

Public Document Pack



SCOTTISH BORDERS COUNCIL THURSDAY, 23 JUNE, 2022

A MEETING of the SCOTTISH BORDERS COUNCIL will be held VIA MS TEAMS on

THURSDAY, 23 JUNE, 2022 at 10.00 AM

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

J. J. WILKINSON,
Clerk to the Council,
16 June 2022

BUSINESS		
1.	Convener's Remarks.	
2.	Apologies for Absence.	
3.	Order of Business.	
4.	Declarations of Interest.	
5.	Minutes (Pages 5 - 40) Consider Minutes of Scottish Borders Council held on 31 March, 19 May and 26 May 2022 for approval and signing by the Convener. (Copies attached.)	2 mins
6.	Committee Minutes Consider Minutes of the following Committees:- (a) Major Contracts Governance Group 1 March 2022 (b) Local Review Body 7 March 2022 (c) William Hill Trust 8 March 2022 (d) Lauder Common Good Fund 8 March 2022 (e) Berwickshire Area Partnership 3 March 2022 (f) Sustainable Development 11 March 2022 (g) Audit & Scrutiny 14 March 2022 (h) Hawick Common Good Fund 15 March 2022 (i) Chambers Institution Trust 16 March 2022 (j) Peebles Common Good Fund 16 March 2022 (k) Pension Fund 17 March 2022 (l) Pension Board 17 March 2022 (m) Local Review Body 21 March 2022 (n) Jedburgh Common Good Fund 21 March 2022	5 mins

	<p>(o) Kelso Common Good Fund 22 March 2022</p> <p>(p) Teviot & Liddesdale Area Partnership 22 March 2022</p> <p>(q) Cheviot Area Partnership 23 March 2022</p> <p>(r) Planning & Building Standards 28 March 2022</p> <p>(s) Civic Government Licensing 29 March 2022</p> <p>(t) Hawick Common Good Fund 29 March 2022</p> <p>(u) Tweeddale Area Partnership 29 March 2022</p> <p>(v) Galashiels Common Good Fund 30 March 2022</p> <p>(w) Eildon Area Partnership 31 March 2022</p> <p>(x) Local Review Body 18 April 2022</p> <p>(y) Civic Government Licensing 22 April 2022</p> <p>(Separate Supplement containing the public Committee Minutes to follow.)</p>	
7.	<p>Emergency Powers Report (Pages 41 - 46)</p> <p>Note approval under the Emergency Powers Procedure in respect of support For Disasters Emergency Committee, assisting Ukraine. (Copy attached.)</p>	5 mins
8.	<p>Review Group Update in connection with Independent Inquiry Action Plan (Pages 47 - 86)</p> <p>Consider update by Chief Executive.</p>	20 mins
9.	<p>Mothballing Policy (Pages 87 - 94)</p> <p>Consider report by Director Education and Lifelong Learning. (Copy attached.)</p>	15 mins
10.	<p>Proposal to Mothball Eddleston Primary School (Pages 95 - 110)</p> <p>Consider report by Director Education and Lifelong Learning. (Copy attached.)</p>	15 mins
11.	<p>UK Government Shared Prosperity Fund (Pages 111 - 118)</p> <p>Consider report by Director Resilient Communities. (Copy attached.)</p>	15 mins
12.	<p>Gypsy Travellers - Site Provision (Pages 119 - 128)</p> <p>Consider report by Director Social Work and Practice. (Copy attached.)</p>	15 mins
13.	<p>Appointments</p>	10 mins
	<p>(a) Pension Fund Board - one Member (Not a Member of the Pension Fund Committee)</p>	
	<p>(b) Playpark Members Oversight Group Appoint a Chair of the Group and one representative from each of the five Area Partnerships.</p>	
14.	Open Questions	15 mins
15.	Any Other Items Previously Circulated	
16.	Any Other Items Which the Convener Decides Are Urgent	
17.	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>																												
18.	<p>Minute (Pages 129 - 130)</p> <p>Consider private Section of Minute of Scottish Borders Council held on 31 March 2022. (Copy attached.)</p>	1 mins																											
19.	<p>Committee Minutes</p> <p>Consider private Sections of the Minutes of the following Committees:-</p> <table border="0"> <tr> <td>(a)</td> <td>Major Contracts Governance Group</td> <td>1 March 2022</td> </tr> <tr> <td>(b)</td> <td>Hawick Common Good Fund</td> <td>15 March 2022</td> </tr> <tr> <td>(c)</td> <td>Chambers Institution Trust</td> <td>16 March 2022</td> </tr> <tr> <td>(d)</td> <td>Peebles Common Good Fund</td> <td>16 March 2022</td> </tr> <tr> <td>(e)</td> <td>Pension Fund</td> <td>17 March 2022</td> </tr> <tr> <td>(f)</td> <td>Jedburgh Common Good Fund</td> <td>21 March 2022</td> </tr> <tr> <td>(g)</td> <td>Civic Government Licensing</td> <td>29 March 2022</td> </tr> <tr> <td>(h)</td> <td>Hawick Common Good Fund</td> <td>29 March 2022</td> </tr> <tr> <td>(i)</td> <td>Civic Government Licensing</td> <td>22 April 2022</td> </tr> </table> <p>(Please see separate Supplement containing private Committee Minutes.)</p>	(a)	Major Contracts Governance Group	1 March 2022	(b)	Hawick Common Good Fund	15 March 2022	(c)	Chambers Institution Trust	16 March 2022	(d)	Peebles Common Good Fund	16 March 2022	(e)	Pension Fund	17 March 2022	(f)	Jedburgh Common Good Fund	21 March 2022	(g)	Civic Government Licensing	29 March 2022	(h)	Hawick Common Good Fund	29 March 2022	(i)	Civic Government Licensing	22 April 2022	2 mins
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20.	<p>Emergency Powers Approval (Pages 131 - 136)</p> <p>Note approval under the Emergency Powers procedure of report on Strategic Events Investment. (Copy attached.)</p>	5 mins																											
21.	<p>UK Government Levelling Up Fund Bids for Scottish Borders (Pages 137 - 150)</p> <p>Consider report by Director Resilient Communities. (Copy attached.)</p>	15 mins																											

NOTES

- Timings given above are only indicative and not intended to inhibit Members' discussions.**
- 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
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SCOTTISH BORDERS COUNCIL

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held online via Microsoft Teams on 31 March 2022 at 10.00 a.m.

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

Apologies:- Councillors J. Linehan, S. Marshall, T. Miers, S. Scott

In Attendance:- Chief Executive, Director Education and Lifelong Learning, Director Finance and Corporate Governance, Director Infrastructure and Environment, Director Resilient Communities, Director Social Work and Practice, Director Strategic Commissioning and Partnerships, Director Health and Social Care, Chief Legal Officer, Employment Relations Manager, Clerk to the Council.

1. **CONVENER'S REMARKS**

The Convener congratulated David Robertson, Kirsty Robb, Ian Angus and the rest of the Pension Team for winning the Pension Fund of the Year Award for the category "Assets under £2.5billion in value" at the recent Local Government Pension Fund Awards in London.

DECISION

AGREED that congratulations be passed to those concerned.

2. **MINUTE**

The Minute of the Meeting held on 10 March 2022 was considered.

DECISION

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

3. **COMMITTEE MINUTES**

The Minutes of the following Committees had been circulated:-

Berwickshire Area Partnership	27 January 2022
Teviot & Liddesdale Area Partnership	1 February 2022
Eildon Area Partnership	10 February 2022
Audit & Scrutiny	14 February 2022
Chambers Institution Trust	16 February 2022
Local Review Body	21 February 2022
Peebles Common Good Fund	23 February 2022
Civic Government Licensing	25 February 2022
Jedburgh Common Good Fund	28 February 2022
Executive	1 March 2022
Community Planning Strategic Board	3 March 2022
Planning & Building Standards	7 March 2022
Local Review Body	7 March 2022
Executive	21 March 2022

DECISION

APPROVED the Minutes listed above subject to paragraph 4 below.

4. **COMMITTEE RECOMMENDATIONS**

There had been circulated copies of a Minute extract from the meeting of the Jedburgh Common Good Fund Sub-Committee held on 28 February 2022 recommending that funding of £50k be approved as a contribution to the new Allerley Well Play Park.

DECISION

AGREED to approve the contribution of £50k from Jedburgh Common Good Fund towards the new Allerley Well Play Park.

5. **CAPITAL PROGRAMME 2022/23 - BLOCK ALLOCATIONS**

With reference to paragraph 11 of the Minute of 22 February 2022, there had been circulated copies of a report by the Director Finance and Corporate Governance seeking approval for the proposed individual projects and programmes within the various block allocations in the 2022/23 Capital Financial Plan. Appendices A-P attached to the report contained 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. Not all projects had been fully identified at this point and as and when this information was available this would be brought to the Executive Committee for consideration as part of the quarterly monitoring reports. Members welcomed the planned projects.

DECISION

AGREED to approve the block allocation breakdowns contained in Appendices A-P attached to the report.

6. **LOCAL AUTHORITY COVID ECONOMIC RECOVERY FUND**

There had been circulated copies of a report by the Director Resilient Communities providing information on additional funding from Scottish Government that had 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. The report explained that Scottish Government had recently announced an £80m Local Authority COVID Economic Recovery (LACER) fund. The purpose of this funding was to help support local economic recovery and potentially provide some additional funding for low-income households. Scottish Borders Council had been allocated £1.724m. The proposals for this funding that had been developed were aligned to existing Strategies and plans and were focussed on the two target groups of local businesses and low-income households. The report detailed 3 areas to be approved immediately with 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 that would use the remaining £0.317m. It was highlighted that all claims, monitoring and evaluation would be in accordance with the requirements of the Fund. Members welcomed the report and Ms Craig provided assurances regarding ensuring payments were made to the correct people and confirmed that vouchers could be provided if required. She also undertook to provide Members with a briefing note on the operation of "Scotland Loves Local".

DECISION

AGREED:-

- (a) to note 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) the proposed allocations of the funding for 2022/23 as detailed in the report;**
- (c) to delegate authority to the Director of Resilient Communities and the Director of Finance and Corporate Governance to distribute the allocations identified in the report; and**

- (d) **that a further report be brought to Council at the earliest opportunity which would outline the further proposals to support businesses in accordance with the five principles of the funding scheme.**

7. MANAGING CUSTOMER ENGAGEMENT POLICY

There had been circulated copies of a report by the Director Resilient Communities proposing the amalgamation of the Vexatious Complaints and Correspondence Policy and the Unacceptable Actions and Behaviours Policy into one policy and to refresh the approach to managing unacceptable customer engagements. The report explained that the Scottish Public Services Ombudsman's (SPSO) Model Complaints Handling Procedure (MCHP) required all public services to have a policy in place to manage unacceptable customer behaviour. The Managing Customer Engagement Policy incorporated the Unacceptable Actions and Behaviours Policy that managed violent, aggressive, threatening or abusive behaviour into a refreshed policy that managed all types of unacceptable customer behaviour. The Managing Customer Engagement Policy also introduced the logging of every unacceptable customer engagement, so behavioural trends could be identified sooner and appropriate actions taken to protect officers. Officers were also empowered to escalate cases where they felt action needed to be taken or they were finding engagement with a particular customer problematic. A copy of the proposed policy was appended to the report. Members supported the introduction of this combined policy document.

DECISION

AGREED to:-

- (a) **approve the policy, as contained in the Appendix to the report, and 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; and**
- (c) **amend the Scheme of Delegation, for the Chief Executive, to review, where an appeal was requested, the Complaints Review Group's decision to apply the Managing Customer Engagement Policy.**

8. HEALTH AND SOCIAL CARE INTEGRATION SCHEME REFRESH

There had been circulated copies of a report by the Director Health and Social Care proposing an updated Scheme of Integration in line with the Scottish Borders Council's obligations under the Public Bodies (Joint Working) (Scotland) Act 2014. The report explained that The Scottish Borders Scheme of Integration was a legally binding agreement between NHS Borders and Scottish Borders Council. The Scheme of Integration defined the scope of the Integration Joint Board, and Health and Social Care Partnership, along with the supporting arrangements to ensure the integrated planning and delivery of certain Social Care, Social Work and Health Services. In line with the practice for all Local Authorities and Health Boards, the Scottish Borders Council and NHS Borders were legally required to review, revise and publically consult on the Scheme of Integration every 5 years. Given the current pandemic pressures placed on both social care and health services, and the future national implications of the National Care Service, Local Authorities and Health Boards had been advised by the Scottish Government that a light touch review of their local Scheme of Integration was appropriate. In undertaking a light touch review, no major changes to the existing Scheme of Integration were identified. Changes within the Scheme related to updating the content to reflect the current context in each area, as opposed to the context in 2017, in order to ensure that it continued to comply with relevant legislation and policies. The national development of the National Care Service and the associated Community Health and Social Care Boards was currently 'a known unknown.' As a result, at this time no changes were required to be made to the Scheme of Integration as a result of this. Once there was further clarity on the scope and the local implications, an update to the Council would be provided. A range of stakeholders was contacted to advise them of the launch of

the light touch review consultation and how to access it via Scottish Borders Council's consultation and Survey Hub and 29 responses were received and these were summarised in the report. Changes to the Scheme of Integration were noted in Appendix 3 and the revised Scheme of Integration was included within Appendix 4 to the report. Mr Myers answered Members' questions on a number of areas including information sharing and working arrangements with the Chief Social Worker.

DECISION

AGREED:-

- (a) to note the process undertaken and findings;**
- (b) to approve the reviewed and updated Scottish Borders Scheme of Integration, as contained in Appendix 4 to the report;**
- (c) that the updated Scheme of Integration be submitted to Scottish Ministers for approval.**

9. AUDIT AND SCRUTINY COMMITTEE (AUDIT BUSINESS)

There had been circulated copies of a report by the Chairman of the Audit and Scrutiny Committee containing the Audit and Scrutiny Committee Annual/End of Term Report 2021/22 to all elected members which presented the performance in relation to its Terms of Reference and the effectiveness of the Committee in meeting its purpose, relating to its Audit functions. The report explained that it was important that the Council's Audit and Scrutiny Committee fully complied with best practice guidance on Audit Committees to ensure it could demonstrate its effectiveness as a scrutiny body (Audit functions) as a foundation for sound corporate governance for the Council. The CIPFA Audit Committees Practical Guidance for Local Authorities and Police 2018 Edition (hereinafter referred to as CIPFA Audit Committees Guidance) included the production of an annual report on the performance of the Audit and Scrutiny Committee against its remit (Audit functions) for submission to the Council. The Audit and Scrutiny Committee Annual/End of Term Report 2021/22, as contained in Appendix 1 to the report, was presented for consideration. Scottish Borders Council continued to be a lead authority in adopting this best practice. The Audit and Scrutiny Committee carried out self-assessments of Compliance with the Good Practice Principles Checklist and Evaluation of Effectiveness Toolkit from the CIPFA Audit Committees Guidance during 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. Councillor Bell presented the report and thanked officers for their support. Members welcomed the report.

DECISION

AGREED to:-

- (a) acknowledge 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, contained in Appendix 1 to the report; and**
- (b) endorse the Committee's recommendations set out in Appendix 1, as follows:**
 - (i) approve 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 were in agreement to this;**

- (ii) **agree 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 would have previously served on an Audit Committee or equivalent, where practicable;**
- (v) **endorse 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) **agree that Informal/Development Sessions continue to be used for refresher briefing/training for Committee Members.**

10. **SEXUAL ENTERTAINMENT VENUES**

With reference to paragraph 8 of the Minute of 25 March 2021, there had been circulated copies of a report by the Director Finance and Corporate Governance detailing 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. The report explained that 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. Following the adoption of that Resolution, the Council had a statutory duty to publish a Draft Policy Statement. The stage 2 public consultation would then ask for views on that Draft Policy Statement. The policy would include matters such as the proposed appropriate number of SEVs (if any) to be permitted in the Scottish Borders, what localities were 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 could not come into force until at least a period of one year had passed after it was adopted. Members considered that the number of venues in the Scottish Borders should be nil and supported the report.

DECISION

AGREED to:-

- (a) **approve the draft SEV Policy Statement; and**
- (b) **instruct 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.**

11. **RECORDING OF COMMITTEE MEETINGS**

There had been circulated copies of a report by the Director Finance and Corporate Governance proposing that public Council committee meetings which were livestreamed

were recorded and such a recording kept for 180 days before being deleted. The report explained that 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 had been livestreamed at the time of the meeting. However, no recording of the meeting was made and was not therefore available to view after the meeting had finished. In order to promote democratic engagement with the Borders community, officers had 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 was not livestreamed and it was not intended that this part of a meeting would be recorded. It was now proposed that when public business was being considered at any Council committee meeting which was livestreamed, these meetings would be recorded and made available to the public after the meeting through the link to the event livestream. This link would remain live for 180 days after the meeting and would then be automatically deleted. A notice to this effect would be placed on the agenda for the meeting. At the start of the meeting the Chair would announce whether the meeting was being livestreamed and recorded. The Chair would 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 would only be available at Council Headquarters for the foreseeable future, once work to install the technology was completed. Therefore any meetings which took place elsewhere would not be livestreamed or recorded unless they took place wholly online. Members fully supported the proposal as it promoted democratic engagement and increased transparency.

DECISION AGREED:-

- (a) to approve the recording of livestreamed Council committee meetings which would be available to view for 180 days after the meeting and thereafter be deleted;**
- (b) that a notice would be placed on agendas advising when a meeting was being recorded and at the start of such a meeting the Chair would announce whether the meeting was being livestreamed and recorded and by participating in the meeting, attendees gave consent for this;**
- (c) that the Chair would 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 was added to Standing Order No. 16 (duties of Chairman); and**
- (d) to note that under the GDPR and Data Protection Act 2018, data collected during the livestream would 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.**

12. EMPLOYEE VOLUNTEERING POLICY

There had been circulated copies of a report by the Director People, Performance and Change seeking approval of a proposal for Scottish Borders Council to include Employee Volunteering as part of the Employee Special Leave Policy. The proposal had been developed to encourage and assist employees to volunteer locally and to support the Council in engaging with the local community. Providing employees up to two paid days per year to volunteer (pro rata for part time employees) was a positive mechanism to support community engagement. It could improve employee morale and should help increase employee

engagement. Importantly, it would benefit the local community by providing support, whilst also allowing the development of increased skills and resources. Members supported the report and highlighted the likelihood of people volunteering if supported by their employer.

DECISION

AGREED to approve the Employee Volunteering Policy, as contained in the Appendix to the report, being incorporated into the current Special Leave Policy for immediate implementation

DECLARATIONS OF INTEREST

Councillors A. Anderson, D. Moffat and D. Parker 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.

CHAIRMAN

In the absence of the Convener, the Vice-Convener chaired the following item of business.

13. EMPLOYEE RECOGNITION IN RELATION TO COVID 19 PANDEMIC

There had been circulated copies of a report by the Director People, Performance and Change proposing that Scottish Borders Council consider making a tangible gesture that recognised and showed appreciation for the ongoing response and contribution of its employees to the COVID-19 pandemic. Options for providing employees with a demonstrable token of recognition were limited by cost and the difficulty in implementing without disruption to the business. As a consequence, it was felt the second option detailed in the report would 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 was 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. The granting of an additional day's wellbeing leave was regarded as having a high value to employees, whilst at the same time was relatively low in terms of direct costs. It was also a way of 'giving back' to the family of staff who may also have had to make sacrifices during this time. Members supported this proposal to recognise the work of staff during a difficult time.

DECISION

AGREED to grant 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 was not a practical option

MEMBERS

Councillors A. Anderson, D. Moffat and D. Parker re-joined the meeting and the Convener resumed the chair.

14. DRAFT CALENDAR OF MEETINGS AUGUST-DECEMBER 2022

There had been circulated copies of the proposed draft Calendar of Meetings for the period August to December 2022. It was noted that these dates may be subject to change following the forthcoming elections.

DECISION

AGREED to approve the Calendar of Meeting, as contained in Appendix I to this Minute.

15. OPEN QUESTIONS

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

DECISION

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

16. **VALEDICTORY**

The Convener invited those Members who were not seeking re-election in May to say a few words. Councillors A. Anderson, H. Anderson, Bell, Brown, Chapman, Fullarton, Haslam, Laing, Paterson, and Turnbull all took the opportunity to comment on their time as a Councillor and pay tribute to their fellow Councillors and the Officers who had assisted them over the years. Councillor Robson thanked everyone for their courtesy and friendship and wished those standing in the election well. Councillor Tatler wished those Members from Tweeddale well for the future and thanked Councillor Aitchison for his advice. Councillor Rowley also thanked those who were leaving, who between them had given over 130 years of Council service. The Convener concluded by thanking Members for his time as Convener, thanked officers for their support and commented on each of the Members who were not seeking re-election and in particular noted Councillor Paterson's 34 years of service. He then wished everyone all the best for the future.

MEMBERS

Councillors Moffat and Mountford left during the above item.

17. **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 III 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

18. **MINUTE**

The private section of the Council Minute of 10 March 2022 was approved.

19. **COMMITTEE MINUTES**

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

20. **INTERIM UPDATE – INSPIRE ACADEMY**

Councillor approved a report by the Director Education and Lifelong Learning. They noted progress to date and agreed the next steps.

The meeting concluded at 1.50 p.m.

SCOTTISH BORDERS COUNCIL

MINUTE of the STATUTORY MEETING of the
SCOTTISH BORDERS COUNCIL held Via
Microsoft teams on 19 May 2022 at 10.00
a.m.

Present:- Councillors J. Anderson, D. Begg, P. Brown, C. Cochrane, J. Cox, L. Douglas, M. Douglas, J. Greenwell, C. Hamilton, S. Hamilton, E. Jardine, J. Linehan, N. MacKinnon, S. Marshall, W. McAteer, D. Moffat, S. Mountford, A. Orr, D. Parker, J. PatonDay, J. Pirone, C. Ramage, N. Richards, E. Robson, M. Rowley, S. Scott, F. Sinclair, E. Small, A. Smart, H. Steel, R. Tatler, V. Thomson, E. Thornton-Nicol, T. Weatherston

In Attendance:- Chief Executive, Director Finance and Corporate Governance, Principal Solicitor, Clerk to the Council.

WELCOME

As a Convener had not yet been appointed, the Chief Executive chaired the beginning of the meeting, welcoming everyone and advising that the public business of the meeting was being livestreamed for public view and also recorded. By participating in the meeting, attendees have given consent for this. The recording would be available through the link to the event livestream on the Council website for public viewing for 180 days afterwards. The recording would then be automatically deleted after this time. Everyone was reminded that the Council did not allow any other recording of the meeting than this one.

1. ELECTION OF CONVENER

The Council considered the appointment of the Convener. Councillor Mountford, seconded by Councillor Marshall, moved that Councillor McAteer be appointed as Convener. Councillor Thornton-Nicol, seconded by Councillor M. Douglas, moved that Councillor Moffat be appointed as Convener. There being two nominations, Standing Orders required that the vote be taken by secret ballot, which given that the meeting was being conducted via Microsoft Teams required all Members to email their choice to the Clerk to the Council. The Clerk then transcribed those choices onto 34 pieces of paper and these were counted in full view of all those present and viewing the meeting. The result of the ballot was as follows:-

Councillor McAteer -	21 votes
Councillor Moffat -	10 votes
Abstentions -	3

Councillor McAteer was duly appointed.

DECISION

DECIDED that Councillor McAteer be appointed as Convener of the Scottish Borders Council.

CHAIR

Following his appointment as Convener, Councillor McAteer assumed the chair for the remainder of the meeting.

2. ELECTION OF LEADER

The Council considered the appointment of the Leader. Councillor Parker, seconded by Councillor S. Hamilton, moved that Councillor Jardine be appointed as Leader. Councillor Moffat, seconded by Councillor Sinclair, moved that Councillor Thornton-Nicol be appointed as Leader. There being two nominations, Standing Orders required that the vote be taken by secret ballot, which given that the meeting was being conducted via Microsoft Teams

required all Members to email their choice to the Clerk to the Council. The Clerk then transcribed those choices onto 34 pieces of paper and these were counted in full view of all those present and viewing the meeting. The result of the ballot was as follows:-

Councillor Jardine	-	19 votes
Councillor Thornton-Nicol	-	11 votes
Abstentions	-	4

Councillor Jardine was duly appointed.

DECISION

DECIDED that Councillor Jardine be appointed as Leader of the Council.

3. VICE CONVENER

The Council considered the appointment of the Vice Convener. Councillor Scott, seconded by Councillor Linehan, moved that Councillor Greenwell be appointed. There being no other nominations Councillor Greenwell was duly appointed.

DECISION

AGREED that Councillor Greenwell be appointed as Vice Convener.

4. ELECTION OF COUNCILLORS

There had been circulated copies of a report by the Chief Executive giving details of those persons elected to serve as Members of the Scottish Borders Council, along with an update regarding other aspects of the election.

DECISION

AGREED to record the details of those individuals elected on 5 May 2022 to serve as Members of the Scottish Borders Council for the period to the next Local Government Election in 2027.

5. URGENT BUSINESS

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

6. SCOTTISH BORDERS COUNCIL MEETING ON 26 MAY 2022

The Convener accepted a request from Councillor Parker to propose a Motion that the next meeting of Scottish Borders Council to be held on 26 May 2022 be held "in person" to avoid the difficulties experienced conducting secret ballots online. Councillor Weatherston seconded the Motion which was unanimously accepted. .

DECISION

AGREED that the meeting of Scottish Borders Council to be held on Thursday, 26 May 2022 be held "in person" and in public in the Council Chamber at Scottish Borders Council Headquarters.

The meeting concluded at 11.20 a.m.

SCOTTISH BORDERS COUNCIL

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held in the Council Headquarters, Newtown St. Boswells on 26 May 2022 at 10.00 a.m.

Present:- Councillors W. McAteer (Convener), J. Anderson, D. Begg, P. Brown, C. Cochrane, J. Cox, L. Douglas, M. Douglas, J. Greenwell, C. Hamilton, S. Hamilton, E. Jardine, J. Linehan, N. MacKinnon, S. Marshall, D. Moffat, S. Mountford, A. Orr, D. Parker, J. PatonDay, J. Pirone, C. Ramage, N. Richards, E. Robson, M. Rowley, S. Scott, F. Sinclair, E. Small, A. Smart, H. Steel, R. Tatler, V. Thomson, E. Thornton-Nicol, T. Weatherston

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

CHAIR

The Convener welcomed everyone to the meeting and advised that the public business in this meeting was being livestreamed for public view and also recorded. By participating in the meeting, attendees have given consent for this. The recording would be available through the link to the event livestream on the Council website for public viewing for 180 days afterwards. The recording would then be automatically deleted after this time. Everyone was reminded that the Council did not allow any other recording of the meeting than this one.

1. CONVENERS COMMENTS

The Convener wished the Jim Clark Rally every success over the coming weekend.

2. DEPUTE LEADER

The Council considered the appointment of the Depute Leader. Councillor Jardine, seconded by Councillor Small, moved that Councillor S. Hamilton be appointed. There being no other nominations Councillor Hamilton was duly appointed.

DECISION

AGREED that Councillor S. Hamilton be appointed as Depute Leader.

3. SCHEME OF REMUNERATION

With reference to paragraph 17 of the Minute of 27 August 2020, there had been circulated copies of a report by the Director Finance and Corporate Governance seeking approval for amendments to the existing Scheme of Remuneration that would apply to the New Political Administration of Scottish Borders Council formed after the Local Government election of 5 May 2022. Payments to Councillors were governed by The Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007. The Regulations specified that, in the case of Scottish Borders Council, a maximum of 14 "Senior Councillors" may be appointed to positions of responsibility, in addition to the Convener and the Leader of the Council. The payment level to these latter two roles was included in the Regulations. The total allowed budget for Senior Councillors (excluding the Convener and Leader) was limited by Regulation to £342,524. Following consideration of the responsibilities to be borne by Senior Councillors, a Scheme of Remuneration had been drawn up that sought to recognise the differing significance of what was involved in each role. Details of the Scheme were contained in the Appendix to the report, along with the proposed payment rates for each role. The Leader explained the changes which had been made to Executive Portfolios and advised that these would be kept under constant review.

DECISION

AGREED that the Scheme of Remuneration be amended so that the 13 posts (excluding the Leader and Convener) detailed in the Appendix to the report be designated as Senior Councillors with their remuneration set at the levels shown.

ADJOURNMENT

The meeting was adjourned for 10 minutes to resolve a technical issue with the livestreaming equipment.

4. INTERIM SCHEME OF ADMINISTRATION

With reference to paragraph 15 of the private Minute of 22 February 2022, there had been circulated copies of a report by the Director Finance and Corporate Governance proposing amendments to the current Scheme of Administration to take account of the new Portfolio holders and the consequential impact on committee memberships and advised that a further report would be brought forward in due course with additional changes to the Scheme. The report explained that the new Administration of Scottish Borders Council had put forward changes to its Portfolio holders and as a consequence, an amended Scheme of Administration required to be approved. As Councillors wished to review the committee structure, other changes to the Scheme would also be brought forward following further discussion. An Interim Scheme of Administration was appended to the report, which highlighted in red the changes to the existing Scheme. Details of the specific changes were contained in the report. Councillor Jardine, seconded by Councillor Thornton-Nicol, moved an amendment to the recommendations in the following terms:-

- “(a) Approve the Interim Scheme of Administration attached in the Appendix to the report, subject to the following:
- (i) the membership of the Executive Committee being increased from 12 to 15 to include the Leader and two Elected Members from out-with the Administration;
 - (ii) remove the requirement that members of the Audit & Scrutiny Committee were not members of the Executive Committee;
 - (iii) increase the membership of the Audit & Scrutiny Committee to 10; and
 - (iv) remove the requirement that the Convener chaired the Pension Fund Committee.
- (b) Delegate authority to the Chief Executive, in consultation with the Leader, to establish a Cross-Party Working Group - the membership of which would reflect the overall political make-up of the Council - no later than 9 June 2022 to work on proposals for changes to the Scheme of Administration; and
- (c) Further changes to the Scheme of Administration being brought to the August meeting of Scottish Borders Council.

The amendment was unanimously approved.

DECISION

AGREED the recommendations as detailed above.

5. MEMBERSHIP OF COMMITTEES AND WORKING GROUPS

The Council considered the appointment of Members to various Committees, Sub-Committees and Working Groups in accordance with the interim Scheme of Administration, approved at paragraph 4 above. Councillor Jardine moved approval or noting of the Councillors who had been nominated to take up these appointments and this was unanimously approved.

DECISION

AGREED to approve the appointments as detailed in Appendix I to this Minute.

6. REPRESENTATIVES ON OTHER BODIES

There had been circulated copies of a list detailing the other bodies to which the Council were required to appoint representatives. Councillor Jardine moved approval of the Councillors who had been nominated to take up these appointments and this was unanimously accepted. It was noted that in some instances the Council would like greater representation than before and that these bodies would be written to and asked if they would be happy to accept additional representation. If this was not accepted reconsideration of these appointments would be dealt with at a future meeting of Council.

DECISION

AGREED:-

- (a) to approve the list of appointments as contained in Appendix II to this Minute; and
- (b) that the Groups highlighted in orange on the appendix be requested to grant the Council further places and, should any group refuse such a request, that the matter of membership be revisited at a future meeting of Council.

7. PROPOSAL FOR BLENDED AND ONLINE COMMITTEE MEETINGS

There had been circulated copies of a report by the Chief Executive proposing that, where the technology permitted, formal meetings of Council would be held either in a blended way or wholly online. The purpose of this report was to give flexibility to Council, with Members being able to access meetings online using MS teams, or any alternative that was subsequently selected, or attending the meeting in person. The conduct of meetings in a blended way would be the default position. Meetings would only be held fully in person if previously agreed with the Chair, and notified on the published committee agenda. The report explained that since April 2020 in response to the COVID pandemic, Scottish Borders Council had conducted formal committee meetings online by remote access. At its meeting on 26 March 2020, Council agreed to suspend formal meetings of the Council in a format whereby Members and officers previously gathered together in person, and to replace such formal face to face meetings with meetings held remotely using Microsoft Teams online technology. This step was taken to minimise the risk of infection from COVID19, with Council Standing Orders being amended accordingly. At its meeting on 30 July 2020, Council agreed that the holding of remote meetings would continue and this decision had not yet been formally revoked. Officers, along with the Council's IT provider, CGI, had worked to identify the necessary technology to hold blended meetings. However, as a result of global shortages in IT equipment that technology was only now in the process of being installed in the Council Chamber. It was proposed that, where the technology was available, blended meetings would going forward be the default and the norm for formal committee meetings. This would promote flexibility for both Members and officers, as well as helping to achieve the Councils climate change ambitions of reducing carbon emissions, by reducing travel across the Borders. It would also make the best use of the technology currently available and would allow for the potential impact of any new or changing COVID or other restrictions moving forward. Blended meetings could only currently take place in the Council Chamber. If meetings did not take place in the Council Chamber then full online meetings would be necessary due to the requirement to livestream proceedings for public viewing. In such circumstances meetings would then be held wholly online via Microsoft Teams, or any such alternative technology that may replace that in future. It was anticipated that committee meetings would only be called as wholly physical meetings with the approval of the Chair, and only normally where circumstances dictated that was the best option. This would be notified on the published agenda for the meeting in advance of the meeting being held. Although the technology was now being installed in the Council Chamber, an interim continuation of meetings by remote access was still being proposed until full testing of the functionality and user awareness had been completed. During June, it was proposed to pilot and test the use of blended meetings and should this prove successful then meetings could

move to blended meetings before the end of June 2022. Members expressed their support for the proposals.

DECISION

AGREED that:-

- (a) once testing of the functionality of the technology in the Council Chamber had been completed successfully, that blended meetings of Council committees would become the default position;
- (b) in the event that blended meetings are not able to take place, then meetings would take place wholly online, and meetings would be called as physical meetings only where the Chair of the meeting agreed to this in advance of the agenda of the meeting being issued;
- (c) the following changes were made to Standing Orders to account for future blended meetings:
 - Meetings of the Council*
 - (i) Standing Order No. 8 – Addition “*Where a meeting is being held in terms of Section 43 of the Local Government in Scotland Act 2003 i.e. as a blended meeting, then public access to that meeting will either be in the meeting room with any Members present, or if no Members are present in a meeting room, or online through a livestream of the meeting.*”;
 - Duties of Chairman*
 - (ii) Standing Order No. 16(b) – amend to read “ensuring that a fair opportunity is given to all Members to express their views on any item of business, *whether they are present physically in a meeting room or through remote access*, in accordance with the terms of these Standing Orders;
 - (iii) Standing Order No. 16 – new addition (l) “*taking reasonable steps to enable effective participation by Members, officers and members of the public whether they are present physically or by remote-access; failure of technology impacting on participation in a meeting by a Member may not necessarily require the meeting to be halted.*”; and
 - Debate*
 - (iv) Standing Order No. 30 – amend to “Every motion or amendment shall require to be moved and seconded, and, if required by the Chairman shall be in writing and shall be handed *or sent electronically* to the proper officer and read to the meeting...”

8. URGENT BUSINESS

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Convener was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to keep Members informed.

9. KIRKING OF THE COUNCIL

The Convener advised that he would like to arrange the Kirking of the Council. However, before making any arrangements he would welcome feedback from other Members.

DECISION

AGREED that Members provide the Convener with their views on the holding of a Kirking of the Council.

The meeting concluded at 10.45 a.m.

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APPENDIX 1

MEMBERSHIP OF COMMITTEES AND INTERNAL WORKING GROUPS

APPOINTMENTS MADE FOLLOWING APPROVAL OF INTERIM SCHEME OF ADMINISTRATION

1. Noted the membership of the following Common Good Fund and Trust Sub-Committees:

	SUB-COMMITTEE	MEMBERSHIP
1	Coldstream Common Good Fund	All Mid-Berwickshire Ward Members
2	Duns Common Good Fund	All Mid-Berwickshire Ward Members
3	Eyemouth Common Good Fund	All East Berwickshire Ward Members
4	Galashiels Common Good Fund	All Galashiels & District Ward members
5	Hawick Common Good Fund	All Hawick & Denholm and Hawick & Hermitage Ward Members
6	Innerleithen Common Good Fund	All Tweeddale East Ward Members
7	Jedburgh Common Good Fund	All Jedburgh & District Ward Members
8	Kelso Common Good Fund	All Kelso & District Ward Members
9	Lauder Common Good Fund	All Leaderdale & Melrose Ward Members
10	Melrose Common Good Fund	All Leaderdale & Melrose Ward Members
11	Peebles Common Good Fund	All Tweeddale West and Tweeddale East Ward Members
12	Selkirk Common Good Fund	All Selkirkshire Ward Members
13	William Hill Trust	All Leaderdale & Melrose Ward Members

- 2. (a) Noted the appointment of the Executive Member for Service Delivery & Transformation to the Major Contracts Governance Group;**
- (b) Noted the appointment of the Executive Member for Service Delivery & Transformation as Chair of the Major Contracts Governance Group;**
- (c) Appointed 6 Elected Members to the Major Contacts Governance Group:**

MAJOR CONTRACTS GOVERNANCE GROUP	MEMBERSHIP (7 in total)
Executive Member for Service Delivery & Transformation	1. (Chairman) Cllr Mark Rowley
Six Elected Members	2. Cllr Euan Jardine
	3. Cllr John Greenwell
	4. Cllr Scott Hamilton
	5. Cllr Elaine Thornton-Nicol
	6. Cllr Pam Brown
	7. Cllr Marshall Douglas

3. (a) **Appointed 15 members to the Executive Committee, being 13 members of the Administration and 2 members from out-with the Administration;**

(b) **Appointed a Vice-Chair of the Executive Committee from within the membership:**

EXECUTIVE COMMITTEE	MEMBERSHIP (13 in total)
Leader of the Council (Chair)	1. Cllr Euan Jardine
<i>Vice Chair</i>	<i>Cllr Scott Hamilton</i>
Executive Member for Community & Culture	2. Cllr Julie Pirone
Executive Member for Estate Management & Planning	3. Cllr Simon Mountford
Executive Member for Social Work & Community Enhancement	4. Cllr Tom Weatherston
Executive Member for Health & Wellbeing	5. Cllr David Parker
Executive Member for Community & Business Development	6. Cllr Scott Hamilton
Executive Member for Service Delivery & Transformation	7. Cllr Mark Rowley
Executive Member for Roads Development & Maintenance	8. Cllr John Greenwell
Executive Member for Developing Our Children & Young People	9. Cllr Carol Hamilton

Executive Member for Education & Lifelong Learning	10. Cllr Leagh Douglas
Executive Member for Environment & Transport	11. Cllr Jenny Linehan
Executive Member for Communities & Equalities	12. Cllr Robin Tatler
Executive Member for Community Engagement	13. Cllr Caroline Cochrane
Member out-with the Administration	14. Cllr Elaine Thornton-Nicol
Member out-with the Administration	15. Cllr Euan Robson

4. (a) **Noted the appointment of the Executive Member for Education & Lifelong Learning to the Education Performance Sub-Committee;**
- (b) **Noted the appointment of the Executive Member for Education & Lifelong Learning as Chair of the Education Performance Sub-Committee;**
- (c) **Appointed two Members of the Executive to the Education Performance Sub-Committee:**

EDUCATION PERFORMANCE SUB-COMMITTEE	MEMBERSHIP (3 in total)
Executive Member for Education & Lifelong Learning	1. (Chair) Cllr Leagh Douglas
Two Executive Members	2. Cllr Carol Hamilton
	3. Cllr Julie Pirone

5. (a) **Appointed ten Members to the Audit and Scrutiny Committee:**
- (b) **Appointed a Chair of the Audit and Scrutiny Committee from the Opposition members on the Committee;**
- (c) **Appointed a Vice Chair of the Audit and Scrutiny Committee from the Administration members on the Committee:**

AUDIT AND SCRUTINY COMMITTEE	MEMBERSHIP (9 in total)
<i>Chair – member of the Opposition</i>	<i>Cllr Elaine Thornton-Nicol</i>
<i>Vice Chair – member of the Administration</i>	<i>Cllr Neil Richards</i>
Ten members	1. Cllr Jane Cox
	2. Cllr Sandy Scott
	3. Cllr Neil Richards
	4. Cllr Euan Robson
	5. Cllr James Anderson
	6. Cllr Marshall Douglas
	7. Cllr Pam Brown
	8. Cllr Fay Sinclair
	9. Cllr John PatonDay
	10. Cllr Elaine Thornton-Nicol

6. (a) **Appointed 9 members to the Civic Government Licensing Committee;**
- (b) **Appointed a Chair of the Civic Government Licensing Committee from within the membership:**

CIVIC GOVERNMENT LICENSING COMMITTEE	MEMBERSHIP (9 in total)
<i>Chair</i>	<i>Chair of the Licensing Board</i>
Nine Members	1. Cllr Eric Small
	2. Cllr Jane Cox
	3. Cllr Tom Weatherston
	4. Cllr David Parker
	5. Cllr John PatonDay
	6. Cllr Neil Richards
	7. Cllr Pam Brown
	8. Cllr Fay Sinclair
	9. Cllr Marshall Douglas

7. (a) **Appointed the Chair of the Pension Fund Committee;**
- (b) **Appointed 1 Member of the Executive, 3 further members of the Administration and 2 members of the Opposition to the Pension Fund Committee:**

PENSION FUND COMMITTEE	MEMBERSHIP (7 in total)
Convener	1. (Chair) Cllr David Parker
One member of the Executive	2. Cllr Simon Mountford
Three Administration members	3. Cllr Sandy Scott
	4. Cllr Carol Hamilton
	5. Cllr Watson McAteer
Two Opposition members	6. Cllr Pam Brown
	7. Cllr Donald Moffat

8. (a) **Noted the appointment of the 7 members of the Pension Fund Committee to the Pension Fund Investment & Performance Sub-Committee;**
- (b) **Noted the Sub-Committee also had 2 non-voting members nominated by the Pension Board:**

PENSION FUND INVESTMENT & PERFORMANCE SUB-COMMITTEE	MEMBERSHIP (9 in total to include 2 non-voting members from the Pension Board)
Convener	1. (Chair) Cllr David Parker
6 Members of the Pension Fund Committee	2. Cllr Simon Mountford
	3. Cllr Sandy Scott
	4. Cllr Carol Hamilton
	5. Cllr Watson McAteer
	6. Cllr Pam Brown
	7. Cllr Donald Moffat

9. (a) **Noted the appointment of the Executive Member for Estates Management & Planning as a member and Chair of the Planning and Building Standards Committee;**

(b) **Appointed a further 8 Members to the Planning and Building Standards Committee:**

PLANNING AND BUILDING STANDARDS COMMITTEE	MEMBERSHIP (9 in total)
Executive Member for Estates Management & Planning	1. (Chair) Cllr Simon Mountford
Eight Members	2. Cllr Eric Small
	3. Cllr Neil Richards
	4. Cllr Sandy Scott
	5. Cllr Jane Cox
	6. Cllr Viv Thomson
	7. Cllr Marshall Douglas
	8. Cllr Donald Moffat
	9. Cllr Aileen Orr

10. (a) **Noted the appointment of the 9 members of the Planning and Building Standards Committee as members of the Local Review Body;**

(b) **Noted the appointment of the Executive Member for Estates Management & Planning as the Chair of the Local Review Body;**

LOCAL REVIEW BODY	MEMBERSHIP (9 in total)
Executive Member for Estates Management & Planning	1. (Chair) Cllr Simon Mountford
Eight members	2. Cllr Eric Small
	3. Cllr Neil Richards
	4. Cllr Sandy Scott
	5. Cllr Jane Cox
	6. Cllr Viv Thomson

	7. Cllr Marshall Douglas
	8. Cllr Donald Moffat
	9. Cllr Aileen Orr

11. (a) **Noted the appointment of the Executive Member for Environment & Transport as a member and Chair of the Sustainable Development Committee;**
- (b) **Appointed 5 members of the Administration and 5 members of the Opposition to the Sustainable Development Committee:**

SUSTAINABLE DEVELOPMENT COMMITTEE	MEMBERSHIP (11 in total)
Executive Member for Environment & Transport	1. (Chair) Cllr Jenny Linehan
Five Administration members	2. Cllr John Greenwell
	3. Cllr Tom Weatherston
	4. Cllr Eric Small
	5. Cllr Leigh Douglas
	6. Cllr Robin Tatler
Five Opposition members	7. Cllr Neil Mackinnon
	8. Cllr John PatonDay
	9. Cllr Annette Smart
	10. Cllr Drummond Begg
	11. Cllr Elaine Thornton-Nicol

12. (a) **Noted the appointment of the Executive Member for Service Delivery & Transformation as a member and Chair of the Joint Consultative Group for Staff;**
- (b) **Appointed a further 5 Members to the Group:**

JCG: STAFF	MEMBERSHIP (14 in total including 8 Trade Union Representatives)
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Executive Member for Service Delivery & Transformation	1. (Chair) Cllr Mark Rowley
Five members	2. Cllr Euan Jardine
	3. Cllr Scott Hamilton
	4. Cllr James Anderson
	5. Cllr Viv Thomson
	6. Cllr Robin Tatler

13. (a) Noted the appointment of the Executive Member for Education & Lifelong Learning as a member and Chair of the Joint Consultative Group for Teachers;

(b) Appointed 3 members of the Administration and 2 members of the Opposition to the Group:

JCG: TEACHERS	MEMBERSHIP (14 in total including 8 Trade Union Representatives)
Executive Member for Education & Lifelong Learning	1. (Chair) Cllr Leagh Douglas
Three Administration members	2. Cllr John Greenwell
	3. Cllr Carol Hamilton
	4. Cllr Neil Richards
Two Opposition members	5. Cllr Clair Ramage
	6. Cllr Fay Sinclair

14. (a) Noted the appointment of the Executive Member for Service Delivery & Transformation as a member and Chair of the Employee Council;

(b) Noted the appointment of the Leader as a member of the Employee Council;

(c) Appointed two other Executive Members and the Leader of the Opposition as members of the Employee Council:

EMPLOYEE COUNCIL	MEMBERSHIP
Executive Member for Service Delivery & Transformation	1. (Chair) Cllr Mark Rowley
Leader	2. Cllr Euan Jardine
Two members of the Executive	3. Cllr Julie Pirone
	4. Cllr Robin Tatler
Leader of the Opposition	5. Cllr Elaine Thornton-Nicol

15. (a) **Appointed 5 members of the Administration and 3 members of the Opposition to the Standards Committee;**

(b) **Appointed a Chair from within the membership:**

STANDARDS COMMITTEE	MEMBERSHIP (8 in total)
<i>Chair</i>	<i>Cllr Scott Hamilton</i>
Five Administration members	1. Cllr Tom Weatherston
	2. Cllr John Greenwell
	3. Cllr Scott Hamilton
	4. Cllr Jenny Linehan
	5. Cllr David Parker
Three Opposition members	6. Cllr Fay Sinclair
	7. Cllr Marshall Douglas
	8. Cllr James Anderson

16. (a) **Noted the appointment of the Executive Member for Service Delivery & Transformation, the Leader, and the relevant Executive member(s) to the Appointment Committee;**

(b) **Appointed one other Member of the Administration and one member of the Opposition to the Appointment Committee:**

APPOINTMENT COMMITTEE	MEMBERSHIP (a minimum of 5)
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Executive Member for Service Delivery & Transformation	1. (Chair) Cllr Mark Rowley
Leader	2. Cllr Euan Jardine
Relevant Executive Member(s)	3. <i>As and when</i>
One other member of the Administration	4. <i>As and when</i>
One member of the Opposition	5. Cllr Elaine Thornton Nicol

17. (a) **Noted the appointment of the Executive Member for Community & Culture as a member and Chair of the Police, Fire & Rescue and Safer Communities Board;**

(b) **Appointed 5 other Members to the Board;**

(c) **Appointed a Vice-Chair of the Board:**

POLICE, FIRE & RESCUE AND SAFER COMMUNITIES BOARD	MEMBERSHIP (11 in total including 5 non-voting members appointed from an external source)
Executive Member for Community & Culture	1. (Chair) Cllr Julie Pirone
<i>Vice Chair</i>	<i>Cllr Aileen Orr</i>
Five other Members	2. Cllr Neil Richards
	3. Cllr Eric Small
	4. Cllr Aileen Orr
	5. Cllr James Anderson
	6. Cllr Hannah Steel

18. (a) **Noted the appointment of the Leader of the Opposition to the Community Planning Strategic Board;**

(b) **Appointed 4 members of the Executive to the Board;**

(c) **Appointed the Chair of the Board from within the Scottish Borders Councillor membership;**

- (d) Noted that only 3 of the 5 SBC Elected Members are required to be in attendance at any meeting of the Board:

COMMUNITY PLANNING STRATEGIC BOARD	MEMBERSHIP (11 in total [any 3 from the 5 SBC Councillors, 5 representatives from the Statutory Partners, and 3 representatives from other CP partners])
<i>Chair</i>	Cllr Caroline Cochrane
Leader of the Opposition	1. Cllr Elaine Thornton-Nicol
Four Executive members	2. Cllr Scott Hamilton
	3. Cllr Euan Jardine
	4. Cllr Caroline Cochrane
	5. Cllr John Greenwell

19. (a) Noted the membership of each of the Area Partnerships;

- (b) Appointed the Chairs of each Area Partnership:

AREA PARTNERSHIP	CORE MEMBERSHIP (also includes one representative from each of four different Community Councils in the area as non-voting members; any other non-voting members appointed by the Area Partnership up to a total core membership maximum of 20. Additional non-voting members may be invited to attend and participate in meetings where there are relevant agenda items)
Berwickshire	All East Berwickshire and Mid-Berwickshire Ward Members (<i>Chair</i>) Cllr James Anderson
Cheviot	All Kelso & District and Jedburgh & District Ward Members (<i>Chair</i>) Cllr Pam Brown
Eildon	All Galashiels & District, Selkirkshire and Leaderdale & Melrose Ward Members (<i>Chair</i>) Cllr Elaine Thornton-Nicol
Teviot & Liddesdale Area	All Hawick & Denholm and Hawick & Hermitage Ward Members (<i>Chair</i>) Cllr Clair Ramage

Tweeddale Area	All Tweeddale West and Tweeddale East Ward Members
	(Chair) Cllr Marshall Douglas

20. (a) Appointed 9 members to the Scottish Borders Licensing Board;

(b) Noted that the Chair would be appointed from within the membership at the first meeting of the Licensing Board:

SCOTTISH BORDERS LICENSING BOARD	MEMBERSHIP (9 in total)
Nine members	1. Cllr Eric Small
	2. Cllr Tom Weatherston
	3. Cllr Jane Cox
	4. Cllr Neil Richards
	5. Cllr David Parker
	6. Cllr John PatonDay
	7. Cllr Pam Brown
	8. Cllr Fay Sinclair
	9. Cllr Marshall Douglas

21. Appointed 3 members of the Executive, to include the Executive Member for Health & Wellbeing and 2 other elected Members to the membership of the Health and Social Care Integration Joint Board:

SCOTTISH BORDERS HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD	MEMBERSHIP (5 in total from SBC)
Executive Member for Health & Wellbeing	1. Cllr David Parker
Two other Executive members	2. Cllr Tom Weatherston
	3. Cllr Robin Tatler
Two further elected members	4. Cllr Jane Cox
	5. Cllr Elaine Thornton-Nicol

REQUIRED AS PER PREVIOUS DECISION OF COUNCIL –

22. (a) **Noted the appointment of the Executive Member for Community Engagement to the Community Council Scheme Review Working Group;**
- (b) **Appointed one Elected Member from each of the five Area Partnerships to the Review Working Group;**
- (c) **Noted the appointment of the Executive Member for Community Engagement as the Chair of the Working Group.**

SCOTTISH BORDERS COMMUNITY COUNCIL SCHEME REVIEW WORKING GROUP	MEMBERSHIP (11 in total, which includes a Community Council rep (+ sub) from each Area Partnership locality)
Chair	1. Executive Member for Community Engagement (Chair) Cllr Caroline Cochrane
Berwickshire Area Partnership	2. Cllr James Anderson 3. Community Council rep
Cheviot Area Partnership	4. Cllr Pam Brown 5. Community Council rep
Eildon Area Partnership	6. Cllr Elaine Thornton-Nicol 7. Community Council rep
Teviot & Liddesdale Area Partnership	8. Cllr Annette Smart 9. Community Council rep
Tweeddale Area Partnership	10. Cllr Marshall Douglas 11. Community Council rep

23. (a) **Appointed seven Members of Council to the Anti-Poverty Members Reference Group;**
- (b) **Noted that the Reference Group would appoint the Chair and Vice-Chair of the Group.**

ANTI-POVERTY MEMBERS REFERENCE GROUP	MEMBERSHIP (7 in total)
Seven members	1. Cllr Robin Tatler

	2. Cllr Jenny Linehan
	3. Cllr John Greenwell
	4. Cllr Stuart Marshall
	5. Cllr Clair Ramage
	6. Cllr Fay Sinclair
	7. Cllr Elaine Thornton-Nicol

24. Appointed one Member to the Internal Wellbeing and Safety Committee. – Cllr David Parker

25. (a) Appointed ten Members to the Living Wage Group;

(b) Appointed the Chair of the Living Wage Group.

LIVING WAGE GROUP	MEMBERSHIP (10 in total)
<i>Chair</i>	<i>Cllr Robin Tatler</i>
Ten members	1. Cllr Robin Tatler
	2. Cllr John Greenwell
	3. Cllr Clair Ramage
	4. Cllr Fay Sinclair
	5. Cllr Viv Thomson
	6. Cllr Marshall Douglas
	7. Cllr Pam Brown
	8. Cllr Jenny Linehan
	9. Cllr Leagh Douglas
	10. Cllr Hannah Steel

26. (a) Appointed twelve Members to the Police Community Action Team Strategic Oversight Group to include the Executive Member for Community & Culture (cross party and one from each Ward);

(b) Appointed the Chair of the Group:

POLICE CAT STRATEGIC OVERSIGHT GROUP	MEMBERSHIP (12 in total)
<i>Chair</i>	Cllr Julie Pirone
<i>Vice-Chair</i>	
Twelve members	1. Cllr Donald Moffat (Mid Berwickshire) 2. Cllr Elaine Thornton Nicol (Selkirkshire) 3. Cllr Aileen Orr (East Berwickshire) 4. Cllr John Paton Day (Leaderdale & Melrose) 5. Cllr Marshall Douglas (Tweeddale East) 6. Cllr Eric Small (Tweeddale West) 7. Cllr Neil MacKinnon (Galashiels & District) 8. Cllr Scott Hamilton (Jedburgh & District) 9. Cllr Tom Weatherston (Kelso & District)
	10. Cllr Jane Cox (Hawick & Hermitage)
	11. Cllr Stuart Marshall (Hawick & Denholm)
	12. Cllr Julie Pirone (Community & Culture Exec Member)

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APPENDIX II

REPRESENTATIVES ON OTHER BODIES

2022-2027

	Other Body	No. of Reps	Councillors
1	A Working Countryside (within Community Planning Partnership)	One	Cllr Caroline Cochrane
2	A7 Action Group	One	Cllr Clair Ramage
3	APSE (Association for Public Service Excellence)	One	Cllr Mark Rowley
4	Berwickshire Association for Voluntary Service	One	Cllr John Greenwell
5	Borderlands Partnership Board	Three (Leader + 2 subs)	Cllr Euan Jardine, Cllr Scott Hamilton, Cllr Jenny Linehan
6	Internal SBC Borderlands Members Reference Group	Six (Leader, Portfolio holder for Community & Business Development + 4 others incl a member of the Opposition)	Cllr Euan Jardine Cllr Scott Hamilton Cllr Jenny Linehan Cllr Simon Mountford Cllr Elaine Thornton Nicol Cllr Euan Robson
7	BREST (Berwickshire Recreation Educational Sports Trust)	One	Cllr Donald Moffat
8	Central Borders Citizens Advice Bureau	One	Cllr John Paton Day
9	Chambers Institution Trust, Peebles	Six	All six Elected Members from Tweeddale East and Tweeddale West Wards
10	Edinburgh & South East Scotland City Deal Joint Committee	Two(Leader + Sub)	Cllr Euan Jardine Cllr Scot Hamilton
11	Edinburgh & South East Scotland City Deal Elected Members Oversight Committee	Two	Cllr Elaine Thornton Nicol Cllr Marshall Douglas Cllr Euan Robson
12	Champions Armed Forces and Veterans	One	Cllr John Greenwell Cllr J Anderson/Cllr A Smart Cllr Elaine Thornton Nicol Cllr Elaine Thornton Nicol Cllr Neil Mackinnon Cllr M Rowley Cllr Pam Brown Cllr Aileen Orr Cllr Elaine Thornton Nicol Cllr V Thomson
13	Children & Young People	One	
14	Deaf Community	One	
15	Dementia Champion	One	
16	Energy Efficiency	One	
17	Equalities	One	
18	Wellbeing & Safety	One	
19	Learning & Physical Disabilities	One	
20	Older People	One	
21	Voluntary Sector	One	
22	Clubsport Berwickshire	Two	Cllr John Greenwell/Cllr Donald Moffat
23	Clubsport Ettrick & Lauderdale	Two	Cllr Euan Jardine/Cllr Leigh Douglas

24	Clubsport Roxburgh	Two	Cllr Pam Brown/Cllr Neil Richards
25	Clubsport Tweeddale	Two	Cllr Robin Tatler/Cllr Viv Thomson
Community Centres: Live Borders			
26	Abbey Row	One	Cllr Simon Mountford
27	Argus	One	Cllr Leigh Douglas
28	Eyemouth	One	Cllr Carol Hamilton
29	Focus	One	Cllr Fay Sinclair
30	Langlee	One	Cllr Neil Mackinnon
31	Newcastleton No 8 Club	Two	Cllr J Cox/Cllr A Smart
32	Newtown Community Wing	One	Cllr Leigh Douglas
33	Peebles Community Centre	One	Cllr Marshall Douglas
34	Southfield	One	Cllr Mark Rowley
35	Tweedbank	One	Cllr David Parker
Community Centres: Linked to the School			
36	Innerleithen	One	Cllr Marshall Douglas
37	Philiphaugh	One	Cllr Caroline Cochrane
Community Centres: Privately Managed			
38	Chirnside	One	Cllr James Anderson
39	COSLA – Convention (representing party political balance within Council)	Four	Cllr Euan Jardine Cllr Scott Hamilton Cllr David Parker Cllr Elaine Thornton Nicol
40	Health & Social Care Board	One	Cllr David Parker
41	Community Wellbeing Board	One	Cllr Julie Pirone
42	Environment & Economy Board	One	Cllr Scott Hamilton
43	Children & Young People Board	One	Cllr Leigh Douglas
44	Disabled Soldiers and Sailors for Peeblesshire	One	Cllr John Greenwell
45	Drumelzier Hall	Three	All Tweeddale West Ward Elected Members
46	Eastern Borders Development Authority (EBDA)	Two	Cllr Mark Rowley, Cllr Aileen Orr
47	Eastgate Theatre and Arts Centre	One	Cllr Julie Pirone
48	EDF Energy Torness Power Station Liaison Committee	Two	Cllr John Greenwell, Cllr Aileen Orr
49	Edinburgh Airport Consultative Committee	One	Cllr Carol Hamilton
50	Edinburgh, Lothians, Borders & Fife Shadow Joint Committee for Roads Maintenance	One	Cllr John Greenwell
51	Eyemouth Museum Trust	Two	Cllr Carol Hamilton, Cllr Aileen Orr
52	Eyemouth Harbour Trust	One (Three)	Cllr Carol Hamilton, Cllr Aileen Orr, Cllr James Anderson

53	Galashiels Policies and Langlee Woods Management Committee	Four	All 4 Elected Members from the Galashiels & District Ward
54	Galashiels Local Relief Fund Committee	Four (Gala Members)	All 4 Elected Members from the Galashiels & District Ward
55	Jim Clark Memorial Trophy Room Trust	Two	Cllr Mark Rowley, Cllr Donald Moffat
56	Live Borders Trust/Board	Three	Cllr Neil Richards, Cllr Tom Weatherston, Cllr Pam Brown
57	Live Borders Executive/Board Liaison Group (from Portfolio holders with responsibility for Culture, Sport, Youth, Communities, HR and Corporate Performance)	Two	Cllr Euan Jardine Cllr Julie Pirone Cllr Mark Rowley
58	Live Borders Executive/Board Liaison Group (Two Portfolio holders from those with responsibility for Culture, Sport, Youth, Communities, HR and Corporate Performance)	Two	Cllr Euan Jardine Cllr Julie Pirone Cllr Mark Rowley
59	Lowland Reserve Forces & Cadets Association	One	Cllr John Greenwell
60	Ormiston Institute Management Committee	Three	All 3 Elected Members from the Leaderdale & Melrose Ward
61	Peebles & District Citizens' Advice Bureau Board	One	Cllr Viv Thomson
62	Peeblesshire Charitable Trust	Two (One each from Tweeddale East & West Wards)	Cllr Robin Tatler, Cllr Eric Small
63	Pension Board	One	Cllr Pam Brown
64	Roxburgh & Berwickshire Citizens' Advice Bureau	One (Two)	Cllr Pam Brown, Cllr James Anderson
65	Roxburgh Federation of Village Halls	Two	Cllr Jane Cox, Cllr Pam Brown
66	St Abbs & Eyemouth Voluntary Marine Reserve	One	Cllr Carol Hamilton
67	SBC appointment to NHS Board	One	Cllr David Parker
68	Scotland Excel	Two (1 + sub)	Cllr Mark Rowley, Cllr Robin Tatler
69	Scottish Borders Disability Sports Group	One	Cllr Leigh Douglas
70	Scottish Local Government Forum Against Poverty.	One	Cllr Fay Sinclair
71	Scottish Councils Committee on Radioactive Substances (SCCORS)	One	Cllr Euan Robson
72	Selkirk Hill Management Group	One	Cllr Leigh Douglas

73	Selkirk Silver Band	One	Cllr Elaine Thornton Nicol
74	Selkirk Town Centre BID Board	One	Cllr Caroline Cochrane
75	SESTRAN (South East of Scotland Transport Partnership)	Three (2 + sub)	Cllr Jenny Linehan, Cllr Jane Cox, Cllr Annette Smart
76	South of Scotland Convention	Three (Leader + Portfolio holder for Community & Business Development + 1 sub)	Cllr Euan Jardine Cllr Scott Hamilton Cllr David Parker Cllr Elaine Thornton Nicol
77	South of Scotland Regional Economic Partnership	Five (4 + sub)	Cllr Euan Jardine Cllr Scott Hamilton Cllr Simon Mountford Cllr Elaine Thornton Nicol Cllr Euan Robson
78	South East Scotland Area Support Team (Children's Hearings)	One	Cllr Pam Brown
79	Southern Upland Partnership	One	Cllr Mark Rowley
80	Stobo Village Hall Trustee	One	Cllr Viv Thomson
81	Teviotdale Indoor Bowling Club	One	Cllr Stuart Marshall
82	Trimontium Trust & Trimontium Museum Trust	One	Cllr Jenny Linehan
83	Tweeddale Access Panel	No limit	Cllr Robin Tatler Cllr Eric Small
84	Tweeddale Citizen of the Year Award Selection Committee	One	Cllr Eric Small
85	Timber Transport Group	Four	Cllr Jane Cox, Cllr Clair Ramage, Cllr Elaine Thornton Nicol, Cllr Marshall Douglas

Automatic Appointment or Required by Deed/Constitution
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Support For Disasters Emergency Committee, assisting Ukraine

Report by Director of Finance and Corporate Governance

EMERGENCY POWERS

31 March 2022

1 PURPOSE AND SUMMARY

- 1.1 This report seeks approval to provide financial support to the Disasters Emergency Committee to help fund its members UK-based activities. In turn this will enable resources to be freed for their efforts to support the humanitarian crisis caused by the Russian invasion of Ukraine**
- 1.2 Scottish Borders Council approved a Motion at its meeting on 10 March 2022 recording its horror at the events in Ukraine and the suffering and devastation being inflicted on the Ukrainian people by the ongoing war. During consideration of the Motion, Members expressed a wish for the Council to make a donation to the Disasters Emergency Committee, should that be allowed by legislation. The paper provides background to the legislation relating to charitable donations by the Council and provides detail of similar support provided by other Councils.

2 STATUS OF REPORT

- 2.1 This report is an emergency powers paper due to the lack of any appropriate committee meetings to take this decision during the pre-election period for the 2022 Scottish Local government elections. The worsening situation in the Ukraine with upwards of an estimated 4 million people displaced from their homes as refugees also provides an emergency humanitarian backdrop to the decision sought.

3 RECOMMENDATION

- 3.1 It is recommended that approval is given to make a contribution towards the UK based activities of the Disasters Emergency Committee of £10,000 to be funded from financial year 2021/22 year end budget flexibility.**

4 LEGISLATIVE BACKGROUND

4.1 Scottish Borders Council approved a Motion at its meeting on 10 March 2022 recording its horror at the events in Ukraine and the suffering and devastation being inflicted on the Ukrainian people by the ongoing war. During consideration of the Motion, Members expressed a wish for the Council to make a donation to the Disasters Emergency Committee, should that be allowed by legislation. Scottish Borders Council can only make a financial donation if there is a statutory power enabling it to do so. The power of wellbeing contained in s20 of the Local Government Act 2003 provides:

“(1) A local authority has power to do anything which it considers is likely to promote or improve the well-being of –

- (a) its area and persons within that area; or
- (b) either of those.”

4.2 There are 2 sections in the Local Government Scotland Act 1973 which make direct provision for an Authority to make payments in respect of emergencies or to charities. These are section 84 and 83 respectively.

4.3 Section 84 – Powers of local authorities with respect to emergencies or disasters, provides:

“(1) Where an emergency or disaster involving destruction of or danger to life or property occurs or is imminent or there is reasonable ground for apprehending such an emergency or disaster, and a local authority are of opinion that *it is likely to affect the whole or part of their area or all or some of its inhabitants*, the authority may—

- (a) incur such expenditure as they consider necessary in taking action themselves (either alone or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of the event; and
- (b) make grants or loans to other persons or bodies on conditions determined by the authority in respect of any such action taken by those persons or bodies.”

“(3) The power conferred by subsection (1) above shall be in addition to, and not in derogation of, any power conferred on a local authority by or under any other enactment, including any enactment contained in this Act.”

4.4 The power contained in this section can only be used in respect of disasters or emergencies affecting its area or its inhabitants. Rather like the power of wellbeing, therefore, this power is of no assistance in this regard.

4.5 Turning now to Section 83, it enables an Authority to incur expenditure not otherwise authorised – and contains the power to make payment to Charities. It provides:

“(3) A local authority may incur expenditure on contributions to any of the following funds, that is to say—

- (a) the funds of any charitable body in furtherance of its work in the United Kingdom; or
- (b) the funds of any body which provides any public service in the United Kingdom otherwise than for the purposes of gain; or
- (c) any fund which is raised in connection with a particular event directly affecting persons resident in the United Kingdom on behalf of whom a public appeal for contributions has been made by a [convener of a local authority, a convener] of a community council, a lord-lieutenant or by a body of which any of these persons is a member [or by such a person or body as is referred to in section 137(3)(c) of the Local Government Act 1972].”

4.6 The purpose of this power is to enable a Local Authority to make donations to charities and funds to support work being done in the United Kingdom.

4.7 Glasgow City Council has previously announced that it will pay £20,000 to the “Disasters Emergency Committee (DEC) to help fund its members UK-based activities in response to the ongoing crisis in Ukraine.” Glasgow City Council funding is not being paid directly to relief in Ukraine, but it is to be applied to fund the DEC’s members UK based activities.

4.8 It is understood that a similar approach has been followed by other Scottish Local Authorities, including South Lanarkshire and Perth and Kinross Council. The view of the Council’s Chief Legal Officer is that this course of action is reasonable, as although there is no legal power which would enable SBC as a body to donate directly to the Ukrainian Disaster fund, if the Council is minded, funding could be provided to support the Disasters Emergency Committee (DEC) UK based activities within the legal powers available to the Council. This of course will enable the DEC to free up its internal resources to support the Humanitarian Crisis in Ukraine.

5 IMPLICATIONS

5.1 Financial

The recommended contribution of £10,000 to the UK based activities of the DEC would be funded from year end flexibility in the 2021/22 revenue budget.

5.2 Risk and Mitigations

The key risk associated with this proposal relates to the restriction on the legal powers of Local Authorities to fund direct activities relief activities to communities out with the UK. It is however lawful under section 83 of the 1973 Act for a Scottish Local Authority to make a donation to a charity to fund their activities in the UK. The payment would be made in recognition of the considerable strain the crisis in Ukraine has placed on the resources of the DEC and would provide support to their UK operation.

As the people of Scotland, including the residents of the Scottish Borders, have responded very generously to the crisis in Ukraine there is a risk that the Council could be seen to be out of touch if it does not do something

similar, in a way that is permitted by legislation. Failing to donate to an organisation such as the DEC, especially when other local authorities in Scotland have done so and as the Council is promoting this charity on its Ukraine webpage, could have negative impacts on the Council's reputation. As such it is proposed that, in line with the expressions of Elected Members on 10 March 2022, the above noted donation is approved.

5.3 **Integrated Impact Assessment**

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

5.4 **Sustainable Development Goals**

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

5.5 **Climate Change**

There are no direct implications associated with climate change in the report.

5.6 **Rural Proofing**

There are no direct implications associated with climate change in the 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 to the scheme of administration or the scheme of delegation proposed in this report.

6 **CONSULTATION**

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

Approved by

David Robertson

Director of Finance and Corporate Governance

Signature

Author(s)

Name	Designation and Contact Number
David Robertson	Director, Finance and Corporate Governance
Nuala McKinlay	Chief Legal Officer

Background Papers: None

Previous Minute Ref: N/A

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For Chief Executive: Chris Myers

Leader: Mark Rowley

Convener: David Parker

Executive Member: Shona Haslam



**REVIEW GROUP UPDATE IN CONNECTION WITH INDEPENDENT INQUIRY
ACTION PLAN**

Report by Chief Executive

SCOTTISH BORDERS COUNCIL

23 JUNE 2022

1 PURPOSE AND SUMMARY

- 1.1 This report provides the first update from the Inquiry Review Group which was established to progress the work identified following the independent investigation into the Council's handling of concerns raised about a former Scottish Borders Council employee.**
- 1.2 On 25 February 2022, Council accepted the recommendations contained within the Inquiry Report produced by Andrew Webster QC and tasked the Chief Executive with preparing an action plan to address the matters contained within those recommendations.
- 1.4 On 10 March 2022 Council approved the Action Plan, and the establishment of a Review Group to steer the progress of work required. It was agreed that reports regarding progress of the Action Plan would be brought to Council for consideration and, where appropriate, to seek Council approval of any actions considered by the Review Group to be complete.

2 RECOMMENDATIONS

2.1 I recommend that Council agrees:-

- (a) to record the progress of the Review Group as indicated herein;**
- (b) to approve the following actions from the Action Plan as being complete:**
- **Action 1(a): establishment of Review Group;**
 - **Action 2 (a): establishment of communication with Care Inspectorate;**
 - **Action 3 (a): Provide reporting to the Critical Services Oversight Group (CSOG) for the delivery of the Inquiry Action Plan;**

- **Action 5 (a): incorporation of Action Plan outcomes into ongoing collaborative review;**
- **Actions 6(a), (b), (c) and (d): review of the Disciplinary Procedures and Guidelines to reinforce the requirement to report to Child Protection Unit;**
- **Action 7 (a) and (b): review of the Disciplinary Procedures and Guidelines to ensure investigating officers are appropriately advised of the scope of their appointment;**
- **Action 8 (a), (b) and (c): review of practice and procedures to ensure investigations are carried out by appropriately qualified personnel;**
- **Action 13 (a), (b) and (c): revisiting the Council's actions in terms of the Vulnerable Groups (Scotland) Act 2007**
- **Action 14(e): create a cycle of continuous improvement to culture, by putting in place an Annual Employee Survey and regular engagement with staff to address areas identified for improvement.**

3 BACKGROUND

- 3.1 On 25 February 2022, Council approved the recommendations contained within the Inquiry Report produced by Andrew Webster QC which considered the handling of concerns raised about an individual who was convicted of assaulting children at a school in the Borders, whilst in the employment of the Council.
- 3.2 On 10 March 2022, Council approved the Chief Executive's Action Plan of how these recommendations would be implemented and approved the establishment of a Review Group to oversee the progress of work. It was agreed that updates regarding progress would be provided verbally at each meeting of Council, with a written update provided quarterly. In addition, any tasks which the Review Group consider to be complete will be brought to Council, in writing, for consideration and confirmation.

4 MEETINGS OF THE REVIEW GROUP

- 4.1 The Review Group is chaired by the Chief Executive and includes the Director of People, Performance and Change, the Director of Education and Lifelong Learning, and the Director for Social Work and Practice, who also undertakes the statutory role of the Chief Social Work Officer. The previously titled "Education" Portfolio Member was invited to attend all meetings. Invites have now been extended to Councillor Leigh Douglas in her role as Portfolio Holder for Education & Lifelong Learning.
- 4.2 The first Review Group meeting was held on 23 March 2022 and the Terms of Reference attached at Appendix 1 of this Report were agreed. Six subsequent, fortnightly, meetings of the Review Group have taken place at the point of authoring this report, but due to the break in Council meetings as a result of the local election, this is the first update to Council.

5 SUMMARY OF WORK TO DATE

- 5.1 Work has commenced in respect of all actions, as listed in the Action Plan.
- 5.2 In particular, work is ongoing in respect of the following elements:
 - 5.2.1 Outcome 4: Review and improvement of child protection training. Child protection trainers have undertaken an initial moderation exercise to identify that all courses cover the core message areas for emphasis identified in recommendation 1 of the Inquiry Report. Trainers from SBC, NHS and Police Scotland will now evaluate the scripts for training to ensure thorough and clear messaging.
 - 5.2.2 A sub-group of the Public Protection Training Group has met and scoped a revised matrix of child protection training for all staff. This provides a progressive pathway of training beginning with induction and refresher training through to specialist and thematic inputs for staff who have

significant involvement in child protection processes. Specific additional courses for staff in education settings are included. The next step is for all services to match role profiles to relevant training tiers in the matrix.

5.2.3 The frequency of training has been increased for all staff groups and assessment approaches, proportionate in demand to the level of training and quantum of participants, are being devised and processes to ensure compliance in training are under consideration.

5.2.4 Outcome 5: review and improvement of the Scottish Borders Child Protection Procedures.

5.2.5 As identified under section 5 of the Action Plan, which relates to Recommendation 2 from the Inquiry Report, we are reviewing and seeking to improve the Scottish Borders Child Protection Procedures. We have commissioned a piece of work in conjunction with City of Edinburgh, East, Mid and West Lothian Councils to update the localised procedures on the back of the updated National Child Protection Guidance. The completion of this work is expected in Summer 2022. However, due to some complexities in this work there is the potential that this may be slightly delayed until Autumn 2022. We have ensured that the consultant commissioned to carry out this work is aware of the need for the following outcomes to be explicit in the new procedures:

- Our Child Protection procedures expressly emphasise, or make clear, the wider significance of child protection beyond the risk of immediate harm.
- Our Child Protection procedures emphasise the core principles of individual responsibility.
- Our Child Protection procedures emphasise the individual responsibility to report.
- Our Child Protection procedures are clear on the appropriateness of reporting in situations of *any* concern.
- Our Child Protection procedures make clear that harm can arise in any setting, including in the workplace.
- Our Child Protection procedures and guidance are accessible, reviewed regularly and communicated effectively.

5.2.6 Outcome 10(a) and 10(b): Auditing of existing tools and processes for communicating with parents is informing the areas for focused consultation with stakeholders which will in turn inform a fuller review of communication methods and practice. Due to the correlation between these actions, it is intended that these continue to be delivered concurrently.

5.2.7 Outcome 12: Ensure there is a clear process where any referrals concerning a staff member to the CPU is by default copied to the HR Case Management System (failsafe measure).

Work has progressed in relation to this action and we are finalising the guidance and access rights to a shared site for the effective communication between Scottish Borders Council Public Protection

services and Scottish Borders Council HR services. It is intended that the guidance and site will be used for Child Protection and Adult Support and Protection concerns, not just Child Protection concerns as identified in the Action Plan.

- 5.3 The Review Group has identified no issues regarding budget in respect of this ongoing work. The Review Group has identified that some elements of ongoing work may extend beyond the indicative time-frames set out in the Action Plan. Where this is the case, details of those changes to time-frames have been set out above.

6 COMPLETED ACTIONS

- 6.1 The Review Group considers that work is complete in respect of the following actions from the Action Plan:

- Actions 1(a): the Review Group has been created and Terms of Reference agreed.
- Action 2(a): lines of communication have been established with the Care Inspectorate with regard to the Inquiry actions.
- Action 3(a): An agreement has been made with the Critical Services Oversight Group (CSOG) that reports will go to each meeting on the improvement progress surrounding the Inquiry Action Plan. It will be an ongoing standing agenda item.
- Action 5(a): the outcomes identified in the Action Plan have been incorporated into the ongoing review of Child Protection guidance being undertaken jointly with neighbouring local authorities, which progress shall be reported to CSOG.
- Action 6 (a), (b), (c) and (d): the Disciplinary Procedures and Guidelines have been reviewed and it has been confirmed that referral guidance for all the relevant statutory bodies was already included. Additional information has been included in the revised policy to include the specific option for commissioning managers to consider, in addition to internal disciplinary action, referrals for misconduct to other Professional/ Chartered bodies.

The policy has been amended: to reinforce the requirement to refer to the Child Protection Unit any allegation of misconduct which involves children; and to require staff to consider at all stages of a disciplinary process whether or not the alleged misconduct does involve children.

Action 6 (e) which requires the moderation by the Improvement Service of the actions taken in respect of Outcomes 6 (a), (b), (c) and (d) has yet to be completed. The Improvement Service has indicated that it is unable to provide this service. Accordingly, the Director for People, Performance and Change is considering alternative options to ensure the appropriate benchmarking of the revised policies and procedures.

- Action 7 (a) and (b): the Disciplinary Procedures and Guidelines have been amended to require staff who commission an investigation to provide the investigator with clear direction as to their appointment. To assist with this, a template for appointment has been prepared and will be required to be used when commissioning an investigation.
- Action 8 (a), (b) and (c): opportunities will be offered for staff to be trained in carrying out investigations; disciplinary procedures have been amended to reflect the possibility of appointing an external investigator; and guidance has been created for staff with regards to appointing an investigator.
- Action 13(a) (b) and (c): revisiting the Council's action in terms of the Protection of Vulnerable Groups (Scotland) Act 2007; considering the appropriateness of these actions; and determining if further action is required.
- Action 14(e): an Annual Employee Survey has been instigated, together with regular opportunities for engagement with staff to address areas identified for improvement.

6.2 The detail of these completed actions is contained at Appendix 2 to this Report.

6.3 The Review Group now seeks the approval of Council to mark the above actions on the Action Plan as being fully completed.

7 IMPLICATIONS

7.1 Financial

No additional budget or resource requirements have been identified from the work carried out to date.

7.2 Risk and Mitigations

The Council has both statutory duties and common law duties of care to pupils in its schools, and to its own staff. The best way to mitigate the risk of breaching these duties, is to implement the recommendations resulting from the inquiry, through the Review Group, so that the Council can determine how best to learn from any errors or omissions in the way the Council works.

7.3 Equalities

No adverse equality implications are anticipated as a result of this Report.

7.4 Acting Sustainably

There are no economic, social or environmental effects resulting from this Report.

7.5 Carbon Management

There are no carbon emissions impacts resulting from this Report.

7.6 Rural Proofing

A rural proofing check is not required for this matter.

7.7 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 proposals in this report.

8 CONSULTATION

8.1 The Chief Financial Officer, the Chief Legal Officer.....

Approved by

Netta Meadows

Chief Executive

Author(s)

Name	Designation and Contact Number
Hannah MacLeod & Netta Meadows	Principal Solicitor Tel: 01835 825216 Chief Executive Tel: 01835 825216

Background Papers:

Previous Minute Reference: Scottish Borders Council, 25 February 2022

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

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Inquiry Review Group Terms of Reference	
Name	Inquiry Review Group
Purpose & Objective	<p>To oversee the implementation of the Action Plan as a result of the Independent Inquiry into the Council’s handling of concerns raised about a former Scottish Borders Council employee.</p> <p>The group will ensure the improvements and actions recommended in the report, and subsequent action plan, are implemented in a robust and time conscious manner</p>
Status	<p>The Review Group is authorised to:</p> <ul style="list-style-type: none"> - take decisions in relation to the ongoing work of the Action Plan, including the focus, direction and resourcing of work proposed; - make amendments to the Action Plan - determine whether an action is sufficiently complete as to warrant a request for completion approval from Council; - determine whether an action requires to be remitted to the Council for further consideration in respect of scope or budget implications.
Members	<p>Netta Meadows - Chief Executive (Chair) Cllr Carol Hamilton - Elected Member and Education Portfolio Holder Hannah MacLeod - Principal Solicitor</p> <p>Lesley Munro – Director, Education & Lifelong Learning Stuart Easingwood – Director, Social Work & Practice Clair Hepburn – Director, People Performance & Change Chris Myers - Chief Officer, Health & Social Care Amanda Young - Business Support Manager</p> <p>Group Members are to nominate a substitute in the event of said member being absent from a Review Group Meeting.</p>
Additional Attendees	<p>By agreement of the Chair:</p> <ul style="list-style-type: none"> - additional officers may be invited to attend the Review Group to present information and / or provide the expertise necessary for the Review Group to fulfil its responsibilities - any appropriate third party individual or agency representative may be invited to attend the Review Group in order to present information or views which would allow the Review Group to fulfil its responsibilities. <p>Additional attendees shall not be involved in the decision making of the Review Group</p>

<p>Meetings</p>	<p>The Review Group will meet fortnightly on Wednesday 12.30pm to 1.30pm commencing 23 March 2022.</p> <p>Group members have been asked to prioritise these meetings.</p> <p>Amanda Young will be responsible for administering the meetings. This will involve:</p> <ul style="list-style-type: none"> - Issuing the agenda and papers for the meeting at least three days before the meeting; - Taking notes as an accurate record of discussions and decisions made at the meeting. - Sharing notes from meetings to members of the Review Group within three days after the meeting - Ensuring that recommendations of the Review Group, or items for discussion as appropriate, are taken to the next available Council meeting for consideration
<p>Reporting Mechanisms</p>	<p>The Review Group shall report to Council.</p> <p>The Review Group will provide a verbal report on progress to Council once a month, commencing 31 March 2022. This verbal report shall be given by any member nominated to do so by the Chair.</p> <p>A full formal report on progress will be presented quarterly to Council, commencing 23 June 2022. This report shall be prepared and presented by such member, as the Chair shall nominate.</p> <p>At the time of quarterly formal reporting, the Review Group shall update and, where appropriate, seek approval of Council for the following:</p> <ul style="list-style-type: none"> - Any material amendments to the Action Plan - Any additional budget or resource allocation required - To mark as completed any action within the Action Plan
<p>Chair</p>	<p>The Chair of the Review Group shall be the Chief Executive or such member as she may appoint to chair in her absence.</p>
<p>Quorum</p>	<ul style="list-style-type: none"> - The Chief Executive (or nominated Chair) - Two other members of the Group - One Minute Taker
<p>Decision Making</p>	<p>Decisions will be made on general consensus following appropriate debate and discussion. If no consensus can be reached then the Chief Executive will determine the course of action.</p>

	<p>It shall not be the role of any visiting attendees to take part in decisions of the Review Group.</p>
<p>Roles and Responsibilities of the Review Group</p>	<p>The Review Group shall be responsible for effecting the actions outlined in the Inquiry Action Plan. In order to do so, the Review Group will:</p> <ul style="list-style-type: none"> - Determine the priority of actions - Determine the responsibility for carrying out actions, which may include the creation of specific work groups to carry out individual actions - Determine whether any multi agency working or approvals are required in respect of each action - Where multi agency dependencies exist, agree the mode of working and reporting back to the Review Group - Ensure appropriate approvals are obtained from all agencies where such dependencies exist - Agree the scope of actions outlined in the Action Plan - Discuss the progress on ongoing actions - Make decisions as to any questions of interpretation of the Action Plan - Decide on any resourcing matters relating to this work. - Review all work being carried out in terms of the Action Plan, at all stages of the carrying out of such work - Agree at what stage any particular action is complete, and at that stage, recommend the action to Council. - Identify any issues with the delivery of the Action Plan which might require referral to Council.
<p>Approach</p>	<p>The Review Group will encourage opportunities for benchmarking, and learning from others (external organisations) where appropriate. The Review Group will be open to the suggestions of critical friends. The Review Group will invite, where appropriate, the input of stakeholder groups to inform, advise, or to test the proposed improvements.</p>
<p>Approved by</p>	<p>Netta Meadows, Chief Executive 23 March 2022</p>

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INQUIRY ACTION PLAN
NOTIFICATION OF COMPLETED ACTION

Strategic Officer	Lead	Netta Meadows, Chief Executive
Recommendation		Not formal recommendation – additional one added by Chief Executive to the action plan.
Outcome number and summary		1. Scottish Borders Council can demonstrate robustness and momentum in the delivery of all actions associated with the Inquiry
Action		a) Creation of a Review Group, whose responsibility is to lead the improvements agreed and ensure delivery. Agree the Terms of Reference for the Review Group and achieve sign off by the Portfolio Holder for Education
Deadline within Plan		May 2022

1. MEASURES TAKEN

Detail here the specific actions taken to meet the identified outcome.

The Review Group has been established, as set out in the March report to Council.

1B. ASSOCIATED DOCUMENTS

Note here any documents attached as being relevant to this action

None

2. BENCHMARKING

Explain what steps have been taken to measure the actions taken against best practice.

Not applicable

3. EXTERNAL AGENCY INVOLVEMENT

Where the Action Plan identifies a third party dependency, explain here the involvement and approval of any such party.

Not applicable

4. ONGOING MONITORING ARRANGEMENTS

Where relevant, what steps have been put in place to ensure ongoing review of this action?


The Review Group will continue until Council is satisfied that all actions in the Inquiry Action Plan are complete.

5. HOW DOES THE ACTION MEET THE OUTCOME?

Explain briefly how the steps taken will achieve the desired objective?

The Review Group meets fortnightly on Wednesdays for an hour, or until all business is complete.

Approval by Review Group:

Date:	01 June 2022
Comments/amendments:	None
Was the action completed within the Action plan timeframe?	Yes
Signature of Chair:	

Approval by Council:

Date:	
Comments/amendments:	
Signature of Chair:	

INQUIRY ACTION PLAN
NOTIFICATION OF COMPLETED ACTION

Strategic Lead Officer	Stuart C. Easingwood – Director Social Work & Practice
Recommendation	Overarching Governance Actions
Outcome number and summary	<p>2. Effective involvement and engagement with appropriate Scottish Government agencies assures high quality and best practice.</p> <p>Open and effective communication with local partners and key stakeholders ensures collective responsibility (e.g. Police, Health)</p>
Action	a) Establish and maintain lines of reporting with the Care Inspectorate and agree frequency of updates required

1. MEASURES TAKEN

Detail here the specific actions taken to meet the identified outcome.

(1.1) Discussion took place between the Strategic Inspector for the Care Inspectorate and the Director of Social Work & Practice to agree the lines of reporting between SBC and the Care Inspectorate regarding progress towards achieving the outcomes identified in the Inquiry Action Plan.

Agreement was reached that this would most appropriately be done at the monthly liaison meetings between the Care Inspectorate and the Director of Social Work & Practice.

This is a standing agenda item on the PPC for the foreseeable future

1B. ASSOCIATED DOCUMENTS

Note here any documents attached as being relevant to this action

(i) N/A

2. BENCHMARKING

Explain what steps have been taken to measure the actions taken against best practice.

(2.1) Arrangement made to have monthly updates on the progress of the action plan

3. EXTERNAL AGENCY INVOLVEMENT

Where the Action Plan identifies a third party dependency, explain here the involvement and approval of any such party.

(3.1) Care Inspectorate

4. ONGOING MONITORING ARRANGEMENTS

Where relevant, what steps have been put in place to ensure ongoing review of this action?


(4.1) N/A

5. HOW DOES THE ACTION MEET THE OUTCOME?

Explain briefly how the steps taken will achieve the desired objective?

(5.1) The Care Inspectorate will have regular updates on the progress of the action plan locally

Approval by Review Group:

Date:	1 June 2022
Comments/amendments:	Consensus from Group that the action listed above achieve the identified recommendation
Signature of Chair:	

Approval by Council:

Date:	
Comments/amendments:	
Signature of Chair:	

INQUIRY ACTION PLAN
NOTIFICATION OF COMPLETED ACTION

Strategic Officer	Lead	Netta Meadows, Chief Executive
Recommendation		Not formal recommendation – additional one added by Chief Executive to the action plan.
Outcome number and summary		3. Open and effective communication with local partners and key stakeholders ensures collective responsibility (e.g Police, Health).
Action		a) Provide reporting to the Critical Services Oversight Group (CSOG) for the delivery of the Inquiry Action Plan. Initially there will be an update at each CSOG meeting.
Deadline within Plan		May 2022

1. MEASURES TAKEN

Detail here the specific actions taken to meet the identified outcome.

An agreement has been made with the Critical Services Oversight Group (CSOG) that reports will go to each meeting on the improvement progress surrounding the Inquiry Action Plan. It will be an ongoing standing agenda item.

1B. ASSOCIATED DOCUMENTS

Note here any documents attached as being relevant to this action

None

2. BENCHMARKING

Explain what steps have been taken to measure the actions taken against best practice.

Not applicable

3. EXTERNAL AGENCY INVOLVEMENT

Where the Action Plan identifies a third party dependency, explain here the involvement and approval of any such party.

The CSOG is a multi agency partnership meeting involving Health and Police.

4. ONGOING MONITORING ARRANGEMENTS

Where relevant, what steps have been put in place to ensure ongoing review of this action?


There will be an item on the agenda at each meeting of CSOG.

5. HOW DOES THE ACTION MEET THE OUTCOME?

Explain briefly how the steps taken will achieve the desired objective?

CSOG has met once since the Inquiry was published, and a written update on progress was shared.

Approval by Review Group:

Date:	15 June 2022
Comments/amendments:	None
Was the action completed within the Action plan timeframe?	Yes
Signature of Chair:	

Approval by Council:

Date:	
Comments/amendments:	
Signature of Chair:	

INQUIRY ACTION PLAN
NOTIFICATION OF COMPLETED ACTION

Strategic Officer	Lead	Stuart C. Easingwood – Director Social Work & Practice
Recommendation		<p>2. The Council reviews and seeks to improve the Scottish Borders Child Protection Procedures.</p> <p>In particular, consideration should be given to better emphasis being given to:</p> <ul style="list-style-type: none"> • clarifying the broader relevance of child protection measures beyond the identification and management of future risk for identified children, and • reinforcement of the core principles of individual responsibility and need to report in all situations, including where concerns of harm arise in respect of Council staff or in a workplace setting.
Outcome number and summary		<p>5. Ensuring the safety and welfare of Children in the Scottish Borders:</p> <ul style="list-style-type: none"> • Our Child Protection procedures expressly emphasise, or make clear, the wider significance of child protection beyond the risk of immediate harm. • Our Child Protection procedures emphasise the core principles of individual responsibility. • Our Child Protection procedures emphasise the individual responsibility to report. • Our Child Protection procedures are clear on the appropriateness of reporting in situations of any concern. • Our Child Protection procedures make clear that harm can arise in any setting, including in the workplace. • Our Child Protection procedures and guidance are accessible, reviewed regularly and communicated effectively
Action		<p>5. a) Incorporate the key outcomes in this recommendation into the ongoing joint review into our Child Protection guidance and procedures, which commenced in January 2022. This will also reflect the recent changes to National guidance. (Note – joint review with other Councils; East Lothian, Midlothian, West Lothian and City of Edinburgh) Establish regular updates on the progress of this work CSOG.</p>

1. MEASURES TAKEN

Detail here the specific actions taken to meet the identified outcome.

(1.1) The key outcomes of this recommendation have been made known to the person who has jointly been commissioned by Scottish Borders Council, Midlothian Council, East Lothian Council, West Lothian Council and City of Edinburgh Council. This will ensure where possible the recommendations will be evidenced within the update of the National Guidance which is being put into a new procedure for across Edinburgh, The Lothian's and Scottish Borders.

(1.2) It should be noted that the necessary work to ensure that the recommendations from the Inquiry are embedded within the local updated procedures will take place in the event that partner Local Authorities do not want their procedures to reflect this. This will then ensure that at a local level, all recommendations from the Inquiry are explicit within the local procedures.

1B. ASSOCIATED DOCUMENTS

Note here any documents attached as being relevant to this action

(i) N/A

2. BENCHMARKING

Explain what steps have been taken to measure the actions taken against best practice.

(2.1) Arrangements made to have monthly updates with the Care Inspectorate and ongoing liaison meetings between the Local Authorities commissioning the update to procedures are in place.

3. EXTERNAL AGENCY INVOLVEMENT

Where the Action Plan identifies a third party dependency, explain here the involvement and approval of any such party.

(3.1) Care Inspectorate

(3.2) Midlothian Council, East Lothian Council, West Lothian Council and City of Edinburgh Council

(3.3) Independently Commissioned individual carrying out the work to translate the National Guidance to local procedures

4. ONGOING MONITORING ARRANGEMENTS

Where relevant, what steps have been put in place to ensure ongoing review of this action?


(4.1) Regular overview meetings across the different commissioning Local Authorities from a strategic and Operational level.

5. HOW DOES THE ACTION MEET THE OUTCOME?

Explain briefly how the steps taken will achieve the desired objective?

(5.1) The updated National Guidance requires to be put into a useable procedural format. Taking a multi-authority approach ensures that we not only change the local procedures to reflect new National Guidance, but that we incorporate the learning and recommendations from the Independent Inquiry.

Approval by Review Group:

Date:	01 June 2022
Comments/amendments:	The group have reached a consensus that this action has been completed.
Signature of Chair:	

Approval by Council:

Date:	
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Comments/amendments:	
Signature of Chair:	

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INQUIRY ACTION PLAN
NOTIFICATION OF COMPLETED ACTION

Strategic Officer	Lead	Clair Hepburn (Director – People, Performance and Change)
Recommendation		Recommendation 3 - 6.52, page 56 of report: The Council reviews and improves its Disciplinary Procedures and Guidelines on Conducting Investigations.
Outcome number and summary		6. The organisation has robust Disciplinary Procedures and Guidelines which are fit for purpose and applied proportionality and appropriately.
Action		<ul style="list-style-type: none"> a) Undertake a review of all Disciplinary Procedures and guidance to consider the recommendations of this Inquiry. b) To update and extend the Procedures and Guidelines to consider the requirement for referrals to other statutory bodies. c) To amend the Procedures and Guidelines to include a specific direction to refer any disciplinary matters involving children to the CPU. d) Amend the Procedures and Guidelines to include a specific direction to consider at the outset, throughout, and the conclusion of any disciplinary proceedings, whether any action was directed towards children, and if so to refer to the CPU.
Deadline within Plan		April 2022

1. MEASURES TAKEN

Detail here the specific actions taken to meet the identified outcome.

The policies and procedures have been reviewed and referral guidance for all the relevant statutory bodies was already included in the original versions.

Additional information has been included in the revised policy to include the specific option for commissioning managers to consider in addition to internal disciplinary action, referrals for misconduct to other Professional/ Chartered bodies.

The policies and procedures have been extended to specifically require managers to consider at every stage that any disciplinary matter involving children should be referred to the Child Protection Unit for consideration.

1B. ASSOCIATED DOCUMENTS

Note here any documents attached as being relevant to this action

Disciplinary Procedures for Misconduct

2. BENCHMARKING

Explain what steps have been taken to measure the actions taken against best practice.

The Improvement Service and ACAS have been approached but are unable to provide this support. Therefore other options are being explored and once a suitable comparator is identified, this benchmarking will be reported as part of Action 6 (e).

3. EXTERNAL AGENCY INVOLVEMENT

Where the Action Plan identifies a third party dependency, explain here the involvement and approval of any such party.

(3.1) The proposed amendments to the policy and procedure are subject to a consultation with the recognised Trades Unions and this work is ongoing.

4. ONGOING MONITORING ARRANGEMENTS

Where relevant, what steps have been put in place to ensure ongoing review of this action?


(4.1) Reviewed every two years according to standard practice

5. HOW DOES THE ACTION MEET THE OUTCOME?

Explain briefly how the steps taken will achieve the desired objective?

The review involved considering other organisations policies procedures in terms of best practice and input from a number of stakeholders. The redrafted policies reflect the feedback received.

Approval by Review Group:

Date:	01 June 2022
Comments/amendments:	The updated disciplinary policy will publish online imminently. The hyperlink will be inserted to this document to provide access to the most up to date version at all times.
Was the action completed within the Action plan timeframe?	No, action was due at end of April but completed at the end of May, with final reporting to the Review Group on 1 June 2022. There were unavoidable delays in feedback on the policy amendments that were issued within the agreed timescales.
Signature of Chair:	

Approval by Council:

Date:	
Comments/amendments:	
Signature of Chair:	

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INQUIRY ACTION PLAN
NOTIFICATION OF COMPLETED ACTION

Strategic Officer	Lead	Clair Hepburn (Director – People, Performance and Change)
Recommendation		4. The Council reviews its Disciplinary Procedures and Guidelines on Conducting Investigations to provide for the appointment of investigating officers to be made in writing to the officer, with clear directions as to the allegation to be investigated and with express reference to the Disciplinary Procedures and the Guidelines.
Outcome number and summary		7. To ensure that all disciplinary proceedings are carried out in a fair, open and transparent way and are effective in fulfilling their purpose: <ul style="list-style-type: none"> • Investigating officers are fully aware of the remit of their role and the responsibilities that therein follow.
Action		<p>a. Create a template for Commissioning Managers to complete and issue to the appointed investigator. The template will contain confirmation of their appointment and written details of the allegations to be investigated.</p> <p>b. Update the Disciplinary Procedures and Guidelines to require Commissioning Managers to provide Investigating officers with a copy of those Procedures and Guidelines, along with a copy of the completed template, prior to the commencement of any investigation.</p>
Deadline within Plan		April 2022

1. MEASURES TAKEN

Detail here the specific actions taken to meet the identified outcome.

The policies and procedures have been amended to include issuing a template, rather than a copy of the investigation letter to the lead investigator by the commissioning manager together with a copy of the procedures and guidelines.

1B. ASSOCIATED DOCUMENTS

Note here any documents attached as being relevant to this action

Disciplinary Procedures for Misconduct

2. BENCHMARKING

Explain what steps have been taken to measure the actions taken against best practice.

The Improvement Service and ACAS have been approached but are unable to provide this support. Therefore other options are being explored and once a suitable comparator is identified, this benchmarking will be reported as part of Action 6 (e).

3. EXTERNAL AGENCY INVOLVEMENT

Where the Action Plan identifies a third party dependency, explain here the involvement and approval of any such party.

(3.1) The proposed amendments to the policy and procedure are subject to a consultation with the recognised Trades Unions and this work is ongoing.

4. ONGOING MONITORING ARRANGEMENTS

Where relevant, what steps have been put in place to ensure ongoing review of this action?


(4.1) No ongoing review is necessary

5. HOW DOES THE ACTION MEET THE OUTCOME?

Explain briefly how the steps taken will achieve the desired objective?

The redrafted policies reflect the recommendation received from the Inquiry.

Approval by Review Group:

Date:	01 June 2022
Comments/amendments:	There was consensus that this action has been completed
Was the action completed within the Action plan timeframe?	No, action was due at end of April but completed at the end of May, with final reporting to the Review Group on 1 June 2022. There were unavoidable delays in feedback on the policy amendments that were issued within the agreed timescales.
Signature of Chair:	

Approval by Council:

Date:	
Comments/amendments:	

Signature of Chair:	
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INQUIRY ACTION PLAN
NOTIFICATION OF COMPLETED ACTION

Strategic Lead Officer	Clair Hepburn (Director – People, Performance and Change)
Recommendation	Recommendation 5 The Council reviews its Disciplinary Procedures and Guidelines on Conducting Investigations to consider whether only suitably trained officers may be appointed as investigating officers.
Outcome number and summary	8. Disciplinary investigations are conducted by suitably trained officers.
Action	<ul style="list-style-type: none"> a. Offer a development opportunity to internal staff to undertake investigation training, to an accredited standard. b. Update the Disciplinary Procedures and Guidelines to include the option of commissioning an external investigator if required. c. Create guidance for the appointment of investigators to ensure the appropriate skills and background are considered depending on the nature of the allegations.
Deadline within Plan	May-July 2022

1. MEASURES TAKEN

Detail here the specific actions taken to meet the identified outcome.

The Chief Executive and Directors have been asked to each nominate 3 to 5 staff to undertake ACAS training in investigations. Nominated staff will require to be released from their role for a maximum of 3 weeks per year to fulfil the role of investigator.

The procedures and guidelines have been amended to include the option to commission external investigators if appropriate.

The procedures and guidelines have been amended to reflect action and investigators will be drawn from the pool of staff nominated.

1B. ASSOCIATED DOCUMENTS

Note here any documents attached as being relevant to this action

[Disciplinary Procedures for Misconduct](#)

2. BENCHMARKING

Explain what steps have been taken to measure the actions taken against best practice.

The Improvement Service and ACAS have been approached but are unable to provide this support. Therefore other options are being explored and once a suitable comparator is identified, this benchmarking will be reported as part of Action 6 (e).

3. EXTERNAL AGENCY INVOLVEMENT

Where the Action Plan identifies a third party dependency, explain here the involvement and approval of any such party.

(3.1) The proposed amendments to the policy and procedure are subject to a consultation with the recognised Trades Unions and this work is ongoing.

4. ONGOING MONITORING ARRANGEMENTS

Where relevant, what steps have been put in place to ensure ongoing review of this action?


(4.1) No ongoing review is necessary

5. HOW DOES THE ACTION MEET THE OUTCOME?

Explain briefly how the steps taken will achieve the desired objective?

All services will have a nominated group of investigators who can be released and have undertaken appropriate training.

Approval by Review Group:

Date:	01 June 2022
Comments/amendments:	There was consensus by the group that this outcome has been achieved.
Was the action completed within the Action plan timeframe?	Yes, action was due at end of April to July, completed at the end of May, with final reporting to the Review Group on 1 June 2022.
Signature of Chair:	

Approval by Council:

Date:	
Comments/amendments:	
Signature of Chair:	

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INQUIRY ACTION PLAN
NOTIFICATION OF COMPLETED ACTION

Strategic Officer	Lead	Clair Hepburn (Director – People, performance and Change) Nuala McKinlay (Chief Legal Officer & Monitoring Officer)
Recommendation		10 – that the Council revisits its consideration of the need to make a referral in terms of the protection of Vulnerable Groups (Scotland) Act 2007
Outcome number and summary		13 – ensure that the Council is compliant with its statutory responsibilities
Action		<ul style="list-style-type: none"> a) Establish the actions undertaken in 2018/19 and conclusion reached b) Consider the appropriateness of the above decision c) Consider whether any further action is required
Deadline Plan	within	May 2022

1. MEASURES TAKEN

Detail here the specific actions taken to meet the identified outcome.

(1.1) CH established that at the time of the Council's investigation into matters concerning this employee, it was determined that the criteria set out in the 2007 Act were not met, and therefore that no referral to Disclosure Scotland should be made.

(1.2) The Council's Monitoring Officer has considered the actions taken in 2018/19 and the terms of the legislation. The Council's Monitoring Officer has concluded that this decision of the SBC was appropriate and has noted that Disclosure Scotland has confirmed in writing the appropriateness of this decision.

(1.3) Following the sheriff court conviction of the employee in May 2021, Disclosure Scotland invited the Council to re-consider making a referral in terms of the 2007 Act. The Council did so, and thereafter, in April 2022 referred the matter to Disclosure Scotland in terms of the 2007 Act.

(1.4) The Monitoring Officer has confirmed that, given the action taken in April 2022, no further action is required.

1B. ASSOCIATED DOCUMENTS

Note here any documents attached as being relevant to this action

(i) N/A

2. BENCHMARKING

Explain what steps have been taken to measure the actions taken against best practice.

(2.1) The Council has received communication from Disclosure Scotland which confirms the appropriateness of the action taken by the Council.

3. EXTERNAL AGENCY INVOLVEMENT

Where the Action Plan identifies a third party dependency, explain here the involvement and approval of any such party.

(3.1) N/A

4. ONGOING MONITORING ARRANGEMENTS

Where relevant, what steps have been put in place to ensure ongoing review of this action?

(4.1) No ongoing review is necessary

5. HOW DOES THE ACTION MEET THE OUTCOME?


Explain briefly how the steps taken will achieve the desired objective?

(5.1) This objective related to the particular circumstances of this case, and was aimed at ensuring that the Council had acted in accordance with the legislation regarding vulnerable groups, and that no action remained incomplete or outstanding.

The Council's Monitoring Officer, with reference to Disclosure Scotland (which body has the responsibility for administering the statutory scheme) has confirmed that the Council has fulfilled its statutory responsibilities in respect of the 2007 Act.

Approval by Review Group:

Date:	15 June 2022
Comments/amendments:	
Was the action completed within the Action plan timeframe?	Yes, action completed by the end of May, with reporting to the Review Group on 1 June 2022.

Signature of Chair:	
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Approval by Council:

Date:	
Comments/amendments:	
Signature of Chair:	

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INQUIRY ACTION PLAN
NOTIFICATION OF COMPLETED ACTION

Strategic Officer	Lead	Netta Meadows, Chief Executive
Recommendation		Not formal recommendation – additional one added by Chief Executive to the action plan.
Outcome number and summary	14.	All additional learning and opportunities from the Inquiry Report are identified and implemented.
Action	e)	Create a cycle of continuous improvement to culture, by putting in place an Annual Employee Survey and regular engagement with staff to address areas identified for improvement.
Deadline within Plan		May 2022 - ongoing

1. MEASURES TAKEN

Detail here the specific actions taken to meet the identified outcome.

In June 2022 a new annual Employee Survey has been launched with staff. This is currently “open” and communications with staff, encouraging feedback is currently taking place

1B. ASSOCIATED DOCUMENTS

Note here any documents attached as being relevant to this action

None

2. BENCHMARKING

Explain what steps have been taken to measure the actions taken against best practice.

Not applicable

3. EXTERNAL AGENCY INVOLVEMENT

Where the Action Plan identifies a third party dependency, explain here the involvement and approval of any such party.

None

4. ONGOING MONITORING ARRANGEMENTS

Where relevant, what steps have been put in place to ensure ongoing review of this action?


It is anticipated that this survey is an annual event. The responses from this year will form a baseline for future years, to show improvements or changes in responses. This will provide a very detailed monitoring data set moving forward.

5. HOW DOES THE ACTION MEET THE OUTCOME?

Explain briefly how the steps taken will achieve the desired objective?

The outcome being sought was to ensure regular engagement with staff, through the survey. In addition to this we have also commenced "Coffee & Cake" sessions with staff – inviting staff to meet with members of SLT on a regular basis. The first one of these has taken place, with the second one happening in June. These are providing a valuable insight into issues and culture of the organisation which SLT are discussing following each meeting.

Approval by Review Group:

Date:	15 June 2022
Comments/amendments:	None
Was the action completed within the Action plan timeframe?	No – the survey was not launched until June, and so the deadline slipped a few days. It is not felt this presents any concerns or issues.
Signature of Chair:	

Approval by Council:

Date:	
Comments/amendments:	
Signature of Chair:	

MOTHBALLING POLICY

Report by Director of Education & Lifelong Learning

SCOTTISH BORDERS COUNCIL

23 June 2022

1 PURPOSE AND SUMMARY

This report seeks approval to the adoption of a Mothballing Policy, to be adopted by Education and Lifelong Learning in respect of schools where the pupil roll is either zero or very low and the Council and/or the Community consider that while the school is not presently viable, there is a reasonable prospect that the number of pupils in the area will increase, to allow the school to re-open in the near future.

2 RECOMMENDATIONS

I recommend that the Elected Members approve the adoption of a new Mothballing Policy.

3 BACKGROUND

- 3.1 Mothballing is the term that is used when a school is temporarily closed as the roll is either zero or very low and the Local Authority and/or the community considers that while the school roll is not presently viable, there is a reasonable prospect that the number of pupils in the area will increase to allow the school to re-open in the future.
- 3.2 There is no statutory process for mothballing a school, however the Statutory Guidance that accompanies the Schools (Consultation) (Scotland) Act 2010 (the Act) makes specific reference to mothballing.
- 3.3 The proposed policy has been prepared on the basis of the Statutory Guidance to the Act and to ensure that:-
 - a) the mothballing process is a consultative process that involves the families and community; and
 - b) a review framework is incorporated in the process to ensure that there is a regular review of the numbers of potential pupils in the area and a dialogue between Council officers and the community about the future of the school.

4 MOTHBALLING POLICY

- 4.1 The proposed policy is attached as an Appendix A to this report. The policy requires consultation with families, staff and the wider community and requires the preparation of an Options Appraisal to ensure that all options have been considered prior to the proposal being made.
- 4.2 The proposed policy stipulates that Educational benefits will be central to any proposal to mothball and to re-zone the catchment area;
- 4.3 The Statutory Guidance states that mothballing should not be for more than 3 years, unless the school is very remote. A review process is provided for within the proposed policy to ensure that a formal review is carried out each year regarding the school's future. This review will require collaboration with the community and the community council. An annual update will be presented to the Education Executive Committee.

5 IMPLICATIONS

- 5.1 **Financial**

There are no costs attached to any of the recommendations contained in this report.
- 5.2 **Risk and Mitigations**

There is a risk that by not having a policy for mothballing that a decision could be open to challenge or the decision may be made in a way to preclude future proposals regarding a school. The proposed policy has therefore been designed to ensure that the mothballing of a school is considered on a consistent, transparent and consultative basis across the Scottish Borders. While there is no statutory process for mothballing, the policy seeks to incorporate many of the considerations that are included in the legislation regarding changes to rural schools to ensure that the other options and the impact upon the community are considered as a fundamental part of the process.

5.3 **Integrated Impact Assessment**

An integrated Impact Assessment has been completed considering the Equality Duty and Fairer Scotland Duty and no negative impacts were identified.

5.4 **Sustainable Development Goals**

It is not anticipated that there will be any negative environmental impacts. Environmental and ecological impacts will be considered as part of the mothballing process.

5.5 **Climate Change**

It is not anticipated that there will be any significant effects on carbon emissions. Climate change was considered as part of the mothballing process.

5.6 **Rural Proofing**

N/A

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 will be no changes to the Scheme of Administration or Scheme of Delegation

6 **CONSULTATION**

6.1 The Director (Finance & Corporate Governance), the Chief Legal Officer, the Chief Officer Audit and Risk, the Director (People Performance & Change), the Clerk to the Council and Corporate Communications and any comments received will need to be incorporated into the final report.

Approved by

Lesley Munro

Director of Education & Lifelong Learning

Author(s)

Name	Designation and Contact Number
Gillian Sellar	Solicitor – 01835 825158

Background Papers: N/A

Previous Minute Reference: N/A

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Appendix

SCOTTISH BORDERS COUNCIL

POLICY AND CRITERIA FOR MOTHBALLING A SCHOOL

BACKGROUND

There is currently not a statutory process for mothballing a school, however the Statutory Guidance that accompanies the Schools (Consultation) (Scotland) Act 2010 (the **Act**) makes specific mention of mothballing.

The Statutory Guidance provides that mothballing is only appropriate in very restricted circumstances i.e. when a school roll is either zero or very low and the Authority and/or the community consider that while the school is not presently viable, there is a reasonable prospect that the number of pupils in the area will increase, to allow the school to re-open in the future.

It is vital that this flexibility to close a school for a temporary period is not used to undermine the requirements of the Act, which requires statutory consultations on proposals to make a permanent change to a school or stage of education. It should be noted that the Act contains a presumption against closure of rural schools and contains special provisions regarding rural schools to ensure that the consultation and reasons for closure are examined as thoroughly and rigorously as possible. As 36 (61%) of SBC's primary schools are classified as rural the provisions of the Act should always been considered when looking at making a change to a rural school. It is therefore recommended that the provisions of the Act regarding rural school proposals are considered in a mothballing scenario.

As mothballing is only appropriate for a temporary period, it should be subject to regular review, at least annually, against the same requirements which led to the original decision to mothball the school (or stage of education). The maximum duration for mothballing will depend on the location of the school and the desirability of maintaining capacity to reopen a school there, but is unlikely to exceed 3 years in areas that are not remote.

While an increase in pupil numbers and the demand for re-opening will be a critical part of the decision making process, the condition of the school building and cost of maintaining the mothballed provision will also be relevant considerations.

In circumstances where a school is mothballed rather than closed and some children and young people remain in the catchment area, this decision should be taken in consultation with the families involved and the possibility should be raised as soon as possible to ensure that families can consider all issues and options. The preparation of an Options Appraisal by SBC should assist this process.

It should be noted that the Statutory Guidance states that if the majority of families oppose mothballing, it would be appropriate to move to a statutory consultation on closure as soon as possible.

Prior to engaging with the parent body there should be discussions with the Parent Council, staff and Elected Members where opinions and comments can be considered and questions answered.

OPTIONS APPRAISAL

Prior to engaging with the families and the community it is recommended that an options appraisal regarding the School should be prepared

The Options Appraisal should be based on the requirements of the appraisals required in the Act; ensuring that the Educational Benefit implications are considered along with the impact on pupils and the community. It would be useful to also provide details of the current roll, projected roll and the placement requests out of the catchment zone to assist consideration of potential catchment zone amendments.

The Options Appraisal should include:-

- Identifying the key issues facing the School and requiring to be addressed by SBC – these will include falling roll, projected roll, curriculum concerns, concerns about opportunities and experiences, staff recruitment and retention
- Identification of reasonable alternatives to mothballing e.g.
 - consideration of catchment zones, other ways to boost roll
 - Encouraging or supporting community initiatives to attract employment, development or migration to the area
- Analysis of options, to include consideration of:
 - Likely Education benefits
 - Likely community impact
 - Likely effect of different travelling arrangements
 - Where possible the financial implications.

This Appraisal should assist engagement with the community and contain accurate data that is consistent, robust and able to withstand close scrutiny.

ENGAGEMENT – FAMILIES, STAFF AND COMMUNITY

Once it is clear that this might be a mothballing situation, all families within the catchment should be engaged with, not just those with pupils currently attending the School. This should take place as early as possible in the process to take full account of views, alternative options and opinions and also to provide clarity regarding the process and the next steps.

Staff and unions should also be engaged with at this time as should Elected Member and the Community Council(s).

The engagement should seek to cover:-

- Families' views regarding the School;
- Current and projected roll;
- Initiatives to increase roll;
- Identify alternative school for temporary catchment change;
- Discuss current placement request position;
- The School's role in the community;
- The implications of mothballing – maintaining the School; future use of the building;
- Annual Review process and timelines for re-opening or taking next steps

CONSULTATION WITH ELECTED MEMBERS AND COMMUNITY COUNCILS

From an early stage there should be engagement with the Elected Members in the area and liaison with the Community Councils. Given the nature of these schools and their role and position in the community any proposals regarding temporary or permanent changes should not be a surprise to families or the community.

REPORTS TO EDUCATION EXECUTIVE AND COUNCIL

If it is determined that the appropriate course of action would be to mothball the School a report should be prepared. If timing allows, a paper should firstly go to the Education Executive Committee, recommending that a proposal to mothball, followed by a paper seeking approval to the mothballing to Council.

SCHOOL BUILDING

In the event that the decision is taken to mothball a School, the building must be maintained to ensure that the School can be re-opened in the event that there is demand in the community for it to re-open and that there are adequate numbers of children on the roll to ensure the viability of the School. A key consideration is the Educational Benefits to the children.

Any temporary use of the School is only allowable on the basis that this would not be an impediment to re-opening the School and all arrangements must be terminable with short term notice e.g. 30 days.

REVIEW PROCESS

If the School is to be mothballed a formal review period for the School should be established. Guidance states mothballing should not be more than 3 years. The status of the School should be reviewed at least annually and all enquiries about the School should be logged to ensure that the demand is identified.

The review will analyse the number of children in the catchment, projected pupil numbers in the catchment and details of any actual and proposed housing development in the catchment area. Discussions should be held with Elected Members and the Community Council to establish the demand in the area to establish what the roll could be if the Schools was re-opened. Consideration should also be given to undertaking an online survey with the families and community regarding the future of the school. A report on the status should be prepared for the Executive Committee on an annual basis, detailing the current status of the School roll and projections. All reasonable options regarding the School should be revisited at during the review process.

If it appears that the School is unlikely to reopen, the Options Appraisal should be updated before any proposal for a permanent change to the School is progressed under the Act.

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PROPOSAL TO MOTHBALL EDDLESTON PRIMARY SCHOOL

Report by Director of Education & Lifelong Learning

SCOTTISH BORDERS COUNCIL

23 June 2022

1 PURPOSE AND SUMMARY

- 1.1 This report seeks approval from Elected Members to the recommendation to mothball Eddleston Primary School in accordance with the terms of the Council's Mothballing Policy.**
- 1.2 Mothballing is the term used when a school is closed temporarily as pupil numbers are so low that the Council and/or the Community consider that while the school is not presently viable, that there is a reasonable prospect that the number of pupils will increase to allow the school to re-open in the future. As part of the mothballing process the catchment area for a school must also be temporarily rezoned.
- 1.3 This recommendation is being made following a significant drop in the school roll at Eddleston Primary School (the **School**). At the start of the 2021/22 school year there were 24 pupils enrolled at the School, which in accordance with Scottish Government Regulations equated to a single composite class. This resulted in a number of placement requests being submitted by parents. The school roll reduced throughout the school year and there are currently 4 pupils enrolled at the School. Council officers have been working closely with the parents at the School, who have now approached the Council asking for the School to be mothballed until there are sufficient number of children to allow the School to re-open.

2 RECOMMENDATIONS

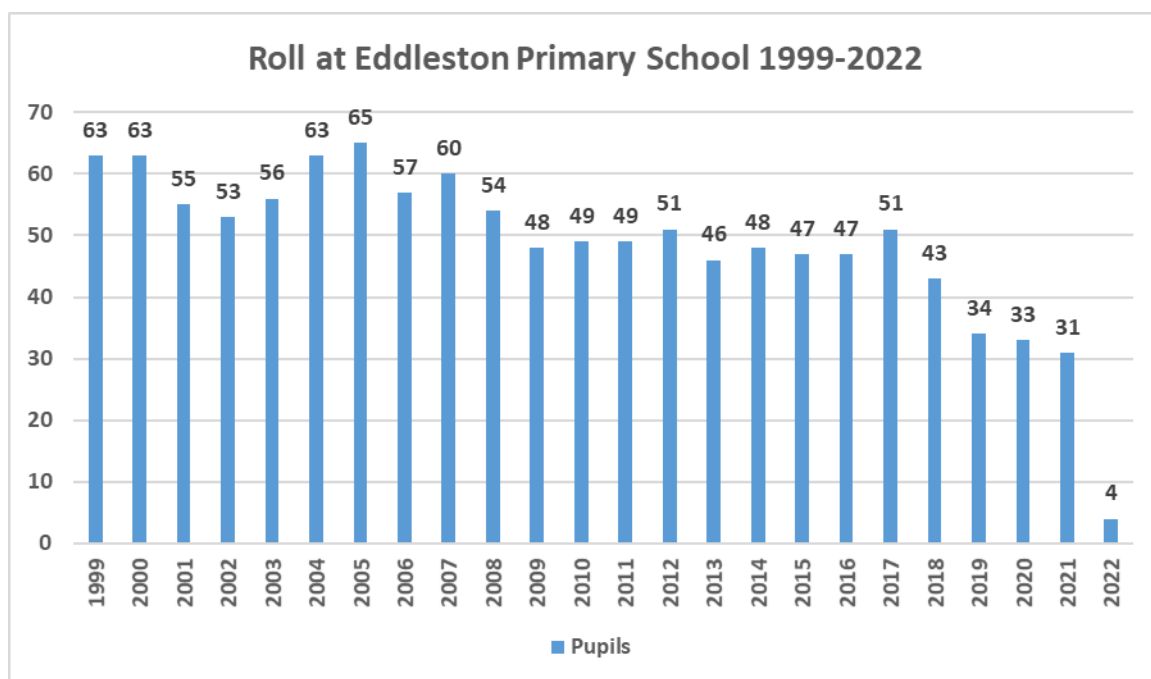
2.1 I recommend that the Elected Members approve:-

- 2.1.1 The recommendation to mothball the School in accordance with the Council's Mothballing Policy;**
- 2.1.2 The temporary re-zoning of the catchment zone to Newlands Primary School; and**
- 2.1.3 The review of the mothballed status of the School on at least an annual basis.**

3 BACKGROUND

3.1 Eddleston Primary School is a non-denominational primary school, with capacity for 100 pupils, located in a village about 5 miles north of Peebles.

3.2 Pupil numbers have declined over recent years and when numbers dropped from 31 (2020/21) to 24 (2021/22), this resulted in the School dropping to a single class school. Many parents then chose to submit placement requests at this time and there are currently only 4 children enrolled at the School. The chart below shows the roll profile since 1999:-



3.3 As at April 2022 there were 30 primary aged pupils residing within the Eddleston catchment area. Over the last few years there have been a small number of placement requests made by parents to other school each year. These requests then increased significantly when the School dropped to a single class. In Scotland parents have right to submit placement requests and there are very few grounds for a Council to refuse a placement request.

3.4 As at the end of March 2022 there were 4 pupils attending the School and the other pupils having submitted placement requests as follows:-

Primary School Placement Request	
Halyrude Primary School	6
Kingsland Primary School	9
Newlands Primary School	5
Priorsford Primary School	3
West Linton Primary School	3

3.5 We have reviewed the number of children within the catchment area and considered the Council's current projections regarding housebuilding in the area and the current birth rates. Council records indicate that there are

currently 5 children in the Eddleston catchment area who will be starting school in the school year 2022/23, with a further 2 aged 3-4. Based on this information the Council currently projects the number of primary aged children in the catchment zone will continue to be between 29 and 30 children for the next 6 years.

4 MOTHBALLING

- 4.1 Council officers have kept in close contact with the Parent Council at the School throughout the school year. The Parent Council recently contacted officers requesting that the School be mothballed as the remaining families wish to send their children to be educated at other school(s) in the area.
- 4.2 In line with the Council's Mothballing Policy, officers commenced an Options Appraisal report and met with the Parent Council and Staff on 17 May to discuss the proposal to mothball and then the wider community on 26 May.
- 4.3 The Options Appraisal is attached as an Appendix to this Report. The Appraisal considers all reasonable options for the School and concludes that the most reasonable option is presently to mothball the School.
- 4.4 It is clear that the Community is keen to see the School re-open and there has been and will continue to be discussions with the Community regarding the future of the School and the building.
- 4.5 Strong interest has been expressed in the Community for the provision of an Early Learning and Childcare setting in the School. Officers investigated this recently with the expansion of the funding of Early Learning funding and it was determined that there were not the numbers within the village for a setting to be viable and that there was sufficient provision close by. This will be monitored on an ongoing basis and will form part of the annual review required in the Mothballing Policy to establish if there could be a viable setting within the village.

5 CATCHMENT AREA

- 5.1 When a school is mothballed the catchment area requires to be re-zoned. This is done on a temporary basis as any permanent change would require a statutory consultation under the Schools (Consultation) (Scotland) Act 2010. It is Council policy that transport will be funded for all children to their catchment school if they live more than 2 miles from the school
- 5.2 Families of the children still attending the School have identified a number of issues relating to the size of the School and the effects on the children's education. These include limited opportunities to socialise and have a friendship and peer group; lack of opportunities for team sports and wider access to clubs and activities, including after school provision. While it is recognised that the children have benefitted in some ways from a very small class size it has also been recognised that the small numbers have impacted on the ability to collaborate and work with peers. As a result the pupils have been attending Newlands Primary School in Romanno Bridge once a week to give them opportunities to develop wider friendship groups and take part in group learning and play activities.

- 5.3 It is proposed that the catchment area for the School is temporarily re-zoned to Newlands Primary School. There are strong Educational Benefits for this proposal as the schools currently share a Head Teacher and the schools are partnered along with Broughton Primary School. The pupils at the School have already developed friendship groups and strong ties to staff and Newlands through their weekly visits. Families of the pupils currently attending the School have also expressed a strong preference for Newlands as they are keen for the children to have the experience of a smaller, rural school.
- 5.4 Newlands Primary School has capacity for 100 children and there are currently 61 children enrolled at the school so there is capacity within the school for all the primary aged children within the Eddleston catchment.

6 IMPLICATIONS

6.1 Financial

There are currently significant costs attached to running the School and while these will be reduced when the School is mothballed, there will be residual costs to maintain the building and to provide the transport that will be required to take the children to Newlands. Pupil transport have indicated that the cost of transporting the children could be in the region of £47,000 per annum, however this is based on the market at present and could change when the contract is tendered. This figure would equate to c50% of the projected savings for mothballing the School.

6.2 Risk and Mitigations

Once the school is mothballed there is a risk that the building could deteriorate. To mitigate this the Corporate Landlord will be required to ensure that the School and grounds are maintained. The loss of the School could have a negative impact on the village and the community is keen not to lose the asset. This can be mitigated through the annual review process and officers collaborating with the Community and the Community Council regarding future housing developments within the area and assessing the demand for the School to re-open

6.3 Integrated Impact Assessment

An integrated Impact Assessment has been completed considering the Equality Duty and Fairer Scotland Duty and no negative impacts were identified.

5.4 Sustainable Development Goals

It is not anticipated that there will be any negative environmental impacts. Environmental and ecological impacts will be considered throughout the review process and when a decision is made regarding the School's future.

5.5 Climate Change

Commencing a new transport service for the children to Newlands will have some impact on emissions. We will seek to ensure that this is minimised during the tendering process.

5.6 Rural Proofing

N/A

5.7 **Data Protection Impact Statement**

It is anticipated that the proposals in this report will have a minimal impact on data subjects and the Data Protection Officer has confirmed that a Data Protection Impact Assessment is not required.

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

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

6 CONSULTATION

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

Approved by

Lesley Munro

Director of Education & Lifelong Learning

Author(s)

Name	Designation and Contact Number
Gillian Sellar	Solicitor, 01835 825158

Background Papers: N/A

Previous Minute Reference: N/A

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SCOTTISH BORDERS COUNCIL
EDUCATION AND LIFELONG LEARNING
OPTIONS APPRAISAL REPORT



EDDLESTON PRIMARY SCHOOL

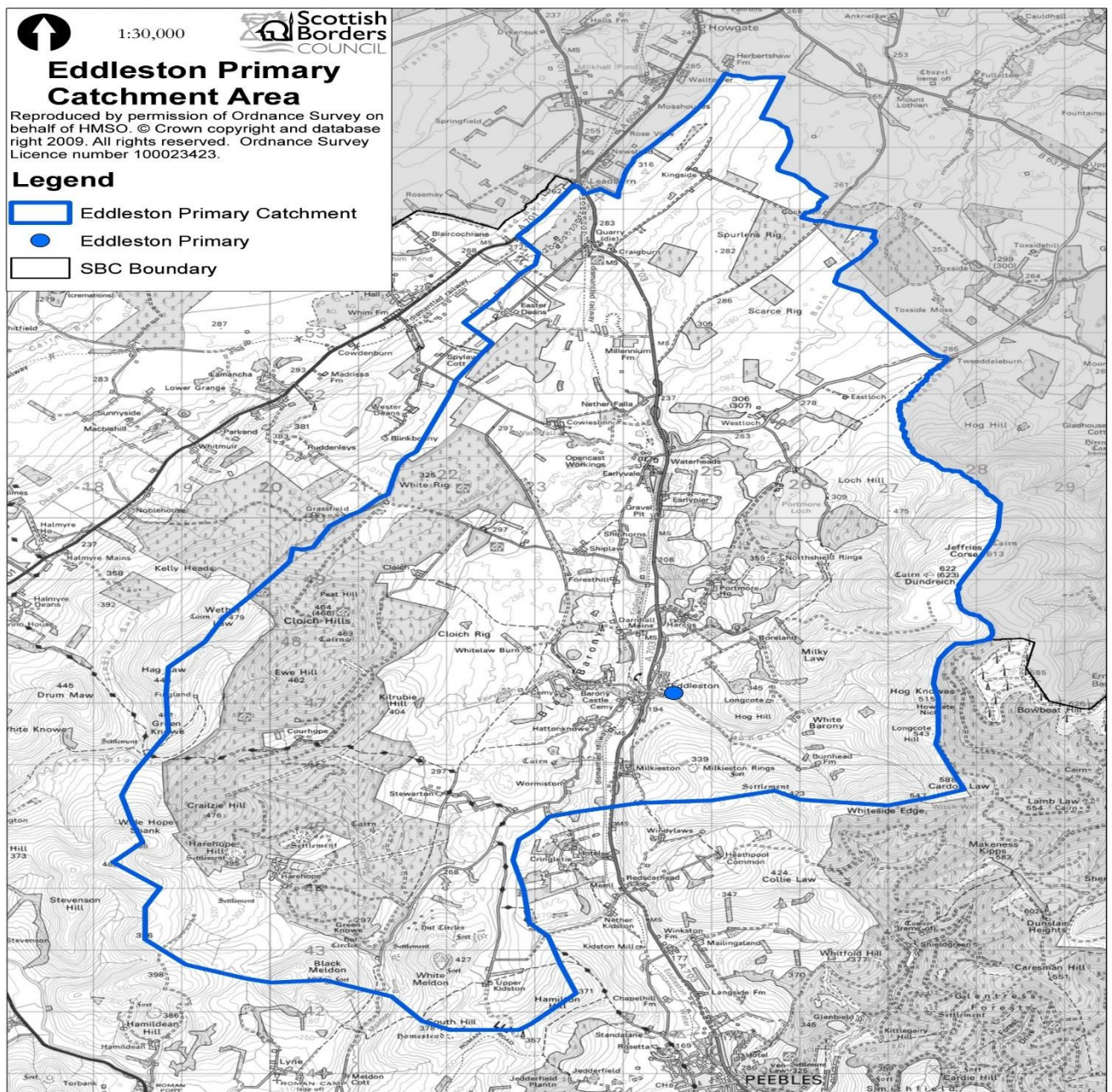
1. INTRODUCTION

This Options Appraisal Report is being prepared following a significant drop in the school roll at Eddleston Primary School (the **School**). The roll at the start of the 2021/22 school year was 24, which in accordance with Scottish Government Regulations equates to a single composite class. This drop to one class led to a number of parents submitting placement requests. There are currently 4 pupils at the School. In order to determine what the next steps should be, Council officers have carried out detailed option analyses, considering all reasonable options for the future of the School. This report contains details of the options considered.

2 BACKGROUND

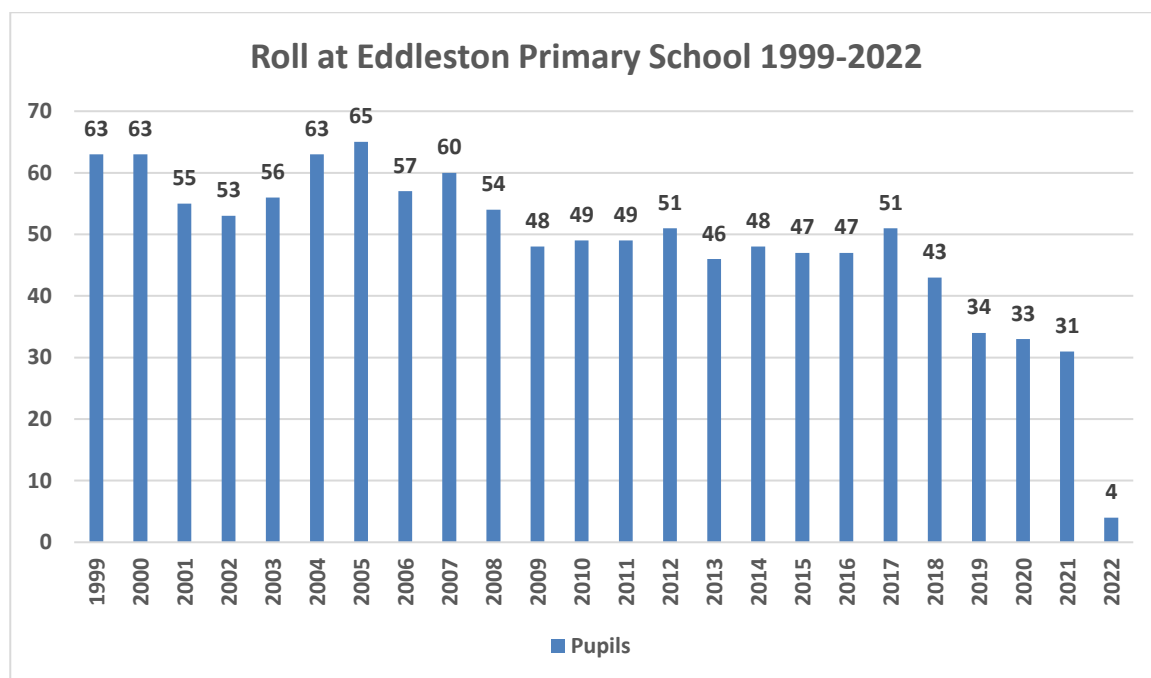
2.1 Eddleston Primary School is a non-denominational primary school, with capacity for 100 pupils, located in a village about 5 miles north of Peebles.

Eddleston Primary School Catchment Area Map



2.2 The roll at the School reduced from 31 to 24, between June 2021 and the commencement of the 2021/22 school year. In accordance with Scottish Government Regulations, this resulted in a drop of number of classes at the School from 10 to 2. Consequently several placement requests were

submitted by parents to a number of schools in the area. As at April 2022 there were 4 pupils at the School. The chart below illustrates the roll profile since 1999.



- 2.3 As at April 2022 there were 30 primary aged pupils residing within the Eddleston catchment area. 4 pupils are currently attending the School and the other children attend the following schools:-

Primary School Placement Request	
Halyrude Primary School	6
Kingsland Primary School	9
Newlands Primary School	5
Priorsford Primary School	3
West Linton Primary School	3

- 2.4 We have reviewed the number of children within the catchment area and considered the Council's current projections regarding housebuilding in the area and the current birth rates. Council records indicate that there are currently 5 children in the Eddleston catchment area that will be starting school in the school year 2022/23, with a further 2 children aged 3-4. Based on available information, the Council currently projects the number of primary aged children in the catchment zone will continue to be between 29 and 30 children for the next 6 years.

AREA DEMOGRAPHICS

- 3.1 The demographics of the local population have changed slightly over recent years. The table below, derived from National Records of Scotland census data zones, shows the age group distribution for the datazone that includes Eddleston. This data zone covers a much wider area than catchment area for the School, but does indicate some changes in the make-up of the population over the last 2 decades and reflects a common trend in the Scottish Borders where the population of over 65s is growing, while the number of children decreases.

Eddleston and Area (S01012247)			
Date of Census	Age Group	Population	%
2001	0 to 4	49	6%
	5 to 11	82	11%
	12 to 17	55	7%
	18 to 64	453	59%
	65+	123	16%
	All people	762	
2010	0 to 4	42	5%
	5 to 11	59	8%
	12 to 17	59	8%
	18 to 64	456	60%
	65+	149	19%
	All people	765	
2020 Estimate NRS	0 to 4	32	4%
	5 to 11	72	9%
	12 to 17	60	7%
	18 to 64	457	55%
	65+	211	25%
	All people	832	

3.2 The current Local Development Plan 2016 currently identifies 2 sites with an indicative capacity of 65 units. The Council's Housing Land Audit (HLA) 2020 programmes these site along with 2 additional smaller sites comprising a potential further 21 units. The HLA forecasts construction commencing in 2024 with c10-15 units being constructed each year. This has been informed using past completion rates and the level of developer interest to date within the area. Building at this rate would only provide between 1-2 potential pupils per annum. These have been included in our projections. If the build rate is quicker than forecast, the projections will be adjusted accordingly.

4 OPTIONS ANALYSIS

4.1 In order to determine what the most reasonable option is regarding the future of the school, Council officers have identified several potential options. This reports contains the analysis of the options to assist officers identify the most reasonable option for the School to then make a proposal to Councillors.

4.2 A number of possible options were identified for the future of the School namely:

Option 1	Keep Eddleston Primary School open with its current catchment area
Option 2	Expand Eddleston Primary School's catchment area
Option 3	Increase the roll at Eddleston Primary School
Option 4	Mothball Eddleston Primary School, with the catchment area being temporarily re-zoned
Option 5	Permanently close the School with a permanently re-zoned catchment area

4.3 **OPTION 1 - KEEP EDDLESTON PRIMARY SCHOOL OPEN WITH ITS CURRENT CATCHMENT AREA**

- 4.3.1 There are currently 30 primary aged children residing in the catchment area. Not all the children in the catchment have attended the School, as over the last few years we have seen a small number of requests submitted each year by parents. In terms of the Education (Scotland) Act 1980, the Council has a duty to accept placement requests to facilitate parental choice as far as possible. The only grounds for refusal are specified in this Act and are more concerned with the impact on the School that the application is being made to than the catchment school.
- 4.3.2 The number of pupils within the catchment are projected to remain around the current level for the next 6 years. These projections comprise the housing developments included in the Local Development Plan, developed at the rate currently projected in the Council's Housing Land Audit 2020. The rate and number of developments may change; and the projections will be revisited twice yearly.
- 4.3.3 It is considered unlikely that the children who are attending other schools would wish to return to the School and the parents of the children attending the School have intimated that they wish the School to be mothballed. Accordingly this Option is not currently considered reasonable as parents have indicated that they would currently prefer a school with a roll of a minimum of 30-40 pupils. However it is recognised that there are strong feelings in the Community and amongst parents that they wish the School to re-open in the future, if more children can be attracted to the School.

4.4 **OPTION 2 – EXPAND EDDLESTON'S CATCHMENT AREA**

- 4.4.1 Given that there are currently 30 primary aged children in the catchment and this level is projected to remain consistent over the next 6 years, to assist with growing the roll it is reasonable to consider whether expanding the catchment area could be an option to allow the School to become viable once again.
- 4.4.2 The School is a rural primary with a catchment area covering the area north of Peebles towards the boundary between the Scottish Borders and Midlothian. To the East, West and South, the catchment area neighbours 3 other SBC catchment areas:-
- Newlands Primary School;
 - Kingsland Primary School; and
 - St Ronan's Primary School.
- 4.4.3 We have considered the geography of the area and considering each of these catchment areas in turn officers have identified:-
- Newlands Primary School – Both catchments are rural and each catchment predominantly covers land on either side of the A roads passing through their communities. Given the geography of the area and the location of the dwellings, Officers have been unable to identify any obvious areas that could be transferred to the Eddleston catchment that would both boost the roll or reduce travel times to school. The communities of Lamancha and Romanno Bridge are linked and the route to Newlands for these children is direct. In any event any proposal to change a catchment would require a statutory consultation, which requires the proposal to be made on the basis of Education Benefits. It is not considered likely that this proposal would be acceptable to the parents. It is also noted that there has not been any placement requests made from the Newlands catchment to the School as far as can be seen in current records.
 - Kingsland Primary School - given the School's proximity to the boundary with Kingsland's catchment is considered unlikely that there would be much support for

the catchment areas to be altered as it would be easier for children to travel to Kingsland. Similarly with the Newlands catchment any change would require a formal proposal to be made for a statutory consultation on the basis of Educational Benefits and it is considered that it would be unlikely that parents would support this proposal as children in the area near the boundary between the School and Kingsland's catchment are more likely to consider themselves part of the Peebles' community. It should also be noted that over the last 7 school years there has only been one placement request from Kingsland to the School.

- St Ronan's Primary School – the 2 catchments meet in a very rural area north of Glentress. Given the rurality of the area it is not considered that there would be the number of children in the area nor support for the catchment areas to be changed.

4.4.4 Officers have been unable to identify any changes to the catchment area that would have an impact on the number of school aged children in the area or that would be likely to succeed as part of a statutory consultation. The way to grow the number of children in the catchment therefore requires consideration of other ways to attract children and families to the School and/or the Community.

4.5 OPTION 3 - BOOST EDDLESTON PRIMARY SCHOOL'S ROLL

4.5.1 Officers have considered options to increase the roll. These options include suggestions from the parent council and the Community;-

- Create an Early Learning and Childcare Setting at the School;
- Attract more housing development to the area;
- Create a forest school at the School; and
- Create a Gaelic school at the School

4.5.2 **Early Learning and Childcare Setting** - in the past there has been an Early Learning and Childcare (ELC) setting operating in Eddleston, however following a reduction in numbers it was no longer a viable operation and therefore closed. Officers have reviewed the provision of an ELC setting within the village and have identified that the numbers at present would not be sufficient, however this will be monitored on an ongoing basis.

4.5.3 **Attraction of Housing Development** – There are currently sites identified in the Local Development Plans which, if developed would amount to an additional 86 homes in the Community which would lead to an increased number of children within the village. Planning officers have indicated that they currently consider that the build out of these sites may take a number of years, although this may change as developers seek development sites to meet the demand for housing with the Tweeddale area. The demand in the area will be monitored by officers.

4.5.4 **Creation of a Forest School** – this has been suggested as an option by the parents and the Community. While at this stage there are not numbers in the catchment for this, officers will give this more consideration to establish what would be required for a forest school and if this could be viable.

4.5.5 **Creation of a Gaelic School** – this has also been a suggestion from a parent. SBC is currently finalising its Gaelic Language Plan. This option can be reviewed on an ongoing basis but currently officers have been unable to identify the level of demand for such a provision in the region

4.5.6 Unfortunately as the numbers have dropped so rapidly as the School there has been limited time for any of the above options to be investigated or pursued to any degree. However consideration of these options will be integral in the considerations of the future of the School. It is recognised that the School has a very important place in the Community and it is clear that people do not want this to drift on for a number of months. Therefore there will be regular reviews and discussions between Officers and the Community regarding the School's future.

4.6 **OPTION 4 - MOTHBALL EDDLESTON PRIMARY SCHOOL AND TEMPORARILY REZONE THE CATCHMENT ZONE**

4.6.1 The parents of the pupils at the School have approached SBC asking that the School is mothballed. Mothballing is only appropriate in very restricted circumstances i.e. when a school roll is either zero or very low and the Council and/or the community consider that while the school is not presently viable, there is a reasonable prospect that the number of pupils in the area will increase, to allow the school to re-open in the future. There is no statutory maximum period stipulated for mothballing a school but Government guidance suggests that 3 years.

4.6.2 We have considered whether the School currently meets this criteria. It is clear that with a current roll of 4 that it does meet the criteria of having a very low roll. We also have to consider whether it is reasonable to expect the numbers of pupils in the catchment to grow. We have reviewed the roll and current projections where we have considered:

- Current number of pupils in the catchment
- The projected house building in the catchment
- The birth data available for the area.

It is projected that the number of primary aged children in the catchment would be:-

School Year	Projected Catchment Size
2022/23	31
2023/24	28
2024/25	28
2025/26	30
2026/27	29
2027/28	30

While this shows the catchment remaining fairly static, any acceleration of the development of houses in the area could lead to an increase in numbers in the area which could lead to a more sustainable school roll. Officers will therefore continue to work with the planning team to track housing developments within the area over the coming months. Officers will also consider the options identified by parents and the community to boost the roll. It is therefore considered reasonable that the numbers could grow, and that parents of younger children may wish their children to attend the School if the numbers were to increase. Given that there is a willingness to consider options to grow the roll in the Community it is considered reasonable to review the position over coming months and as part of a formal review process. Accordingly mothballing is considered the most reasonable option based on current facts. If the School is to be mothballed the catchment area must be re-zoned on a temporary basis.

4.6.4 **Potential Catchment Zone**

When considering which catchment zone the Eddleston catchment should be temporarily rezoned to, officers have identified the 2 most obvious choices as:-

- Kingsland Primary School; or
- Newlands Primary School.

Kingsland Primary School

Kingsland is located 5.2 miles from Eddleston Primary School (approx. 13 minute drive). The school opened in 2010 and has capacity for 434 children, with a current roll of 349 pupils. There is an Early Learning and Childcare setting at the school. The School provides a modern learning environment for the children and has excellent facilities.

The Kingsland environment would be very different for Eddleston pupils as they would be moving from a much smaller school in their community to a significantly larger school environment. There are currently 9 children from the Eddleston catchment area attending Kingsland. Just under half of all the placement requests made from the Eddleston catchment area over the last 7 school years have been to Kingsland. There is more than sufficient capacity at Kingsland for all the children currently in the Eddleston catchment,

The Educational Benefits of rezoning the catchment area to Kingsland are:

- Pupils would be attending a school with a larger peer group which offers more opportunities to experience a variety of learning and teaching experiences offered through flexibility of grouping.
- A larger school roll provides more opportunities for social interaction. The forging of close friendships and the development of self-esteem can be enhanced by being able to be part of an age appropriate peer group of a sufficient size to allow a range of interactions and relationships to form and reform.
- There will be a larger staff and parent body increases the likelihood of adults leading a range of activities will support the provision of a richer and higher quality curriculum.
- There will be greater opportunities for team sports and other active recreational activities. This applies even to individual sports, where successful learning of skills is helped by talking and sharing experiences. It further applies to the health and wellbeing element of the curriculum which involves discussion between pupils about health lifestyle choices. Whilst these problems can be overcome by taking the pupils to participate in activities in a neighbouring school, that in itself involves time out of school travelling there and back.
- As with sports, the larger roll would also provide a greater likelihood of pupils benefitting from a wider range of solo and group musical and artistic opportunities.
- The transition to High School may be easier as pupils will move as part of a larger cohort.

Newlands Primary School

Newlands Primary School is located 12 miles from Eddleston Primary School which is approximately a 17 minute journey. The school has capacity for 100 pupils with a current roll of 61. There are currently 5 children from the Eddleston catchment attending Newlands and the parents of the children currently attending the School have indicated that Newlands would be their preferred option. There is sufficient room at Newlands for all the children the primary aged children in the Eddleston catchment area.

The potential Educational Benefits of making the Newlands the catchment school are:--

- Eddleston is in a learning community with Newlands and they currently share a head teacher, along with Broughton Primary School;
- The pupils from Eddleston have been attending Newlands every Thursday and have established friendship groups, know the teachers and the school and are all very positive and enthusiastic about it;
- As Newlands is also a rural school there are similarities to the School and its role in the community. However as a larger rural school Newlands can offer more opportunities for team work, sports, play and collaboration etc.;
- A rural school can play an important role in its community and provide opportunities for members of the community to become involved in learning. Closer ties to the community can provide specific learning opportunities and experiences which can enhance the sense of community across the generations.
- Pupils may have greater exposure to friends across a wider age range at smaller schools, which can assist with social skills and development.
- The nature of composite classes can encourage pupils to work together across the age ranges and abilities which can have a positive impact on all learners
- The school has great facilities and there are plentiful opportunities for outdoor learning, forest lessons etc.

After assessing the 2 options for the re-zoning of the catchment officers are recommending that the catchment zone for Eddleston is temporarily re-zoned to Newlands. While there are strong Education Benefits in respect of re-zoning to either of these schools, it is considered that the current arrangements between the School and Newlands provides greater continuity for the existing pupils at the School. The schools currently share a Head Teacher and the schools are partnered along with Broughton Primary School. The pupils at the School have already developed friendship groups and strong ties to staff and Newlands through their weekly visits. Families of the pupils currently attending the School have also expressed a strong preference for Newlands as they are keen for the children to have the experience of a smaller, rural school. The Council is keen to continue to support its rural schools and consider that the pupils and staff at Newlands will also benefit from this proposal.

4.7 OPTION 5 - PERMANENTLY CLOSE EDDLESTON PRIMARY SCHOOL AND PERMANENTLY REZONE ITS CATCHMENT AREA

Any permanent change to a school requires a full statutory consultation process and adherence to the Schools (Consultation) (Scotland) Act 2010. A proposal to close the school and change the catchment zone permanently would require such consultation. As Eddleston is a rural school the legislation also includes a presumption against closure and there are additional considerations and requirements. The legislation is also clear that a closure should be only considered when all other reasonable options have been considered. A proposal for permanent closure is therefore not being considered at this time as it is clear that there are other options to be considered, pursued and worked upon with the Eddleston community.

5 CONCLUSION

After considering all the options it is apparent that given the speed of the fall in numbers at the School, that there has not been an opportunity to consider different options to boost the School roll. The parents of the pupils at the School have indicated that they wish the School to be mothballed and for their children to attend other schools. Mothballing appears to be the most reasonable option to allow time to ascertain whether there is potential for:-

- for a viable Early Learning and Childcare setting at the School (which is not currently viable); and/or
- the school to provide an alternative educational offer and/or
- the number of children in the catchment to increase as a result of housing development within the area.

A formal review process will be put in place regarding Eddleston to ensure that a review of the mothballing and the options regarding the School are reviewed at least annually.

June 2022

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UK GOVERNMENT SHARED PROSPERITY FUND

Report by Director, Resilient Communities

SCOTTISH BORDERS COUNCIL

23 June 2022

1 PURPOSE AND SUMMARY

- 1.1 **This report seeks the agreement of the Council to the approach to the submission of the UK Shared Prosperity Fund (SPF) bid to the UK Government by 1 August 2022.**
- 1.2 The Shared Prosperity Fund (SPF) is a central pillar of the UK Government's Levelling Up policy agenda. A Prospectus for UKSPF was published on 13 April 2022 setting out its investment priorities which were communities and place, business support, people and skills, and Multiply which is about improving numeracy for employability purposes. [UK Shared Prosperity Fund: prospectus - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/111111/UK_Shared_Prosperty_Fund_prospectus_-_GOV.UK.pdf)
- 1.3 Each local authority in Scotland has been given two separate allocations over the financial years 2022/23 – 2024/25 for their administrative areas to be used to meet SPF investment priorities and Multiply objectives respectively. The Scottish Borders funding allocation is £4,442,628 for SPF and £927,345 for Multiply. This funding is divided into around 85% revenue and 15% capital. To access the monies local authorities are required to submit an investment plan setting out measurable outcomes and interventions to meet their priorities to the UK Government between 30 June 2022 and 1 August 2022. It is anticipated that these will be agreed in October 2022. There is a need to work collaboratively on the investment plan with local partners and to receive support for this work by the local Members of Parliaments (MPs). There is also strong encouragement to develop investment plans using regional economic geographies.
- 1.4 It is proposed to submit a Scottish Borders investment plan by 1 August 2022. This plan would use the investment priorities of the South of Scotland Regional Economic Strategy (RES) and its Delivery Plan which is overseen by the South of Scotland Regional Economic Partnership (REP). It would also link into the opportunities provided by the Regional Prosperity Framework of the Edinburgh and South East Scotland City Region Deal Partnership and the work of the Borderlands Inclusive Growth Deal. The Multiply part of the investment plan would be developed from the employability work being carried out by Scottish Borders Council and its local partners through the Scottish Borders Local Employability Partnership. It is planned to gain input of the REP as part of the development of the investment plan. The investment plan will need to be put together during Scottish Borders Council's summer recess period and a proposal for

delegating the development and agreement of the local investment plan is set out in the report's recommendations.

2 RECOMMENDATION

2.1 It is recommended that the Council:

- a) Agrees to lead the development of a local investment plan for the Scottish Borders for accessing the UK Shared Prosperity Fund based on the priorities in the South of Scotland Regional Economic Strategy and use the governance structure of the South of Scotland Regional Economic Partnership to assist in this process.**
- b) Agrees to delegate authority to the Chief Executive, Director Resilient Communities and Director of Finance & Corporate Governance in consultation with the Council Leader, the Executive Member for Community and Business Development, the Convener and Leader of the Opposition the responsibility to oversee the development and agreement of the Scottish Borders UK Shared Prosperity Fund Investment Plan for submission to the UK Government by 1 August 2022.**

3 BACKGROUND

- 3.1 The UK Government published its Levelling Up White Paper in February 2022. This sets out its:
- Approach to bring greater prosperity to communities across the UK and tackle regional and local inequalities.
 - Policy programme to guide the Fund (LUF) that was established by the UK Government's approach to levelling up with a medium-term missions, many of which will be set in statute with a commitment to report annually on progress.
- 3.2 The UK Shared Prosperity Fund (UKSPF) is one of the main drivers of the UK Government's Levelling Up agenda. For the UK as whole, the UK Government has indicated it will commit over £2.6bn of UKSPF for local investment by March 2025 which will be allocated to local authorities.
- 3.3 The UK Government published a Prospectus on 13 April 2022. [UK Shared Prosperity Fund: prospectus - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/104444/uk-shared-prosperity-fund-prospectus) It indicates that the primary goal of the UKSPF is to build pride in place and increase life chances across the UK, with the following objectives:
- Boost productivity, pay, jobs and living standards, especially in those places where they are lagging.
 - Spread opportunities and improve public services, especially in those places where they are weakest.
 - Restore a sense of community, local pride and belonging, especially in those places where they have been lost.
 - Empower local leaders and communities, especially in those places lacking local agency.
- 3.4 Following from this goal the UKSPF is to invest in domestic priorities and target funding where it is needed most, focusing on:
- Communities and place, targeted at enabling places to invest to restore their community spaces and relationships and create the foundations for economic development at the neighbourhood level.
 - Supporting local business, directed at enabling places to fund interventions that support local businesses to thrive, innovate and grow.
 - People and skills, focused at helping to reduce the barriers some people face to employment and supporting them to move towards employment and education.
 - Multiply, aimed at ensuring more adults achieve maths qualifications /participate in numeracy courses (up to, and including Level 2/ SCQF Level 5), improving labour market outcomes and increasing adult numeracy across the population.
- 3.5 Local authorities are being given responsibility to access these UKSPF monies by developing local or regional investment plans. There is strong encouragement for investment plans to be done regionally, based on regional economic strategic geographies, or in partnership with other local authorities. Comprehensive and balanced local partnerships are to be a core component of how the Fund is administered locally. These partnerships should involve diverse range of local and regional stakeholders, civil society organisations, and employer bodies responsible for identifying local skills plans, and businesses or business representative groups to achieve Fund outcomes in their areas. In circumstances where a place already has a group that could be used, then the group can be designated for this Fund's purposes, taking care to

ensure that the panel is fully representative and that its terms of reference meet the Fund's needs.

- 3.6 Local authorities are to receive £20,000 for the development of local investment or £40,000 if they are leading for a strategic regional plan. Those local authorities who lead on plans will also receive an estimated 4% of the area's UKSPF to manage, including assessing and approving applications, processing payments and day-to-day monitoring.
- 3.7 The local investment plans need to cover a period of three financial years 2022/23 – 2024/25. The finances for the general part of investment plans involve a mixture of revenue and capital funding based on a revenue provision of 90% in 2022/23 moving to 82% in 2024/25. The Multiply part is 100% revenue. Match funding is not required but encouraged.
- 3.8 The investment plans are relatively high level and need to provide information based on the outline draft template shown in one of the documents contained in this link:
[UK Shared Prosperity Fund: prospectus - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/108122/UK_Shared_Prospersity_Fund_-_prospectus.pdf)
 The information required covers:
- Local context: an opportunity for places to set out their local evidence of opportunities and challenges through the lens of the three investment priorities for UKSPF.
 - Selection of outcomes and interventions: where places will identify the outcomes they wish to target based on local context, and the interventions they wish to prioritise, under each investment priority, from the menu of options in the Prospectus. These should be clearly linked to local opportunities and challenges.
 - Delivery: this represents the most detailed stage of the investment plans and includes the approach to delivery and governance, expenditure and deliverables based on outcome and outcome indicators at priority and intervention levels, and resources to manage and work with the Fund.
- 3.9 Investment plans need to be submitted by local authorities for indicative assessment to the UK Government between 30 June 2022 and 1 August 2022. The UK Government is to review the plans between July and September 2022 and sign off plans with payments for 2022/23 in October 2022. The amounts for 2023/24 will be paid to local authorities on 1 April 2023 and for 2024/25 on 1 April 2024.
- 3.10 The Scottish Borders funding allocation for the three year period 2022/23 – 2024/25 is £4,442,628 for SPF and £927,345 for Multiply. The year on year breakdown of this funding is as follows:

Scottish Borders	UKSPF General Funding	UKSPF Multiply Funding
2022/23	£539,154	£280,360
2023/24	£1,078,308	£323,492
2024/25	£2,825,166	£323,492
Total	£4,424,628	£927,345

4 PROPOSED APPROACH TO THE PRODUCTION OF THE UKSPF LOCAL INVESTMENT PLAN

- 4.1 It is proposed that a singular Scottish Borders Council's UKSPF investment plan be developed within the umbrella of the South Scotland Regional Economic Strategy (SoSRES) and Delivery plan that was recently produced by the South of Scotland Regional Economic Partnership (REP). [South of Scotland Regional Economic Partnership - South of Scotland Regional Economic Partnership \(dumgal.gov.uk\)](https://www.dumgal.gov.uk) This is the approach also preferred by Dumfries and Galloway Council. It allows both Councils to link in with other regional geographies which in the case of the Scottish Borders is primarily the Edinburgh and South East Scotland Region.
- 4.2 The REP meets the requirements of the local partnership as set out in the UKSPF Prospectus. It comprises members of Scottish Borders Council, Dumfries and Galloway Council, and South of Scotland Enterprise, together with appointed members from businesses, communities, social enterprise, the third sector, registered social landlords, and representatives from colleges, universities and public bodies. Scottish Borders Council was involved in every stage of the development of the Strategy and Delivery Plan. Also its former Executive member for Economic Development chaired the REP during the crucial phase of the development and agreement of the Strategy, and also during the entire production of the Delivery Plan.
- 4.3 The SoSRES and 3 year Delivery Plan were developed and shaped by significant local engagement of businesses, communities and partners and regional and national stakeholders. The SoSRES was agreed by Scottish Borders Council at its meeting on 23 September 2021 and the Delivery Plan at its meeting on 25 November 2021.
- 4.4 The SoSRES provides a strong strategic underpinning for Scottish Borders Council's UKSPF investment plan because of the involvement and support of local and regional stakeholders and its recent development. It recognises the unique strengths of the South of Scotland (including the Scottish Borders) in relation to its natural capital, the quality of its communities, businesses and cultural identity, and looks to increase the working age population and attract visitors to the region. Inclusivity, sustainability, innovation and creativity, and making the most of everyone's potential are embedded into the Strategy.
- 4.5 The Strategy's six themes accord well with the UK Government's Levelling Up agenda and can be used as the basis for developing the Scottish Borders local investment plan. These themes are:
- Skilled and Ambitious People.
 - Innovative and Enterprising.
 - Rewarding and Fair Work.
 - Cultural and Creative Excellence.
 - Green and Sustainable Economy.
 - Thriving and Distinct Communities.
- 4.6 It is planned to gain the input and advice of the South of Scotland REP as part of the development of the investment plan. It is also proposed to include within the Scottish Borders UKSPF investment plan opportunities for the area to participate in Regional Prosperity Framework projects being developed by the Edinburgh and South East Scotland City Region Growth Deal Partnership. The investment plan might also make

reference and links to projects and programmes being developed as part of the Borderlands Inclusive Growth Deal

- 4.7 The Multiply part of the Scottish Borders UKSPF investment plan would be developed from the employability work being carried out by Scottish Borders Council and its local partners through the Scottish Borders Local Employability Partnership.
- 4.8 To meet the 1 August 2022 deadline for submitting the investment plan much of the work on the Plan will need to be carried out during Scottish Borders Council's summer recess in July 2022.
- 4.9 To ensure a Scottish Borders Council local investment plan is submitted on time it is proposed to delegate authority to Chief Executive, Director Resilient Communities and Director of Finance & Corporate Governance in consultation with the Council Leader, the Executive Member for Community and Business Development, the Convener and Leader of the Opposition the responsibility the responsibility to oversee the development and agreement of the Scottish Borders UK Shared Prosperity Fund investment plan.

5 IMPLICATIONS

5.1 Financial

The Scottish UKSPF investment plan will take account of existing Scottish Borders Council's capital and revenue spending commitments. Any match funding for projects will be provided within existing budget allocations

5.2 Risk and Mitigations

- a) There is an inflationary risk but these will factored into any projects included in the investment plan.
- b) There is major reputational risk for the Council in not submitting a UKSPF investment plan to the UK Government to meet the deadline of 1 August 2022.

5.3 Integrated Impact Assessment

Inclusive Growth and equality matters will be taken account of in the development of the Bids. Full equality impact assessments will be undertaken on the elements of the project within the investment plan if they successfully receive UKSPF funding.

5.4 Sustainable Development Goals (SDGs)

The UKSPF investment plan will take account of the sustainable development goals requirements. It will particularly focus on SDGs 8 (Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all), and 9 (Build resilient infrastructure, promote inclusive and sustainable industrialisation and foster innovation)

5.5 Climate Change

The UKSPF investment plan will be developed on the basis of a Just Transition to Net Zero and will take out of the checklist for projects. It is expected to have positive implications for reducing carbon emissions.

5.6 Rural Proofing

The UKSPF investment plan will take account of all areas in the Scottish Borders, including rural areas.

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 will be no changes required to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals set out in this report.

6 CONSULTATION

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

Approved by

Jenni Craig
Director - Resilient Communities

Author(s)

Name	Designation and Contact Number
Douglas Scott	Senior Policy Advisor

Background Papers: None

Previous Minute Reference:

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

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Gypsy Traveller Site Provision

Report by Stuart Easingwood

Scottish Borders Council

23rd June 2022

1 PURPOSE AND SUMMARY

- 1.1 This report provides Council with an update on the facilities and amenities for Gypsy/Traveller families in Scottish Borders. It had become apparent that the Council needs to review the arrangements in place for this group, specifically the provision of stopping places and sites. Experience during the COVID restrictions has confirmed existing provision is neither adequate nor flexible enough to meet our requirements. This builds upon the report to Council in December 2021 (contained with the background papers).**
- 1.2 For some time the designated site for Gypsy/Travellers in the Scottish Borders has been an area at the Tweedside Caravan Park, Innerleithen. There are nine specific pitches for Gypsy/ Traveller families. This is a seasonal site with no access during the winter months, it is therefore designated as temporary provision. The site is leased on a commercial basis to the site operator. Lease arrangements are commercially sensitive and confidential. Pitch numbers had reduced during the Covid restrictions. It is generally accepted that rent arrears and/or previous tenancy difficulties would be grounds to refuse access.
- 1.3 In 2019, Scottish Borders Council formalised the approach to Gypsy/Traveller unauthorised encampments by appointing an officer (Community Safety Policy Officer) in a support role as Gypsy/Traveller liaison. Based within the Safer Communities Team, this role is to ensure a consistent approach and compliance with Scottish Government guidance (contained with the background papers).
- 1.4 During the COVID restrictions the Scottish Government issued the *COVID-19 Framework for Local Decision Making on Gypsy/Traveller Support – June 2020*. This set out the need for access to sanitation, services and healthcare while minimising unnecessary travel. Victoria Park, Selkirk was utilised for this purpose. Updated guidance and a lifting of restrictions has enabled the site to be decommissioned as a COVID response and returned for commercial tourism from 30th June 2022.

- 1.5 Since early 2020 much of the work relating to Gypsy/Travellers has been led from within the Safer Communities Team, the original remit was restricted to unauthorised encampments.
- 1.6 The pre-election period coupled with the establishment of the new Council has delayed the presentation of this report.

2 RECOMMENDATIONS

3.1 I recommend that Scottish Borders Council:-

- a) Note the use of Victoria Park, Selkirk as a temporary Gypsy/Traveller site during the COVID response will end on 30th June 2022.**
- b) Note the progress made with the operator of Tweedside Caravan Park, Innerleithen who has introduced an occupancy agreement for Gypsy/Travellers that meets the Scottish Governments minimum standards for Gypsy/Traveller sites, and Scottish Housing Charter requirements as regulated by the Scottish Housing Regulator.**
- c) Support the design of a consultation process with existing Gypsy/Traveller families and national Gypsy/Traveller representatives in developing the Local Housing Strategy and future need as per the requirements of the Housing (Scotland) Act 2001.**
- d) Agree that Galafoot ceases to be a credible option as a site to consider for additional Gypsy/Traveller capacity for the reasons outlined at 3.7 & 3.8.**

3 BACKGROUND

- 3.1 The Gypsy/Traveller liaison function is specifically for unauthorised encampments. There is an established policy group to maintain a consistent approach in dealing with such situations. The council will only enforce removal activity that is court mandated on council owned land.
- 3.2 Arrangements at Tweedside Caravan Park, Innerleithen have been in place for a number of decades.
- 3.3 The report presented to Council in December 2021 sought to update on the existing situation as it related to Gypsy/Travellers as they enter and travelled within the Borders.
- 3.4 A number of recommendations had been contained within the December 2021 Council report. Updates are as follows:
- 3.5 **Use of Victoria Park, Selkirk**, the occupants have been advised the site will close to them on 30th June 2022. This has been communicated both verbally and in writing. Work is underway to identify and put right any resultant wear and tear on the fabric of the site caused during the COVID response.
- 3.6 **Scoping of Ettrick Mill, Selkirk as an alternative site**, contamination testing has been undertaken and plans had been developed. A planning application would have been necessary had the site been used beyond September 2022. Following communication with Selkirk elected Members and the community council it was agreed not to proceed and instead utilise Victoria Park until 30th June 2022.
- 3.7 **The land at Galafoot, Galafoot Lane, Galashiels be subject to a full feasibility study regarding its suitability as a longer term option for the Gypsy/Traveller community.** The site is a former gasworks, c.2.3Ha in size, and has been subjected to a number of phases of investigation and remediation, most recently 2013. The report is almost 10 years old and certain assessment approaches, analytical methodologies and general guidance changes have occurred in the intervening period. The report considers previous ground reporting dating from 1997 to 2010 which is similarly outdated in certain aspects. The previous assessments considered the site for a commercial end use. This end use is less sensitive than a residential use and a future residential use would require reassessment against more stringent thresholds. Other constraints relate to flooding, existing national grid infrastructure, access, noise/odour, perception.
- 3.8 Remedial works were undertaken in 1997 however these considered remedial targets based upon standards which have since been withdrawn. Further investigation undertaken in 2010 identified visual/ olfactory evidence of contamination in soils and groundwater and the report concluded "*any proposed redevelopment should be preceded by a further investigation including area-specific soil sampling, chemical analysis and human health risk assessment for any area(s) of the site where future redevelopment is to take place*". Should this site be considered for future redevelopment it would be recommend an updated assessment is undertaken. This would consider all the existing site investigation data and

the remedial actions that have been undertaken within the context of the end use that is proposed. Results could then be reassessed against current standards and any data gaps clearly identified. Landfill tax (est. £98.70 per ton), excavation costs, haulage, disposal and infill would generate significant cost in remediation, the site is c. 23,000m². Given the forgoing it is considered residential use of the site would be inappropriate and cost prohibitive.

- 3.9 Scope alternative sites in the event that the Galafoot site costs prove prohibitive,** a variety of options had been considered as alternatives. In the main these consisted of car parks and other areas of vacant space owned by the council. All had been rejected due location, access to amenity or topography of the ground. There was a recognition that the Local Housing Strategy (LHS) offered the most credible mechanism to identify an appropriate location for additional site capacity. Consultation and engagement is being undertaken through the LHS development process led by Housing Strategy.
- 3.10 Progressing negotiations with the current tenant at Tweedside Caravan Park regarding the Scottish Housing regulators requirement,** this is complete.
- 3.11 Consultation process with existing Gypsy/Traveller families and national Gypsy/Traveller representatives,** this is being developed as part of the LHS. There has also been contact with Conyach Advocacy & Engagement regarding culturally appropriate accommodation, and consideration of the documents, Designing Gypsy & Traveller Sites - Good Practice Guide, and the Draft Design Guide for Gypsy/Traveller Sites in Scotland Provided by Local Authorities and Registered Social Landlords.
- 3.12 A draft LHS is expected to be out for public consultation by the end of this calendar year. The draft will be presented to the Executive committee for approval in advance of the formal consultation period (November/December time). Progress on the Gypsy/Traveller Needs is expected by October. The next stage in the process, should members agree, would be the identification of a site/s, mapped to the specific needs identified through the LHS. Community engagement and the views of elected members would be sought. Any additional site location would require planning consent.

4 Potential Land Requirement

- 4.1 Some illustrations for a permanent facility based around available guidance and minimum standards have been prepared. For a permanent site for transient occupancy, a single service block with individual facilities would require 200/250 square meters per pitch. For a permanent site with individual service blocks each pitch requires 250/300 square meters. With any location topography and access would influence capacity and cost (contained with the background papers).
- 4.2 Any location identified would be subject of a full planning application.

5 IMPLICATIONS

5.1 Financial

The Scottish Government have created a £20m Gypsy/Traveller Accommodation Fund. Plans can be presented to access a percentage of the total cost based upon proposals. There will be a percentage for the council to find if an application is made and successful.

5.2 Risk and Mitigations

- (a) There is already a shortage of culturally suitable accommodation nationally. By doing nothing there will be limited options for Gypsy/Traveller families travelling through or remaining within the Scottish Borders. Developing the LHS and mapping provision to identified need through that process may provide greater capacity for accommodating Gypsy/Traveller families.
- (b) Larger Gypsy/Traveller sites are seen as being less favoured than smaller sites given the movement of family groups. This will be further tested during development of the LHS in identifying specific needs and requirements to support families.
- (c) Unauthorised encampments are generally reported in central Borders. We have an existing process for dealing with unauthorised encampments and a liaison officer to support the council approach. There are regular policy meetings to ensure this remains credible and aligns to Scottish Government guidance.
- (d) Often unauthorised encampments are in unsuitable locations or impact upon the settled community and businesses. This places the council in a situation in which it can offer no alternative and weakens the case should enforcement action be necessary. In the preceding few years numbers of unauthorised encampments have ranged between 15 and 30 annually. There is also the annual St Boswells Fair. During the summer months the liaison officer spends a high proportion of time on the Gypsy/Traveller function, including the Fair.
- (e) The LHS will identify need among the Gypsy/Traveller community that travels into and stops within the Borders. Any additional requirement would be for general use not a specific family or group.

5.3 Integrated Impact Assessment

The Scottish Government set out its plan, Improving the Lives of Scotland's Gypsy/Travellers 2019/20, in recognition of the inequality they experience. An assessment will be required should there be a decision to develop further accommodation options in the Borders.

5.4 Sustainable Development Goals

In any development the full range of sustainable materials, and ongoing site maintenance needs will be considered.

5.5 Climate Change

Sustainable energy sources such as solar and heat pumps can be considered.

5.6 Rural Proofing

N/A

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 change.

6 CONSULTATION

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

Approved by

Name Stuart Easingwood

Title Director Social Work & Practice

Author(s)

Name	Designation and Contact Number
Graham Jones	Group manager – Safer Communities & Homelessness

Background Papers: Scottish Government Guidance - Guidance for Local Authorities On Managing Unauthorised Camping By Gypsy/Travellers In Scotland

Previous Minute Reference: 16 December 2021

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- Transit site**
- communal amenity building
 - 7 relatively small plots 200-250m2
 - Other considerations - visitor parking and play park

DRAFT

REV. | DETAILS | BY | DATE



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DESIGN SERVICES

Standard Titles

SCALES	
PROJECT ENGINEER	FILE REFERENCE
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PROJECT No.	DRAWING No.
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