council's website. Anyone participating in an online, blended or physical committee meeting may be filmed and that any information pertaining to an individual contained in the video and oral recording of the meeting will be used for livestreaming and making those records available to the public. In making use of this information the Council will be processing data which is necessary for the performance of a task carried out in the public interest. If anyone - be it Councillor, officer, Community representative or member of the public - speaks at the meeting then that submission to the committee will be captured as part of the livestream and recorded.
- 4.4 Members of the public will need access to devices to enable them to access the Council's website and recordings of meetings. These devices can be smart phones, iPads or other tablets, laptops or pcs. Contact centres and libraries have public pcs available with internet access or access to SBC websites, which members of the public can use to view meetings. Five of the sites (Council HQ, Galashiels, Hawick, Peebles and Eyemouth) also have public wifi supplied via BT Openreach which will allow members of the public free access to the meeting/recording using their own devices.

5 IMPLICATIONS

5.1 Financial

There are no costs attached to any of the recommendations contained in this report. For the recording of physical or blended meetings, there are costs associated with the installation of the technology to allow this to happen and this is accounted for within a separate budget.

5.2 Risk and Mitigations

Should the Council choose not to record committee meetings for viewing after a meeting has ended, there is a risk that the Council decision making process could be seen as non-transparent. With more members of the public now having access to online devices, it will mean that they can view committee meetings at a time convenient to them and in this way will be able to have more of an insight into the work of Elected Members.

5.3 Integrated Impact Assessment

An Integrated Impact Assessment has been completed. It is reasoned that by making recordings of committee meetings available to view after the event, this will have a positive impact as people will be able to view committee meetings at a time convenient to them, assuming they have access to technology to do so, but this technology is also available in Council Contact Centres and Libraries for free use by the public.

5.4 Sustainable Development Goals

It is felt that by recording committee meetings for viewing after the event by the public this will make a difference to UN Sustainable Development Goals No. 5 (Achieve gender equality and empower all women and girls, by ensuring non-discriminatory service provision to citizens and No. 16

(Promote peaceful and inclusive societies, by increasing public access to information).

5.5 **Climate Change**

By recording committee meetings and making these available to view after the meeting has finished, it is hoped that this will mitigate car journeys to attend physical meetings both by those participating in the meeting and by those attending to view proceedings. This should reduce reliance on fossil fuels.

5.6 **Rural Proofing**

Recordings of committee meetings will be available to view by all with access to sufficient IT facilities and for those in most rural areas, dependent on broadband speeds.

5.7 **Data Protection Impact Statement**

A Data Protection Impact Assessment has been completed and is attached to this report.

5.8 **Changes to Scheme of Administration or Scheme of Delegation**

It is proposed that the following addition is added to Standing Orders for Duties of the Chairman –

“16. (k) the discretion to terminate or suspend livestreaming or recording of a committee meeting, either to receive advice from officers, or if in their opinion allowing livestreaming or recording to continue would prejudice the proceedings of the meeting.”

6 **CONSULTATION**

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

Approved by

David Robertson

Director Finance & Corporate Governance

Author(s)

Name	Designation and Contact Number
Jenny Wilkinson	Clerk to the Council, Tel: 01835 825004

Background Papers: None

Previous Minute Reference: None

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

Contact us at Jenny Wilkinson, Council Headquarters, Newtown St Boswells, TD6 0SA.
Tel: 01835 825004 Email: jjwilkinson@scotborders.gov.uk

DATA PROTECTION IMPACT ASSESSMENT TEMPLATE



You should start to fill out the template at the start of any major project involving the use of personal data, or if you are making a significant change to an existing process.

Are you looking to:

- Make an organisational change?
- Make a change in service?
- Gather new information on individuals?
- Make a change to an existing system?
- Introduce a new system?

A DPIA provides assurance that personal data is processed in accordance with the data protection principles. You should complete this form in as much detail as possible. The final outcomes should be integrated back into your project plan. Please read along aside the [DPIA Template Guide](#).

If you would like some support, please contact the Information Management Team: dataprotection@scotborders.gov.uk

Department/Service/Team	Finance & Corporate Governance (Democratic Services)
Operational Information Asset Owner	Jenny Wilkinson
DPIA Author	Jenna Waldie

Version	Date	Author	Change
0.1	16 November 2021	Jenna Waldie	Initial draft based on meeting with Jon Laws, Shelagh Turnbull and Karen Farquhar
0.2	23 November 2021	Jenna Waldie	Changes to draft
0.3	24 November 2021	Jenna Waldie	Changes based on meeting with Shelagh Turnbull and Karen Farquhar
0.4	27 November 2021	Jenna Waldie	Changes based on information from Jon
0.5	6 December 2021	Jenna Waldie	Changes based on information from Alistair Langston and Marc Caulfield
1.0	7 December 2021	Jenna Waldie	Final draft circulated for discussion

Identifying the need for a DPIA

1.1 Please describe what are you trying to do, why and what the benefits are?

Background

At Scottish Borders Council we are committed to being as open and as transparent as possible. The Council is proposing to webcast meetings which would give members of the public the opportunity to watch live Council (meetings involving elected members) and committee meetings, as well as view an archive of previous meetings. The platform being explored to stream meetings is Live Events streamed through Teams. Anyone can access a published meeting on modern.gov.uk to watch a meeting back on demand.

In some instances, members of the public and guest speakers have the option to attend a meeting rather than only viewing the live meeting. For example, journalist. This risk will be addressed in this assessment.

Why are we doing this?

This is a new way of working as a result of the pandemic to continue democratic and Council process. This new way ensures the public are still involved. In response to continuing public health concerns around the pandemic, the Council initially agreed on 30 July 2020 that online meetings would be available to view via a livestream. From 10 August 2020, the public part of Council and all committee meetings have been livestreamed at the time of the meeting. However, no recording of the meeting is currently made and is not therefore available to view after the meeting has finished. In order to promote engagement with the community, officers have been looking at the means to be able to record meetings and make these available to the public after the event, in compliance with relevant legislation such as UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018 and the Human Rights Act 1998. Matters considered Official-Sensitive is not livestreamed and it is not intended that this part of a meeting will be recorded. Official-Sensitive is information regarding the business of the council or of an individual which is considered to be sensitive. This risk will be addressed in this assessment.

It is now proposed that the Council continues to livestream its online committee meetings when public business is being considered, but that these meetings are now recorded and made available to the public after the meeting through the link to the event livestream.

Meetings are generally held monthly however this differs for each meeting. Example of meetings include Full Council; Executive; Audit and Scrutiny Committee; Planning and Building Standards Committee; Licensing Committee; Area Partnership; and Common Good.

What are the benefits?

- Creates awareness and adds value;
- Attracts a wider audience;
- Easy and immediate online access using smart phones, iPads or other tablets, laptops or computers;
- No login required;
- No download time;
- Reduce number of information requests;
- Contact centres and libraries have public pcs available with internet access or access to Council websites, which members of the public can use to view meetings;
- Openness and transparency;
- For some meetings e.g. area partnerships it offers member of public to engage in live question and answer session;
- Opportunity for officers to revisit council meetings;
- Anyone can watch after the event (although a time limit applies to modern.gov.uk);

- Reduced carbon impact due to reduced need to travel;
- Observers can consume a part of the meeting without any disruption to the meeting; and
- Council owns the copyright in the webcast.

What are the disadvantages?

- Relies upon members of the public to have an internet connection and equipment;
- May need to download Microsoft Teams app if using Android or Apple;
- Internet connections, software and equipment aren't 100% reliable, they can all malfunction or fail;
- Will utilise any download allowance, bandwidth required for max 1080p resolution is 3Mbps;
- Members of the public may be unsure or unaware of how to watch the meeting due to lack of technical knowledge; and
- Understanding consequences of information being placed in public domain.

Future planning

It is further intended that when Council committees return to physical meeting rooms at Council Headquarters, either fully or in a blended manner, that any members of the public entering these rooms need to be aware that they may be filmed and those images and sound recordings may be used for webcasting. In this respect, signs will be displayed at the entrance to all Council meetings which are being webcast and recorded to tell attendees that this is happening. There will also be a notice on the agenda for the meeting. At the start of the meeting the Chair will announce whether the meeting is being livestreamed and recorded and the Chair will also have the discretion to terminate or suspend recording if in their opinion allowing recording to continue would prejudice the proceedings of the meeting. Unfortunately, the technology to be able to livestream and record physical/blended committee meetings will only be available at Council Headquarters for the foreseeable future. Therefore any meetings which take place elsewhere will not be livestreamed or recorded unless they take place wholly online.

The DPIA will be reviewed by the Information Asset Owner prior to making any change or if there is a change to any of the risk scoring to ensure compliance with all data protection principles and individuals rights.

1.2 Does the processing involve automated decision making, profiling or tracking?

This processing does not involve automated decision making, profiling or tracking.

Consultation

2.1 Please advise which stakeholders have been consulted while developing or reviewing the process?

Jenny Wilkinson
 Nuala McKinlay
 Shelagh Turnbull
 Karen Farquhar
 Jon Laws

Jenna Waldie
Marc Caulfield (CGI)
Alistair Langston

Elected Members will be consulted on 16 December after data protection impact assessment has been undertaken. Outcome of meeting will be reflected in this assessment.

Data Protection Principles

This section asks you to indicate how the processing will comply with each of the principles of data protection. Where you can, please provide evidence of what you have in place to achieve this, or clearly state what work is underway where you know there are gaps. You can provide links or attach any relevant documents.

PRINCIPLE 1: Fair, lawful and carried out in a transparent manner

- We obtain personal data from individuals in a manner that does not deceive or mislead as to the purposes of its collection
- We ensure that we provide a privacy notice that sets out who we are, why we need the information, what we will use it and how long we will keep it
- We ensure that personal data are processed with fairness and in compliance with all applicable legal provisions
- We ensure that the processing meets a lawful condition set out in Article 6 of the UK GDPR 2016
- We ensure that any processing of special category personal data meets a lawful condition set out in Article 9 of the UK GDPR 2016

3.1 Please state what is the lawful basis being relied on for this processing?

1. The individual has given their consent
2. In the performance of a contract
3. To meet a legal obligation
4. To protect the vital interests of individuals
5. In the performance of a task carried out in the public interest

Note: Consent of participants has been considered and this is not the most appropriate lawful basis. Relying on consent to record and publishing meetings is unmanageable. When relying on consent as a lawful basis to process personal data individuals have full control over how their information is used. The lawful basis will be kept under review and take into account any data protection concerns raised. Participants will be notified of processing prior to event and Chair will give option to turn camera off.

3.2 If relying on legal obligation or task in the public interest, please state the legislation that places an obligation, duty or empowers us to undertake the processing?

Section 50A of the Local Government (Scotland) Act 1973 governs admission to meetings of local authorities.

3.3 If the processing includes special category data, please state the condition under the UK GDPR?

1. The individual has given their explicit consent
2. Compliance with employment, social security and social protection law
3. Vital interests
4. Substantial public interest
5. Provision of health and social care
6. Occupational pensions
7. Not applicable

Note: Special category personal data will not be processed. However, it is recognised that religion for example, could be captured in a meeting.

3.4 if yes to the above and the processing involves criminal data or the processing is relying on 'substantial public interest' condition, please state the condition under the Data Protection Act 2018

1. Statutory and government purposes
2. Counselling
3. Equality of opportunity or treatment
4. Safeguarding of children and of individuals at risk
5. Preventing or detecting unlawful acts
6. Protecting the public against dishonesty
7. Safeguarding of economic well-being of individuals
8. Regulatory requirements relating to unlawful acts and dishonesty
9. Political parties
10. Preventing Fraud
11. Disclosure to elected representatives
12. Support for individuals with a particular disability or medical condition
13. Not applicable

3.5 What information is being provided to individuals through a privacy notice, how will it be distributed and in what format?

A privacy notice will need to be created and in place prior to recording and publishing meetings. Staff and members of the public can request a copy.

Engagement report functionality can be turned off by the meeting organiser. It is on by default, but can be ticked off. Information Asset Owner to determine if the engagement report is necessary.

Attendee engagement report

A notice will be clearly placed on agendas which will be circulated prior to meeting. The Chair will announce whether the meeting is being livestreamed and recorded and by participating in the meeting, attendees understand this is part of the Council's public task. Participants are entitled to turn off video capability and raise any concerns with the Chair prior to the meeting taking place.

PRINCIPLE 2: Carried out for specified, explicit and legitimate purposes

- We record and document the purpose of the processing
- We ensure that the personal data is not used for another propose that is not compatible with the original purpose it was collected for
- We do not use personal data for another purpose without informing people in the first instance

4.1 Please state if you are changing the way personal data is being processed for an existing purpose or are you collecting data for a new purpose?

Scottish Borders Council is changing the way personal data is being processing for an existing purpose. The proposal is to publish live stream (audio, video and transcription) Council and committee meetings online. This is new processing as these meetings are not currently recorded. Meetings generally focus on Council matters. Meetings and recordings will not discuss matters that could result in the identification of a living individual. This risk will be addressed in this assessment.

4.2 Please state if the data may be used for another purpose in the future?

Scottish Borders Council will not use the data for another purpose in the future. This DPIA will be revisited if the council intends to use personal data for a new purpose to ensure it is compatible with the original purpose for processing.

PRINCIPLE 3: Is adequate, relevant and limited to what is necessary

- We only collect, use and store information that is relevant and necessary
- We ensure that personal data is only accessed by and/or shared with parties that need to fulfil the purpose
- We regularly review the data held, and delete anything not needed

5.1 Please state the categories of individuals whose personal data will be processed.

Employees

Elected Members

Participants such as members of the public e.g. journalist and guest speakers of other organisations e.g. Scottish Government, CoSLA, SOSE, Architects and NHS Borders

5.2 Please list the categories of personal data which will be processed and state why each is necessary and relevant.

Audio

Video

Transcription – Live event attendees can view live captions and subtitles in up to six languages in addition to the language being spoken. Event organisers can select the languages from a list of over 50.

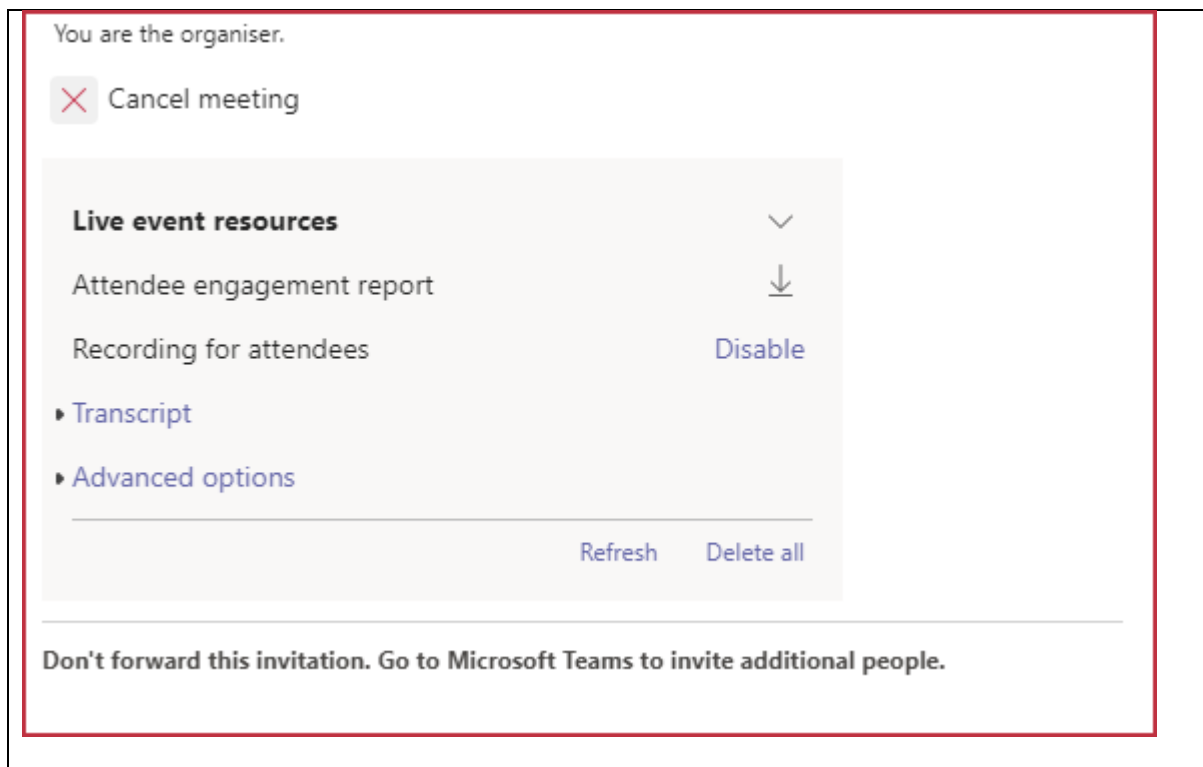
Personal image (incl. characteristics, age, ethnicity, gender, religion, disability) and voice of participant or person(s) in the field of view of a participant's camera or audible reach of their microphone.

People/objects in the field of view (blur or image backgrounds can reduce risks of capturing other persons or objects). Organiser, and/or recorder, of meeting to advise of switching on background when using a Teams app before any recording commences. If the participant is using a web browser version they should be mindful of people/objects/location that could be captured. All participants should make others (within their vicinity) that there will be recording. If not speaking in a meeting, the protocol should be that participants should mute their microphone.

No personal data and commercially sensitive data captured during live meeting. If the public business has ended, the meeting group moves into private and public meeting ends.

No IP address is captured.

Engagement report – name would show from member of public or guest if they have entered this information. For example, John Smith joined meeting on 16 November 2021 13:21 and left meeting at 14:30 and re-joined on. Users are given a code on the engagement report i.e. 7748466d-94ff-4f8e-9206-b02538032f08 is using an iPad. This information has been compared and the code differs for each meeting. This is not personal data. Email address also pulls through on the engagement report for participants e.g. JohnSmith@bbc.co.uk or JohnSmith@scotborders.gov.uk if they aren't connecting to the Teams Live Event as a guest or anonymous observer.



5.3 Please describe how the personal data will be collected.

Participants – meeting link (which may include external participants)

If participants are logged in to a 365 account, their email address and full name are recorded in the engagement report.

Viewers – live link (not joining physical meeting)

- Viewers use the live link that is published on the website for the meeting to access;
- Teams app opens on their chosen device;
- Viewers have the option to log in using their name and email address, if they have previously signed up to Teams or 365, or sign in as a guest where they can enter a name that they choose e.g. Mickey Mouse – verification is not required;
- If they log in with an established Teams or 365 account using name and email address this information is captured on the engagement report which can be downloaded by two officers (at present); and
- Audio and footage captured is not possible for viewers.

The engagement report can be downloaded through Teams by the organiser and or producer.

In some instances, staff ask who viewed their live event. Organiser and producer will be mindful that the engagement report may contain personal data e.g. email address and will consider data protection principles before sharing (verbally and electronically).

PRINCIPLE 4: Personal data must be accurate, and where necessary, kept up to date

- We ensure that there are appropriate processes in place to check the accuracy of the data collected, and record the source of that data.
- We have a process in place to identify for updating the data to properly fulfil the purpose(s), and update it as necessary.
- We keep a record of any mistakes and clearly identify it as a mistake.
- Record clearly identify any matters of opinion, and where appropriate whose opinion it is and any relevant changes to the underlying facts.
- We ensure that we can comply with the individual's right to rectification and carefully consider any challenges to the accuracy of the personal data.
- We keep a note of any challenges to the accuracy of the personal data.

6.1 Please describe how the accuracy of personal data will monitored and maintained.

Audio and video is accurate 'as live' recording (which is subject to quality of participants camera/microphone/network quality).

Transcription is developing and improving speech to text recognition technology - transcription is not and will never be 100% accurate, there is always room for error. The quality of transcript varies depending on accents etc.

6.2 Please describe how any challenge to the relevance or accuracy of the personal data be managed.

If any member of staff receives any challenge or if any member of staff has a concerns this will be considered, discussed with Information Asset Owner, relevant Management and Information Management Team where required, and amended accordingly. Data protection concerns will be sent to dataprotection@scotborders.gov.uk and handled in line with the Information Commissioner's Office (ICO) process.

It is accepted that challenges may be received on meeting content. There is not an obligation to change records that the Council considers to be correct, but which the data subject (or their representative) disagrees. Although there is not a requirement to correct the record in these circumstances, it will normally be good practice for the relevant service to record the fact that they are disputed and why.

Any complaints, not relating to data protection (including data protection principles and individual rights), will be handled in line with Scottish Borders Council's complaints process.

PRINCIPLE 5: Personal data shall not be kept for longer than is necessary

- We ensure that personal data is not kept for longer than needed.
- We ensure that we are able to justify how long personal data will be kept for.
- We regularly review the data, and erase or anonymise it when no longer needed.
- We carefully consider any challenges to the retention of data to comply with Individuals' right to have the data deleted if it is no longer needed.

7.1 Please state the retention period that will be applied to the processing. We follow retention guidelines issued by the Scottish Council on Archives referred to as [SCARRS](#).

Published recording automatically remains for 180 days. This is the default. This includes backed up data. If the service required it, there is the option to download and store elsewhere. Download option for members of the public will be marked as disabled.

It is unknown how long the engagement report stored in Team calendar on the live event entry remains for.

7.2 Please describe what the process will be for deleting all or parts of the data.

Teams is a cloud hosted solution therefore there is no guarantee information is permanently deleted. This risk will be addressed in this

Recordings are automatically deleted after 180 days.

However, if recordings stored elsewhere e.g. SharePoint this will trigger a different process and manual process. Recordings should not as practice be stored elsewhere.

PRINCIPLE 6: Personal data will be protected against unauthorised or unlawful processing and against accidental loss, destruction, or damage, using appropriate technical and organisational measures

- We carry out an analysis of the risks presented by the processing, and use this to assess the appropriate level of security that is needed to be put in place.
- We take into account the state of the art and costs of implementation when deciding what measures to implement.
- We ensure that the Council's Information Security Policy is followed.
- Where necessary, we create additional policies and ensure that controls are in place to enforce them.
- We regularly review measures and, where necessary, improve them.
- We put in place basic technical controls such as those specified by established frameworks like Cyber Essentials.
- We put other technical measures in place if needed, depending on the circumstances and the type of personal data being processed.
- We use encryption and/or pseudonymisation where it is appropriate to do so.
- We understand the requirements of confidentiality, integrity and availability for the personal data being processed.
- We ensure that access to the personal data can be restored in the event of any incidents, such as by establishing an appropriate backup process.
- We conduct regular testing and reviews of the measures put in place to ensure they remain effective, and act on the results of those tests where they highlight areas for improvement.
- Where appropriate, we implement measures that adhere to an approved code of conduct or certification mechanism.
- We ensure that any data processor used also implements appropriate technical and organisational measures.

8.1 Please state what organisational controls will be put in place to support the process and protect the data.

- Council staff required to complete Information Management (yearly), GDPR and Cyber Security training on SB Learn.
- At the start of the meeting the Chair will announce whether the meeting is being livestreamed and recorded.
- There are two layers of controls which can manage what is being broadcast. There are controls accessible by the Live Event producers but there are also controls within the core Team meeting. The organiser and the presenters in the Team meeting have a range of controls over all other participants.
- The Chair or other officer can ask for an adjournment to terminate or suspend livestreaming and recording, either to receive advice from officers, or if in their opinion allowing livestreaming or recording to continue would prejudice the proceedings of the meeting.

Circumstances that could lead to suspension or termination of webcasting include public disturbance or other suspension of the meeting or the potential infringement of the rights of any individual. If the meeting is to be 'ended' or 'adjourned' this should be instructed clearly and the Democratic Services Officer (DSO) will advise whoever is doing the live streaming. No-one else should give this instruction.

- Chairperson responsible for moving meeting from public to private and ensuring members of the public and guest speakers in attendance are not present if they do not need to be for their role. The meeting will ensure the live feed has ended before carrying on. Relevant member of staff will ensure everyone has left. If they have not, the organiser has the ability to remove participants.
- Agenda items, minutes and supporting documentation will not include Official-Sensitive information.
- Digital door – external participants wait in the lobby and can only be admitted by a DSO to the Teams meeting.
- Ability to mute and turn off participant's camera if required.
- Organiser has the ability to delete the live event, as well as disabling.
- Relevant officers participate in a Teams chat when a meeting is live to discuss concerns etc.
- Guidance and training is required for staff to ensure they understand what information can and cannot be livestreamed and ensure how they know how to present e.g. not share Outlook inadvertently. Information that is Official-Sensitive (personal data, commercially sensitive data etc.) should not be placed in the public domain. If this happens, and the recording cannot be edited, this cannot remain published.

8.2 Who will have access and how will this be managed?

Only the person (producers) in the live event area would have access to the engagement report - no-one else would be able to do anything here. At present, the number of staff with access is two, but this is subject to change.

When the meeting is published anyone will have access.

New live event

How will you produce your live event?

Teams

You plan to use Teams to share content from presenters' webcams and screens.

An external app or device

You plan to use another tool to share content. [Learn more](#)

Event options

Recording available to producers and presenters

Recording available to attendees ⓘ

Captions

Spoken language English (United States) ▾

Translate to Choose up to 6 languages ▾

Attendee engagement report

Q&A

Support

Give attendees access to support info for your organisation.

URL

<https://support.office.com/home/contact>

8.3 Please describe the technical measures that will be put in place to support the processing and protect the data (If CGI are involved, please provide a copy of their security assessment).

CGI has not undertaken an SIA for this processing.

Teams works in partnership with SharePoint, OneNote and Exchange. As far as SBC is concerned Data for each is stored as follows:

Service	Data at Rest
 Exchange	European Union
 SharePoint	United Kingdom
 Skype for Business	European Union
 Microsoft Teams	European Union

Teams enforces single sign-on through Active Directory, and encryption of data in transit and at rest. Files are stored in SharePoint and are backed by SharePoint encryption. Notes are stored in OneNote and are backed by OneNote encryption. The OneNote data is stored in the team SharePoint site.

8.4 Does the processing involve a data processor? If so, please confirm that legal has reviewed and agreed the contract. Please include what countries the data processor stores (including back-ups) personal data. If the data processors relies on sub-processors to process personal data, please include what countries they transfer personal data to and what measures they have in place to share.

****Important: if personal data is transferred outside of the United Kingdom, and in particular to the United States of America please contact the [Information Management Team](#).****

Azure Media Services (AMS) from Microsoft, part of the 365 contract with Insight.

8.5 Will the information be shared with any other organisation? If so, please confirm that there is a data sharing agreement and include a copy/link with this DPIA.

The information will not be shared with any other organisation.

PRINCIPLE 7: Accountability

- We document our processing activities in writing and as part of these records we document:
 - information required for privacy notices;
 - records of consent;
 - controller-processor contracts;
 - the location of personal data;
 - Data Protection Impact Assessment reports; and
 - records of personal data breaches.

9.1 Please confirm that the Information Asset Register has been updated to include details of this this processing activity.

Who is the IAO?

Identify and assess risks

Identify measures to reduce risk

Describe source of risk and nature of potential impact on individuals. Include associated compliance and corporate risks as necessary.	Likelihood of harm <i>Remote, possible or probable</i>	Severity of harm <i>Minimal significant or severe</i>	Overall risk <i>Low, medium or high</i>	Options to reduce or eliminate risk Identify additional measures you could take to reduce or eliminate risks identified as medium or high risk	Effect on risk <i>Eliminated reduced accepted</i>	Residual risk <i>Low medium high</i>	Measure approved <i>Yes/no</i>
Risk that members of public and or guest speakers have left the meeting before moving onto private matters.	Remote	Minimal	Low	There is a formal move into private. The Chair has to do a motion to end live and the DSO checks relevant officers remain. Verbal confirmation is needed. Assurance check may be carried out by other officers – Skype chat	Reduced	Medium	
Risk that Official-Sensitive information is live-streamed and published. Official-Sensitive is information regarding the business of the council or of an individual which is considered to be sensitive.	Possible	Significant	Medium	There is guidance on the intranet under Information Management on what is considered Official-Sensitive. Specific guidance will also be created to reduce the risk of personal data or commercially sensitive information being placed into the public domain.	Reduced	Medium	
Risk that staff with permission to remove content from the public domain is off work.	Possible	Minimal	Medium	Only the Live Event organiser can enable or disable the accessibility of a Live Event recording. As soon as it is known that a Live Event broadcast has exceeded an unsuitable for viewing threshold, the organiser can, under Manage Resources section of the Live Event in their Teams calendar, select disable	Accepted?		

				for the availability of the recording for attendees. This can be done during the broadcast of the Live event. The two Live Event producers are active during all Live Event broadcasts. The risk is only apparent if this determination of content being unsuitable for viewing is reached on a day after the event when the Live Event organiser is unavailable.			
Risk that too much personal data is processed e.g. people/objects in the field of view	Possible	Minimal	Low	Participants should blur or apply image backgrounds to reduce risks of capturing other persons or objects. Advising participants to have a bland background will reduce the risk of collecting information about their location and ensuring that is no personal data or special category personal data visible during the meeting. Organiser, and/or recorder, of meeting to advise of switching on background before any recording commences to ensure for example, children and or vulnerable people are not captured. All participants should make others (within their vicinity) aware that there will be recording. If not speaking in a meeting, the protocol should be that participants should mute their microphone.			

Risk that participants are not informed how their personal data will be processed via privacy notice.				Privacy notice is needed depending on outcome of engagement report.			
Potential duplicate recordings being stored				Council that it can't be saved anywhere else – council meetings? Can this functionality be removed/turned off?			
Risk that recordings are not permanently deleted in line with retention period and risk that recordings saved elsewhere are kept for longer than is necessary.				^^ Only the producers or meeting organiser can download an AV file of a recorded Live Event.			
Risk that the data controller/processor relationships are not sufficiently clear							
Inappropriate access for staff (staff not having correct access rights, not having access removed or granted in line with role changes)				2 members of staff at present			

Personal data is kept for longer than necessary				Teams is a cloud hosted solution. This means that the council is unable to guarantee information is permanently destroyed when deleted.			
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Individual Rights

Data protection legislation provides individuals with certain rights over the processing of their personal data. The Information Management Team co-ordinates these requests, however it is important that processes are designed to support these rights.

Right to:	Control	Yes	No	N/A
Be informed	A privacy notice will contain the prescribed information and will be easily available.	X		
Access personal data	There will be procedures put in place to facilitate subject access requests in accordance with Council policy.	X		
Rectification	There will be a procedure put in place to ensure inaccurate data is rectified or enable a note to record any challenges.	X		
Erasure	There will be a procedure for fully considering and responding to these requests. Retention will be consistently applied to the data.			X
Restrict processing	There will be a procedure for dealing with requests to restrict data.	X		
Data portability	There will be a procedure put in place to transfer data upon request.			X
Object	There will be a procedure in place to ensure that objections to processing are properly considered and dealt with according to Council policy.	X		

3. Submission

Once completed, this DPIA should be sent to dataprotection@scotborders.gov.uk for the Information Management and Legal teams to review and provide feedback on behalf of the Data Protection Officer.

You will receive a report within two weeks, which will provide an assessment of the level of compliance with data protection based on the information provided in the DPIA. It may also contain recommendations on ways to improve that level of compliance, especially if what is proposed presents significant risks to the Council. If recommendations are made, you will need to provide confirmation that these have been addressed or actioned, or if not being undertaken, you will to provide the rationale for not auctioning. Once agreed with legal and IMT, the DPIA should then to be approved by the information Asset Owner (service operational lead).

It should be noted that this DPIA should be periodically reviewed and updated to reflect any changes or if any new risks are identified.

Approval

Item	Name/date	Notes
Measures approved by:		Integrate actions back into project plan, with date and responsibility for completion.
Residual risks approved by:		If accepting any residual high risk, the DPO must consult the ICO before going ahead.
IMT/Legal advice accepted or overruled by:		If overruled, you must explain your reasons.
Comments:		
This DPIA will kept under review by:		IMT should also review ongoing compliance with DPIA.

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Employee Volunteering Report

Report by Director People Performance and Change

Scottish Borders Council

31 March 2022

1 PURPOSE AND SUMMARY

- 1.1 This report considers a proposal for Scottish Borders Council to include Employee Volunteering as part of the Employee Special Leave Policy. The proposal has been developed to encourage and assist employees to volunteer locally and to support the Council in engaging with the local community.
- 1.2 Providing employees up to two paid days per year to volunteer (pro rata for part time employees) is a positive mechanism to support community engagement. It could improve employee morale and should help increase employee engagement. Importantly, it will benefit the local community by providing support, whilst also allowing the development of increased skills and resources.

2 RECOMMENDATIONS

2.1 It is recommended that the Council:

Approve the Employee Volunteering Policy being incorporated into the current Special Leave Policy for immediate implementation.

3 BACKGROUND

- 3.1 As part of the Council's community planning responsibilities, the Community Planning Partnership works in full partnership with local communities to identify and resolve local inequalities and priority issues. This brings local people together with Elected Members and Community Planning partners to work on a common programme of solutions for local issues.
- 3.2 Throughout the Pandemic employees have been flexible and committed to ensuring essential services continued to be provided. Many employees have volunteered to carry out different roles as well as many volunteering within their local communities throughout the last 24 months.
- 3.3 To further develop this, we have been looking at how we build on the positive work that has taken place over the last two years. One option has been to develop a volunteering scheme, where the employees can give up to 2 days of their working time per year to do voluntary work with the aim of improving local outcomes.
- 3.4 To progress this within the Council, consideration has been given to including Employee Volunteering within the current Special Leave Policy. This is considered to be a good vehicle to both assist in building relationships within the local community, and to allow employees to support a charity/service that may be of interest/important to them. This type of policy has been adopted by other Councils e.g.: West Lothian and North Ayrshire and a few others, with whom benchmarking has been undertaken.
- 3.5 Providing employees up to two paid days per year to volunteer (pro rata for part time employees) is a positive mechanism to support the Community Planning Partnership's work. It could improve employee morale and should help increase employee engagement. Importantly, it will benefit the local community by providing support, whilst also allowing the development of increased skills and resources.

4 Considerations

- 4.1 The proposal within the policy attached as appendix 1, is to provide employees with the option to take up to 2 days' paid leave per year on which they will volunteer for a local initiative which supports communities within the Scottish Borders. Allowing an employee time off will impact on their immediate team. This however, needs to be balanced with the positive impact of the voluntary time spent

with the local charity/service and the benefits to the local community. Backfill will not always be required and will be dependent on the employee's post.

- 4.2 The introduction of the policy change will not create any additional administration in the longer term. It will simply be another category of leave that employees can request via Business World to be approved. Initially the creation of a new leave category on the system will be required. In seeking the leave for volunteering, the employee will be required to name the organisation for whom they will be providing voluntary work. This should provide a future indication of the organisations that have benefited from this policy.
- 4.3 At a time when we are reducing budgets and considering how we modernise our workforce package, this is a positive step for employees, which also benefits our local communities. Consideration does however, need to be given to the possible negative public perception of giving employees paid time off to undertake volunteering work.

5 IMPLICATIONS

5.1 Financial

There will be a cost to the Council as we are offering up to two day's paid leave per year per full time employee. However, it is acknowledged that not all employees will utilise this policy and by allowing those who do wish to volunteer, the time off should be of benefit to the local community. It should also support the further development of community engagement.

- 5.2 There may be some costs associated with backfill, however not all posts will require backfill. In some teams, a day off will not be back filled and will reduce productivity. The positive impact however, on morale and on the overall workforce package needs to be considered in this context; as do the community benefits.

- 5.3 As with any leave request, managers will need to consider any resource Issues prior to approving a volunteering request.

5.4 Risk and Mitigations

There are no legal issues arising from this policy amendment.

There may be a negative public perception about giving employees paid time off to volunteer, at a time when the Council is consulting on budget cuts. This could be mitigated by careful promotion of the policy and publicising good news stories of employees that have volunteered.

5.5 Integrated Impact Assessment

There are no equality or Fairer Scotland duty implications and an Integrated Impact Assessment is not required. .

5.6 Sustainable Development Goals

There is no impact/ difference to any of the UN Sustainable Development Goals.

5.7 Climate Change

There are no Climate Change implications to the proposals in this report.

5.8 Rural Proofing

There are no Rural Proofing implications to the proposals in this report.

5.9 Data Protection Impact Statement

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

5.10 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.

Approved by

Name Clair Hepburn

Title Director People Performance and Change

Signature

Author(s)

Name	Designation and Contact Number
Clair Hepburn	Director People Performance and Change

Background Papers: Nil

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. Clair Hepburn can also give information on other language translations as well as providing additional copies.

Contact us at chepburn@scotborders.gov.uk

SCOTTISH BORDERS COUNCIL

STAFF VOLUNTEERING GUIDANCE For inclusion in the special leave policy

Scottish Borders Council recognises the valuable input charities and organisations get from their volunteers as well as the personal rewards it brings those who volunteer.

Volunteering has huge benefits both for you and for the community. Volunteering can:

- Help you be part of the community
- Help you learn new skills and experiences
- Help you gain confidence and provides an opportunity to try something new
- Have a real and valuable impact on people, communities and society in general
- Give opportunities for you to meet different types of people
- Improve your morale, physical health and work-life balance
- Be fun!

Who can get involved?

Employees who have a permanent or temporary post can apply for up to 2 days per calendar year to volunteer. Managers can take into account attendance records in the previous year – an acceptable level of attendance is required before your volunteering time off will be agreed. Managers can also consider contract duration for temporary contracts – usually 12 months or longer would be required to obtain the full entitlement, although managers can be flexible depending on the circumstances.

What organisations / projects can I support?

You can support any charity or Scottish Borders Council Service that operates within the Scottish Borders area. For example, care homes, day centres, schools, animal rescue centres, Samaritans or any other locally focussed activity.

Any activities which cannot be shown to be of benefit to the local community, such as organisations who look to make profit or volunteering to support a friend or family member, will not qualify under this scheme.

You should not participate in any activities that could be in conflict to your SBC role or one which may impact on your health and wellbeing.

Time Off

Once authorised, employees will be granted paid time off to attend volunteering activity up to 2 days per calendar year (pro rata- for part time staff).

Expenses/Equipment

Other than paid time off to attend the volunteering activity, no additional expenses will be paid. You should discuss this with the organisation that you are volunteering with as they may offer to pay reasonable expenses relating to travel or equipment.

Health & Safety

It is your responsibility to ensure you are meeting all health and safety standards, no matter the type of volunteering activity you choose to do. You should ensure that the organisation that you are volunteering with has sufficient insurance cover for the role that you undertake

Employee requests to undertake volunteering

If you wish to take part in volunteering, you should discuss with your line manager to seek approval.

If the request is approved, you must then record the date as leave within Business world using the Absence task available under Your Employment and selecting VOLUNTEER as the Absence Code. (Please see guidance note on recording planned absences in Business World if you are unsure).

If you do not have access to Business World you should request time off in the usual way.

Approval of time off will be subject to the needs of the Service. SBC will support as many requests as possible however there may be times that this cannot be accommodated for example -

- Has a negative impact on the business and service needs
- Work within the service cannot be re-arranged to accommodate the employees varied hours
- The cost of cover would be too great

Only 2 applications per year should be submitted for up to the maximum of 2 days per year for a full time employee (pro-rata for part time).

Refused volunteering

Where a request is declined, your manager will advise you of the reason.

Receiving a refusal does not prevent you from requesting time off to volunteer in the future.

Review and raising awareness

In advance of and after any volunteering work, employees are encouraged to raise awareness using Yammer. Where appropriate, photos of volunteering activities can be shared. Employees should also be encouraged to share information about their volunteering experience at their team meeting.

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Employee Recognition in relation to the COVID 19 pandemic

Report by Director People Performance and Change

Scottish Borders Council

31 March 2022

1 PURPOSE AND SUMMARY

- 1.1 This report proposes that Scottish Borders Council considers making a tangible gesture that recognises and shows appreciation for the ongoing response and contribution of its employees to the COVID-19 pandemic.**
- 1.2 Options for providing employees with a demonstrable token of recognition are limited by cost and the difficulty in implementing without disruption to the business. As a consequence, it is felt the second option detailed in Section 4 will be perceived as having value to employees, whilst at the same time having a low actual cost and disruption to the business. Any working time lost is likely to be mitigated through increased goodwill, and the feeling of being recognised and valued for the work done. In addition within schools the proposal would involve converting an existing in-service day within each locality.
- 1.3 The granting of an additional day's wellbeing leave is regarded as having a high value to employees, whilst at the same time is relatively low in terms of direct costs. It is also a way of 'giving back' to the family of staff who may also have had to make sacrifices during this time.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Council agrees to granting all Council employees a wellbeing day off during 2022 as recognition of their exceptional response to the COVID-19 pandemic, with a financial adjustment for staff for whom this is not a practical option.**

3 BACKGROUND

- 3.1 The COVID-19 pandemic has impacted on Council Services' ability to serve the communities since March 2020. Throughout this difficult period employees have continually been flexible and committed to ensuring essential services continued to be provided.
- 3.2 The issue of additional COVID-19 payments to some staff groups has been both controversial and divisive. The Council has been at pains to emphasise the contributions of all its employees, choosing not to make an artificial distinction between 'frontline' and 'other', and instead choosing a 'One Council' approach. In addition, at a time when services are increasingly under financial pressure, and with very considerable uncertainty about the medium term financial outlook, recognition that has a direct financial cost to the Council, such as a payment or a gift, may be viewed negatively by some, including the public.
- 3.3 The sustained extent of the pandemic has had an impact on the wellbeing and resilience of employees across the Council. In recognition of that, the award of a one off additional day's wellbeing leave would enable individuals to take the day at an appropriate time during 2022 to meet their own personal wellbeing needs without disruption to service provision.

4 Options Considered

- 4.1 A wide range of options were considered and are contained in Appendix 1 of the report. The following two options emerged as the most realistic and having consulted the senior leadership team on these options the award of an additional wellbeing day was considered the most appropriate.

Option 1

- 4.2 The first is to do nothing. This may result in an adverse reaction from employees and Trades Unions, particularly given the significant efforts of Council employees throughout the COVID-19 pandemic.

Option 2

- 4.3 Grant a one-off additional wellbeing day's leave for staff in 2022.- This would apply to staff who have contracted hours and were employed for a period of three months or more on 31 December 2021.
- 4.4 Legislation ensures that part-time employees are not treated less favourably than their full time colleagues and as such would be entitled to this extra wellbeing leave on a pro-rata basis.

- 4.5 The Director of Education & Lifelong Learning would need to convert an in-service day in each locality to facilitate a wellbeing day for Teachers.
- 4.6 There are some staff groups within schools who work term time and are not part of the in- service day programme. It is proposed managers would have discretion to make a payment in lieu of the wellbeing day if it would not be possible to award it without disruption to the service.

5 IMPLICATIONS

5.1 Financial

(a) There are no financial implications to option 1. Financial implications of granting an additional wellbeing leave day to all staff notionally equates to £ 305,269.

(b) The cost is notionally based on lost productivity for all staff on the assumption that they will all be taking a day off where they have been required to work. For some services there will be further additional costs for casual/relief staff who are required to provide cover for the staff member.

5.2 Risk and Mitigations

If no action is taken to recognise the sustained effort of employees there is a risk of an adverse reaction from employees and Trades Unions.

5.3 Integrated Impact Assessment

Given the options are either a continuation of the current position or an additional wellbeing day's leave, there are no equality or Fairer Scotland duty implications and an Integrated Impact Assessment is not required. .

5.4 Sustainable Development Goals

There is no impact/ difference to any of the UN Sustainable Development Goals.

5.5 Climate Change

There are no Climate Change implications to the proposals in this report.

5.6 Rural Proofing

There are no Rural Proofing implications to the proposals in 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.

Approved by

Name Clair Hepburn
Title Director People Performance and Change

Signature

Author(s)

Name	Designation and Contact Number
Clair Hepburn	Director People Performance and Change

Background Papers: Nil
Previous Minute Reference: N/A

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Contact us at chepburn@scotborders.gov.uk

Appendix 1

1

The initial proposals were to explore:

- A day's annual leave
- A bench for each major town
- An event that staff can attend
- A pass for local attractions like Abbotsford, Tapestry etc.
- A donation to Borders in bloom
- Creation of a small garden to celebrate staff contribution
- A thank you card

Whilst working through these proposals, some further suggestions have also been identified:

- Local restaurant voucher
- Employee bonus

2 OPTIONS FOR STAFF RECOGNITION

2.1 The estimated cost of all the options detailed below are available under section 5.1 of this report. The following options have been considered.

Option 1 – Take no further action

2.2 The first option is to do nothing further than the standard “thank you” messages that have been regularly sent to colleagues. This may result in an adverse reaction from employees, particularly given the significant efforts of Council employees throughout the Covid 19 pandemic.

Option 2 – Additional day's annual leave

2.3 Grant a one-off additional day's leave. This option would be in addition to the recently approved additional day for the Queen's Platinum Jubilee in June 2022.

2.4 As this would be an additional annual leave day and not a fixed or public holiday, there would be no enhancements payable for working on that day.

2.5 Legislation ensures that part-time employees are not treated less favourably than their full time colleagues and as such would be entitled to this extra leave on a pro-rata basis.

- 2.6 Those employees on maternity leave would be entitled to accrue this day if other employees not on maternity leave were granted it.
- 2.7 The Director of Education & Lifelong Learning would need to apply to Scottish Government seeking permission to reduce the number of school days from 189 days to 188 days if a decision to grant the day's additional leave is taken.

Option 3 - An event that staff can attend

- 2.8 A social gathering may be considered as a potential option, and for the purpose of this report, details and approximate costs are based on holding events at Springwood Park in Kelso, however other venues may be available.
- 2.9 Springwood can accommodate approx. 500 guests in one sitting, depending on the type of function required. This is one of the larger venues within the Scottish Borders.
- 2.10 Scottish Borders Council employ just under 5000 staff so numerous events may be required to accommodate all employees, however this option may not appeal to everyone.
- 4.11 Organisation of these events would require planning and time from SBC officers. Consideration may need to be given to employees who live outwith the Scottish Borders.
- 2.12 Various options in terms of catering and entertainment are available and detailed in section 5.1 of this report.
- 2.13 Adverse publicity may also be a factor in determining if this is a viable option.

Option 4 – Bench in Major towns

- 2.14 Purchasing and installing benches with an engraved plaque across locations within the Scottish Borders may be an attractive proposal as a public acknowledgement of the work of SBC employees. This would also be a benefit to the community.
- 2.15 The amount of benches installed could be increased or reduced to fit in with budget constraints.
- 2.16 Locations would need to be considered as to where the benches are located however, an option could be to hold a vote to determine this.
- 2.17 Consideration should be given to the upkeep and durability of the benches.
- 2.18 Organisation of these benches would require planning and time from SBC officers.

Option 5 – Local Attraction Pass

- 2.19 This option could allow staff to choose from a list of local attractions to attend, thus giving staff a reward of their choice whilst giving money back to the local community.
- 2.20 There are numerous local attractions within the Scottish Borders and determining a condensed list may be challenging and cause unrest with local businesses that are not included. Providing staff with an opportunity to choose a local attraction would appeal and feel rewarding. There are no general passes available.
- 2.21 Prices for local attractions vary depending on numerous factors such as the type of pass required and the time of attendance.
- 2.22 Organisation of this would require planning and time from SBC officers. Consideration may need to be given to employees who live outwith the Scottish Borders.

Option 6 – Donation to Borders in Bloom

- 2.23 Borders in Bloom are a volunteer group who work to keep towns clean, green and floral for those who live and work within the Scottish Borders.
- 2.24 Providing a donation to this organisation may not feel like a reward for all employees, however it would enhance the environment for local communities.
- 2.25 Budget for this would be open for discussion.

Option 7 – Creation of Garden to celebrate staff contribution

- 2.26 The creation of a garden to celebrate staff contribution could be a lasting legacy. Creation of a green space would be environmentally friendly and allow staff and members of the public to visit throughout the year.
- 2.27 Employees could be involved in the design of the garden if this was a viable option.
- 2.28 Consideration must be given to various factors such as where the garden would be located, and what would be included within the garden. The general upkeep would also be a factor.
- 2.29 Costs vary depending on the size and materials used, however SBC Contracts could carry out this work. Further consideration must be given to any planning permissions that may be required.

Option 8 – Thank you card

- 2.30 A thank you card is another option for consideration. This would be a relatively low cost option with a further opportunity to issue this electronically.

- 2.31 This option would require some organisation and potential costs would be incurred with postage.
- 2.32 As part of the staff recognition scheme, employees who are nominated currently receive a congratulations e-card. This option may therefore be seen as similar to our existing staff recognition scheme.
- 2.33 Print Services can produce these cards in-house if required.

Option 9 – Employee Bonus

- 2.34 A one-off cash bonus is an option but this would have tax implications. Staff within SB Cares and Teachers involved in the SQA process have received cash payments from Scottish Government.
- 2.35 Budget for this would be open for discussion.
- 2.36 Consideration would be required if payment for part-time staff should be pro-rata.

Option 10 – Local Restaurant Voucher

- 2.37 This option could allow staff to choose from a list of local restaurants to attend, thus giving staff a reward of their choice whilst giving money back to the local community.
- 2.38 There are numerous restaurants within the Scottish Borders and determining a condensed list may be challenging and cause unrest with local businesses that are not included. Providing staff with an opportunity to choose a local restaurant may appeal and feel rewarding. There would be tax implications for a monetary voucher.
- 2.39 The voucher value would need to be considered, and budget for this would be open for discussion.
- 2.40 Staff could choose to pool their vouchers and enjoy a visit as a team or use for themselves with family and friends

Option 1 – Take no further action

- 3.1 No cost involved

Option 2 – Additional day's annual leave

- 3.2 Financial implications of granting an additional annual leave day to all staff equates to £ 644,695.
- 3.3 The cost is based on lost productivity for all staff on the assumption that they will all be taking the day off. For some services there will be further additional costs for casual/relief staff who are required to provide cover for the staff member who is taking the day later.

3.4 Consideration must also be given to the pending pay award.

Option 3 - An event that staff can attend

- 3.5 Springwood venue hire costs £3,500 per event.
Entertainment per event would cost approximately £500.
Catering for an event may cost around £25 per person.
- 3.6 One event to cater for 500 people may cost approximately £16,500.
- 3.7 With approximately 500 staff, there may need to be multiple events:
- 3.8 5 events would therefore cost £82,500 (cater for 2500 people)
10 events would cost £165,000 (cater for 5000 people)
- 3.9 It may be possible to negotiate discounts for multiple bookings.
- 3.10 There would be additional costs for SBC officers' time

Option 4 – Bench in Major towns

- 3.11 One bench to be manufactured in-house would cost approximately £1000. This includes engraving and installation costs. There are other lower cost options from suppliers that range from £600 upwards.
- 3.12 There would be additional costs for SBC officers' time to organise.

Option 5 – Local Attraction Pass

3.13 A range of options have been considered and costs are as follows:

Floors Castle	£20.00
Abbotsford House	£12.00
Kelso Races	£25.00
The Tapestry	£10.50
Border Abbeys	£3.00
Cinema Pass	£12.00
Go Ape - Glentress	£34.00
Jackson's Farm	£13.00
Rib Boat Trips - Eyemouth	£25.00
Alpacas - Beirhope/Bedrule	£45.00
Golfing	£20.00
Tempest Brewery	£15.00
Borders Distillery	£15.00

3.14 This list is not exhaustive and can be amended to suit.

Option 6 – Donation to Borders in Bloom

3.15 Costs involved in this option would be open for discussion.

Option 7 – Creation of Garden to celebrate staff contribution

3.16 Costs for this option vary depending on size, location and materials required.

3.17 Parks & Environment planting costs £22 per hour
SBC Contracts cost £23 per hour
A local Landscaper would cost approx. £200 per day

Option 8 – Thank you card

The in house cost to produce 100 cards (A4 folded to A5) with coloured print would be £1035.

3.18 Based on approx. 5000 staff, this would be a total cost of £51,750 to produce.

3.19 Postal costs would be an additional £4,350 first class or £3,250 second class.

3.20 Option to send an electronic thank you card would have no cost involved.

Option 9 – Employee Bonus

3.21 Costs involved in this option would be open for discussion.

3.22 As an example, a £50 one-off bonus payment to all employees would cost approx. £250,000. This assumes no reduction for part-time employees. If a pro-rata basis was utilised, there would be a decrease in this cost.

Option 10 – Local Restaurant Voucher

3.23 Costs involved in this option would be open for discussion.

3.24 As an example, a £50 restaurant voucher to all employees would cost approx. £250,000. This assumes no reduction for part-time employees. If a pro-rata basis was utilised, there would be a decrease in this cost.

SCOTTISH BORDERS COUNCIL				
CALENDAR OF MEETINGS				
AUGUST 2022 - DECEMBER 2022				
			DRAFT	
Aug-22	DATE	MONTH	COMMITTEE	TIME
MON (SH)	1	AUG	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES (SH)	2	AUG		
WED (SH)	3	AUG		
THUR (SH)	4	AUG		
FRI (SH)	5	AUG		
SAT	6	AUG		
SUN	7	AUG		
MON (SH)	8	AUG		
TUES (SH)	9	AUG		
WED (SH)	10	AUG		
THUR (SH)	11	AUG		
FRI (SH)	12	AUG		
SAT	13	AUG		
SUN	14	AUG		
MON (SH)	15	AUG	LOCAL REVIEW BODY	10.00 a.m.
MON (SH)	15	AUG	POLICE CAT MEMBER/OFFICER STRATEGIC OVERSIGHT GROUP	2.00 p.m.
TUES (SH)	16	AUG	EXECUTIVE COMMITTEE (FINANCE/PERFORMANCE/TRANSFORMATION)	10.00 a.m.
TUES (SH)	16	AUG	HAWICK CGF SUB-COMMITTEE	4.00 p.m.
WED	17	AUG	CHAMBERS INSTITUTION TRUST	4.00 p.m.
THUR	18	AUG	AUDIT & SCRUTINY COMMITTEE	10.00 a.m.
FRI	19	AUG		
SAT	20	AUG		
SUN	21	AUG		
MON	22	AUG		
TUES	23	AUG	TWEEDDALE AREA PARTNERSHIP	7.00 p.m.
TUES	23	AUG	WILLIAM HILL TRUST SUB-COMMITTEE	1.30 p.m.
TUES	23	AUG	LAUDER COMMON GOOD FUND SUB-COMMITTEE	2.00 p.m.
WED	24	AUG	INNERLEITHEN CGF SUB-COMMITTEE	3.00 p.m.
WED	24	AUG	PEEBLES CGF SUB-COMMITTEE	5.00 p.m.
THUR	25	AUG	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	26	AUG	LICENSING BOARD	10.00 a.m.
FRI	26	AUG	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	27	AUG		
SUN	28	SEP		
MON	29	AUG		
TUES	30	AUG		
WED	31	SEP	SELKIRK CGF SUB-COMMITTEE	3.00 p.m.
Sep-22				
THUR	1	SEP	EDUCATION PERFORMANCE SUB-COMMITTEE	10.00 a.m.
THUR	1	SEP	EMPLOYEE FORUM	3.30 p.m.
THUR	1	SEP	BERWICKSHIRE AREA PARTNERSHIP	6.30 p.m.
FRI	2	SEP	POLICE, FIRE & RESCUE AND SAFER COMMUNITIES BOARD	9.30 a.m.
SAT	3	SEP		
SUN	4	SEP		
MON	5	SEP	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	6	SEP	POLICE CAT MEMBER/OFFICER STRATEGIC OVERSIGHT GROUP	9.30 a.m.
TUES	6	SEP		
WED	7	SEP		
THUR	8	SEP		
THUR	8	SEP	GALASHIELS CGF SUB-COMMITTEE	10.00 a.m.
THUR	8	SEP	COMMUNITY PLANNING STRATEGIC BOARD	2.00 p.m.
THUR	8	SEP	EILDON AREA PARTNERSHIP	6.00 p.m.
FRI	9	SEP		
SAT	10	SEP		
SUN	11	SEP		
MON	12	SEP	AUDIT & SCRUTINY COMMITTEE	10.15 a.m.
MON	12	SEP	JEDBURGH CGF SUB-COMMITTEE	4.30 p.m.
TUES	13	SEP	EXECUTIVE COMMITTEE (ECONOMIC DEVELOPMENT)	10.00 a.m.
TUES	13	SEP	KELSO CGF SUB-COMMITTEE	5.15 p.m.

TUES	13	SEP	TEVIOT & LIDDESDALE AREA PARTNERSHIP	6.00 p.m.
WED	14	SEP	CHAMBERS INSTITUTION TRUST	4.00 p.m.
THUR	15	SEP	PENSION FUND COMMITTEE/PENSION BOARD	10.00 a.m.
FRI	16	SEP	SUSTAINABLE DEVELOPMENT COMMITTEE	10.00 a.m.
SAT	17	SEP		
SUN	18	SEP		
MON	19	SEP	LOCAL REVIEW BODY	10.00 a.m.
TUES	20	SEP	MAJOR CONTRACTS GOVERNANCE GROUP	2.00 p.m.
WED	21	SEP	CHEVIOT AREA PARTNERSHIP	6.30 p.m.
THUR	22	SEP		
FRI	23	SEP		
SAT	24	SEP		
SUN	25	SEP		
MON	26	SEP	PENSION FUND INVESTMENT & PERFORMANCE SUB	1.00 p.m.
TUES	27	SEP		
WED	28	SEP		
THUR	29	SEP	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	30	SEP	LICENSING BOARD	10.00 a.m.
FRI	30	SEP	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
Oct-22				
SAT	1	OCT		
SUN	2	OCT		
MON	3	OCT	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	4	OCT	EXECUTIVE COMMITTEE (EDUCATION)	10.00 a.m.
WED	5	OCT	JCG: STAFF	2.00 p.m.
THUR	6	OCT		
FRI	7	OCT		
SAT	8	OCT		
SUN	9	OCT		
MON (SH)	10	OCT		
TUES (SH)	11	OCT	POLICE CAT MEMBER/OFFICER STRATEGIC OVERSIGHT GROUP	9:30 a.m.
WED (SH)	12	OCT		
THUR (SH)	13	OCT		
FRI (SH)	14	OCT		
SAT	15	OCT		
SUN	16	OCT		
MON	17	OCT	LOCAL REVIEW BODY	10.00 a.m.
TUES	18	OCT	LOCAL LICENSING FORUM	4.00 p.m.
WED	19	OCT	PENSION FUND COMMITTEE/PENSION BOARD	10.00 a.m.
THUR	20	OCT	AUDIT & SCRUTINY COMMITTEE	10.00 a.m.
FRI	21	OCT	LICENSING BOARD	10.00 a.m.
FRI	21	OCT	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	22	OCT		
SUN	23	OCT		
MON	24	OCT		
TUES	25	OCT		
WED	26	OCT	JCG: TEACHERS	2.00 p.m.
THUR	27	OCT	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	28	OCT		
SAT	29	OCT		
SUN	30	OCT		
MON	31	OCT		
Nov-22				
TUES	1	NOV	TWEEDDALE AREA PARTNERSHIP	7.00 p.m.
WED	2	NOV		
THUR	3	NOV		
FRI	4	NOV		
SAT	5	NOV		
SUN	6	NOV		
MON	7	NOV	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	8	NOV	POLICE CAT MEMBER/OFFICER STRATEGIC OVERSIGHT GROUP	9:30 a.m.
TUES	8	NOV	TEVIOT & LIDDESDALE AREA PARTNERSHIP	6.00 p.m.
WED	9	NOV		
THUR	10	NOV		
FRI	11	NOV		

SAT	12	NOV		
SUN	13	NOV		
MON	14	NOV	AUDIT & SCRUTINY COMMITTEE	10.15 a.m.
MON	14	NOV	JEDBURGH CGF SUB-COMMITTEE	4.30 p.m.
TUES	15	NOV	EXECUTIVE COMMITTEE (FINANCE/PERFORMANCE/TRANSFORMATION)	10.00 a.m.
TUES	15	NOV	KELSO CGF SUB- COMMITTEE	5.15 p.m.
WED	16	NOV	CHAMBERS INSTITUTION TRUST	4.00 p.m.
THUR	17	NOV	EDUCATION PERFORMANCE SUB-CTEE	10.00 a.m.
THUR	17	NOV	COMMUNITY PLANNING STRATEGIC BOARD	2.00 p.m.
THUR	17	NOV	EILDON AREA PARTNERSHIP	6.00 p.m.
FRI	18	NOV	LICENSING BOARD	10.00 a.m.
FRI	18	NOV	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	19	NOV		
SUN	20	NOV		
MON	21	NOV	LOCAL REVIEW BODY	10.00 a.m.
TUES	22	NOV	HAWICK COMMON GOOD FUND SUB-CTEE	4.00 p.m.
WED	23	NOV	PEEBLES CGF SUB-COMMITTEE	5.00 p.m.
WED	23	NOV	CHEVIOT AREA PARTNERSHIP	6.30 p.m.
THUR	24	NOV	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	25	NOV		
SAT	26	NOV		
SUN	27	NOV		
MON	28	NOV	ST ANDREWS DAY HOLIDAY	
TUES	29	NOV	MAJOR CONTRACTS GOVERNANCE GROUP	10.00 a.m.
TUES	29	NOV	JOINT MEETING LICENSING BOARD/LLF	4.00 p.m.
WED	30	NOV		
Dec-22				
THUR	1	DEC	EMPLOYEE FORUM	3.30 p.m.
THUR	1	DEC	BERWICKSHIRE AREA PARTNERSHIP	6.30 p.m.
FRI	2	DEC	SUSTAINABLE DEVELOPMENT COMMITTEE	10.00 a.m.
SAT	3	DEC		
SUN	4	DEC		
MON	5	DEC	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	6	DEC	EXECUTIVE COMMITTEE (ECONOMIC DEVELOPMENT)	10.00 a.m.
TUES	6	DEC	POLICE CAT MEMBER/OFFICER STRATEGIC OVERSIGHT GRO	2.00 p.m.
WED	7	DEC	SELKIRK CGF SUB-COMMITTEE	3.00 p.m.
THUR	8	DEC	AUDIT & SCRUTINY COMMITTEE	10.00 a.m.
FRI	9	DEC	POLICE, FIRE & RESCUE AND SAFER COMMUNITIES BOARD.	9.30 a.m.
SAT	10	DEC		
SUN	11	DEC		
MON	12	DEC		
TUES	13	DEC	PENSION FUND COMMITTEE/PENSION BOARD	10.00 a.m.
TUES	13	DEC	WILLIAM HILL TRUST SUB-COMMITTEE	1.30 p.m.
TUES	13	DEC	LAUDER COMMON GOOD FUND SUB-COMMITTEE	2.00 p.m.
WED	14	DEC	GALASHIELS CGF SUB-COMMITTEE	3.00 p.m.
WED	14	DEC	CHAMBERS INSTITUTION TRUST	4.00 p.m.
THUR	15	DEC	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	16	DEC	LICENSING BOARD	10.00 a.m.
FRI	16	DEC	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	17	DEC		
SUN	18	DEC		
MON	19	DEC	LOCAL REVIEW BODY	10.00 a.m.
TUES	20	DEC		
WED	21	DEC		
THUR	22	DEC		
FRI (SH)	23	DEC		
SAT	24	DEC		
SUN	25	DEC		
MON (SH)	26	DEC	PUBLIC HOLIDAY	
TUES (SH)	27	DEC	PUBLIC HOLIDAY	
WED (SH)	28	DEC	OFFICE CLOSED	
THUR (SH)	29	DEC	OFFICE CLOSED	
FRI (SH)	30	DEC	OFFICE CLOSED	

Committee order as per Scheme of Administration

Meeting		Day	Date	Time
Scottish Borders Council		Thursday	25-Aug-22	10.00 am
		Thursday	29-Sep-22	10.00 am
		Thursday	27-Oct-22	10.00 am
		Thursday	24-Nov-22	10.00 am
		Thursday	15-Dec-22	10.00 am
Galashiels Common Good Fund Sub-Ctee		Thursday	08-Sep-22	10.00 am
		Thursday	14-Dec-22	10.00 am
Hawick Common Good Fund Sub-Ctee		Tuesday	16-Aug-22	4.00 pm
		Tuesday	22-Nov-22	4.00 pm
Jedburgh Common Good Fund Sub-Ctee		Monday	12-Sep-22	4.30 pm
		Monday	14-Nov-22	4.30 pm
Kelso Common Good Fund Sub-Ctee		Tuesday	13-Sep-22	5.15 p.m.
		Tuesday	15-Nov-22	5.15 p.m.
Innerleithen Common Good Fund Sub-Ctee		Wednesday	24-Aug-22	3.00 pm
Lauder Common Good Fund Sub-Ctee		Tuesday	23-Aug-22	2.00 pm
		Tuesday	13-Dec-22	2.00 pm
Peebles Common Good Fund Sub-Ctee		Wednesday	24-Aug-22	5.00 pm
		Wednesday	23-Nov-22	5.00 pm
Selkirk Common Good Fund Sub-Ctee		Wednesday	31-Aug-22	3.00 pm
		Wednesday	07-Dec-22	3.00 pm
William Hill Trust Sub-Committee		Tuesday	23-Aug-22	1.30 pm
		Tuesday	13-Dec-22	1.30 pm
Major Contracts Governance Group		Tuesday	20-Sep-22	2.00 pm
		Tuesday	29-Nov-22	2.00 pm
Executive Committee	Finance etc	Tuesday	15-Aug-22	10.00 am
	Economic Dev	Tuesday	13-Sep-22	10.00 am
	Education	Tuesday	04-Oct-22	10.00 am
	Finance etc	Tuesday	15-Nov-22	10.00 am
	Economic Dev	Tuesday	06-Dec-22	10.00 am
Education Performance Sub-Ctee		Thursday	01-Sep-22	10.00 am
		Thursday	17-Nov-22	10.00 am
Audit and Scrutiny Committee	Scrutiny	Thursday	18-Aug-22	10.00 am
	Audit	Monday	12-Sep-22	10.15 am
	Scrutiny	Thursday	20-Oct-22	10.00 am
	Audit & Scrutiny	Monday	14-Nov-22	10.15 am
	Scrutiny	Thursday	08-Dec-22	10.00 am
Civic Government Licensing Committee		Friday	26-Aug-22	11.00 am
		Friday	30-Sep-22	11.00 am
		Friday	28-Oct-22	11.00 am
		Friday	25-Nov-22	11.00 am
		Friday	16-Dec-22	11.00 am
Licensing Board		Friday	26-Aug-22	10.00 am
		Friday	30-Sep-22	10.00 am
		Friday	28-Oct-22	10.00 am
		Friday	25-Nov-22	10.00 am
		Friday	16-Dec-22	10.00 am
Pension Fund Committee Followed by Pension Fund Board		Thursday	15-Sep-22	10.00 am
		Wednesday	19-Oct-22	10.00 am
		Tuesday	13-Dec-22	10.00 am
Pension Fund Investment Performance Sub-Committee		Monday	26-Sep-22	1.00 p.m.
Planning & Building Standards Committee		Monday	01-Aug-22	10.00 am
		Monday	05-Sep-22	10.00 am
		Monday	03-Oct-22	10.00 am
		Monday	07-Nov-22	10.00 am
		Monday	05-Dec-22	10.00 am
Local Review Body		Monday	15-Aug-22	10.00 am
		Monday	19-Sep-22	10.00 am
		Monday	17-Oct-22	10.00 am
		Monday	21-Nov-22	10.00 am
		Monday	19-Dec-22	10.00 am
Sustainable Development Committee		Friday	16-Sep-22	10.00 am
		Friday	02-Dec-22	10.00 am
JCG: Staff		Wednesday	05-Oct-22	2.00 pm
JCG: Teachers		Wednesday	26-Oct-22	2.00 pm
Employee Forum		Thursday	01-Sep-22	3.30 pm
		Thursday	01-Dec-22	3.30 pm
Police, Fire & Rescue, Safer Communities Board		Friday	02-Sep-22	9.30 am
		Friday	09-Dec-22	9.30 am
Community Planning Strategic Board		Thursday	08-Sep-22	2.00 pm

	Thursday	17-Nov-22	2.00 pm
Berwickshire Area Partnership	Thursday	01-Sep-22	6.30 pm
	Thursday	01-Dec-22	6.30 pm
Cheviot Area Partnership	Wednesday	21-Sep-22	6.30 pm
	Wednesday	23-Nov-22	6.30 pm
Eildon Area Partnership	Thursday	08-Sep-22	6.00 pm
	Thursday	17-Nov-22	6.00 pm
Teviot & Liddesdale Area Partnership	Tuesday	13-Sep-22	6.00 pm
	Tuesday	08-Nov-22	6.00 pm
Tweeddale Area Partnership	Tuesday	23-Aug-22	7.00 pm
	Tuesday	01-Nov-22	7.00 pm
Local Licensing Forum	Tuesday	18-Oct-22	4.00 pm
Licensing Board/Local Licensing Forum Joint Meeting	Wednesday	29-Nov-22	4.00 pm
Police Community Action Team Member Officer Oversight Group	Monday	15-Aug-22	2.00 pm
	Tuesday	06-Sep-22	9.30 am
	Tuesday	11-Oct-22	9.30 am
	Tuesday	08-Nov-22	9.30 am
	Tuesday	06-Dec-22	2.00 pm
Chambers Institution Trust	Wednesday	17-Aug-22	4.00 pm
	Wednesday	14-Sep-22	4.00 pm
	Wednesday	19-Oct-22	4.00 pm
	Wednesday	16-Nov-22	4.00 pm

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