

Public Document Pack



SCOTTISH BORDERS COUNCIL THURSDAY, 25 AUGUST, 2022

A BLENDED MEETING of the SCOTTISH BORDERS COUNCIL will be held IN THE COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST. BOSWELLS AND VIA MICROSOFT TEAMS on THURSDAY, 25TH AUGUST, 2022 at 10.00 AM. Members may attend either in person or online.

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,
18 August 2022

BUSINESS																										
1.	Convener's Remarks.																									
2.	Apologies for Absence.																									
3.	Order of Business.																									
4.	Declarations of Interest.																									
5.	Minute (Pages 5 - 30) Consider Minutes of Scottish Borders Council held on 23 June and 12 July 2022 for approval and signing by the Convener. (Copies attached.)	2 mins																								
6.	Committee Minutes Consider Minutes of the following Committees:- <table style="width: 100%; border: none;"> <tr><td>(a) Hawick Common Good Fund</td><td style="text-align: right;">7 June 2022</td></tr> <tr><td>(b) Chambers Institution Trust</td><td style="text-align: right;">8 June 2022</td></tr> <tr><td>(c) Peebles Common Good Fund</td><td style="text-align: right;">8 June 2022</td></tr> <tr><td>(d) Audit & Scrutiny</td><td style="text-align: right;">9 June 2022</td></tr> <tr><td>(e) Berwickshire Area Partnership</td><td style="text-align: right;">9 June 2022</td></tr> <tr><td>(f) Police, Fire & Rescue and Safer Communities Board</td><td style="text-align: right;">10 June 2022</td></tr> <tr><td>(g) Planning & Building Standards</td><td style="text-align: right;">13 June 2022</td></tr> <tr><td>(h) Jedburgh Common Good Fund</td><td style="text-align: right;">13 June 2022</td></tr> <tr><td>(i) Executive</td><td style="text-align: right;">14 June 2022</td></tr> <tr><td>(j) Community Planning Strategic Board</td><td style="text-align: right;">16 June 2022</td></tr> <tr><td>(k) Local Review Body</td><td style="text-align: right;">20 June 2022</td></tr> <tr><td>(l) Kelso Common Good Fund</td><td style="text-align: right;">21 June 2022</td></tr> </table>	(a) Hawick Common Good Fund	7 June 2022	(b) Chambers Institution Trust	8 June 2022	(c) Peebles Common Good Fund	8 June 2022	(d) Audit & Scrutiny	9 June 2022	(e) Berwickshire Area Partnership	9 June 2022	(f) Police, Fire & Rescue and Safer Communities Board	10 June 2022	(g) Planning & Building Standards	13 June 2022	(h) Jedburgh Common Good Fund	13 June 2022	(i) Executive	14 June 2022	(j) Community Planning Strategic Board	16 June 2022	(k) Local Review Body	20 June 2022	(l) Kelso Common Good Fund	21 June 2022	5 mins
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	<p>(m) Coldstream Common Good Fund 22 June 2022</p> <p>(n) Melrose Common Good Fund 27 June 2022</p> <p>(o) Tweeddale Area Partnership 27 June 2022</p> <p>(p) Pension Fund 29 June 2022</p> <p>(q) Pension Board 29 June 2022</p> <p>(r) William Hill Trust 29 June 2022</p> <p>(s) Lauder Common Good Fund 29 June 2022</p> <p>(t) Cheviot Area Partnership 29 June 2022</p> <p>(u) Eildon Area Partnership 30 June 2022</p> <p>(v) Planning & Building Standards 4 July 2022</p> <p>(w) Peebles Common Good Fund 12 July 2022</p> <p>(x) Local Review Body 18 July 2022</p> <p>(y) Hawick Common Good Fund 27 July 2022</p> <p>(Please see separate Supplement containing the public Committee Minutes.)</p>	
7.	<p>Anti-Poverty Strategy - Cost of Living Support (Pages 31 - 42)</p> <p>Consider report by Director Resilient Communities. (Copy attached.)</p>	20 mins
8.	<p>Motion by Councillor Anderson</p> <p>Consider motion by Councillor Anderson in the following terms:-</p> <p>“That Scottish Borders Council calls upon the UK government to act now over the current fuel and energy crisis prior to winter and ensure the costs of the main fuels used come down to an affordable level for all in society. In particular it calls upon the (UK) Government to reinstate the previous cap of £1,277.00 (as of 01.11.21) on home fuel prices.”</p>	5 mins
9.	<p>South of Scotland Cycling Strategy (Pages 43 - 94)</p> <p>Consider report by Director Resilient Communities. (Copy attached.)</p>	20 mins
10.	<p>Membership of the Regional Economic Partnership (Pages 95 - 102)</p> <p>Consider report by Director Resilient Communities. (Copy attached.)</p>	20 mins
11.	<p>National Care Service (Scotland) Bill Consultation Response (Pages 103 - 118)</p> <p>Consider report by Joint Director of Health and Social Care Integration. (Copy attached.)</p>	20 mins
12.	<p>Review Group Update in Connection with Independent Inquiry Action Plan (Pages 119 - 120)</p> <p>Consider briefing paper by Director Education and Lifelong Learning. (Copy attached.)</p>	15 mins
13.	<p>Digital Strategy Update and Overview of Digital Transformation Programme (Pages 121 - 140)</p> <p>Consider report by Director Strategic Commissioning and Partnerships. (Copy attached.)</p>	20 mins
14.	<p>Revised Devolved School Management Scheme (Pages 141 - 172)</p> <p>Consider report by Director Education and Lifelong Learning. (Copy attached.)</p>	10 mins
15.	<p>Scottish Borders Response to the Regional Transport Strategy (Pages</p>	20 mins

	173 - 198) Consider report by Director Infrastructure and Environment. (Copy attached.)	
16.	Licensing of Short Term Lets (Pages 199 - 208) Consider briefing paper by Chief Legal Officer. (Copy attached.)	10 mins
17.	Review of Interim Scheme of Administration (Pages 209 - 288) Consider report by Acting Chief Executive. (Copy attached.)	20 mins
18.	Participation Request from Scottish Borders Community Councils' Network (Pages 289 - 294) Consider report by Director Resilient Communities. (Copy attached.)	10 mins
19.	Protocol on Relationships between Political Groups, Elected Members and Officers (Pages 295 - 308) Consider report by Acting Chief Executive. (Copy attached.)	10 mins
20.	Appointment of a Selection Committee - External Members of Audit Committee (Pages 309 - 312) Consider report by Chief Officer Audit and Risk. (Copy attached.)	5 mins
21.	Appointment to Outside Bodies Consider appointment of a Tweeddale Councillor to the Board of the Tweed Valley Tourism BID.	2 mins
22.	Motion by Councillor Thornton-Nicol Consider Motion by Councillor Thornton-Nicol in the following terms:- "That Scottish Borders Council introduces an additional Elected Member Champion "for The Arts" and appoints Cllr John PatonDay to this role."	5 mins
23.	Remits of Council Champions (Pages 313 - 330) Consider report by Acting Chief Executive. (Copy attached.)	5 mins
24.	Open Questions	15 mins
25.	Any Other Items Previously Circulated	
26.	Any Other Items Which the Convener Decides Are Urgent	
27.	Private Business Before proceeding with the private business, the following motion should be approved:- "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."	

28.	Minute (Pages 331 - 336) Consider private Sections of Minutes of Scottish Borders Council held on 23 June and 12 July 2022. (Copies attached.)	1 mins																					
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30.	Emergency Powers Report - Bus Service 101/102 Dumfries to Edinburgh (Pages 337 - 344) Note details of decision taken under Emergency Powers. (Copy attached.)	5 mins																					

NOTES

1. **Timings given above are only indicative and not intended to inhibit Members' discussions.**
2. **Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.**

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

SCOTTISH BORDERS COUNCIL

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held via Microsoft Teams on 23 June 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, V. Thomson, E. Thornton-Nicol, T. Weatherston

Apologies:- Councillor R. Tatler.

In Attendance:- Director Education & Lifelong Learning, Director Finance & Corporate Governance, Director Infrastructure & Environment, Director Resilient Communities, Director Social Work & Practice, Director Strategic Commissioning & Partnerships, Director Health & Social Care, 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. CONVENER'S REMARKS

- 1.1 The Convener commented on the success of Common Ridings being able to return to normal and congratulated those who had already held successful events and wished those who had still to be held every success.
- 1.2 The Convener congratulated Emma Gibson from HR who was the Hawick Cornet's Lass and Abbie Hood from Corporate Management Support who was the Galashiels Braw Lass and wished them well as they carried out their duties over the summer.
- 1.3 The Convener advised that Douglas Scott, Senior Policy Adviser was to retire after over 40 years with the Council. He highlighted the dedicated service given by Douglas and wished him well for the future.
- 1.4 The Convener commented on two very successful events which had been held in the Borders over the weekend, namely the Book Festival in Melrose and the Sir Jackie Stewart Classic Car Event at Thirlestane Castle, and congratulated the organisers and volunteers.

DECISION

AGREED that congratulations be passed to those concerned.

2. MINUTES

- 2.1 The Minutes of the Meetings held on 31 March, 19 May and 26 May 2022 were considered.
- 2.2 With regard to paragraph 6 of the Minute of 26 May 2022, it was noted that amendments were required which had not been shown and an amended Appendix was attached to this Minute.

DECISION

- (a) **AGREED that the Minutes be approved and signed by the Convener.**
- (b) **NOTED the amended Appendix I to this Minute listing the appointments to other bodies.**

3. COMMITTEE MINUTES

The Minutes of the following Committees had been circulated:-

Major Contracts Governance Group	1 March 2022
Local Review Body	7 March 2022
William Hill Trust	8 March 2022
Lauder Common Good Fund	8 March 2022
Berwickshire Area Partnership	3 March 2022
Sustainable Development	11 March 2022
Audit & Scrutiny	14 March 2022
Hawick Common Good Fund	15 March 2022
Chambers Institution Trust	16 March 2022
Peebles Common Good Fund	16 March 2022
Pension Fund	17 March 2022
Pension Board	17 March 2022
Local Review Body	21 March 2022
Jedburgh Common Good Fund	21 March 2022
Kelso Common Good Fund	22 March 2022
Teviot & Liddesdale Area Partnership	22 March 2022
Cheviot Area Partnership	23 March 2022
Planning & Building Standards	28 March 2022
Civic Government Licensing	29 March 2022
Hawick Common Good Fund	29 March 2022
Tweeddale Area Partnership	29 March 2022
Galashiels Common Good Fund	30 March 2022
Eildon Area Partnership	31 March 2022
Local Review Body	18 April 2022
Civic Government Licensing	22 April 2022

DECISION

APPROVED the Minutes listed above.

4. EMERGENCY POWERS REPORT

There had been circulated for information a copy of a report by the Director Finance and Corporate Governance which had been approved under emergency powers to provide financial support to the Disasters Emergency Committee to help fund its members UK-based activities. In turn this would enable resources to be freed for their efforts to support the humanitarian crisis caused by the Russian invasion of Ukraine. Scottish Borders Council had 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 that Motion, Members expressed a wish for the Council to make a donation to the Disasters Emergency Committee, should that be allowed by legislation. The report provided background to the legislation relating to charitable donations by the Council and provided detail of similar support provided by other Councils. A contribution of £10,000 had been made and was funded from financial year 2021/22 year end budget flexibility.

DECISION

NOTED the report.

5. REVIEW GROUP UPDATE IN CONNECTION WITH INDEPENDENT INQUIRY ACTION PLAN

With reference to paragraph 4 of the Minute of 10 March 2022, there had been circulated copies of a report by the Chief Executive providing 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. The Review Group was chaired by the Chief Executive and included the Director of People, Performance and Change, the Director of Education and Lifelong Learning, and the Director for Social Work and Practice, who also undertook the statutory role of the Chief Social Work Officer. The previously titled "Education" Portfolio Member was invited to attend all meetings. Invitations had now been extended to Councillor Leigh Douglas in her role as Portfolio Holder for Education & Lifelong Learning. The first Review Group meeting was held on 23 March 2022 where the Terms of Reference (contained in Appendix 1 of this report) had been agreed. Six subsequent, fortnightly, meetings of the Review Group had taken place but due to the recent local elections, this was the first opportunity to update Council. Work had commenced in respect of all actions, as listed in the Action Plan and details of the progress made was contained in the report. A number of Actions were now considered to be complete and these were detailed in Appendix 2 to the report. Members welcomed this first update report of this critically important piece of work.

DECISION

AGREED:-

- (a) to record the progress of the Review Group as detailed in the report;**
- (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.**

6. MOTHBALLING POLICY

There had been circulated copies of a report by the Director Education and Lifelong Learning seeking approval for the adoption of a Mothballing Policy, to be adopted by Education and Lifelong Learning, in respect of schools where the pupil roll was either zero or very low and

the Council and/or the Community considered that while the school was not presently viable, there was a reasonable prospect that the number of pupils in the area would increase, to allow the school to re-open in the near future. The report explained that there was no statutory process for mothballing a school. However, the Statutory Guidance that accompanied the Schools (Consultation) (Scotland) Act 2010 (the Act) made specific reference to mothballing. The proposed policy, a copy of which was appended to the report, has been prepared on the basis of the Statutory Guidance to the Act and to ensure that:-

- a) the mothballing process was a consultative process that involved the families and community; and
- b) a review framework was incorporated in the process to ensure that there was 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.

Members noted the need for such a policy. In response to a question on the need for trigger points within the Policy, Mrs Munro advised that these were contained within the Small Schools Policy which was currently being reviewed. This latter Policy also contained information on preventative work to try and stop schools reaching this point. The importance of the involvement of parents at every stage was highlighted. Members welcomed the policy and noted that a briefing on the process leading up to the mothballing of schools would be provided by the Director of Education and Lifelong Learning.

DECISION

AGREED to approve the adoption of the new Mothballing Policy, as contained in the Appendix to the report, with immediate effect.

7. PROPOSAL TO MOTHBALL EDDLESTON PRIMARY SCHOOL

There had been circulated copies of a report by the Director Education and Lifelong Learning seeking to mothball Eddleston Primary School in accordance with the terms of the Council's Mothballing Policy agreed at paragraph 6 above. This recommendation was 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 were currently 4 pupils enrolled at the School. Council officers had been working closely with the parents at the School, who had now approached the Council asking for the School to be mothballed until there were sufficient number of children to allow the School to re-open. The alternative school for pupils would be Newlands Primary School. Members reluctantly agreed that the school should be mothballed but expressed the hope that this would be a temporary situation and that all avenues would be explored to allow the school to be re-opened. In response to a request on early engagement with the community on how the school might re-open as a school/community hub, Mrs Munro confirmed that this work would start immediately and noted that a local Action Group had been set up.

DECISION

AGREED:-

- (a) the recommendation to mothball the School in accordance with the Council's Mothballing Policy;**
- (b) the temporary re-zoning of the catchment zone to Newlands Primary School; and**
- (c) the review of the mothballed status of the School on at least an annual basis.**

8. UK GOVERNMENT SHARED PROSPERITY FUND

There had been circulated copies of a report by the Director Resilient Communities seeking the agreement of Council to the approach to submission of the UK Shared Prosperity Fund

(SPF) bid to the UK Government by 1 August 2022. The report explained that the Shared Prosperity Fund (SPF) was 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 was about improving numeracy for employability purposes. Each local authority in Scotland had 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 was £4,442,628 for SPF and £927,345 for Multiply. This funding was divided into around 85% revenue and 15% capital. To access the monies local authorities were 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 was anticipated that these would be agreed in October 2022. There was 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. There was also strong encouragement to develop investment plans using regional economic geographies. It was 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 was 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 was planned to gain input of the REP as part of the development of the investment plan. The investment plan would 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 was set out in the report's recommendations. Mrs Craig answered Members' questions and advised that the position beyond the next 3 years was not known but gave the assurance that as much as possible would be done and all collective opportunities were being considered.

DECISION

AGREED to:-

- (a) 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; and**
- (b) 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.**

9. GYPSY TRAVELLERS – SITE PROVISION

With reference to paragraph 9 of the Minute of 16 December 2021, there had been circulated copies of a report by the Director Social Work and Practice providing an update on the facilities and amenities for Gypsy/Traveller families in Scottish Borders. It had become apparent that the Council needed to review the arrangements in place for this group, specifically the provision of stopping places and sites. Experience during the COVID restrictions had confirmed existing provision was neither adequate nor flexible enough to meet the requirements. For some time the designated site for Gypsy/Travellers in the Scottish Borders had been an area at the Tweedside Caravan Park, Innerleithen. There were nine specific pitches for Gypsy/Traveller families. This was a seasonal site with no access during the winter months, and this seasonal accessibility therefore designated the site as temporary provision. The site was leased on a commercial basis to the site operator, with

the lease arrangements commercially sensitive and confidential. Pitch numbers had reduced during the Covid restrictions. It was generally accepted that rent arrears and/or previous tenancy difficulties would be grounds to refuse access. 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 was to ensure a consistent approach and compliance with Scottish Government guidance. 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 and Victoria Park, Selkirk had been utilised for this purpose. Updated guidance and a lifting of restrictions had enabled the site to be decommissioned as a COVID response and returned for commercial tourism from 30th June 2022. Since early 2020 much of the work relating to Gypsy/Travellers had been led from within the Safer Communities Team, with the original remit restricted to unauthorised encampments. The report provided updates to the position of sites contained in the December report and proposed a way forward. Mr. Easingwood and Mr. Jones answered Members' questions including the operation of the Innerleithen site. Members generally welcomed the paper but asked that a timescale for a further report be added. Councillor Thornton-Nicol therefore proposed the addition of an extra recommendation (e) "that a paper was brought to Council in October 2022 detailing the outcome of the consultation and providing an indicative timescale for the next steps and actions". This was seconded by Councillor Pirone and unanimously approved.

**DECISION
AGREED:-**

- (a) to note the use of Victoria Park, Selkirk as a temporary Gypsy/Traveller site during the COVID response would end on 30th June 2022;**
- (b) to note the progress made with the operator of Tweedside Caravan Park, Innerleithen who had introduced an occupancy agreement for Gypsy/Travellers that met the Scottish Government's minimum standards for Gypsy/Traveller sites, and Scottish Housing Charter requirements as regulated by the Scottish Housing Regulator;**
- (c) to 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) that Galafoot ceased to be a credible option as a site to consider for additional Gypsy/Traveller capacity for the reasons outlined in the report; and**
- (e) that a paper would be brought to Council in October 2022 detailing the outcome of the consultation and providing an indicative timescale for the next steps and actions.**

10. APPOINTMENTS

10.1 Pension Fund Board

Councillor Jardine, seconded by Councillor Parker, moved that Councillor Pirone be appointed to the Pension Fund Board and this was unanimously approved.

DECISION

AGREED that Councillor Pirone be appointed to the Pension Fund Board.

10.2 Playpark Members Oversight Group

Councillor Jardine, seconded by Councillor Greenwell, moved that Councillor Parker be appointed as Chair of the Playpark Members Oversight Group. Councillor Jardine, seconded

by Councillor S. Hamilton, moved that the remaining 5 Members to be appointed, one representing each Area Partnership, were Councillors Moffat, Mountford, Linehan, Smart and Small. All of these appointments were unanimously approved.

DECISION

AGREED the membership of the Playpark Members Oversight Group as follows:-

Councillor Parker (Chair)

Councillor Moffat

Councillor Mountford

Councillor Linehan

Councillor Smart

Councillor Small

11. OPEN QUESTIONS

The questions submitted by Councillors Begg, Robson and Steel were answered.

DECISION

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

12. 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

13. MINUTE

The private section of the Council Minute of 31 March 2022 was approved.

14. COMMITTEE MINUTES

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

15. EMERGENCY POWERS APPROVAL

Members noted approval under Emergency Powers of a report on Strategic Events Investment.

16. UK GOVERNMENT LEVELLING UP FUND BIDS FOR SCOTTISH BORDERS

Members approved a report by the Director Resilient Communities on the bids for the UK Government Levelling Up Fund.

17. URGENT BUSINESS

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

18. LEASE OF ORMISTON INSTITUTE

Members approved a report by the Director Infrastructure and Environment on an extension to the lease of Ormiston Institute, Melrose.

19. STAFFING MATTER

Members considered a staffing matter.

The meeting concluded at 1.00 p.m.

APPENDIX I

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
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SCOTTISH BORDERS COUNCIL
23 JUNE 2022
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Response from Councillor Linehan

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Response from Councillor Rowley

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Supplementary

Councillor Steel asked if the Council had carried out a co-pay audit and if so when was it reported to Council. Councillor Rowley undertook to check with officers.

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APPENDIX I

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
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SCOTTISH BORDERS COUNCIL
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SCOTTISH BORDERS COUNCIL

MINUTE of the Blended MEETING of the SCOTTISH BORDERS COUNCIL held via Microsoft Teams and in the Council Chamber, Council Headquarters, Newtown St Boswells on 12 July 2022 at 10.00 a.m.

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

Apologies:- Councillors J. Anderson, P. Brown, C. Cochrane, J. Linehan, S. Marshall, D. Moffat, E. Robson.

In Attendance:- Director People Performance & Change, Chief Legal Officer/Monitoring Officer, Clerk to the Council.

CHAIR

The Convener welcomed everyone to the meeting, both those present in the Chamber and those online via Microsoft Teams.

1. 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 the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

2. RECRUITMENT PROCESS FOR A NEW CHIEF EXECUTIVE AND INTERIM ARRANGEMENTS PENDING APPOINTMENT

Members approved a report by the Director People, Performance & Change on the recruitment process for a new Chief Executive and the Interim arrangements pending appointment.

The meeting concluded at 10.45 a.m.

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Anti-Poverty Strategy - Cost of Living Support

Report by Service Director Resilient Communities

Scottish Borders Council

25 August 2022

1 PURPOSE AND SUMMARY

- 1.1 This report proposes that in recognition of the significant challenges that households are facing because of the increasing costs of living, that the Council establishes a financial support package and, along with key partners, immediately establishes both strategic and operational multi-agency groups to respond to the needs of communities.**
- 1.2 The current cost of living crisis is already affecting many residents in the Scottish Borders, and it is clear that this situation will significantly worsen as we move towards autumn and winter. It is acknowledged that there are a significant number of supports already in place, but in a similar way that the Council and partners responded during the Covid-19 pandemic and the current Ukrainian crisis, we need to build on what is currently being provided and step up with immediate action to further support those in need.
- 1.3 Scottish Borders Council, along with Community Planning Partners and any other relevant partners, must prepare for these unprecedented and exceptional autumn and winter pressures on our communities and put plans in place to provide practical, as well as financial assistance and support as a priority.
- 1.4 The proposal is to set up strategic and operational multi-agency officer groups with representatives from across the Community Planning Partnership and other external organisations that are either already providing support or assistance, or could have the potential to do so. The purpose of both these multi-agency groups will be to generate agile and rapid response proposals/ideas/actions/support plans to alleviate some of the impacts of the cost of living crisis, and will report into the Anti-Poverty Members Reference Group as well as provide regular briefings to Members in relation to local requirements and response.

- 1.5 As reported through the 2021/22 outturn report, approved by the Executive Committee on 14 June 2022, the Council delivered a £1.4m underspend in 2021/22 which was directed to reserves at the financial year end. In response to the current cost of living crisis it is now proposed to release this underspend from the Council's reserves to provide £1.2m support to communities during 2022/23. The remaining £200k will be released to top up existing financial support to businesses which will be presented to Members for approval in a future report.
- 1.6 There will also be a requirement to report to the Community Planning Partnership, as this action is also a key priority within their 12 month Work Plan.

2 RECOMMENDATIONS

2.1 I recommend that Council:-

- a) **Approves the creation of a short term multi-agency Cost of Living Crisis Strategic Group and an Operational Officers Group in order to provide an enhanced response to the exceptional autumn and winter pressures our communities are facing;**
- b) **Agrees that these multi-agency groups will report into the Anti-Poverty Members Reference Group and the Community Planning Partnership and provide regular briefings to Members in relation to local requirements and response across each of our five localities;**
- c) **Agrees to release £1.2m underspend from 2021/22 outturn from reserves to provide support to communities during 2022/23 and:**
 - (i) Allocate £585k of this to allow immediate dispersion of financial support as detailed in paragraph 5.6 (table 1) and:**
 - (ii) Delegate authority to the Director of Resilient Communities, in consultation with the members of the Anti-Poverty Members Reference Group, to allocate the remaining £615k as required.**

3 BACKGROUND

- 3.1 In September 2021, Scottish Borders Council approved a Scottish Borders Anti-Poverty Strategy. The Strategy sets out the way in which the Council and its partners aim to work together to reduce poverty across the region. The Action Plan for the Strategy contains actions to alleviate financial pressures and the funding proposals included in this report will contribute to and provide additional support for these actions.
- 3.2 Under the Child Poverty (Scotland) Act 2017, there is a requirement for each local authority and Health Board to prepare a joint Local Child Poverty Report and Action Plan and report on annual progress to Scottish Government. The current draft report for the Scottish Borders (2021/22 progress and 2022/23 actions) sets out specific partnership actions undertaken or planned, to make a difference to children and families.
- 3.3 An Anti-Poverty Members Reference Group was set up to oversee progress of the Anti-Poverty Action Plan, and to receive information and data from other groups to enable further direction to be given in relation to the Action Plan.
- 3.4 A multi-agency Financial Hardship Group already meets regularly to consider proposals and make decisions to provide wide financial support to those who require additional help. This work started in response to funding made available by the Scottish Government during the Covid-19 pandemic, and has continued to meet to disperse other specific funds since.
- 3.5 A Financial Inclusion Practitioners Group also meets quarterly to discuss and agree actions to assist people experiencing poverty and debt, with a number of financial inclusion supports being provided across a wide range of partners.
- 3.6 A Food Conversation Group also meets on a regular basis – this group comprises officers, and various Foodbank/FareShare/Food Larder organisations from across the Borders, who share best practice and consider optimum operational models best suited to their local circumstances. There are a number of projects currently being undertaken by these groups – Low & Slow, Cook Clubs and Lunch Clubs for example.
- 3.7 The groups described above are also supported by a Data Group that provides information, statistics and profiles of our communities to enable and assist with targeted decision making and support.

4 WHAT ARE WE DOING AND THE CURRENT CRISIS

- 4.1 There is currently a global cost of living crisis brought about by the impact of the Covid-19 Pandemic, economic uncertainty and war, along with rising energy and fuel prices, increased inflation and the general cost of goods and services.

- 4.2 The crisis is already affecting many residents of the Scottish Borders, as well as businesses and communities, and it is clear from increasing benefit claims and people seeking debt advice and assistance – together with colder weather approaching - that the situation has already reached crisis level for many of our residents within the Borders and the expectation is that things will get worse over the coming autumn/winter months.
- 4.3 Whilst it is expected that there will be further announcements by the UK and Scottish Governments on support packages, it is important that the Council does not delay in its response and plans are put in place now to provide the most appropriate support possible for households already experiencing significant challenges.
- 4.4 It is acknowledged that there are a great number of support mechanisms that have already been put in place to date, but more needs to be done by Scottish Borders Council, the Community Planning Partnership and other relevant partners in response to raising awareness of existing support, increasing that support where required and providing rapid and agile responses and solutions to those in crisis. This response will allow effective and enhanced targeting of resources.
- 4.5 In a similar way that the Council and partners responded to both the Covid-19 pandemic and the Ukrainian Refugee crisis, there is a need to take immediate action to provide a focussed, corporate and partnership response to further support those in need.
- 4.6 The longer term ongoing issue of poverty across the Scottish Borders is being addressed by the Scottish Borders Anti-Poverty Strategy and Action Plan, with progress being reported to the Anti-Poverty Members Reference Group, and supported by the Anti-Poverty Steering Group. The current range of financial supports approved by Council on 9 February and 16 November 2021 in relation to the Financial Hardship Fund and Local Authority Covid Economic Recovery Fund (LACER) can be found through the links below:
- <https://scottishborders.moderngov.co.uk/ieListDocuments.aspx?CIId=161&MIId=5147&Ver=4>
- <https://scottishborders.moderngov.co.uk/ieListDocuments.aspx?CIId=161&MIId=5574&Ver=4>
- <https://scottishborders.moderngov.co.uk/ieListDocuments.aspx?CIId=132&MIId=5738&Ver=4>
- 4.7 The Child Poverty Action Plan is also delivering a range of actions and support to address poverty across the Borders, with progress being reported to the Children and Young People’s Leadership Group and the Community Planning Partnership.

5 FURTHER PROPOSALS

- 5.1 It is proposed that, in a similar way to the responses to the Covid-19 pandemic and the Ukrainian crisis that short life strategic and operational multi-agency officer groups are established with representatives from across the Community Planning Partnership and other external organisations that are either already providing support or assistance, or could have the potential to do so. Consideration of the memberships of both groups will be given as the response and demands develop.
- 5.2 The focus, role and remit of these groups will be to:
- a) Multi-Agency Anti-Poverty Strategic Group**
- To consider the Anti-Poverty Strategy Action Plan and Child Poverty Action Plan
 - To provide strategic direction to the Cost of Living Operational Group
 - To receive progress, updates and information from Cost of Living Operational Group
 - To identify/maximise funding opportunities and prioritise/direct to areas of most need & demand
 - To plan & resource for further autumn/winter pressures – Community Assistance Hubs
 - To report to, and get direction, from the Anti-Poverty Members Reference Group
- b) Multi-Agency Cost of Living Operational Group**
- To receive strategic direction and tasking from the Strategic Group
 - To generate rapid response proposals/ideas/actions to alleviate the current cost of living crisis
 - To identify data gaps and raise awareness of existing support on SBC and partners websites & other comms as required
 - To obtain real time lived experience from our communities
 - To prepare for further autumn/winter pressures, stand up and resource Community Assistance Hubs
- 5.3 The Groups will also consult and receive information, data and real life experience from the Financial Hardship Officers Group, Financial Inclusion Practitioners Group, Poverty Data Group, the Food Conversation Group and any other appropriate mechanisms that are available.
- 5.4 The Operational Officers Group will report into and receive direction from the Strategic Group, which will in turn report into and receive direction from the Anti-Poverty Members Reference Group on a monthly basis over the autumn and winter 2022/23 period. The proposed governance structure is detailed at **Appendix A**.
- 5.5 It is envisaged that further support may be required, and also consideration will need to be given to how the Council responds in other areas of policy and decision making in an holistic way over the coming months to ensure that further pressures are not being placed on our communities e.g. Council Charging Policy and other relevant budgetary policy decisions.

- 5.6 Immediate allocation of the £1.2m support package made available includes:

Table 1

Additional Support Package	£1.2m
Energy & Debt Advice:	
Extend existing arrangements with organisations such as CAB, Changeworks etc. to provide additional resources to assist with referrals, energy advice, money advice, signposting and budgeting.	£0.150m
Direct Payment Awards:	
Warm clothing payment of £100 to each child entitled to either Free School Meals or Clothing Grants (approx. 2350 children)	£0.235m
Top up Discretionary Housing Payment (DHP) funding	£0.050m
Further top up of Scottish Welfare Fund (SWF) payments	£0.100m
Increased take up support:	
Additional resources to be used to support & process increased take up of benefits	£0.050m
Total for immediate allocation	£0.585m
Balance to enable further targeted support in response to need and demand	£0.615m

- 5.7 As previously approved and reported to Council (reports detailed at paragraph 4.6), extending the previously agreed schemes and awards to organisations that are already set up to provide support has evidenced how effective these organisations are to work with individuals so that they can be supported out of poverty. This relates to the immediate support provided and the improvement of circumstances in relation to the longer term outcomes of unlocking considerable benefits and energy efficient measures. It is vital that this support continues and is also extended to other organisations to increase capacity in order to provide similar support to our communities.

- 5.8 Direct payment awards have been made during the last two years, and have proved a very efficient and effective way of ensuring that money goes directly into recipient's bank accounts to ensure immediate support. The feedback received to date has provided assurance that this makes a significant and welcome difference to those on low incomes. It is also the case for Discretionary Housing Payment (DHP) and the Scottish Welfare Fund, in which the top up funding will enable flexible solutions and assistance to be provided.
- 5.9 Enhanced debt advice and support mechanisms will also be required from both Council and other partners to raise awareness and ensure those who are most in need are aware and able to access the support and funding that is available, and additional resources are therefore included in the above table to provide additional assistance in this area.
- 5.10 All of the above will require proactive communication campaigns via partnership networks, websites and social media to enhance awareness of support and assistance across a wide range of communities, and to signpost where help can be obtained.
- 5.11 It is recognised that households and community groups/organisations such as Community Councils, Resilient Community Groups, Food groups and Village Halls will be looking for a range of support. Consideration will be given to how the support should be best prioritised and made available, taking in to account other financial and partnership support that is, or may become available.

6 IMPLICATIONS

6.1 Financial

As reported through the 2021/22 outturn report, approved by the Executive Committee on the 14 June 2022, the Council delivered a £1.4m underspend in 2021/22 which was directed to reserves at the financial year end. In response to the current cost of living crisis the Council now proposes releasing this underspend from the Council's reserves to provide £1.2m support to communities during 2022/23. The remaining £200k will be released to top up existing financial support to businesses which will be presented to Members for approval in a future report. The release of this balance would bring the Council's unallocated balance in line with the recommended level reported in the 2022/23 financial strategy.

6.2 Risk and Mitigations

If we do not action these proposals to tackle the impacts that are currently being experienced by the current cost of living crisis, the extent of hardship will be greater for communities within the Scottish Borders, and there will be further negative impacts on those who are at hardship risk as the continuing effects of the crisis emerge and are known.

6.3 Integrated Impact Assessment

- (a) It is anticipated there will be no adverse impact due to race, disability, gender, age, sexual orientation or religion/belief arising from the proposals contained in this report.
- (b) The creation of the proposed short term Cost of Living Crisis Groups will look to address and mitigate some of the inequality and hardship over autumn and winter as a result of the cost of living crisis.
- (c) An integrated impact assessment will be required to be developed and kept up to date by the Groups as the further support develops.

6.4 Sustainable Development Goals

In considering each of the UN Sustainable Development Goals, the following may be considered to make a difference:

- a) Goal 1 - End poverty in all its forms** – Local action is reported in the Anti-Poverty Action Plan which contributes to this goal, including income maximisation activity which will benefit those who need it most. The focus of these proposals is not only on the immediate short-term need for support but providing advice and support to make longer term improvements
- b) Goal 2 - End hunger, achieve food security and improved nutrition and promote sustainable agriculture** – Local action is reported in the Anti-Poverty Action Plan which contributes to this goal. The support available to partners and groups will focus on how food can be better accessed and used with an emphasis on local supply and networks.
- c) Goal 3 - Ensure healthy lives and promote wellbeing for all at all ages** – health and wellbeing (including good mental health) is recognised as an important factor in the Anti-Poverty Strategy. Work to keep people well who experience poverty continues. Improving transport connectivity will also contribute to healthy lives and this is included in the Action Plan.
- d) Goal 7 - Ensure access to affordable, reliable, sustainable, and modern energy for all** – Partners contribute by identifying gaps in access to affordable energy, particularly to vulnerable groups and ensuring their tenants have access to energy efficient homes. The advice provided in relation to energy use will focus on energy efficiency measures.
- e) Goal 10 - Reduce inequalities** – the Anti-Poverty Strategy and Action Plan aims to identify and tackle poverty and exclusion and boost employment opportunities and income in the poorest communities. Support will be specifically targeted to those who need it most.

6.5 Climate Change

The advice provided in relation to energy use will focus on energy efficiency measures.

6.7 Data Protection Impact Statement

Discussions are ongoing about the requirement to complete a Data Protection Impact Assessment.

6.8 Changes to Scheme of Administration or Scheme of Delegation

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

7 CONSULTATION

7.1 The Acting Chief Financial Officer, 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 will be tabled at the meeting.

Approved by

Jenni Craig
Director Resilient Communities

Author(s)

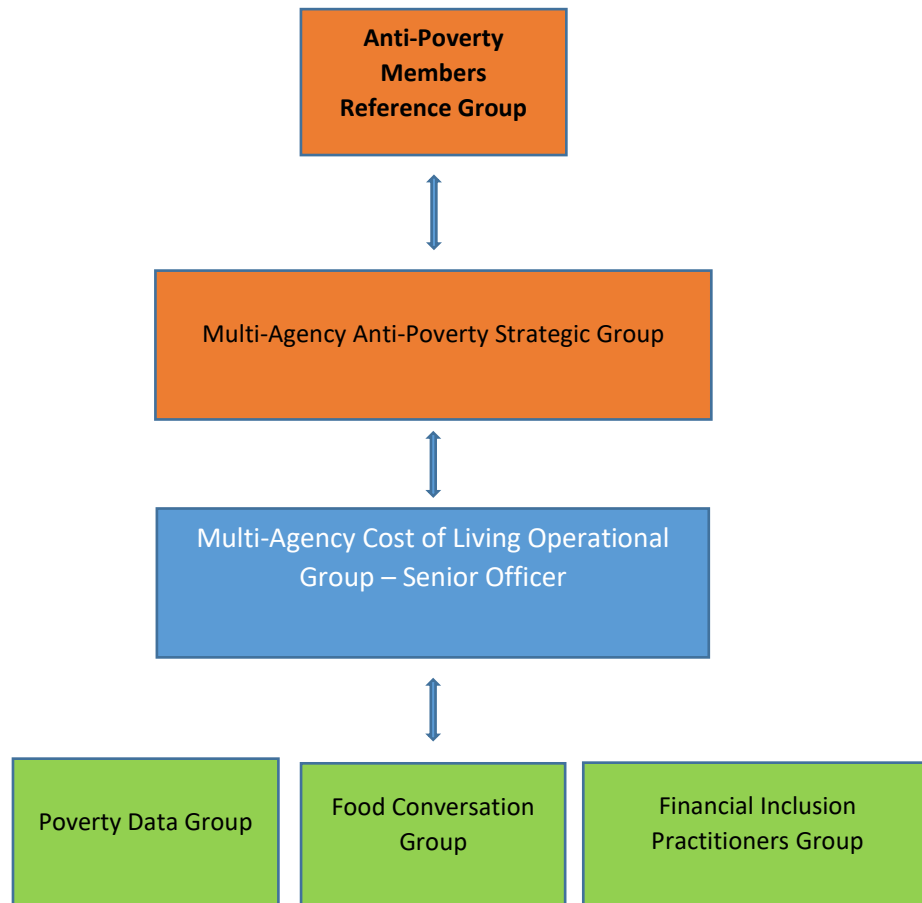
Name	Designation and Contact Number
Jenni Craig	Service Director Resilient Communities
Janice Robertson	Strategic Planning & Policy Manager
Shona Smith	Communities & Partnership Manager

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

Contact us at: Community Engagement – communityengagement@scotborders.gov.uk

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Appendix A – Proposed governance



Multi-Agency Anti-Poverty Strategic Group - Role & remit:

- To consider Anti-Poverty Strategy Action Plan and Child Poverty Action Plan
- To provide strategic direction to the Cost of Living Operational Group
- To receive progress, updates and information from Cost of Living Operational Group
- To identify/maximise funding opportunities and prioritise/ direct to areas of most need & demand
- To plan & resource for further autumn/winter pressures – Community Assistance Hubs
- To report to and get direction from the Anti-Poverty Members Reference Group

Multi-Agency Cost of Living Operational Group – Role & Remit:

- To receive strategic direction and tasking from the Strategic Group
- To generate rapid response proposals/ideas/actions to alleviate the current cost of living crisis
- To identify data gaps and raise awareness of existing support on SBC and partners websites & other comms as required
- To obtain real time lived experience from our communities
- To prepare for further autumn/winter pressures, stand up and resource Community Assistance Hubs

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SOUTH OF SCOTLAND CYCLING STRATEGY

Report by Director of Resilient Communities and Director of Assets and Infrastructure

SCOTTISH BORDERS COUNCIL

25 August 2022

1 PURPOSE AND SUMMARY

- 1.1 This report sets out a draft Cycling Strategy for the South of Scotland which looks at a ten year period between 2022 and 2032.**
- 1.2 The strategy document and associated action plan has been primarily developed by South of Scotland Enterprise, within a partnership approach incorporating national, regional and local partners including Scottish Borders Council and Dumfries and Galloway Council.
- 1.3 The document seeks to capture all of the active travel opportunities and help harness the ambition that is currently found throughout the South of Scotland. The document also looks to deliver a legacy from the Cycling World Championships that will be coming to the South of Scotland in 2023.
- 1.4 The development of a cycling strategy was a key action in the delivery plan of the Regional Economic Strategy and was endorsed by the Regional Economic Partnership (REP).
- 1.5 If approved, it is planned to launch the Cycling Strategy in September 2022 at the next meeting of the Convention of the South of Scotland which coincides with the Scottish Borders hosting Stage Two of the Tour of Britain, starting in Hawick and finishing in Duns.

2 RECOMMENDATIONS

- 2.1 **It is recommended that Council:-**
 - a) Approves the South of Scotland Cycling Strategy identified in Appendix A**
 - b) Approves the associated Ten Year Action Plan identified in Appendix B.**

3 BACKGROUND

- 3.1 The South of Scotland has a long-established and substantial leisure cycling offering as well as world-class mountain biking facilities. It is widely accepted that the South of Scotland is unique and that the natural assets of the area enhance and support ongoing cycling development.
- 3.2 Cycling in Scotland is entering a watershed moment with the recent publication of a range of national strategies and key policy documents that are intrinsically linked to the South of Scotland Cycling Strategy. A list of the key documents are detailed below in Table 3.1.

Table 3.1 – Key Strategic Documents and Strategies

Key Documents	
<ul style="list-style-type: none"> RES: South of Scotland Regional Economic Strategy 	<ul style="list-style-type: none"> NSET: National Strategy for Economic Transformation
<ul style="list-style-type: none"> Scottish Government Climate Change Plan 2018-2032 Path to Net Zero 	<ul style="list-style-type: none"> 2023 UCI Cycling World Championships: Unlocking the Power of the Bike
<ul style="list-style-type: none"> National Transport Strategy 2: Improving Connections, Changing Lives 	<ul style="list-style-type: none"> Borderlands Inclusive Growth Deal
<ul style="list-style-type: none"> UK Government: Shared Prosperity 	<ul style="list-style-type: none"> UK Government: Levelling Up
<ul style="list-style-type: none"> Scottish Cycling: Developing a Nation of Cyclists 	<ul style="list-style-type: none"> Developing Mountain Biking in Scotland : Leading European Mountain Biking
<ul style="list-style-type: none"> ESECRD: Edinburgh & SE City Region Deal 	

- 3.4 In 2023 the Cycling World Championships will be coming to Scotland and this will be one of the biggest cycling events in our history. Scottish Borders Council have been confirmed as the host area for the Mountain Bike Cross Country and the Mountain Bike Cross Country Marathon. Dumfries and Galloway Council have been confirmed as host area for the Para-Road Cycling Championships.

- 3.5 The Regional Economic Strategy (RES) was published in September 2021 and is a vital document for the future prosperity of our region and communities. An associated delivery plan that identified actions that are to be considered over a short, medium or longer term was published in November 2021. The development of a South of Scotland Cycling Strategy was identified as a key action within the delivery plan.
- 3.6 Elected Members recently agreed a refreshed Strategic Events Plan for the Scottish Borders covering a five year period between 2022 and 2027. The plan identifies the importance of cycling to the Scottish Borders and highlights key events such as The Tour of Britain which is returning to the Scottish Borders in September 2022 and the international Cycling World Championships which will be visiting the Borders in 2023 when the Tweed Valley will be the venue for the Downhill Mountain Biking and the Cross Country disciplines.

4 SOUTH OF SCOTLAND CYCLING STRATEGY

- 4.1 The shared vision proposed by the South of Cycling Strategy is as follows:

'By 2032 our South of Scotland communities are shaped around and include all of our people and cycling is the most popular choice for shorter everyday journeys and embedded into the daily fabric of the lives of our residents and experiences of our visitors'.

- 4.2 The strategy document has been developed through a strategic partnership approach, led by South of Scotland Enterprise, with input from key partners including Scottish Borders and Dumfries and Galloway Councils, Event Scotland, Sustrans, Visit Scotland and Scottish Cycling.
- 4.3 The main reason for the creation of the document is to try to detail all of the cycling initiatives, programmes and projects that are being delivered or planned throughout the South of Scotland and to deliver an approach that is integrated and inclusive.
- 4.4 The six key strategic themes within the Strategy are detailed below:-
- **Innovation and Technology:** We will strengthen the region's role as a hub for cycling industry research, product development and stimulate growth in the existing business supply chain;
 - **Destination Development & Promotion:** We will invest in the visitor economy infrastructure to support the growth ambitions of the region's tourism sector. Our campaign strategy will cement our reputation as one of Europe's leading mountain biking destinations and grow the profile of our road cycling, gravel and enduro credentials;
 - **Events:** We will collectively identify and secure cycling events that will inspire people to ride bikes and act as a catalyst for change. Our region-wide events strategy will continue to build on our credible and established relationships within the professional cycling community but importantly will also offer assistance, support and framework information to grassroots communities;

- **Sustainable Economy and Communities:** By collectively prioritising our transition to net zero, we will harness the power of the bike to create new economic opportunities;
- **Sport, Recreation and Wellbeing:** We will use a strategic partnership approach between Local Authorities, Live Borders, Scottish Cycling and national agencies to deliver a range of critically important initiatives that supports efficient programme delivery, is inclusive and offers a well-defined rider pathway which allows progression from novice through to elite rider;
- **Infrastructure:** We have a watershed opportunity to create an infrastructure plan which supports the other five key ambitions noted above and to use the power of the bike as a catalyst for change.

4.5 A copy of The South of Scotland Cycling Strategy has been provided in **Appendix A.**

4.6 An Action Plan has been produced to accompany the strategy document, indicating the interventions that will be undertaken throughout the lifespan of the document. A copy of the Action Plan has been provided in **Appendix B.**

4.7 If approved, it is planned to launch the South of Scotland Cycling Strategy on 5 September 2022 at the next meeting of the Convention of the South of Scotland (COSS), which is due to take place in Hawick. The COSS meeting coincides with Stage Two of the Tour of Britain which starts in Hawick and finishes in Duns.

5 IMPLICATIONS

5.1 Financial

- The Action Plan outlines the suggested interventions associated with the lifespan of the strategy, noting that there will be regular review periods and the priorities will likely change and evolve over time. It is likely that financial and staff related support to help support the delivery plan will be required. Financial implications will be reflected in the monitoring reports presented to the Executive Committee on a quarterly basis or through the financial planning process as appropriate.
- All funding options to support the delivery of the strategy will be actively pursued by the range of partners involved.

5.2 Risk and Mitigations

- Active travel throughout the South of Scotland is a key priority for Scottish Borders Council and this is reflected in the continuing opportunities which are being presented and which the council is supportive of, for example hosting major events such as The Cycling World Championships in 2023 and also The Tour of Britain which is coming back to the Scottish Borders in September 2022.

- (b) Failure to support cycling and active travel opportunities throughout the Scottish Borders and the South of Scotland risks the delivery of a range of economic, environmental and social related benefits.

5.3 Integrated Impact Assessment

A key aspect of Scottish Borders Council's work in relation to Economic Development is to reduce barriers to inequality and to help promote a sustainable, inclusive and environmental aware decision making process. The Cycling Strategy and associated Action Plan will help ensure that information on service delivery in relation to equalities groups is constantly monitored.

5.4 Sustainable Development Goals

The intention of the South of Scotland Cycling Strategy and associated Action Plan is to help promote a socially and environmentally responsible decision making process, balanced with delivering economic benefits designed to help sustain and invigorate local communities.

5.5 Climate Change

- a) Scottish Borders should be recognised as a leader in sustainability. Caring for the natural environment should be a priority for everyone and will remain a priority with the UK drive to bring all greenhouse gas emissions to support a Just Transition to Net Zero by 2045.
- b) The Cycling Strategy and associated Action Plan encourages communities throughout the South of Scotland to deliver against regional net zero commitments and to make cycling more inclusive for all.

5.6 Rural Proofing

The report highlights the intention of Scottish Borders Council to encourage more active travel to take place within the Scottish Borders and throughout the South of Scotland, thereby providing rural communities with more opportunities from increased visitor numbers and sustainable economic activity.

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 proposed changes to the Scheme of Administration or Scheme of Delegation.

6 CONSULTATION

- 6.1 The Acting Chief Financial Officer, the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Director (People Performance & Change), the Clerk to the Council and Corporate Communications are being consulted and any comments received will be tabled at the meeting.

Approved by

Jenni Craig
Director – Resilient Communities

John Curry
Director – Assets and Infrastructure

Author(s)

Name	Designation and Contact Number
Jane Warcup	Events Officer
Graeme Johnstone	Lead Officer
Sam Smith	Chief Officer, Economic Development

Background Paper

Previous Minute Reference:

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

Contact us at jwarcup@scotborders.gov.uk – 01835 825066

South of Scotland Cycling Partnership Strategy

DRAFT | SEPTEMBER 2022



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SECTION 2 - CASE STUDIES



SECTION 6 - GETTING IT DONE




**SECTION 3 - CYCLING PARTNERSHIP
PRIORITY THEMES**



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INTRODUCTION

This is the South of Scotland Cycling Partnership Strategy, forged through a TEAM South approach rooted in collaboration and cohesion to our shared vision **“By 2032 our South of Scotland communities are shaped around and include ALL of our people and cycling is the most popular choice for shorter everyday journeys and embedded into the daily fabric of the lives of our residents and experiences of our visitors”**. By successfully delivering the vision our region will be recognised as Scotland’s leading cycling destination and a world-class cycling destination of excellence.

Our strategy has been created to capture all of the opportunities currently available or in planning by the South of Scotland Cycling Partnership. The partnership is a coalition of professional partners, national agencies and local authorities who represent the views and opinions of 1000’s of South of Scotland residents, enterprises and visitors and cover a diverse range of interests. Each partner has reviewed their existing programme of activity and have put forward their views as part of the development process to get to this final strategy.

Cycling in Scotland is entering a watershed moment with the recent publication of a range of national strategies which all support and detail their ambition to affect wide-spread behavioural change of both our residents and visitors to prioritise sustainable transport methods over the car. The development of the cycling partnership strategy supports no fewer than 10 national policies, strategies & growth deals.



INTRODUCTION (cont'd)



off-road to
Gatehouse of Fleet

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off-road to
Glentworth

As the region's first pan-south strategy it is important to build on the existing efforts that have made our region a success but importantly it asks our partners, stakeholders, communities, and industry to commit to areas of strategic focus to create and secure new opportunities in the short, medium, and long term which protect our position, accelerate our capabilities, and deliver transformational change.

The strategy has a 10-year timeframe and encompasses all aspects of cycling in Dumfries & Galloway and the Scottish Borders. The delivery plan has three distinct timeframes which will ensure we optimise the immediate opportunities presented by Scotland being the first ever nation to host all 13 UCI disciplines of cycling world championships in 2023 with 11 full days of competition taking place here in the South of Scotland. Medium term we expect to see improvements in cycling infrastructure and successful implementation of a range of projects from our themes and priorities. Over the long term this plan enables us through our South of Scotland strategic cycling partnership to demonstrate the collective progress being made in delivering our aims and objectives including the pressing need to deliver against our regional net zero commitments and to make cycling more inclusive and not just a choice for those who can afford it or access it freely.

We believe by working together across cycling and partnership networks we can champion the unique power of the bike. We recognize that our position of being a host destination for the

INTRODUCTION (cont'd)

2023 UCI Cycling World Championships, coupled with the raft of opportunities presented through national, regional, and local strategies, could reinforce South of Scotland's reputation as the perfect stage for events. The 2023 UCI Cycling World Championships will also be a catalyst for meaningful change and progress in our region – continuing to transform our reputation and make cycling part of the normal, everyday lives for all.

Our South of Scotland Cycling Partnership Strategy will be accompanied by a detailed delivery plan which identifies specific projects, schemes, initiatives, and interventions which are already activated or in planning. It also importantly highlights actions required which do not yet have an activation partner or budget and therefore will require additional work across the partnership to make it happen. This strategy will provide an anchor from which future decisions on investment can be supported and made.



Pages

POLICY DRIVEN

RES: South of Scotland Regional Economic Strategy
NSET: National Strategy for Economic Transformation
UCI CWC 2023: Unlocking the Power of the Bike
Climate Change Plan 2018-2032 Path to Net Zero
National Transport Strategy 2: Improving Connections, Changing Lives
Borderlands Growth Deal
UK Government: Shared Prosperity
Scottish Cycling: Developing a Nation of Cyclists
DMBinS: Leading European Mountain Biking
ESECRD: E'Burgh & SE City Region Deal
Transport Scotland: Active Travel Framework

WHY
NOW?

ONCE IN A LIFETIME

Scotland: The Perfect Stage (National Strategy)
2023 UCI Cycling World Championships
Enduro World Series
Scottish Enduro Series
UCI Gravel World Series
Galazo Gran Fondo World Series
UCI E-Sports Series
Olympic Extreme Sports - Bike Inclusions

GLOBAL INCREASES

Sales
Participation
Societal Value

SECTION 1

The Vision

By 2032 our South of Scotland communities are shaped around and include ALL of our people and cycling is the most popular choice for shorter everyday journeys and embedded into the daily fabric of the lives of our residents and experiences of our visitors.

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REP
South of Scotland
Regional Economic Partnership



STRATEGY OUTCOMES

EVENT DESTINATION OF CHOICE

Host Destination of Choice by UK, EU & International Cycling Governing Bodies

HAPPINESS & WELLBEING

Health & Wellbeing has improved across all tracked metrics including happiness, serious diseases & mental health

Page 56

ACCESS FOR ALL

Cycling is inclusive
Access to bikes is available to all

ACTIVE TRAVEL

10 Year Infrastructure Plan
Transport Priority: People Over Cars
Integrated Cycling & Transport Networks enhance accessibility
Connected Communities using Active Travel Paths For Daily Commute



SUSTAINABLE ECONOMY, ENVIRONMENT & COMMUNITIES

Cycling Industry Business Support Strategy
Sustainable Net Zero Inward Investors
Businesses set-up, scale-up and accelerate growth
On-shoring of Bike Manufacturing to South of Scotland
Tourism, Events & Investments Support Fragile Communities

SPORTS DEVELOPMENT PATHWAYS FOR ALL

South of Scotland supplies next generation of world class cycling athletes across all disciplines & genders.

BEST CYCLING HOLIDAY DESTINATION

Scotland's Leading Cycling Holiday Destination
European Destination Cycling Destination of Excellence
Global Recognition for Quality of Cycling Holiday Experiences
Destination Promotion supports Scotland's Transition to Net Zero, Protection & Considerate Enjoyment of cultural & natural assets



Case Study 1 - Cycling Without Age Peebles

Despite being part of a much larger global non-profit initiative, Cycling Without Age Peebles has been making invaluable connections within their local community with the aspiration of ensuring their older populations are seen, active and included.

Founded in 2012 in Copenhagen by Ole Kassow, Cycling Without Age is now represented in 52 countries and has provided more than 2.5 million rides for over 575,000 people.

Ole wanted to help elders get back on their bicycles, but he had to find a solution to their limited mobility. The answer was a trishaw and the offer of free bike rides to the local nursing home residents.

Cycling Without Age Peebles makes use of the generosity and kindness of those living within the Scottish Borders town, simply asking that volunteers – known as pilots - to sign up to take one or two elderly passengers, referred to as seniors, out on a bike ride when they can.

As well as assisting those who are elderly in getting active, the Cycling Without Age scheme provides those in Peebles with the all-important opportunity to socialise intergenerationally and enjoy their surrounding environment.

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<p>5 SPORT, RECREATION & WELL-BEING</p>  <p>SOS</p>	<p>A FAIRER & MORE EQUAL SOCIETY</p>  <p>NSET</p>	<p>THRIVING & DISTINCT COMMUNITIES</p>  <p>RES</p>	<p>3 GOOD HEALTH AND WELL-BEING</p>  <p>UN</p>
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Cycling Without Age Peebles is making a difference in local community. Credit – Cycling Without Age Peebles



Case Study 1 - Cycling Without Age Peebles

With one trishaw, plus one on loan, and a wheelchair bike available, the team in Peebles look to get out two or three days a week with four to six seniors per session, thanks to their 10 volunteer pilots.

Seniors come from all walks of life and may be from local nursing homes, supported accommodation, the local hospital, or still living independently.

The team look to recruit additional pilots once a year so that they can continue to provide their services to as many people as possible.

Jo Cunliffe from Cycling Without Age Peebles said: "With the help of our incredible volunteer pilots, we like to take groups of people out together, if possible, to increase the opportunity for socialising.

"The passengers and their families are so keen and happy to see us back out after COVID-19. They love the fresh air and the opportunity for a chat and to have fun.

"Our goal is to get a paid coordinator position funded to enable us to take the project to the next level."

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5 SPORT, RECREATION & WELL-BEING  SOS	A FAIRER & MORE EQUAL SOCIETY  NSET	THRIVING & DISTINCT COMMUNITIES  RES	3 GOOD HEALTH AND WELL-BEING  UN
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Cycling Without Age Peebles is making a difference in local community. Credit - Cycling Without Age Peebles



Case Study 2 - G&G Cycle Centre

Based in Dumfries town centre, G&G Cycle Centre is the South of Scotland's oldest running independent bike shop, having been established in 1911.

As well as providing a valuable local resource to customers to ensure they get the most out of their bike, G&G has long displayed their commitment to operating within a circular economy model.

This commitment is best evidenced by their Grow with G&G trade-in scheme.

Under the offering, any children's bikes purchased from the shop can be traded back when a child outgrows it and moves on to the next size new bike from the shop.

The scheme helps to ensure a reduction in bikes which would otherwise sit in a garage or be scrapped, with staff servicing the bikes which are traded in and, where suitable, reselling as recycled.

Grow with G&G sees two-fold success as alongside giving new life to the bike itself, resale of the traded models allows them to provide further enjoyment to more children and families.

John McLintock of G&G Cycle Centre said: "Bikes offer a perfect example of the circular economy.

"Bikes are often used for decades, and when finished a lot of the parts are repairable or recycled.

"We have even seen new items made from old bike parts - artworks and other projects."

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<p>4 SUSTAINABLE ECONOMY & COMMUNITIES</p>  <p>SOS</p>	<p>PRODUCTIVE BUSINESSES & REGIONS</p>  <p>NSET</p>	<p>REWARDING & FAIR WORK AND INNOVATIVE & ENTERPRISING</p>  <p>RES</p>	<p>8 DECENT WORK AND ECONOMIC GROWTH</p>  <p>UN</p>
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G&G Centre has been operating in Dumfries and Galloway for over 110 years. Credit - G&G Centre

Case Study 3 - Hawick Flood Protection Scheme's active travel network

The Hawick Flood Protection Scheme is one of the largest and most significant flood defence projects ever carried out in Scotland.

It will deliver protection from a one in 75 flood event to over 900 residential and commercial properties at risk along the River Teviot and Slitrig Water, both of which have flooded and caused significant damage in recent years.

Alongside the creation of flood defences, an opportunity was identified to create an active travel network.

As part of these plans, traffic-free routes around key locations throughout the Scottish Borders town will be designed as a way of promoting active travel that can be accessed by everyone.

These routes will encourage people to swap their cars and walk, wheel or cycle for their everyday journeys around the town.

The active travel network will be over 6km in length and is being supported by over £12million worth of funding from Sustrans.

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6 INFRASTRUCTURE SOS 	NEW MARKET OPPORTUNITIES NSET 	THRIVING & DISTINCT COMMUNITIES RES 	9 INDUSTRY, INNOVATION AND INFRASTRUCTURE UN
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Artist impression of the Hawick active travel network at Little Haugh. Credit - Hawick Flood Protection Scheme/SBC

Case Study 3 - Hawick Flood Protection Scheme's active travel network (Cont'd)

The active travel network was progressed with the community through working groups led by the Flood Protection Scheme, helping to ensure it is designed with local people in mind.

Once completed, the infrastructure will have a positive impact on physical and mental wellbeing of the local community, as well as providing environmental benefits.

Conor Price, Project Director of Hawick Flood Protection Scheme said: "The COVID-19 pandemic brought about a significant upsurge in the amount of active travel across our towns and villages.

"We want to encourage this trend to continue to promote healthier lifestyles and make it easier and safer for people to walk, cycle and wheel for every day journeys.

"When completed as part of the Flood Protection Scheme, the active travel network will represent a major enhancement to the facilities and infrastructure of Hawick."



The installation of Victoria Footbridge as part of the Hawick active travel network will allow cyclists and pedestrians to share safely. Credit - Hawick Flood Protection Scheme/SBC

Case Study 4 - Tweed Valley

The selection of Glentress Forest as a host for the 2023 UCI Cycling World Championships is a landmark moment for cycling in the South of Scotland.

It is the result of sustained investment in facilities and recreational infrastructure which has been instrumental in developing the Tweed Valley's status as one of Scotland's top cycling destinations, and attracting riders from all over the world.

Hosting the UCI World Championships in 2023 will provide the perfect opportunity for Forestry and Land Scotland to launch its new Glentress layout, which includes a new skills area, new trails and trail features. These works, part of the Glentress Masterplan, will further enhance the recreation offer at the venue and its 45 miles of mountain bike

trails. Delivering multiple benefits for visitors, businesses and the local community, the Masterplan improvements will also build on the venue's international reputation for mountain biking and as an attractive location for event organisers.

John Dougan of Forestry and Land Scotland added: "The 2023 events will mark the beginning of a new exciting chapter for Glentress, hopefully hosting many more top flight events in the future."

Another important Tweed Valley investment has been the extension of the multi-use path from Innerleithen to Walkerburn, thanks to funding from Transport Scotland, Scottish Borders Council and Sustrans Scotland's Places for Everyone programme.



A mountain biker at Glentress. Credit - VisitScotland/Kenny Lam

3 EVENTS  SOS	NEW MARKET OPPORTUNITIES  NSET	THRIVING & DISTINCT COMMUNITIES  RES	11 SUSTAINABLE CITIES AND COMMUNITIES  U
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Case Study 4 - Tweed Valley (Cont'd)

Emma Guy, of the Enduro Sports Organisation based at Innerleithen, commented: "The multi-use path has sparked initiatives such as Walkerburn Community Development Trust's e-bike community library.

"It has also increased visitors using the path to enjoy and stay in the area and contributed to the well-being of the local communities.

"The path has also been used to connect Enduro race stages, with athletes utilising the path to move between venues and for race organisers to easily engage local communities as host locations for events."

One of the prime events to emerge in the Tweed Valley is TweedLove, a series of hugely popular cycling events celebrating all things bike, which are 100% organised by bike riders.

TweedLove Founder Neil Dalgleish believes the Tweed Valley has the potential to develop further as a world-class cycling destination.

Neil said: "We have amazing scenery, world class mountain bike trails, beautiful hill tracks and fantastic road cycling here – but it is still largely undiscovered by the cycling world.

"We need to be proud of these assets and really let the world know what we have to offer."

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Cyclists during Tweed Love. Credit - Visit Scotland and Ian Rutherford

Case Study 5 - Galloway Cycling Holidays

After taking on an incredible cycle around the world over four years, couple Esther Tacke and Warren Sanders decided to settle in Galloway, bringing to the area all their experience and passion for cycling.

The couple set up Galloway Cycling Holidays in 2017 and since then their work has provided positive economic, environmental and social impact on the region for visitors and the local community.

Faced with the obstacles and impacts of COVID-19, they have diversified the original business structure to offer a cycling holiday experience, chasing their vision to make Galloway a prime destination for cycling and the outdoors.

The couple have become proud supporters of the Galloway and Southern Ayrshire Biosphere and were awarded the Certificate Mark in 2019 - recognition of high-quality standards in delivering environmental and sustainable development that benefits the biosphere.

As well as road-cycling, a new type of discipline named 'Gravel Cycling' - which covers various types of terrain - is becoming more popular. This type of cycling is open to all abilities and ages in the 300 square miles of Galloway forestry.

Esther and Warren also supported the creation of the new Raiders Gravel event, a four-day gravel adventure festival which takes riders deep into the wilderness of the Galloway Forest Park. The festival has a strong emphasis on sustainability and protecting, conserving and promoting the natural surroundings.

Esther added: "The South of Scotland has a massive potential to be a cycling destination, not just for mountain biking, but for leisure, gravel and road.

"We have a playground that is unique on the national and international market, and we can harness that if we invest into it - not just one aspect of cycling, but the whole spectrum of it."



5 SPORT, RECREATION & WELL-BEING SOS 	NEW MARKET OPPORTUNITIES NSET 	GREEN & SUSTAINABLE ECONOMY RES 	11 SUSTAINABLE CITIES AND COMMUNITIES U 
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Esther Tacke cycling in Dumfries and Galloway. Credit – Galloway Cycling Holidays

Case Study 6 - Rocks and Wheels (RAW)

Rocks and Wheels (RAW) is a community project which aims to create an activity centre bringing Dalbeattie's former primary school back to life and bringing a host of associated benefits to the local area.

The project, managed by Dalbeattie Community Initiative (DCI), aims to offer an extensive list of activities for all the community, with cycling being one of the core activities.

The centre will provide an opportunity for people to improve their health and wellbeing by offering various activities focusing on personal wellbeing, reducing social isolation and strengthen the local spirit.

On the doorstep of the world renowned 7stanes mountain biking trail, the centre's facilities will include an outdoor pump track alongside:

- 60-bed hostel
- Indoor bouldering centre
- Lockers and changing facilities
- Drying rooms
- Storage and maintenance areas
- Indoor and outdoor café
- Designated office and management space
- Community/small business/training rooms
- Exhibition space and outdoor civic/event area with amphitheatre.

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Case Study 6 - Rocks and Wheels (RAW) (Cont'd)

Activities on offer will include road cycling, mountain biking, running, walking, orienteering, climbing, golf and sailing.

The centre will aim to cater for individuals, couples, families, small groups, uniform organisations and school parties.

The RAW project will aim to ensure the longevity of tourism in the area as well as future proof the development of sustainable and improved infrastructure in the town.

The vision is to establish a facility which will provide a different offering for Dumfries and Galloway.

Maria Rawlings of RAW added: "This centre will aim to contribute significantly to the economic, physical, and social health of Dalbeattie and the wider area.

"The project will make use the surrounding landscape, and both complement and enhance existing facilities with the objective of encouraging a healthy and active lifestyle for all ages, leading to improvement in the physical and mental health and wellbeing of all that use it."



The primary school in Dalbeattie which Rocks and Wheels will develop into an activity centre. Credit - RAW



SECTION 3 - Cycling Partnership Themes & Priorities

Infrastructure

10 Year Cycling Infrastructure Plan including E-Bike provision
 CivTech Challenge – Technology Opportunity
 Measure all investments against:
 Cycling as Transport, Major Events, Sport, Industry, Tourism & Participation

Sport, Recreation & Wellbeing

Next Gen Sporting hero's from South
 Decrease of serious diseases diagnosed
 Exercise by bike incorporated into daily lives
 Happiness Indicators Increased
 Competitor Diversity & Inclusion Increased

Sustainable Economy & Communities

Cycling is inclusive and access to bikes is available to all.
 Increase Diversity of Skills
 Facilitate New Economic Opportunities
 Investments for Tourism, Events & Support Fragile Communities
 Quality of Life Improvements
 Appreciation of Place

Innovation and Technology

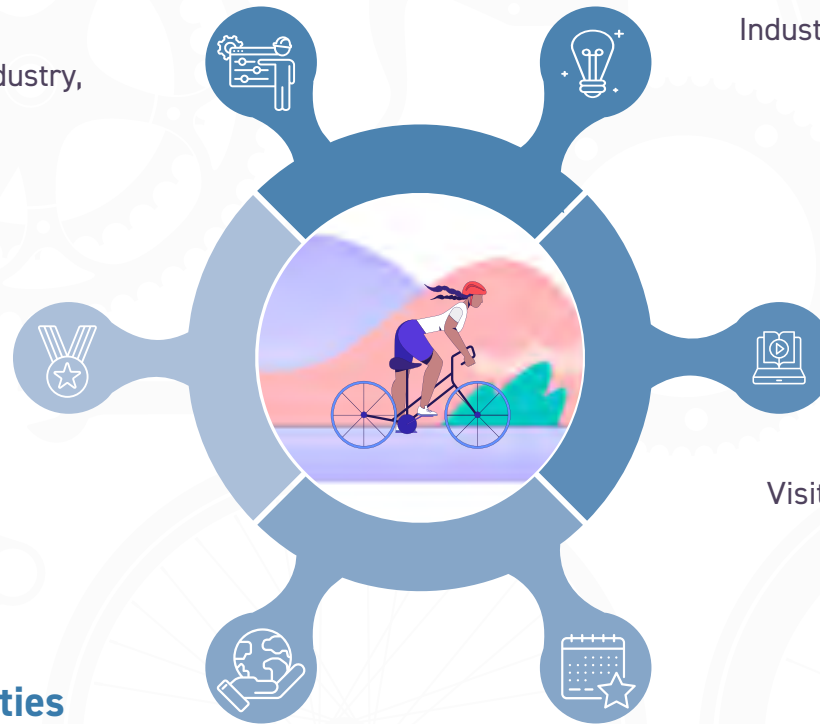
Mountain Biking Innovation Centre & Bike Park (National R&D Cycling Centre of Excellence)
 Product Development Pipeline
 Industry Investment – existing supply chain & inward Thriving Clusters
 Stimulate Start-Ups & Scale-Ups

Destination Development & Promotion

Bookable Product Development
 Cycle Friendly Destination Accreditation
 Consumer Brand Recall
 Visitor Dispersal using bikes for unique adventures
 High Performing ROI in Campaign Activity

Events

Host destination of choice – UK, Ireland & Int'l community
 Catalyst for Behavioral change through participation
 Supply Chain Build
 Community & Economic Impacts (Long Term Legacy)
 Reputational & Happiness Impacts
 All events staged in the region are fully inclusive



Cycling Partnership Themes & Priorities – Detailed Overview

- **Innovation and Technology:** We will strengthen the region's role as a hub for cycling industry research, product development and stimulate growth in the existing business supply chain, propel business start-ups and attract new investment. We will offer innovation and business development support services to secure the performance of the cycling and outdoor adventure sector; developing a local supply chain and thriving industry clusters; stimulating business launches and scale-ups.



- **Destination Development & Promotion:** We will invest in the visitor economy infrastructure to support the growth ambitions of the region's tourism sector. Our campaign strategy will cement our reputation as one of Europe's leading mountain biking destinations and grow the profile of our road cycling, gravel and enduro credentials. We will be known as a brilliant cycling holiday destination where adventures are safe, accessible, memorable and offer a unique way to experience our natural playground, culture and communities.



Cycling Partnership Themes & Priorities – Detailed Overview (Cont'd)

- **Events:** We will collectively identify and secure cycling events that will inspire people to ride bikes and act as a catalyst for change. Our region-wide events strategy will continue to build on our credible and established relationships within the professional cycling community but importantly will also offer assistance, support and framework information to grassroots community cycling event organizations to create a year-round program of events both on and off the bike that have a positive impact on participation, reputation, visitor dispersal and legacy impacts from staging major events.



- **Sustainable Economy & Communities:** By collectively prioritizing our transition to net zero we will harness the power of the bike to create new economic opportunities by unlocking the full potential of our natural resources to further improve our quality of life, attract and retain people with a diversity of skills, activate networks, provide a world-class level of service, develop new products & further develop our visitor offer. The successful implementation of the delivery plan will also enhance each rural communities appreciation of place.



Cycling Partnership Themes & Priorities – Detailed Overview (Cont'd)

- **Sport, Recreation & Wellbeing:** We will use a strategic partnership approach between Local Authorities, Live Borders, Scottish Cycling and national agencies to deliver a range of critically important initiatives that supports efficient programme delivery, is inclusive and offers a well-defined rider pathway which allows progression from novice through to elite rider.

Improved Health & Wellbeing will be a key outcome from the implementation of the strategy. Cycling is an enjoyable and uncomplicated way to incorporate exercise into daily routines and the benefits can be wide reaching including offering protection from serious diseases.

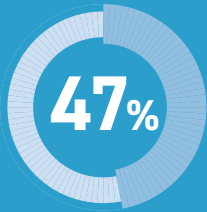


- **Infrastructure:** We have watershed opportunities to create an infrastructure plan which supports 6 key ambitions to use the power of the bike as a catalyst for change. We will ensure that all investments can be evaluated against the following questions of “Does this investment support; Cycling as Transport, Major Cycling Events, Cycle Sport, Cycling Industry, Cycling Tourism, Cycling Participation”





SECTION 4 – Our Opportunity



47% rise in people cycling during the pandemic



45% rise in bikes, parts and accessories in UK in 2020



2020



EU & UK towns, cities & regions accelerate infrastructure



EU & UK market worth **€18.3 billion**

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22 million bikes & e-bikes sold in 2020



1000 bikes built in UK = 3 to 5 skilled jobs



1000 e-bikes built in UK = 6 to 9 skilled jobs



61% of travellers want to travel more sustainably

193,000 road Cycling Trips on Holiday

road Cycling Trips on Holiday



166,000 Mountain Biking Trips on Holiday

Mountain Biking Trips on Holiday



20.4 million cycle tourists in EU, spend £9 billion annually



24% of children travel to school by car

£45 million

Target to secure 0.5% of EU total market could deliver £45m for local economy



£158 million

Mountain Biking contributed £105m in 2015, set to grow to £158m in 2025



177,000

up to 177,000 of our residents want to include cycling more in their daily lives



SECTION 4 – Our Opportunity (Cont'd)

Just over 200 years ago a humble blacksmith from Dumfriesshire, Kirkpatrick Macmillan, went into his workshop and created the “velocipede” which went on to become known as the bicycle and changed the world forever. His time-less Victorian-era design still to this day inspires the basic configuration of the bicycle as does its ability to unlock economic, environmental and community power at a time when the world is looking for answers on how we can live more sustainably and equitably with each other and our planet. South of Scotland is widely recognised as a region with jaw dropping scenery, world-class mountain biking, gravel and road routes which makes our claim to have some of the best riding in the UK & Europe entirely true. We are being presented with a series of “once in a generation” opportunities and we must seize them if we are to harness them to drive the next industrial “Green Revolution.

The global COVID-19 pandemic brought hardship to millions of global citizens, however, it also led to an unprecedented cycling surge as UK residents rediscovered the bicycle as a safe, convenient, and reliable means of transport. In the first year of Covid-19 restrictions being first introduced in Scotland, new data showed a 47% rise in people cycling from 23 March 2020 to 22 March 2021. Figures from the Bicycle Association show sales of bikes, bike parts, accessories and services increased by 45 per cent across the UK in 2020, with the trend set to continue. Promotion of cycling as a mobility solution, during the pandemic and beyond, either accelerated existing plans in cities, regions and countries across UK & Europe or new entrants introduced cycle-friendly measures for the first time. Communities that offer good and accessible walking and cycling links are seen as attractive and desirable places in which to live, work and visit. Where safe and accessible cycling links are available kids will ride bikes to school, residents and visitors will have easy & quick access to centres of commerce and the sense of place is built into the fabric of their daily experiences.



SECTION 4 – Our Opportunity (Cont'd)

CONEBI the Confederation of the European Bicycle, E-Bike, Parts & Accessories Industries, has recently released its much-anticipated 2021 European Bicycle Industry and Market Profile Report. Latest data reveals that sales increased by 40% to a 20-year high of EUR 18.3 billion or 22 million units sold (bikes & e-bikes) across the EU twenty-seven and UK during 2020. A growing number of companies reinforcing their EU/UK investments by reshoring production to the EU/UK could drive an increase in skilled jobs. Latest figures confirm for each 1,000 bicycles re-shored/produced each year in Europe & UK, creates three to five skilled jobs. And, for each 1,000 E-Bikes that are re-shored/produced in the region each year, between six and nine skilled jobs are generated.

South of Scotland offers a vast range of cycling opportunities from long distance routes, day trips and miles of dedicated and well-maintained mountain biking trails, specialist centres, alongside wilder and historic common and drove routes for experienced riders. VisitScotland have used several sources to gather background information and identified that according to GBTS (GB Travel Survey 2019) - GB overnight visitors took 290,000 trips where adventure sports was part of a trip contributing £112 million to the economy. Road cycling as part of a holiday equated to 193k trips and mountain biking 16k trips.

Globally, adventure tourism is valued at \$445bn with the potential to grow to \$1,335bn by 2031. VisitScotland identifies it as a market with significant growth potential. According to Developing Mountain Biking in Scotland national strategy, mountain biking contributed £105m in 2015. With the right strategic investment and support this could rise to £158m by 2025.



SECTION 4 – Our Opportunity (Cont'd)

According to data from EuroVelo and the European Parliament EU Cycling Economy (2016) study there are an estimated 2.3 billion cycle tourism trips in Europe every year with a value of more than €44 billion. 20.4 million cycle tourists stay one or more nights en route, and these 'overnight' tourists spend around €9 billion annually. If we could pick up even an additional 0.50% market share from our EU feeder markets for those overnight stays, we could potentially secure up to £45m of additional economic benefit for our region.

In the 2019 Infrastructure Commission for Scotland's Future Requirements, it was widely recognised by a range of national agencies, that what is good for local communities is highly likely to be good for visitors. It was stated that infrastructure investment benefits all people, whether settled in, or visiting a destination. It's essential to recognise that active travel can enhance the viability of rural areas and be a key attractor of talent and businesses which can drive economic opportunities and sustainable inclusive growth for fragile rural communities.

In March 2022, an evidence paper was published by Public Health and Sustainable Transport Partnership Group tested the theory that the reallocation of road space away from motor traffic to active travel infrastructure can contribute to improved health. The published paper found that reallocating space to provide active travel infrastructure can increase physical activities such as walking, wheeling and cycling and informal social connections" and "that road space reallocation can contribute to multiple positive outcomes, support the sustainable travel hierarchy, and help create better quality of place for local communities. However, other actions are needed to maximise these benefits, ensure impacts are equitable and support alternative modes of travel.



Section 4 – Our Opportunity (Cont'd)

The paper also showed that 24% of children currently travel to school by car. Many of these journeys could be made by cycling and would establish healthy behaviours when children are young and would continue into later life. Importantly the paper also found that “Although businesses are often concerned about loss of customers through reduction in parking, research suggests the opposite: that reallocation of road space can increase trade through increased footfall from pedestrians and cyclists”

In April 2021 Jump Research on behalf of Sustrans carried out consumer research which identified that only 33% of the population were not interested in cycling either within their daily lives or within their leisure time. If we were to apply this percentile finding to our region it would mean that approximately 177,000 residents in the South of Scotland would like to include cycling more in their lives.





SECTION 5 – Where Are We Now?

CATALYST OPPORTUNITIES SUPPORTED BY PARTNERS



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SECTION 5 – Where Are We Now? (Cont'd)

South of Scotland is Scotland's strongest performing region in unlocking the "power of the bike"

In pockets across the South of Scotland we have successfully harnessed the opportunities connected to the power of the bike and leveraged it to increase cycle tourism, increase community grass roots sports development by embedding bikes into our daily culture, and by hosting cycling events we have offered participation opportunities to our communities for the last 20 years, however, there is much more to be gained by our efforts hence the development of a South of Scotland Cycling Partnership Strategy being prioritised as a key action within the Regional Economic Strategy.

We have the advantage of extensive formal and informal stakeholder networks which provides connections to cycling in all its forms for the enjoyment and pleasure of both our residents and our visitors. The South of Scotland already has a significant USP in relation to road cycling, mountain biking and going forward gravel. We have been given a mandate through our Regional Economic Partnership to develop a South of Scotland Cycling Partnership Strategy and Delivery Plan which will capitalise on our strengths and develop our offering further to claim our place as "Scotland's Leading Cycling Destination" and cement our global reputation as a world-class "Cycling Destination of Excellence"

The 7stanes are world-class mountain biking centres that span South of Scotland. Our award-winning trails offer some of the best mountain biking in the Europe and attract riders from across the UK, EU and beyond. Dumfries & Galloway is home to 5 of the 7stanes. We must continue to support the growth and development of mountain biking; it can deliver a range of outcomes linked to skills, innovation & technology and can be leveraged to support investment in local communities. In the next 3 years Dumfries & Galloway will enjoy a refresh of 7stanes with anticipated £4m initial investment from the Borderlands Inclusive Growth Deal.



SECTION 5 – Where Are We Now? (Cont'd)

Through community groups there are proposals to develop pump tracks in Moffat & Stranraer and a broader community asset transformation project in Dalbeattie. Dalbeattie Community Initiative is leading on the adaptation of the former primary school building to provide a state-of-the-art hub which will act as a base for road, gravel and mountain bikers as well as other adventure pursuit enthusiasts. The core facilities will include a pump track, climbing wall and boulder trail and affordable self-catering accommodation which can take up to 60 guests from a range of market segments. This project will be an important step in the regeneration of the town and will be a critically important example of how to unlock the power of the bike for our communities.

Along with these infrastructure proposals, Kirroughtree, located in Dumfries & Galloway, will for the first time in 2022 host the British Cycling MTB Cross Country (XC) Championships and other high profile gravel events, and regional series in all MTB disciplines. Dumfries & Galloway is known as a 'sleeping giant' in the world of mountain biking. It has great potential to support the UK Shared Prosperity and Levelling Up agenda and would benefit greatly from focused support to develop industry clusters, link to national and regional networks and expand it's grassroots sports development footprint.

Tweed Valley plays a critical role in profiling our region. 7stanes; Innerleithen Downhill and Glentress attract over 400,000 visitors a year from a range of users from first time cyclists through to elite athletes. Tweed Valley will celebrate a pipeline of new and important strategic investments including 56 eco cabins by Forest Holidays



SECTION 5 – Where Are We Now? (Cont'd)

which will be located at Glentress and significant capital infrastructure investment in preparation of being the host location for the 2023 UCI Cycling World Championships scheduled to take place across 11 days of competition in August 2023.

Innerleithen will soon boast Scotland's National Mountain Bike Innovation Centre & Bike Park Trail Lab and become the Head Quarters of Developing Mountain Biking in Scotland, part of Scottish Cycling. This investment will deliver on the ambition of Tweed Valley becoming the Mountain Bike Capital of Europe. The Mountain Bike (MTB) Project will deliver a 10-year capital and revenue investment totalling £89.8m. The project sets itself apart on the world stage by being not just the world's first Mountain Bike Innovation Centre, but the very first MTB industry facility to integrate with a purpose-built bike park and trail lab. The innovation centre will champion entrepreneurs, support thriving industry clusters and bolster the research and development community helping to unlock investment and build capacity. This investment is expected to be pivotal in our ability to foster relocation, attract talent, deliver the skills required for the next generation of innovators and deliver transformational inward investment.

Exciting new opportunities also exist for the visibility and profile of our region through the recent developments at Enduro Sports Organisation. ESO Sports, strategically located in Innerleithen, owns and delivers the UCI sanctioned Enduro World Series – the premier Enduro Mountain Bike and Mountain Bike race series in the world. In 2021, ESO acquired the Scottish Enduro Series (SES) to enhance grassroots development and destination legacy. Importantly ESO is part of global broadcasting royalty, Warner Bros Discovery, Discovery Sports and a standalone broadcast partner of Discovery Sport Events and Play Sport Group.



SECTION 5 – Where Are We Now? (Cont'd)



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With an 8 year broadcast deal recently announced which places UCI now in control of cross country, downhill and enduro disciplines presents and opportunity to accelerate many aspects of the South of Scotland Cycling Partnership Strategy and opens new opportunities for the area through Innovation & Technology in the area of broadcast & media.

Other complimentary programs of activity include the world-famous Dirt School which links to the BASE Mountain Biking course (a performance-based, three-year full-time academic program based in Scottish Borders College Galashiels Campus and the Tweed Valley) and the long-term commitment to being a host destination for international scale cycling events including Enduro World Series, Tweed Love, Tour of Britain, and the forthcoming 2023 UCI World Cycling Championships.

As part of the Borderlands Deal Heads of Terms a £5million capital investment commitment has also been made to 7stanes Mountain Biking Trail Centres. Adventure sport and tourism continues to develop through UK competitor locations and in recent years we have seen 7stanes visitor numbers stagnate, although they have not declined significantly they also have not tracked the growth we would like. All 7stanes locations are noted as nationally important in the Strategy for Scottish Mountain Biking 2019 – 2025 and like other provision across Scotland, are facing increasing competition from across the rest of the UK and Europe following a raft of landmark investments. FLS (Forestry and Land Scotland) are leading on the

SECTION 5 – Where Are We Now? (Cont'd)

development of a Full Outline Business Case to secure the funding which will create new & enhanced facilities to grow demand with a particular focus on locations in Dumfries & Galloway.

The Borderlands Growth deal also presents additional opportunities which could have a large-scale impact on cycling both a mode of transport and visitor distribution. Destination Tweed project will create a unique and truly world class visitor experience using the River Tweed as a catalyst to take an incredible journey from the source in Moffat to the sea in Berwick-Upon-Tweed. The project aims to build a clear identity whilst conserving, connecting, and promoting multiple attractions and communities to deliver transformational economic benefit and become known as one of the great long-distance trails in the UK which can be experienced by walking or cycling.

NB: baseline data review required. This will need to be gathered from all partners on the SOS Cycling Group to allow us to monitor progress against the plan.

It is critically important to highlight the significant commitment made by Scottish Government to put active travel at the heart of their transport policy. A range of actions have been committed to at a national level and the Cycling Walking and Safer Routes budget which goes directly to local authorities has been increased from £24 million to £35 million for 2022/23 and they have committed to investing at least £320 million or 10% of the transport budget for active travel by 2024/25; it is worth noting that £10.6m has also been earmarked for the development of the National Cycle Network. One challenge with this funding is that it's been offered within a competitive framework as opposed to being based on a settlement allocation for the local authorities. The partnership feels if this was approached differently this could be transformational for the region to forward plan infrastructure investment in active path networks in a strategic and targeted manner.



SECTION 5 – Where Are We Now? (Cont'd)

Scottish Borders Council, Live Borders & Dumfries & Galloway Council are responsible for delivering our critically important Active Schools, Sports Development, Health Development and Active Travel program. These programmes offer those first grassroots experiences of cycling and are delivered through a range of initiatives to ensure diversity and inclusion are at the heart of the aims and objectives. The delivery programmes include Bikeability Play, Pedals Family, Disability Cycling, and move into Advanced Rider Development Centers. ClubSport Borders allows clubs and individuals to be supported with welfare courses, child protection accreditation and grants. Our cycling partnership also work collaboratively with Scottish Cycling to deliver the national strategy through regional actions giving local benefits. South of Scotland Cycling Partnership will actively engage with the steps outlined in the 2019-2025 strategy “Developing a Nation of Cyclists” to ensure regional actions are committed to and offer detailed ways in which we can support the four strategic themes of LEAD, GROW, SUPPORT & PARTNER.

Scotland’s reputation as the “Perfect Stage” for events is recognised across the world and South of Scotland has always been a key region upon which the national strategy has been played out. Our cycling events portfolio consists of a core of events which are unique to the south and are embedded in our culture. We have built strategic partnerships with important governing bodies and race designers such as UCI, Tour of Britain, Tour Series, Enduro World Series and more recently Galazo Cycling to ensure the destination continues to be a compelling as a host destination of choice for some of the biggest and globally visible events. We can see in real time the benefits playing



SECTION 5 – Where Are We Now? (Cont'd)

host to major cycling events has on the rest of the community in Dumfries & Galloway and the Scottish Borders by the proliferation of regional events which have a UK demographic mix who travel to our territory to take part including but not limited to Tour' O the Borders, Tweedlove, Tour De Lauder, Dalbeattie Hard Rock Challenge, Muck n' Mac Fest, Galloway ReCycle Sportive, Glentress 7, the Galloway Hillbillies Duathlon. Ken Laidlaw Sportive and Ride for Dottie.

(*please note this is not an exhaustive list and there will be more not identified here but promoted via British Cycling membership base)

A key opportunity linked to our status as a host destination for the 2023 UCI Cycling World Championships is the opportunity to create a permanent event venue which has all of the necessary services – water, power, digital capability, hardstanding environment for team buses and 5G connectivity. This would offer an affordable and world-class environment to from which to bid for and secure a pipeline of international grade events.

Sustaining and building on what has already been achieved in the South of Scotland is critically important to us. By taking a strategic partnership approach we will reach our ambition of being Scotland's leading cycling destination and recognised as a world-class cycling destination of excellence. Infrastructure investment is always a catalyst for change. We have seen this to be true across strategic infrastructure projects in Scotland and the wider

Partnership
2023-2028





SECTION 6 – Getting it Done

The cycling ambitions of the region are rooted in six key themes with linked priorities. This approach has enabled the partnership to include existing commitments and future ambitions linking initiatives, projects, and programs in an organised manner. Focus, prioritisation and at times additional resource may be required to deliver all the actions outlined in the accompanying delivery plan.

From the outset, it is recognised that the South of Scotland has a significant USP in relation to cycling and the partnership is encouraged that many of the right things are already happening. The focus of the delivery plan will be to track actions that are being taken by individual organisations but more importantly to focus on where we can go further through collaboration to address the gaps which will hold us back from our overall ambition of being recognised as Scotland's Leading Cycling Destination and a world-class cycling destination of excellence.

The success of our delivery plan will rely on strong and clear championing of our regional opportunities and how they link to and support the national policy objectives.

We must be truly collaborative and relentlessly pursue opportunities to work together to serve our residents and visitors, tackle challenges head on where our organisations have it within their power to control the outcomes and build strategic evidence-based arguments where we do not.

The scale of the opportunity in front of us is timebound, we may never again have the chance to be a host destination for the 2023 UCI Cycling World Championships where the profile of cycling will be at a global high and can inspire the next generation of athletes, get thousands of our residents onto bikes using active travel networks and build the right infrastructure to secure our future as a host destination of choice for international events and visitors.

For each of the actions identified within the delivery plan, we identify the lead partners, but it should be noted that this is not intended to be a closed list – we recognise that others will come on board to assist delivery as actions gather momentum or need further enablement.

A timescale for completion of each action is also set out, either as:

Short term (before April 2023)

Medium term (before April 2026)

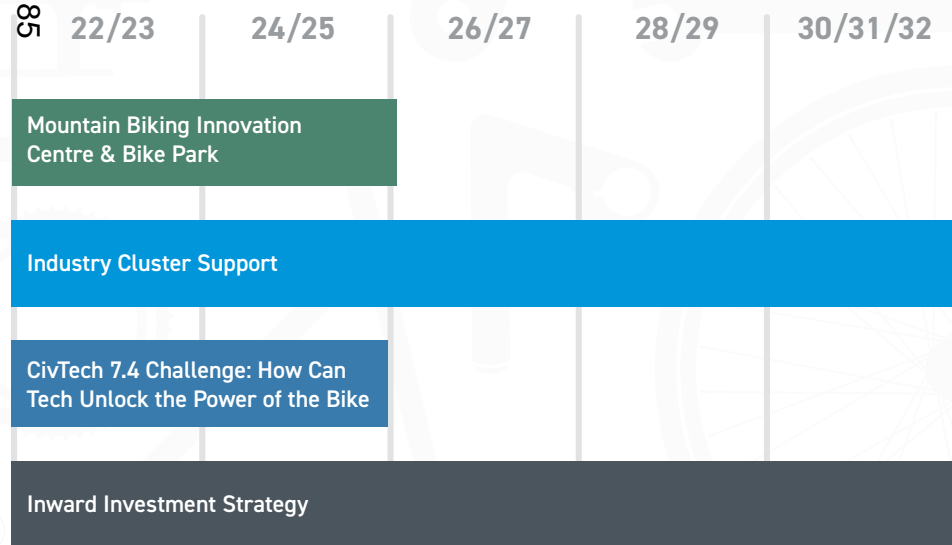
Long term (before April 2026+ up until March 2032)

SECTION 6 – Getting it Done (Cont'd)

Theme 1: Innovation & Technology:

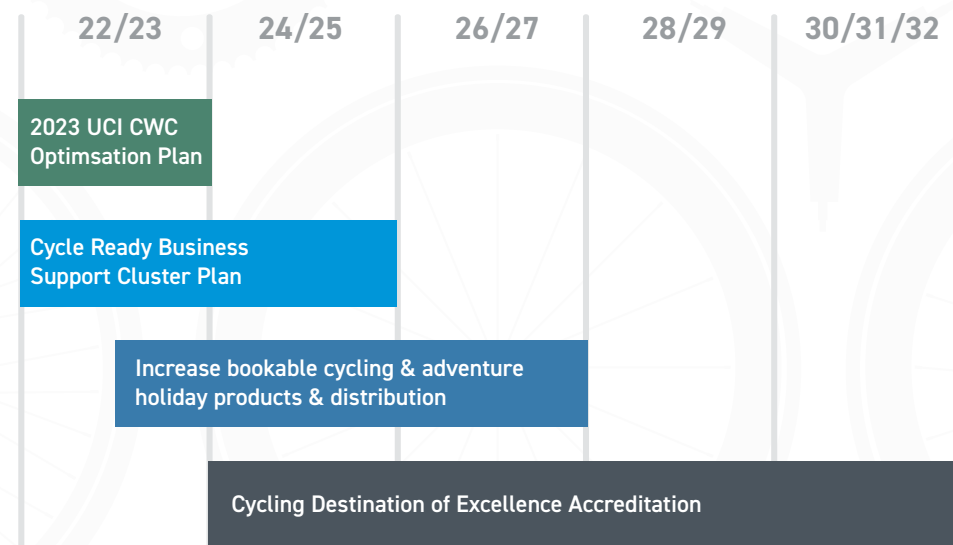
We will strengthen the region's role as a hub for cycling industry research, product development and stimulate growth in the existing business supply chain, propel business start-ups and attract new investment. We will offer innovation and business development support services to secure the performance of the cycling and outdoor adventure sector; developing a local supply chain and thriving industry clusters; stimulating business launches and scale-ups.

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Theme 2: Destination Development & Promotion

Destination Development & Promotion: We will invest in the visitor economy infrastructure to support the growth ambitions of the region's tourism sector. Our campaign strategy will cement our reputation as one of Europe's leading mountain biking destinations and grow the profile of our road cycling, gravel and enduro credentials. We will be known as a brilliant cycling holiday destination where adventures are safe, accessible, memorable and offer a unique way to experience our natural playground, culture, and communities.



SECTION 6 – Getting it Done (Cont'd)

Theme 3: Event Strategy

Events: We will collectively identify and secure cycling events that will inspire people to ride bikes and act as a catalyst for change. Our region-wide events strategy will continue to build on our credible and established relationships within the professional cycling community but importantly will also help, support, and deliver a framework of information to grassroots community cycling event organizations to create a year-round program of events both on and off the bike that have a positive impact on participation, reputation, visitor dispersal and legacy impacts from staging major events.

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Theme 4: Sustainable Economy & Communities

Green Sustainable Economy & Communities: By collectively prioritizing our transition to net zero we will harness the power of the bike to create new economic opportunities by unlocking the full potential of our natural resources to further improve our quality of life, attract and retain people with a diversity of skills, activate networks, provide a world-class level of service, develop new products & further develop our visitor offer.



SECTION 6 – Getting it Done (Cont'd)

Theme 5: Sport, Recreation & Wellbeing

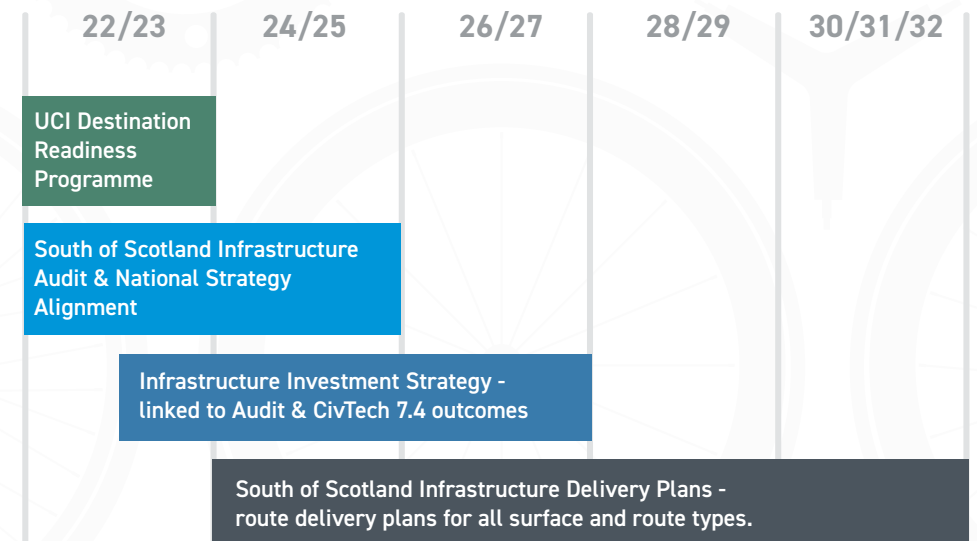
We will use a strategic partnership approach between Local Authorities, Live Borders, Scottish Cycling and national agencies to deliver a range of critically important initiatives that is inclusive and offers a well-defined rider pathway which allows progression from novice through to elite rider. Improved Health & Wellbeing will be a key outcome from the implementation of the strategy. Cycling is an enjoyable and uncomplicated way to incorporate exercise into daily routines with the benefits being wide reaching including protection from serious diseases.

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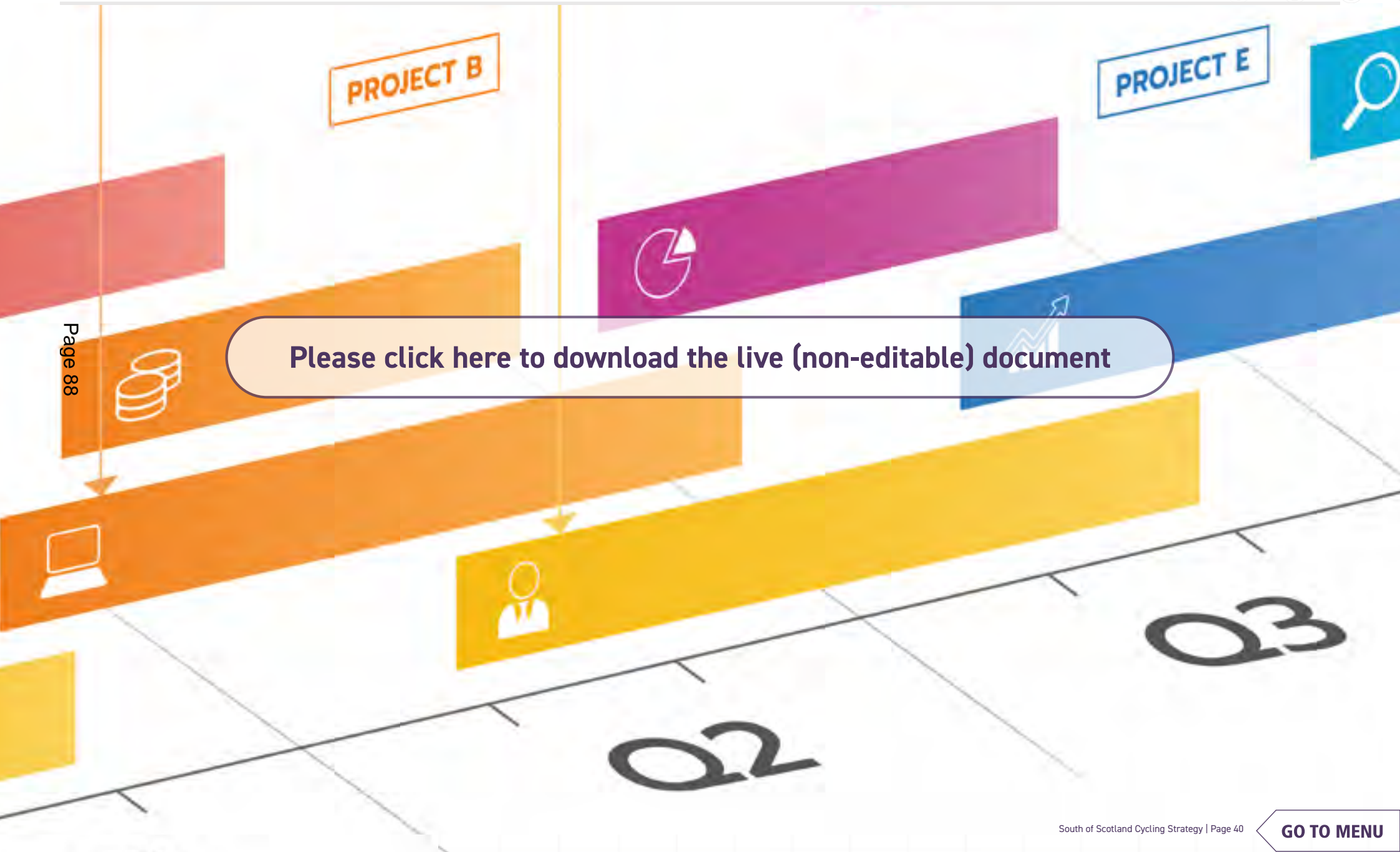
Theme 6: Infrastructure

Infrastructure: We have watershed opportunities to create an infrastructure plan which supports 6 key ambitions to use the power of the bike as a catalyst for change. We will ensure that all investments can be evaluated against the following questions of “Does this investment support, Cycling as Transport, Major Cycling Events, Cycle Sport, Cycling Industry, Cycling Tourism, Cycling Participation”





SECTION 7 - Partnership Delivery Plan



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[Please click here to download the live \(non-editable\) document](#)

PARTNERSHIP will Unlock the Power of the Bike



Forestry and
Land Scotland
Coilltearachd agus
Fearann Alba





REP
South of Scotland
Regional Economic Partnership

SOSE Interest

- 1 – core priority and lead role
- 2 – active interest – with role focused on facilitation/galvanising
- 3 – observer interest

Project Action Description	Lead	Partners	Investment ££	Investment Status	Beneficiary	Discipline Supported	Timeframe	Link with RES themes
Strategy Development to ensure the MTB Innovation Centre and Bike Park Project will build on the strength of mountain biking in the South of Scotland by delivering the world's first Mountain Bike Innovation Centre (MTBIC) and a World Class Adventure Bike Park and Trail Lab, with on-trail Research and Development testing facility. Opportunity also to link Dumfries & Galloway Employability, Skills and Partnerships via AIMS.	SOSE	Edinburgh Napier University Scottish Borders Council Borders College Dumfries & Galloway College Dumfries & Galloway Council Borderlands	£19m	Confirmed	Community Environment Economy	MTB	Med-Long. Launch 2023 10 Year Implementation Plan	1. Skilled and Ambitious People 2. Innovative and Enterprising
Delivery of the challenge which aims to: Create and/or identify a digital technology solution for visualisation to support stakeholder engagement (landowners & communities) leading to accelerated support for active travel strategies for rural communities, an increase in viable planning applications & approvals together increasing cycle path infrastructure investment in a timely manner that supports our regional and national targets linked to a Just Transition to Net Zero. Identify novel construction techniques which could influence national standards to have a regional rural response. Implement newly identified techniques to build the paths successfully therefore delivering the active travel strategy by improving the community planning process. Such techniques and standards should reduce cost implications for path building and accelerate overall cycle path infrastructure investment.	SOSE	Sustrans Dumfries & Galloway Council (Environment Team) Scottish Borders Council Censis	£350K	Confirmed	Community Environment Economy	N/A	Short	1. Skilled and Ambitious People 2. Innovative and Enterprising
Development a Business Support Specialist engagement strategy for existing & start-up cycling related businesses both in region and as part of wider inward investment strategy. Key strands would include product development, innovation & digital.	SOSE	Dumfries & Galloway Council (Business & Enterprise / AIMS project team) Edinburgh Napier Scottish Borders Council DMBinS VisitScotland SSDA	IKS	Confirmed	Community Environment Economy	All	Short	1. Skilled and Ambitious People 2. Innovative and Enterprising
Develop a strategy to sustainably manage and maintain the current cycling trail network across the FLS Estate and explore opportunities for it to develop and grow. The strategy will include consideration of: - Private sector investment and management partnerships - Third sector support for ongoing maintenance and trail development - The potential for public sector partnerships - New technologies and trail construction techniques - Alternative whole life cycle management models	FLS	DMBinS Community Trail Assoc Private Sector	IKS	Unconfirmed	Community Environment Economy	MTB Gravel	Medium	1. Skilled and Ambitious People 2. Innovative and Enterprising 6. Thriving and Distinct Communities
Explore partnership opportunities with Scotland's 5G Centre for digital infrastructure to support UCI, EWS (Enduro World Series) and Tour requirements. Create a location based cycling investment strategy including property locations/co-locations that could attract sector market leaders Creation of "Zones" linked to manufacturing opportunities across the South of Scotland to encourage investment & relocation of businesses	SOSE Scottish Borders Council Dumfries & Galloway Council (Business & Enterprise / AIMS Team)	Scotland's 5G Centre	TBC	Unconfirmed	Economy	All	Medium	1. Skilled and Ambitious People 2. Innovative and Enterprising
Establish a SOS Communications TAG team to explore innovative joint working opportunities.	SOSE	Sustrans Dumfries & Galloway Council Scottish Borders Council FLS South of Scotland Destination Alliance VisitScotland EventScotland Scottish Cycling DMBinS ESO 2023 UCI Cycling World Champs	IKS	Unconfirmed	Economy	All	Short	1. Skilled and Ambitious People 2. Innovative and Enterprising 6. Thriving and Distinct Communities
Research trip planning system integration with SOS destination platforms through an API or other backend design processes. Systems to be reviewed and engaged with include Komoot, Strava, Bikemap, Trailforks, Ride with GPS	South of Scotland Destination Alliance	All Dumfries & Galloway Council (Environment Team)	TBC	Unconfirmed	Community Economy	All	Medium	1. Skilled and Ambitious People 2. Innovative and Enterprising
Improve the data sources and accuracy with innovative new ideas for counting and communicating the quantity of cyclists across the South of Scotland	TBC	All	TBC	Unconfirmed	Community Economy	All	Medium	1. Skilled and Ambitious People 2. Innovative and Enterprising
Develop affiliate marketing opportunities to promote the destination as UK Best Cycling Destination. Support Online Bookable Bike & Adventure Holiday Products bookable through Scotland Starts Here, Online Travel Agents and Specialist Operator distribution platforms. Some example links could include multi-day products which would include bike/surf camps that would take in product in Tweedvalley & Coldingham products or bike/hike/wild swim/paddle products which could include D&G trail centre clusters & criffell/coastal path/forest parks/loch swims/paddleboarding products. Add South of Scotland cycling routes to Sustrans route itinerary maps on VisitScotland microsite. (* - https://www.visitscotland.com/see-do/active/cycling/sustrans-cycle-map/#/) Launch new South of Scotland Coast to Coast Slow Tourism Touring Route - 2023 Southern Upland Way Cycle Discovery Route Launched May 2022 Destination Tweed Slow Tourism End to End Route due to launch in 2025	SOSE SSDA VISITSCOTLAND SUSTRANS	All	circa £4m	Mix of Confirmed & Unconfirmed	Community Environment Economy	All	Short Medium Long	1. Skilled and Ambitious People 2. Innovative and Enterprising 3. Rewarding and Fair Work 4. Culture and Creative Excellence 5. Green and Sustainable Economy 6. Thriving and Distinct Communities
Increase number of local bike retailers who offer bike hire with drop off and pick up across the 16 larger towns in D&G & 12 large towns of the Borders. Explore benefits of embedding "Cycling Route Apps" into Scotland Starts Here and South of Scotland pages on VisitScotland.com to encourage discovery of the region by bike. Prioritise "Visitor Management" information to encourage responsible discovery of the region by bike.	SOSE SSDA VISITSCOTLAND	All	TBC	Unconfirmed	Community Environment Economy	All	Short Medium Long	1. Skilled and Ambitious People 2. Innovative and Enterprising 3. Rewarding and Fair Work 4. Culture and Creative Excellence 5. Green and Sustainable Economy 6. Thriving and Distinct Communities

Encourage tourism businesses across the South of Scotland to engage with a programme of business advice and support designed to ensure they can maximise the 2023 UCI World Championships opportunity and the cycle tourism legacy beyond	SSDA VISITSCOTLAND	SOSE Dumfries & Galloway Council (Business & Enterprise Team)	TBC	Unconfirmed	Community Environment Economy	All	Medium	4. Culture and Creative Excellence 5. Green and Sustainable Economy 6. Thriving and Distinct Communities
Explore if there is an opportunity for this to become part of the Blosphere "Sustainable Destination" Certification being developed by SSDA in partnership with GASB	SSDA	VisitScotland	TBC	Unconfirmed	Community Economy	All	Medium Long	4. Culture and Creative Excellence 5. Green and Sustainable Economy 6. Thriving and Distinct Communities
Data driven digital campaign strategy to harness the opportunities presented by being the host destination for UCI Cycling World Championships 2023 Tour of Britain Tour Series Enduro World Series Raiders Gravel	SSDA	UCI CWC 2023 SCOTTISH CYCLING DMBINS SSDA VISITSCOTLAND FLS SBC Dumfries & Galloway Council (Comms Team)	TBC	Unconfirmed	Community Environment Economy	All	Short	4. Culture and Creative Excellence 5. Green and Sustainable Economy 6. Thriving and Distinct Communities
Develop & Deliver a "Digital Skills Programme" targeted for local rider clubs to develop them as content creators and destination ambassadors	SOSE	SOSE Dumfries & Galloway Council (Place Team)	TBC	Unconfirmed	Community	All	Medium	4. Culture and Creative Excellence 6. Thriving and Distinct Communities
Consumer Trend driven night-time economy projects to maximise opportunities food, drink and retail sectors when large scale attractor events are held across the region.	Local Authorities	SOSE DGC Business Gateway	TBC	Unconfirmed	Economy	NA	Short	1. Skilled and Ambitious People 2. Innovative and Enterprising 4. Culture and Creative Excellence 6. Thriving and Distinct Communities
Develop a Tweed Valley Marketing Campaign Strategy to coordinate and maximise the promotional and marketing from the main projects in the area (Forest Holidays, Glentress Masterplan, 7Stanes, the international events legacy and the Bike Park) the destination needs a coordinated resort style approach to promote the updated wider offering.	Go Tweed/Valley	SSDA VisitScotland FLS Forest Holidays Private Sector Affiliates	TBC	Unconfirmed	Economy	All	Short	4. Culture and Creative Excellence 5. Green and Sustainable Economy 6. Thriving and Distinct Communities
Strategic plan to secure national and international grade cycling events to Raise the global profile of south of scotland as "The Perfect Stage" Increase Participation across all disciplines and showcase regional support for diversity by for our own residents by Increase regional reputation as an inclusive and diverse area by actively pursuing paracycling, special event and female rider events. Positively impact our economy Use events to showcase the power of the bike Events include UCI Cycling World Championships 2023 Tour Series Tour of Britain Enduro World Series Gravel Raiders UK Weekender British Road Bike Championships	Scottish Borders Council (Events Team) Dumfries & Galloway Council (Events Team)	UCI CWC 2023 SCOTTISH CYCLING DMBINS SSDA EVENT SCOTLAND VISITSCOTLAND FLS	TBC	Confirmed	Community Environment Economy	All	Short Medium Long	4. Culture and Creative Excellence 5. Green and Sustainable Economy 6. Thriving and Distinct Communities
Collectively write and commit to an "Opportunities Strategy" that outlines how we will work together to unlock the opportunities presented by being named as a host destination for the forthcoming UCI Cycling World Championships in August 2023. Optimisation Plan will use the Themes from the South of Scotland Cycling Partnership Strategy as workstreams and will focus on INFRASTRUCTURE SPORT, RECREATION & WELLBEING SUSTAINABLE COMMUNITIES & ECONOMY INNOVATION & TECHNOLOGY DESTINATION EVENTS *leads will be required from each of the partner organisations to take each workstream forward	Scottish Borders Council (team TBC) Dumfries & Galloway Council (Leisure Team)	All	TBC	Unconfirmed	Community Environment Economy	All	Short	4. Culture and Creative Excellence 5. Green and Sustainable Economy 6. Thriving and Distinct Communities
Ensure community liaison to mitigate events causing unintended impacts on residents.	Scottish Borders Council (team TBC) Dumfries & Galloway Council (Events & Communities Team)		TBC	Confirmed	Community	All	Short Medium Long	4. Culture and Creative Excellence 5. Green and Sustainable Economy 6. Thriving and Distinct Communities
Work programme to create local supply chain business network to ensure the region is recognised for 'best-value' in hosting events and create mechanisms within local areas to ensure the sustainability of world class events	DMBinS	All Dumfries & Galloway Council (Events Team)	TBC	Unconfirmed	Community Environment Economy	NA		
Active Travel Strategy Plans with accompanying Action Plans to cover the 10-year timeframe but with 2-year, 5 year and 10-year commitments detailed. These will be interlinked with the 10-year infrastructure plans in development by Local Authorities. D&G Active Strategy 2 proposes exactly 3 reviews in 2025, 2028 and 2032.	Live Borders/Scottish Borders Council (team TBC) Dumfries & Galloway Council (Environment Team)	All	TBC	Unconfirmed	Community Environment Economy	N/A	Short Medium Long	1. Skilled and Ambitious People 2. Innovative and Enterprising 3. Rewarding and Fair Work 4. Culture and Creative Excellence 5. Green and Sustainable Economy

<p>Focus on Community Cycling Engagement</p> <p>Opportunity to use outcomes of the CivTech Challenge to support visualisation of cycle path infrastructure and stimulate demand from national funding programme.</p> <p>Current projects that are receiving support include:</p> <p>Rocks and Wheels (RAW), managed by Dalbeattie Community Initiative (DCI)</p> <p>Eddlestone Active Travel Path</p> <p>Keir, Penpont & Thornhill Active Travel Path</p> <p>Annan Active Travel Path</p> <p>Tweedbank to Reston Active Travel Path</p>	<p>Scottish Borders Council (team TBC)</p> <p>Dumfries & Galloway Council (Place Team)</p>	<p>All</p>	<p>TBC</p>	<p>Confirmed</p>	<p>Community Environment Economy</p>	<p>All</p>	<p>Medium</p>	<p>2. Innovative and Enterprising</p> <p>4. Culture and Creative Excellence</p> <p>5. Green and Sustainable Economy</p>
<p>Creation of Comms Strategy to increase engagement with national funding opportunities that support higher levels of community participation in behavioural change from cars to bikes, support net zero and circular economy ambitions.</p>	<p>Comms TAG Team</p>	<p>All</p>	<p>TBC</p>	<p>Unconfirmed</p>	<p>Community Environment Economy</p>	<p>All</p>	<p>Long</p>	<p>5. Green and Sustainable Economy</p> <p>6. Thriving and Distinct Communities</p>
<p>UCI Bike Region Label (supports cities and regions hosting major UCI events and investing in cycling)</p>	<p>Scottish Cycling</p>	<p>TBC</p>	<p>TBC</p>	<p>Confirmed</p>	<p>Community Environment Economy</p>	<p>All</p>	<p>Medium</p>	<p>4. Culture and Creative Excellence</p> <p>6. Thriving and Distinct Communities</p>
<p>We will train and develop more Coaches and Mountain Bike Leaders to meet the needs of the pathway and grow the sport.</p> <p>Provide a comprehensive program of age and stage appropriate activities, bolstered by a new comprehensive pathway framework to ensure an increased pool of talented athletes across disciplines</p>	<p>Scottish Borders Council/Live Borders (Team TBC)</p> <p>Dumfries & Galloway Council (Leisure Team)</p> <p>Scottish Cycling</p>	<p>TBC</p>	<p>TBC</p>	<p>Confirmed</p>	<p>Community</p>	<p>All</p>	<p>Short Medium Long</p>	<p>4. Culture and Creative Excellence</p> <p>6. Thriving and Distinct Communities</p>
<p>Clubs will be supported to meet essential criteria for governance, and child wellbeing and protection in sport.</p> <p>Increase South of Scotland citizen participation in cycling through engagement in events, programs, and clubs.</p> <p>Targetted programmes should be developed to increase the number of women and girls cycling. Successful programmes such as DMBinS's Rider2Leader, Scottish Cycling Breeze programme, and local community provisions such as Miss Adventures should be profiled and built upon.</p> <p>All-ability cycling – Develop programmes and access opportunities for locals who ride adapted bikes. We will provide targeted support to clubs working towards a development framework that will support them to grow and develop sustainably.</p> <p>Utilise local Clubsport organisations locally to support club growth and support governance and funding for clubs to build infrastructure</p>	<p>Live Borders</p> <p>Dumfries & Galloway Council (Leisure Team)</p> <p>Scottish Cycling</p>	<p>TBC</p>	<p>TBC</p>	<p>Confirmed</p>	<p>Community</p>	<p>All</p>	<p>Short Medium Long</p>	<p>4. Culture and Creative Excellence</p> <p>6. Thriving and Distinct Communities</p>
<p>Ensure the health and wellbeing of our athletes as they strive to achieve success at the highest level.</p> <p>Discipline specific plans will be developed and implemented to support participation and progression within the sport.</p> <p>Continually develop athletes to the level required to gain selection on to the GB Cycling Team Performance Programs and Professional Teams.</p> <p>We will ensure the delivery of quality National Championship events are supported by an event pathway plan that meets the needs of riders at every level</p> <p>Increase participation opportunities for underrepresented ethnic minority groups to contribute to the development of the SOS cycling strategy ensuring that diversity and visibility of all user's needs, and aspirations are captured</p> <p>Ensure that talented athletes are supported by local talented Athlete Support Programmes (ASP) in the Scottish Borders</p>	<p>Live Borders</p> <p>Dumfries & Galloway Council (Leisure Team)</p> <p>Scottish Cycling</p>	<p>TBC</p>	<p>TBC</p>	<p>Confirmed</p>	<p>Community</p>	<p>All</p>	<p>Short Medium Long</p>	<p>4. Culture and Creative Excellence</p> <p>6. Thriving and Distinct Communities</p>

<p>Promote and Utilise existing participation and funding programmes to increase the use of e-bikes and e-cargo bikes to activate behavioural change.</p> <p>List and promote existing programmes if funding and support available.</p> <p>Free Bikes for Kids/Rock Up & Ride – The Scottish Government have made a pledge that every child who can't afford a bike will get access to one during this parliamentary cycle. Following a successful pilot in the Tweed Valley the 'Free Bikes for Kids' programme run by Scottish Cycling should be rolled out across the South of Scotland.</p> <p>SCOTTISH BORDERS 'COMMITMENT UPDATE'</p> <p>Live Borders will deliver progressive pathway programme for communities that encourages participation from the earliest age including:</p> <p>Play on pedals Bikesability Cycle Skool Athlete Rider Development Squads Older adult opportunities Deliver inclusive and accessible cycling opportunities for all addressing poverty, disability, rurality, women and girls</p>	<p>Live Borders Dumfries & Galloway Council (Communities Team) Scottish Cycling</p>	<p>Scottish Cycling ClubSport Borders Community Sport Hub Network Borders Cycling Dev Group</p>	<p>SportsScotland Cycling Fund (potential source)</p>	<p>Unconfirmed</p>	<p>Community Environment Economy</p>	<p>All</p>	<p>Short Medium Long</p>	<p>5. Green and Sustainable Economy 6. Thriving and Distinct Communities</p>
<p>May 2022 works commence to deliver new in-forest mountain bike trails, walking trails & increased visitor car parking capacity</p> <p>Investment in new activity area</p> <p>UCI race specification infrastructure investments to bring Glentress up to national and international standards for orthcoming Cycling World Championships and to secure future competitive event series.</p>	<p>FLS Scottish Borders Council (Infrastructure Team) SOSE</p>	<p>All</p>	<p>TBC</p>	<p>Confirmed</p>	<p>Community Environment Economy</p>	<p>All</p>	<p>Short Medium Long</p>	<p>5. Green and Sustainable Economy 6. Thriving and Distinct Communities</p>
<p>Audit of Existing Cycling Infrastructure (using GIS) to establish existing offers</p>	<p>Scottish Borders Council (Team TBC) Dumfries & Galloway Council (Environment)</p>	<p>SOSE Sustrans DMBinS FLS</p>	<p>IKS</p>	<p>Unconfirmed</p>	<p>Community Environment Economy</p>	<p>All</p>	<p>Short Medium Long</p>	<p>5. Green and Sustainable Economy 6. Thriving and Distinct Communities</p>



SOUTH OF SCOTLAND REGIONAL ECONOMIC PARTNERSHIP - MEMBERSHIP RENEWAL

Report by Director - Resilient Communities

SCOTTISH BORDERS COUNCIL

25 August 2022

1 PURPOSE AND SUMMARY

- 1.1 The purpose of this report is to seek Members' agreement to renew the membership of the South of Scotland Regional Economic Partnership.**
- 1.2 When the South of Scotland Regional Economic Partnership (REP) was established, it was agreed the members would initially be appointed for a period of two years.
- 1.3 As the REP has been operating since September 2020, membership should now be renewed. The biennial membership review also provides an opportunity to reconsider the overall composition of the REP.

2 RECOMMENDATIONS

- 2.1 **It is recommend that Council:-**
 - (a) Approves the proposals outlined for the renewal of the South of Scotland Regional Economic Partnership membership as detailed in Paragraph 4.**

3 BACKGROUND

- 3.1 In October 2019, Scottish Borders Council agreed to support the establishment of South of Scotland Regional Economic Partnership (REP). The remit and composition of the REP is set out in the Terms of Reference in Appendix 1.
- 3.2 The REP aimed to support the establishment of South of Scotland Enterprise in 2020 by developing and driving forward a new Regional Economic Strategy for the South of Scotland for the first time. It comprises members of Scottish Borders Council, Dumfries and Galloway Council, and South of Scotland Enterprise (SOSE), together with appointed members from business, communities, social enterprise, Third Sector, Registered Social Landlords, and representatives from colleges, universities and public bodies including the Scottish Funding Council, Skills Development Scotland, Scottish Enterprise, and VisitScotland. In addition, two young person's representatives have also been appointed, one drawn from each local authority area.
- 3.3 The REP also links into the Convention of the South of Scotland (COSS) which is chaired by the Deputy First Minister. The first meeting of the South of Scotland Convention was held in Dumfries in February 2020.

4 MEMBERSHIP RENEWAL PROPOSALS

- 4.1 Following the operation of the REP for the last two years it is proposed that the Terms of Reference are revised and the membership of the REP is widened to incorporate the following members:
 - a) Regional NHS Boards (NHS Borders and NHS D&G);
 - b) Historic Environment Scotland;
 - c) South of Scotland Destination Alliance (SSDA), and
 - d) Young Person's representatives, one drawn from each local authority area.
- 4.2 It is also proposed that:
 - a) Representation from Scottish Enterprise (SE) is removed. SE was originally included to support the transition period to support the creation of SOSE, and will continue to be involved in the South of Scotland as an active member of COSS;
 - b) The Third Sector and Registered Social Landlords are removed from the open recruitment process and REP membership assigned to representatives nominated by each of the Third Sector Interfaces and by Registered Social Landlords;
 - c) Closer engagement on regional transport issues impacting the local economy is achieved through the inclusion of both Regional Transport Partnerships (SWestrans and SEStran) as members of a re-established Regional Transport Working Group. This group would supply

information to the REP as required and would be able to attend meetings of the REP when requested; and

- d) The process of open recruitment commences in September for representatives from the private sector, social enterprises, and communities, noting current REP members can apply again.

5 IMPLICATIONS

5.1 Financial

There is an annual cost of approximately £20k required to part-fund the secretariat for the Regional Economic Partnership in conjunction with strategic partners Dumfries and Galloway Council and South of Scotland Enterprise. This sum is normally allocated from the Economic Development Budget.

5.2 Risk and Mitigations

The renewal of the membership of Regional Economic Partnership will allow the REP to continue to deliver its agreed functions for the benefit of the region, and there are no additional risks contained in this report.

5.3 Integrated Impact Assessment

A key aspect of Regional Economic Partnership's work is to reduce barriers to economic growth and target inequality. The Regional Economic Strategy Delivery Plan and Monitoring Framework will help ensure that information in relation to equalities groups is constantly monitored.

5.4 Sustainable Development Goals

The delivery of the Regional Economic Strategy aligns with the UN Sustainable Development Goals.

5.5 Climate Change

There are no climate or sustainability issues arising from this report. The delivery of the Regional Economic Strategy aligns with achieving sustainable development and net zero targets.

5.6 Rural Proofing

There are no rural proofing issues arising from this report.

5.7 Data Protection Impact Statement

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

5.8 Changes to Scheme of Administration or Scheme of Delegation

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

6 CONSULTATION

- 6.1 The Acting Chief Financial Officer, the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Director (People Performance & Change), the Clerk to the Council and Corporate Communications are being consulted and any comments received will be tabled at the meeting.

Approved by

Jenni Craig
Director - Resilient Communities

Author(s)

Name	Designation and Contact Number
Graeme Johnstone	Lead Officer
Sam Smith	Chief Officer, Economic Development

Background Papers:

Council Report – 31st October 2019 (Convention of the South of Scotland and Regional Economic Partnership)

Executive Committee Meeting 15th September 2020 (The Establishment of the South of Scotland Regional Economic Partnership)

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

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



PARTNERSHIP TERMS OF REFERENCE

Remit:

The South of Scotland Regional Economic Partnership's primary purpose is to secure and enable inclusive and sustainable economic growth across the South of Scotland, through:

- Setting the strategic direction for the regional economy in the South of Scotland by developing the Economic Strategy and Action Plan;
- Addressing the strategic economic issues of the South of Scotland through effective partnership work;
- Ensuring that collectively, partner capacities and resources are harnessed to maximum effect.
- Bringing together stakeholders from across the area under a common purpose to drive inclusive and sustainable economic growth in the South of Scotland; and
- Identifying barriers to inclusive and sustainable economic growth, particularly those that are specific to the South of Scotland, and exploring how those barriers could be addressed.

Membership:

Membership of the Partnership will be comprised as follows:

- Dumfries & Galloway Council (Four elected members – to be determined by the Council)
- Scottish Borders Council (Four elected members – to be determined by the Council)
- South of Scotland Enterprise (Chair of the Agency and three SOSE board members – to be determined by SOSE)
- Scottish Enterprise (One appropriate/regional lead to be determined by the organisation)
- Skills Development Scotland (One appropriate/regional lead to be determined by the organisation)
- Scottish Funding Council (One appropriate/regional lead to be determined by the organisation)
- Visit Scotland (One appropriate/regional lead to be determined by the organisation)
- Private Sector representatives – (Two each from the Scottish Borders and Dumfries & Galloway – to be selected via an application process)
- Social Enterprise representatives (One each from the Scottish Borders and Dumfries & Galloway – to be selected via an application process)
- Third Sector representatives (One each from the Scottish Borders and Dumfries & Galloway – to be selected via an application process)
- Registered Social Landlord representatives (One each from the Scottish Borders and Dumfries & Galloway – to be selected via an application process)
- Community Development Trust representatives (One each from the Scottish Borders and Dumfries & Galloway – to be selected via an application process)

- Borders College (Chair or Principal)
- Dumfries & Galloway College (Chair or Principal)
- Heriot Watt University (Free to nominate who is best placed to input into the REP)
- Crichton Leadership Group (Chair)
- Scotland's Rural College (SRUC) (Chair or Principal)

Scottish Government officials will be invited to attend meetings as observers.

Senior officials from partner organisations, including Chief Executives and Principals, will be welcome to attend as required at each meeting.

Terms of Appointment:

- Members of the Partnership will be appointed for an initial period of 2 years
- Elected Members of Councils will serve for five years before local government elections, with their ongoing membership determined by their Council
- The appointment of representatives from national agencies, SOSE and higher and further education establishments will be a matter for each organisation, who should however act to support continuity as far as is possible
- Membership is on a voluntary, non-paid basis but travel and other reasonable expenses will be covered
- A declaration of interest must be completed following appointment
- Early release from your position must be in writing to the REP chair

Chair and Vice Chair:

- Senior Council Members will chair the meetings, with the chair rotating annually between Dumfries and Galloway and Scottish Borders.
- A vice chair will be appointed by the Chair from their own organisation.

Operating Principles:

- Partnership meetings will as a minimum take place every quarter (minimum four times a year)
- Partnership meetings will take place across the South of Scotland, in locations alternating between the Scottish Borders Council area and Dumfries and Galloway Council area, and/or virtually where necessary or beneficial to maximise attendance
- Partnership meetings will be no more than 3 hours long
- Papers for meetings will generally be circulated a week in advance
- Members should aim to attend each meeting. If members from public sector organisations are unable to attend they should ensure representation from a senior official of the organisation. Other members are not expected to send substitutes
- Meetings will be minuted, with a focus on capturing key decisions and actions
- Members should, if approached by the media, contact the REP secretariat for clearance and support prior to commenting and report back on the content of coverage.
- Members with a social media presence are asked to make clear that all views are their own and do not reflect the formal view of the Partnership.

Ways of Working:

- Each individual member must take responsibility for building an inclusive and collaborative partnership culture
- Members must act with respect, equity and recognise and value differences in experience and attitude at all times, helping to establish trust across the partnership and recognising that embracing diversity will lead to the outputs of the Partnership being the best they can be
- All members of the partnership must be leaders, motivating others to engage, enthusing and inspiring, convincing them that the work of the Partnership, including development and implementation of the Regional Economic Strategy, is worth investing their time and efforts in
- All have a duty to ensure the Partnership, in leading and driving change, remains action orientated and focussed on outcomes, recognising the importance of measuring and evaluating the progress of impacts and being accountable.
- Partnership members are expected to act in accordance with the [Model Code of Conduct for Members of Boards of Devolved Public Bodies](#), issued by the Standards Commission for Scotland by virtue of Part 1 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.

Secretariat:

The partnership will benefit from dedicated secretariat support, jointly and equally resourced by Dumfries and Galloway Council, Scottish Borders Council and South of Scotland Enterprise (SOSE).

Relationship with the Convention for the South of Scotland:

The REP will shape and influence the future agendas of the Convention of the South of Scotland. It will present a report to the Convention, outlining the work done to deliver the Regional Economic Strategy, presenting the opportunity to raise and discuss issues which have been identified as limiting the delivery of the strategy.

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NATIONAL CARE SERVICE (SCOTLAND) BILL CONSULTATION RESPONSE

Report by Joint Director of Health and Social Care Integration

SCOTTISH BORDERS COUNCIL

25 August 2022

1 PURPOSE AND SUMMARY

- 1.1 This report proposes that the enclosed response is endorsed as the Scottish Borders Council response to the Scottish Parliament Health, Social Care and Sport Committee 'Call for Views' and 'Your Priorities' for the National Care Service (Scotland) Bill consultation.**
- 1.2 Following the introduction of the National Care Service (Scotland) Bill to the Scottish Parliament on 20 June 2022, as part of stage 1 of the Scottish Parliamentary legislative process, the Scottish Parliament Health, Social Care and Sport Committee launched a 'Call for Views' and a 'Your Priorities' consultation on 8 July 2022. Both consultations close on 2 September 2022.
- 1.3 The 'Call for Views' includes general questions about the Bill, questions about the Financial Memorandum and the option to provide more detailed comments on individual sections of the Bill. It is primarily aimed at groups and organisations who are looking to input their views on the Bill. The 'Your Priorities' consultation offers an opportunity to ask questions or to highlight specific hopes or concerns about the Bill.
- 1.4 Following publication of the National Care Service Bill on 20 June 2022, as part of stage 1 of the Scottish Parliamentary legislative process, the Scottish Parliament Health, Social Care and Sport Committee launched a 'Call for Views' and a 'Your Priorities' consultation on 8 July 2022.

2 RECOMMENDATIONS

2.1 I recommend that the Scottish Borders Council:-

- (a) endorses the response detailed in Appendix A as the Scottish Borders Council's consultation response to the Scottish Parliament Health, Social Care and Sport Committee's consultation as part of stage 1 of the National Care Service (Scotland) Bill legislative process;**

- (b) supports a local test of change in line with the purpose of the proposed National Care Service in partnership with NHS Borders and the Scottish Borders Health and Social Care Integration Joint Board, within the current legislative framework; and**
- (c) endorses the approach that the Leader be remitted to write to the Minister for Mental Health and Social Care setting out the proposal for a Scottish Borders test of change as per the recommendation at paragraph (b) above.**

3 BACKGROUND

- 3.1 Following publication of the report of the Independent Review of Adult Social Care in February 2021, in August 2021, the Scottish Government published its consultation on the creation of a National Care Service in Scotland. The proposals set out were significant and will result in a fundamental change to the role of local government in Scotland, if implemented. Amongst the recommendations, to help drive improvement in the sector, was the establishment of a National Care Service in Scotland.
- 3.2 A response to the Scottish Government consultation was approved by the Scottish Borders Council on 28 October 2021.
- 3.3 On 20 June 2022, the National Care Service Bill was introduced to the Scottish Parliament. The purpose of the National Care Service (Scotland) Bill “is to improve the quality and consistency of social services in Scotland.”
- 3.4 The Bill proposes that Local Care Boards would be established as new organisations, directly accountable to Scottish Ministers. These Care Boards would undertake the strategic commissioning of Social Care, Social Work and Community Health services in a similar way to Integration Authorities (Integration Joint Boards). Local Care Boards would also operationally manage Adult Social Work and Social Care commissioning functions. In addition, provisions have been made in the Bill to facilitate a transfer of Children’s and Justice Social Work services should a further consultation recommend that this is the case. Scottish Ministers will also be able to transfer Healthcare functions from the NHS to the National Care Service.
- 3.5 Local Government will have the option to determine whether it would become a care provider alongside the private and voluntary sectors, and would be commissioned to deliver services on behalf of the National Care Service.
- 3.6 Part 2 of the Bill allows for information sharing and information standards and is intended to underpin the creation of the nationally-consistent, integrated and accessible electronic Social Care and Health record. This is intended to help professionals to support individuals in a more co-ordinated way, and support national and local planning and commissioning.
- 3.7 Part 3 makes additional reforms to the delivery and regulation of care. It introduces a right to breaks from unpaid caring, and Anne’s Law, to give people living in care homes a right to maintain contact with family and friends. It makes changes to the powers of the Care Inspectorate and Health Improvement Scotland.
- 3.8 There is a commitment to co-design the detail of the new system by engaging with people with experience of accessing services, including unpaid carers, and with those who provide it. As a result, there is a lack of detail in many areas where co-design will occur. Some of those future decisions will be implemented through secondary legislation, others will be for policy and practice. This does leave a number of ‘unknown unknowns’ within the Bill.

- 3.9 A potential opportunity exists in this area for the Scottish Borders in the potential to undertake a test of change in line with the purpose of the Bill, within the current legislative framework.

4 THE COUNCIL RESPONSE

- 4.1 The approach to a Council consultation response was discussed with political group leaders. Political group leaders noted that the response should ensure that the interests of the people of the Scottish Borders are put at the forefront of both the Consultation response, and of the approach undertaken to strategically manage the situation throughout the legislative and implementation phases of the National Care Service (Scotland) Bill.
- 4.2 The National Care Service (Scotland) Bill was also discussed with Elected Members. Elected Members recognised that:
- 4.2.1 If possible, a single consultation response from the Scottish Borders Council should be agreed, accepting that professional associations and other stakeholders within the Scottish Borders may wish to make their own representations
- 4.2.2 Unlike many areas, the Scottish Borders covers a large remote and rural area, has strong local communities, and has good and mature working relationship with its coterminous statutory partners in NHS Borders and the Scottish Borders Health and Social Care Integration Joint Board. As a result, there is a potential opportunity to help shape the approach to the development of the Bill, and support local stewardship through working to undertake a local test of change within the existing legislative framework (i.e. the Public Bodies (Joint Working) (Scotland) Act 2014.
- 4.2.3 This would require an approach to work in partnership with NHS Borders and the Scottish Borders Health and Social Care Integration Joint Board as the two other coterminous statutory organisations involved in the provision of Adult Social Care, Social Work and Health services for the Scottish Borders.
- 4.2.4 Should Council' and these organisations also support this approach, then a joint letter from the three statutory partners would be drafted to the Scottish Government outlining the willingness to undertake a test of change in line with the purpose stated within the Bill. This test of change would aim to co-produce a local solution to the delivery of Health and Social Care services for the Borders that delivers the best possible health and care outcomes for local people, ensuring the benefits of technology are leveraged to the maximum extent possible and that resources are pooled and deployed effectively. This may require a further review of the Scheme of Integration.
- 4.3 Elected Members and the Council Strategic Leadership team have had the opportunity to provide feedback on the consultation document. Appendix A is now presented for approval as the Scottish Borders Council Response to the Scottish Parliament National Care Service (Scotland) Bill 'Call for Views'

and 'Your Priorities' consultations. Subject to Council approval, the responses will be finalised and submitted to Scottish Government in advance of the formal deadline for responses on 2 September 2022.

5 IMPLICATIONS

5.1 Financial

- (a) As the present report is concerned with a response to a Scottish Government consultation, there are no costs attached to any of the recommendations contained in this report. However, if implemented the proposals in the consultation document would have very significant consequences for the Council's finances.
- (b) These are noted at a high level in the Financial Memorandum to the National Care Service (Scotland) Bill. As far as is possible, the draft consultation response (Appendix A) seeks to identify these consequences.

5.2 Risk and Mitigations

- (a) Given the significance of the proposals within the consultation document on a National Care Service for Councils generally and Scottish Borders Council specifically, the chief risks associated with this report are that the Council either fails to respond to the consultation or submits a response which fails adequately to address the issues raised by the consultation from a Council standpoint and a Scottish Borders' perspective.
- (b) The draft consultation response (Appendix A) which is submitted for Council approval is intended to address these risks.
- (c) In addition, as the impacts on the functions of the Scottish Borders Council will potentially be significant, a Strategic Risk has been logged for the Council and, once more detail is known, Officers will work with the Portfolio Holders and Members to more fully evaluate and manage the risk.

5.3 Integrated Impact Assessment

The Scottish Government has published the following impact assessments:

- [Equality impact assessment](#)
- [Business and regulatory impact assessment](#)
- [Child rights and wellbeing impact assessment](#)
- [Data protection impact assessment](#)
- [Fairer Scotland duty assessment](#)
- [Island communities impact assessment](#)

As the present report is concerned with Scottish Government proposals on a National Care Service for Scotland set out within a consultation document, no Integrated Impact Assessment has been undertaken locally. This position will be revisited once we have more clarity on the Bill.

5.4 Sustainable Development Goals

As the present report is concerned with Scottish Government proposals on a National Care Service (Scotland) Bill set out within a consultation document, no specific Council contribution to the UN SDGs has been identified.

5.5 Climate Change

As the present report is concerned with Scottish Government proposals on a National Care Service (Scotland) Bill set out within a consultation document, no specific climate change implications are currently identified.

5.6 Rural Proofing

This report does not relate to a new or amended policy or strategy promoted by Scottish Borders Council. However, the proposals set out in the consultation document could have implications for rural areas, and the draft response (Appendix A) seeks to highlight implications for remote and rural areas, and indeed requests that a national Remote and Rural impact assessment is undertaken.

5.7 Data Protection Impact Statement

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

5.8 Changes to Scheme of Administration or Scheme of Delegation

There are no implications for the Scheme of Administration or Scheme of Delegation arising from the proposals contained in this report.

6 CONSULTATION

- 6.1 The Acting Chief Financial Officer, 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.

Approved by

Chris Myers

**Joint Director of Health and Social Care
Integration**

Author(s)

Name	Designation and Contact Number
Chris Myers	Joint Director of Health and Social Care Integration
Michael Cook	Senior Policy Advisor 01835 825590

Background Papers: N/A

Previous Minute Reference: Scottish Borders Council, 28 October 2021

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

Contact us at Michael Cook, Senior Policy Advisor, Scottish Borders Council, Council HQ, Newtown St Boswells, Melrose TD6 0SA
Michael.Cook@scotborders.gov.uk

Appendix A: Proposed Scottish Borders Council response to the National Care Service 'Call for Views' and 'Your Priorities' consultations

1. Call for Views

1. The Policy Memorandum accompanying the Bill describes its purpose as being "to improve the quality and consistency of social work and social care services in Scotland". Will the Bill, as introduced, be successful in achieving this purpose? If not, why not?

The Scottish Borders Council is entirely supportive of the aim to improve the quality and consistency for Social Work and Social Care services. However, we do not believe that the National Care Service Bill will be successful in achieving this aim. We also do not believe that the Care Board will meet the outcomes of the Feeley Report with regards to providing efficient, effective and person centred services for people who need and use Health and Social Care Services in this large rural area which faces very real and specific service delivery challenges for our 115,000 people. These correspondingly need locally developed, co-produced, innovative solutions that best meet the needs of local people.

The Bill is currently very focused on the structural and organisational issues for Social Work and Social Care. We would suggest that the focus is shifted entirely to best serve the needs of people and our communities, who need to be put at the centre of the Bill, in line with the recommendations of the Feeley review.

There are many other ways to ensure improved quality and consistency in Social Work and Social Care, across Local Authority / Health and Social Care Partnership areas. Within our broader submission, we offer a number of suggestions on how to improve the Bill to better achieve its existing aim, to reduce risks, improve outcomes and value for money.

The Scottish Borders covers a vast remote and rural area covering the sixth largest geographical Health and Social Care Partnership area in Scotland, with strong localism.

The Scottish Borders Council has close and healthy partnerships with NHS Borders, the Integration Joint Board, the public, unpaid carers, our staff and third and independent sector partners, who work closely together with our communities to deliver improved outcomes across the Scottish Borders.

We have had discussions with our statutory partner organisations about our respective consultation responses, and would propose that we work collectively to undertake a local test of change to pilot the purpose of the Bill within the existing legislative framework for the people of the Scottish Borders, which will help inform the development of the Bill. This would be of benefit and support to not only our local population, but also our staff, unpaid carers, and our independent sector, third sector and primary care partners during what is an extremely challenging time for adult Social Care, Social Work and Health services and their staff.

This model would be to deliver the purpose of the Bill in a seamless integrated way, and the best possible outcomes for the people of the Scottish Borders, our staff, and our third and independent sector partners.

We have a number of key local enablers that would allow this to happen: 1. Coterminal statutory organisations involved in the delivery of Social Care, Social Work and Health over a large remote and rural area; 2. Local ambition with a strong and cohesive approach to public stewardship in our local partnership arrangements; 3. Strong local communities; 4. Local digital enablers through many years of work with our staff and partners to develop our Health and Social Care digital infrastructure across the Health Service and the Local Authority. This work means we would be ideally placed to pilot a test of change that would maximise the benefits of digital technology for the benefit of local people.

Social Work and Social Care services are part of an ecosystem where they are interdependent with a range of Local Authority services, including housing, economic development and employment, transport, communities, and education. In addition, they are also closely interdependent with Health services. The proposed transfer of functions from Local Authorities to Care Boards under the current Bill will have fundamental impacts on the functioning of wider Council services, as well as Social Care, Social Work and Health services. We believe these changes will fundamentally affect the capacity of the organisation, removing critical mass, and reducing capacity to respond to local and national policy imperatives.

Whilst there are a number of limitations with the current legislative framework set out in the Public Bodies (Joint Working) (Scotland) Act 2014, one of the benefits of this Act is that it recognises these interdependencies and builds on the Christie Commission in bringing public service (and independent / third sector) providers and wider communities closer together, to work in partnership to integrate service provision and thus improve the outcomes they achieve. As a result, we would suggest that the purpose of the Bill should be broadened to the following: "to improve the quality and consistency of Health, Social Work and Social Care services in Scotland." In addition, on this basis, we are concerned that there is the potential for different national leadership with a separate Cabinet Secretary for Social Care / Social Work, to the Cabinet Secretary of Health, which is not likely to support the integration agenda.

There are economies of scale in the services in scope of the Bill working closely and in an integrated way with these other services and partners. There are also benefits in ensuring that this ecosystem works well for all people in the Scottish Borders. We are unclear on the rationale for transferring Social Work and Social Care services from Councils into new Local Care Boards, which will have negative impacts on the wider ecosystem of services for our local population. As part of the development of the Bill, we suggest that it is essential to assess and balance the impacts of the proposed changes to Health and Social Care structures on other services and on those who use these services.

The Council is very concerned about the future resourcing of the new National Care Service and the implications of that resourcing for funding of its own service delivery. The fact of the matter is that Health and Social Care has experienced chronic underfunding for decades, with financial/demand challenges particularly acute since the 2008 financial crisis and subsequent period of austerity. In its Programme for Government for 2021/2022, Scottish Government stated "as a minimum we will increase public investment in Social Care by 25% over this Parliament – providing over £800 million more by 2026-27". This must be juxtaposed with the evidence of the Resource Spending Review published in May 2022, which projects a 7% cut in real terms in Local Government's "core" resource budget over the same period.

By prioritising Health and Social Security, the Council is deeply concerned by the extent to which other parts of the Budget will be squeezed.

Accepting that the National Care Service is a priority for Scottish Government, Ministers must take care to ensure that its resource prioritisation does not undermine other service delivery across local government, recognising that such service delivery is typically part of a holistic whole as per the Christie principles.

2. Is the Bill the best way to improve the quality and consistency of social work and social care services? If not, what alternative approach should be taken?

Some of the Bill will make a difference in improving the quality and consistency of Social Work and Social Care services, including the investment into frontline services and the development of a National Social Work Agency.

There are other ways in which the aims of the Bill could be achieved, that could also be explored:

- Further statutory guidance could be issued to support Local Authorities, Health Boards and Integration Joint Boards to achieve their aims locally in line with existing legislation
- A new line of Ministerial accountability and national sponsorship could be developed for Integration Joint Boards, who would retain their current membership, and would remain the commissioners (rather than providers) of delegated services, provided by Local Authorities, Health Boards, the Independent, Primary Care and Third Sectors
- Use of the model used by Education services, which is nationally overseen from a consistency and quality perspective, and is locally delivered by Local Authorities

3. Are there any specific aspects of the Bill which you disagree with or that you would like to see amended?

We do not agree with the transfer of Social Work, Social Care and supporting functions from Local Authorities to Care Boards. Ultimately, we want what is best for the people of the Scottish Borders, and we do not believe that the development of Care Boards in the way outlined is best for our population. We do not envisage that Care Boards in their proposed format will achieve the aims stated, and believe that this will be damaging to the functioning of other local authority services, Health services and most importantly to our service users.

There is a lack of attention in the Bill paid to the governance and accountability for the professional Social Work role and function. The fragmentation / separation of professional Social Work alignment comes with added risk and will leave different parts of the profession accountable to different bodies.

We support investment into Social Care and Social Work but do not agree with investment into the additional administrative infrastructure for Care Boards. We

believe that a far more optimal approach would be to build upon current Health and Social Care integration arrangements.

4. Is there anything additional you would like to see included in the Bill and is anything missing?

Arrangements for the development of Ministerial oversight of Integration Joint Boards, but with continued representation and decision-making from our communities, Health and Social Care / Work professionals, Local Elected Members and Health Board members. In addition, explicit provisions encouraging local communities to further develop their local Integration Joint Boards, with real engagement of those communities and the ability to plan and deliver care across the system.

There is a particular opportunity to undertake this approach within the Scottish Borders and this is of particular relevance to remote, rural, island and areas with coterminous Integration Joint Boards, Local Authorities and Health Boards.

This approach would provide a real opportunity to unify our approach in a consistent way with a single expanded and coterminous integration authority and support improvements in local outcomes within this context.

5. The Scottish Government proposes that the details of many aspects of the proposed National Care Service will be outlined in future secondary legislation rather than being included in the Bill itself. Do you have any comments on this approach? Are there any aspects of the Bill where you would like to have seen more detail in the Bill itself?

Whilst recognising that secondary legislation will ensure that national co-production can take place, the approach undertaken leaves a lot of uncertainty about the future model, and so makes it difficult to strategically manage the situation and its impacts at a local level.

We have a concern over the sweeping powers proposed by the draft primary legislation without a clear expression of what is actually being proposed, and the further ability to make further radical but as yet unspecified change to the Health and Social care system. Through secondary legislation.

It is important to recognise the impacts that this uncertainty has on staff and partners working across Social Care, Social Work and Health, in addition to in the wider Local Authority and Health Board structures, and so further clarity is essential.

Among the issues which need to be addressed are the following:

- Clarity regarding the intended employment status of local government Social Work and Social Care employees
- Clarity on proposals for commissioned Social Care staff and how parity with NCS staff will be maintained.
- Detail on how the range of support services currently provided by local authorities (including facilities services, procurement, project management, emergency planning, civil contingencies, fleet, ICT, HR, payroll etc.) will be addressed, and how the gap in local authority funding will be met if these services are not provided by councils in future.

- Detail on the use of local authority assets currently employed in the delivery of Social Care, whether buildings, fleet vehicles, ICT or other equipment and those assets which are planned or currently under construction e.g. the Scottish Borders plans for two new 60 bed care villages.

The Council understands that, with such a big complex change as is envisaged in the Bill, not rushing to include all the detail now may seem prudent, and this should assist in getting things right. However, that detail could have been worked up prior to presentation of the Bill, even if the Bill's publication was consequently delayed. The pressing timescales were determined by Scottish Government, and delay in publication would have made limited difference when it comes to working out the detail which will be essential to a functioning NCS.

Moreover, while the Scottish Parliament will be able to reject regulations (secondary legislation) made by Scottish Ministers, very extensive use of regulations will be required given that the Bill is fundamentally 'framework legislation'. This might be regarded as a sub-optimal approach to parliamentary scrutiny.

6. The Bill proposes to give Scottish Ministers powers to transfer a broad range of social care, social work and community health functions to the National Care Service using future secondary legislation. Do you have any views about the services that may or may not be included in the National Care Service, either now or in the future?

This depends on the approach taken by the National Care Service.

Should statutory guidance, the development of Ministerial oversight of Integration Joint Boards under their current form, or use of the 'Education model' be adopted; then the core delegated services listed in the Public Bodies Act should continue to be part of this, with the option for local areas to determine whether to delegate further services.

While we consider that the proposed Care Board model deflects from the substantial improvements that could be achieved within existing structures, we would be willing to undertake a local pilot of an alternative model to demonstrate their improved effectiveness and better value for money for the population of the Scottish Borders, in lines with the purpose of the Bill.

7. Do you have any general comments on financial implications of the Bill and the proposed creation of a National Care Service for the long-term funding of social care, social work and community healthcare?

At this stage there is insufficient detail about the Bill to allow for a robust financial assessment.

The administrative costs of the National Care Service and Care Boards are very high and lead to less financial resource for service delivery. We do not believe these represent value for money, and lead to an overall reduction in financial sustainability.

8. The Bill is accompanied by the following impact assessments:

- [Equality impact assessment](#)

- [Business and regulatory impact assessment](#)
- [Child rights and wellbeing impact assessment](#)
- [Data protection impact assessment](#)
- [Fairer Scotland duty assessment](#)
- [Island communities impact assessment](#)

Do you have any comments on the contents and conclusions of these impact assessments or about the potential impact of the Bill on specific groups or sectors?

In addition to the island communities impact assessment, we would suggest that a remote and rural impact assessment is also undertaken.

There are risks in separating Social Care and Social work services from local authorities, as these services are interdependent on the broader local authority portfolio of services including (but not exclusively) housing, communities, transport, sport, business and the local economy and education. In addition, there are risks related to the separation Primary Care, Community Health, Social Care and Social Work services.

9. Financial memorandum questions

- **Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?**

The Scottish Borders Council commented as part of the previous National Care Service consultation, and as part of the Joint COSLA response.

Some comments were made on financial assumptions at that point. Not all points made below were relevant to the initial consultation.

- **If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the financial memorandum (FM)?**

It is unclear as to whether this has been the case.

- **Did you have sufficient time to contribute to the consultation exercise?**

Timescales have been very tight. However, we have been able to secure approval of this by Scottish Borders Council response in 'full Council'.

- **If the Bill has any financial implications for you or your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.**

We do not believe that they have been accurately reflected. The Bill outlines the transfer of functions, workforce, revenue and capital resource from Local Authorities to Care Boards. At this stage, there remains much uncertainty over the operational model and the financial mechanisms that will be implemented to support commissioning by the newly established Care Boards.

The direct service costs attributable to delivery of existing service models are assumed to be fully transferrable and there is no recognition within the cost estimates of the nature of fixed, semi-fixed or variable costs.

There are a number of other concerns regarding the financial assumptions made which are outlined in the sections below.

- **Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?**

We do not believe this is a case for a range of reasons. For Local Authorities, the Financial Memorandum notes this limitation and indicates that these "costs and savings will depend on what services are to be included in the NCS, when the transfer is to take place and how the transition process will be staged. The Scottish Government will carry out thorough options appraisal, working with COSLA, to identify these financial implications at the appropriate time and inform the approach taken. Further information will be provided to the Scottish Parliament when the relevant secondary legislation is brought forward."

There is uncertainty in the areas below which need to be explored by the national policy and finance teams in further detail:

- Impacts of the change to VAT status of transition from Local Authorities to Care Boards
- The impacts of inflation
- The financial impacts of any changes to Terms and Conditions, and the associated timescales. These need to be considered appropriately in the context of the negotiations required.
- The pensions position
- Data and digital costs

Using 3% as an overall inflation figure will not be adequate to reflect increased demand due to increase inflationary costs and needs, particularly when considering pay inflation which is likely to be substantial.

Given the learning from the NHS Agenda for Change process, it is unclear as to how realistic the timescale is to move to national terms and conditions and the associated funding impact.

Where any savings are outlined, it is not clear how these have been calculated and whether they are expected to be cash-releasing or are reported as economic benefits.

- **If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?**

We do not believe that the Scottish Borders Council can meet any financial costs that it might incur as a result of the Bill.

There are three broad areas where additional costs might be anticipated. Firstly, for the provision of new or expanded services; secondly, for the

creation of the administrative body of the Care Board(s); and thirdly, the costs of transition.

It is assumed that new or expanded services will be clearly funded as such and therefore there will be no additional impact on existing organisations.

In relation to the estimated costs of administration for new care boards, the Financial Memorandum estimates that £25-40m of costs will be released from within existing organisations (local authority, NHS or Integration Joint Boards). Based on the Scottish Borders IJB, and assuming a population based share, no more than 20% of the release would be expected to come from within the existing IJB leadership team, with the balance to be released by disaggregation of costs from within Scottish Borders Council or NHS Borders. For small regions, this will create diseconomies of scale and may destabilise existing organisations.

Transitional costs will require additional financial support where there is double running to establish new functions. Particular areas of cost uncertainty remain in relation to IM&T, premises. In addition, the financial impact of TUPE transfer for existing employees and the impact on Pensions remains uncertain. Finally, the uncertainty over VAT treatment of commissioned services from a separate Care Board presents a potential risk to the overall value delivered from existing resources should reclaim of VAT on services no longer be available .

- **Does the FM accurately reflect the margins of uncertainty associated with the Bill's estimated costs and with the timescales over which they would be expected to arise?**

The Financial Memorandum does note that there is uncertainty with the Local Authority costs presented, and recognises the need to work through this in partnership with COSLA, and as secondary legislation is created.

There is uncertainty in the areas below which need to be explored by the national policy and finance teams in further detail:

- Impacts of the change to VAT status of Care Boards
- The impacts of inflation
- The financial impacts of any changes to Terms and Conditions, and the associated timescales. These need to be considered appropriately in the context of the negotiations required.
- The pensions position
- Data and digital costs

- 10. There is also the option to give your views on specific provisions in the Bill. There is no obligation to complete this section of the call for views and respondents can choose to restrict their comments to certain sections of the Bill. In providing comments on specific sections of the Bill, please consider:**

- **Whether you agree with provisions being proposed?**
- **Whether there is anything important missing from these sections of the Bill?**

- **Whether there is anything you would disagree with or there are amendments you would wish to propose to these sections of the Bill?**
- **Whether an alternative approach would be preferable?**

It is important to consider that the impacts of the Bill will be experienced differently in different parts of Scotland. As a result, as previously noted, flexibility in delivery models according to local circumstances needs to be considered as circumstances across large remote and rural areas like the Scottish Borders will be different to urban populations.

1. Proposed Scottish Borders Health and Social Care Integration Joint Board response to the National Care Service 'Your Priorities' consultation

1. Do you have any specific questions on the Bill?

- How will the seamless delivery of Health and Social Care services be delivered in the Bill?
- How can the Bill put the person at the heart of the Bill?

2. Do you have any specific hopes for the Bill?

- That it achieves the best outcome for our local population in the Scottish Borders. As part of this, our aspiration would be to see an integrated Care Board that covers the Scottish Borders area and that commissions seamless services to our population, with continued flexibility to have localism of planning and delivery with our local population, the third sector, independent sector, primary care and statutory partners.
- That it will achieve its core and stated aim of providing care to individuals without duplication of assessment or complex bureaucracy in a fair and equitable way, and supports an improvement of outcomes
- That the balancing impacts of the development of Care Boards on the wider Local Authority and Health ecosystem are considered carefully in order to not destabilise this important system for our public service users.
- That it will encompass level standards and quality for all providers including the Independent and Third Sectors
- That integration of Health and Social Care services continues to be promoted under the Act when legislated
- That staff are supported through the process, with a national steer on messaging during what is an uncertain time
- That unpaid carers are able to receive the support they need
- That it provides flexibility in terms of delivery models
- That there is the opportunity for the Scottish Borders Integration Joint Board to work in partnership with the Scottish Borders Council and NHS Borders to work as a test of change locally
- That the Bill will build on the best of the existing IJB systems
- That the Bill includes explicit provisions allowing and encouraging local communities to establish a single, truly integrated Health and Social Care commissioning body, with real engagement of that community and the ability to plan and deliver care across the system.

3. Do you have any specific concerns about the Bill?

- That, as currently written, it would appear that the Bill will lead to a fragmentation of a Unified Health and Social Care system. This would appear to be a backwards step and risk leaving whole system Health and Social Care planning split between multiple bodies.
- That there are significant unintended impacts on the functioning of services and organisations outwith the services in scope of the National Care Service Bill that will lead to poorer public experience, performance and outcomes.
- That the Bill is overly focused on the structural / accountability issues for Social Care and Social Work. While this may need to be addressed the key issues that will lead to improvements in Social Care on the ground will not in themselves be addressed by structural change (i.e. workforce gaps, consistency of service provision, overall funding for frontline Social Care)
- That the focus on structural and legislative change may lead to a lack of focus and resources for the key issues that will deliver real improvement in Social Care services and user experience – the focus needs to be on ‘the people’
- High costs of the administrative functions of the National Care Service and Care Board structures, and low estimates of other key costs (as noted in our response to the Financial Memorandum section)



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

Briefing by Director – Education and Lifelong Learning

SCOTTISH BORDERS COUNCIL

25 August 2022

1. This Briefing provides an 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.
2. The last Report to Council was on 23 June 2022, and the Review Group reported on the actions which had, at that date, been completed. In accordance with the agreed reporting procedures, the next Report on progress and completed actions will be brought to Council in September. In the interim, this Report aims to provide an update on the work that has been carried out in furtherance of the Action Plan since June.
3. The Inquiry Review Group has continued to meet on a fortnightly basis, chaired by the Acting Chief Executive, and attended by the Portfolio Holder for Education and Schools.
4. Work has now commenced in respect of all actions, as listed in the Action Plan, and in particular, work is ongoing in respect of the following elements:
 - a. *Outcome 4*: Review and improvement of child protection training: a sub-group of the Public Protection Committee Training Group has drafted a matrix which ensures that the training meets the needs of specific staff groups and is delivered at appropriate intervals and with robust methods of assessment.
 - b. *Outcome 5*: review and improvement of the Scottish Borders Child Protection Procedures. This action is progressing in line with the implementation of revised national procedures.
 - c. *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. There is likely to be an extension to the original timescale for delivery due to the scale of this outcome.

- d. Outcome 12: Ensure there is a clear process where any referrals concerning a staff member to the Child Protection Unit is, by default, copied to the HR Case Management System (failsafe measure).



Digital Strategy Update and Overview of Digital Transformation Programme

Report by the Director of Strategic Commissioning and Partnerships Scottish Borders Council

25 August 2022

1 PURPOSE AND SUMMARY

- 1.1 This report provides an update on the delivery of work supporting elements of Scottish Borders Council's Digital Strategy.**
- 1.2 It sets out the progress on digital transformation which has been made since the last Council report in May 2021 and describes the planned programme of digital transformation through to Quarter one of the next financial year.
- 1.3 The Council's digital vision is for the Borders to become a smart rural region. In achieving this vision it aims to be an open, transparent organisation, where staff at all levels are empowered to make decisions. This requires an organisation that is both data driven and risk aware, with a common purpose defined through the clear outcomes and aspirations set out in the Council plan.
- 1.4 Realising this vision requires the ongoing transformation and continual improvement of services, underpinned by digital technologies. The Council's strategic approach to mobilising and empowering our frontline workforce, capturing relevant, rich and accurate data that supports improved understanding of service delivery and outcomes, along with a wide reaching service redesign and a robust approach to performance management will make significant progress towards achieving that vision.
- 1.5 The Council's Digital Transformation Programme will continue to move the Council forward in the journey towards achieving these goals, both through leveraging the existing digital capabilities and through the introduction of significant new enterprise level integrations and capabilities.
- 1.6 This report introduces a proposal to run a nine month Pathfinder project within the Digital Transformation Programme to evaluate the total impact of four highly interdependent work streams across the Social Work service. The evaluation of this Pathfinder will then be used to inform future decisions on the appropriate use of technology to support transformation across all other service areas.

2 RECOMMENDATIONS

2.1 I recommend that Council:-

- (a) approves the updated position on the Digital Strategy supporting the Council Plan, and the 4 priority work streams which will deliver improvements in outcomes for Borders citizens in their interactions with the Council as well as efficiencies for staff; and**
- (b) approves the Benefits Case and Change management plan presented in this report; and**
- (c) agrees that the findings of the Pathfinder Project will be used to inform the plans and priorities for a further structured programme of service redesign, integration of information systems and digital transformation across all other SBC services; and**
- (d) agrees that the Pathfinder forecast position will be reported to the Executive Committee as a core part of SBC's regular financial monitoring and reporting.**

3 BACKGROUND

- 3.1 Scottish Borders Council's Digital Strategy was approved by elected members on the 25th February 2021. It sets out a vision for the Council to become the UK's first smart connected rural region, supporting better outcomes for everyone who lives and works in the Borders. It identified several key priorities for investment and activity, including:
- Citizen wellbeing and enablement
 - Education Outcomes
 - Mobilising, empowering and enabling the workforce
 - Streamlined and effective processes, systems and information
- 3.2 A subsequent report proposing the introduction of hand held mobile technology to enable the digital transformation of the Council's in House Care Services was approved by Council on the 13 May 2021. This project has been successfully implemented with approximately 400 care staff across the region now using the Enterprise Mobility technology on a daily basis to deliver scheduled care services. The transformation work has removed manual timesheets and paper mileage claims along with the administrative overhead associated with these and has delivered enhanced visibility of frontline workflow in near real time. It has also deployed the Lone Worker SafeHub application allowing staff to raise an alarm with a 24/7 receiving centre when travelling, or if they find themselves in an emergency situation and need help. The transformation has been largely welcomed by front line staff and managers and the learning from this technology change project will now be used to inform future phases of the Council's digital transformation journey.
- 3.3 The Council Plan, agreed in March 2022, sets out the council priorities for the next year. It was identified as part of the 'Working Together, Improving Lives' theme that we need to demonstrate clear benefits from the Digital Strategy, focussing on best customer experience, including: improved customer access to joined up services and information, simplified processes, and mobile solutions for frontline services. Therefore, four priority and heavily interlinked transformation initiatives have been identified as:
- Enterprise Mobility
 - Process Re-Design and Simplification
 - Council Information Hub
 - Data Culture and Maturity
- 3.4 The Pathfinder project described in the remainder of this report will demonstrate how these clear benefits can be achieved, initially through the transformation of Council Social Work services across the region.

4 THE PATHFINDER AIMS AND STRUCTURE

- 4.1 With the commitments set out in the Council Plan and our need to ensure we are focussing on the right things that will deliver high value benefits, a prioritised pathfinder project has been identified, which will focus on the Social Work case management system "Mosaic" and the associated processes for the delivery of service user outcomes. This pathfinder will run over nine months and will deliver service transformation in Social Work. This work will be delivered through four key and highly interdependent work streams and the net results will inform and define the approach to transformation more widely across all other services.
- a. **Enterprise Mobility:** The Pathfinder will provide mobile technology to enable front line social work staff to capture data directly into Mosaic when they meet with clients. This will reduce the need for note taking, dictation, and data transcription. It will also ensure clients records are updated in real-time, improving our clients' experiences as service users. The solution will ensure that client case chronologies are accurate and complete, and importantly will speed up the progress on each individual's case. Empowering and mobilising front line staff with accurate information on referrals and case histories along with the ability to collaboratively assess and record needs and plan care with the client and their carer network helps to provide a more efficient service. Data collection and recording accuracy improves and the right care package to address current needs and keep the client safe can be delivered sooner. This will release capacity in the service through increased efficiency. At the same time lone worker technology will be rolled out to enhance staff safety whilst on client visits.
 - b. **Business Process Re-design and Simplification:** Business processes within Social Work have largely grown organically over time to address point in time needs and legislative changes. The Pathfinder project, through the delivery of this workstream, will further empower front-line staff giving them the skills and support to re-define, and then continually improve the business processes that they work with on a daily basis. We seek to embed continuous improvement at the heart of the service culture, with staff able to propose and effect change to process with the ongoing focus for all staff being to improve the outcomes we support for our service users. Staff will be trained and supported to reduce manual steps and remove process elements that do not directly make a value contribution to achieving outcomes for service users. By increasing the face to face time spent with clients and reducing the time 'wasted' in transcribing notes, repetitive data entry and searching Mosaic for information, we will be better able to accurately estimate the resources required to run both the current and future operating models for the Social Work service. This work stream will establish a template for the delivery of a transformational culture change to focus on outcome driven processes, taking a risk based approach, and will ultimately build a repeatable package of work that can be re-used to review and transform service delivery and ultimately outcomes for service users and staff across all Council services.

- c. **Council Information Hub:** The Pathfinder will also develop an information and performance Hub providing managers and staff at all levels of the service a set of dashboards detailing the information and business intelligence on their services that they need to take effective, data driven decisions. These dashboards will focus effort on customer/client outcomes and enable managers to manage their services more efficiently. They will deliver insights using relevant data to be supplied through the integration of existing data sets which will reduce the Council's reporting overhead and costs while enhancing the Council's ability to interrogate the underlying data for better intelligence and insight. Specifically, the Pathfinder will link the Social Work Electronic Case Management system (Mosaic) with the Enterprise Mobility system (TotalMobile), and with the Council's core ERP solution (Business World). This integration will allow the service to surface and combine rich data across all three systems through the use of a data 'lake' and as a result, will enable managers to make better informed decisions, identifying and crucially, addressing issues with capacity and flow earlier. This work is intended to be a long term investment for the Council and will pave the way for a greater focus on performance improvement and quality, addressing key areas for improvement identified in the Councils 2019 Best Value Audit.
- d. **Data Culture and Maturity:** In any transformation supported by digital technologies, a culture of maintaining accurate, well managed data is imperative to achieving the desired outcomes. The Pathfinder will further develop the Council's culture of data management and ownership to ensure that the need for and value of accurate and appropriate data is embedded at all levels in the service. This work stream will also review and address all potential data quality issues to assure the quality of all data held in the data lake. This assurance is a critical element in ensuring that Information Hub dashboards are built on accurate, repeatable data inputs, and thus deliver valuable and relevant outputs.

4.2 These four work streams have been informed and supported by work already undertaken or currently underway in support of the delivery of the Council's digital strategy including:

- a. the successful implementation of TotalMobile in SBCares with over 400 front line care staff now delivering care services using hand held technology based upon the Enterprise Mobility solution and;
- b. the recent 'Strategy to Action' work undertaken in partnership with CGI, which sought to identify ways in which SBC's investment in digital transformation can help to deliver the savings set out in the Council's 5 year revenue budget.
- c. Data quality and maturity work has been undertaken to date as part of ongoing service improvement initiatives. The data footprint of the Council is vast and work previously undertaken to better understand the data landscape will form the foundation baseline for the data maturity workstream.

- 4.3 The pathfinder in Social Work has been designed to demonstrate the value of a mobilised, dynamic workforce, collecting and processing high quality data while removing duplicated and 'low value' effort. This will improve service performance, release additional capacity, and ensure an overarching focus on supporting citizens of the Borders to achieve their best possible outcomes.
- 4.4 Overall, the Pathfinder is expected to demonstrate that an effective root and branch transformation of service delivery through the four identified work streams can effect significant, meaningful and deeply embedded change in culture, efficiency, and outcomes. In summary, the programme is forecasting the following benefits to be realised through the Pathfinder:

Service Improvement:

- a. A more engaging and collaborative experience for service users producing more meaningful needs assessment and care, support, protection and risk management plans in a shorter period of elapsed time
- b. Increased face to face time with service users (whether in person or remotely)
- c. More timely case reviews, more efficient assessment and overall faster progress through the process to a quicker and potentially more appropriate provision of care
- d. A measurable improvement in service user outcomes and satisfaction
- e. An overall staff efficiency increase through the implementation of improved and streamlined processes enabled in large part by digital technologies

Efficiency / Capacity:

- f. Reduced reporting costs across the service – through the automation of costly and time intensive reports
- g. A targeted operational saving through managers having higher quality insights on which to make better informed operational decisions
- h. A reduction in the number of visits required – where possible, safe and appropriate, assessment and care planning should ideally aim to be completed in one visit. The programme recognises that this will vary widely client to client and across the range of services delivered by Social Work due to the legislative frameworks and individual circumstances that need to be considered in effecting change across a diverse group of services. The programme aims to deliver optimally efficient processes for the benefit of the service user and as such, Social Work will never be a 'one size fits all' service.
- i. A reduction in overall travel time and associated travel costs
- j. A reduction in printed output and therefore overall stationery and click costs

- 4.5 The Digital Transformation Pathfinder Programme is aimed at understanding and measuring the impact of holistic digital transformation across the social work service, to inform future transformation opportunities and priorities, improving service user outcomes and satisfaction, and deliver efficiencies to increase service capacity. This capacity increase could, for example, be partly used to invest further resource in preventative and early intervention approaches, which could be identified and measured through the use of the new Council

Information Hub, thus potentially avoiding high cost emergency interventions.

- 4.6 The pathfinder may demonstrate that there is potential to make permanent cashable savings, through increasing capacity, while improving outcomes for service users. If the Council's Senior Leadership Team should decide to make savings against elements of delivered benefit, this would be managed through the removal of hard to recruit vacant posts currently within the service budget. This pathfinder will not result in individuals being impacted in terms of job security or redundancy.

5 THE ENTERPRISE MOBILITY WORKSTREAM

- 5.1 Enterprise mobility is focussed on providing all our frontline workers with the right digital technology that will support them to undertake their roles more efficiently and also, connect them to the rest of the organisation. Many frontline workers do not yet have regular access to appropriate technology and therefore, are disconnected from the Council's core systems, their peers and their management.
- 5.2 Phase one of the Enterprise Mobility project has been completed, with the successful delivery of the TotalMobile system across the Council's Care at Home service.
- 5.3 Care visits delivered by SBCares are now scheduled on dynamically optimised routes and automatically allocated to the frontline care workers via their iPhones based on location, skills and continuity of care.
- 5.4 Visit details and care needs can be dynamically updated and allocated to staff in near real time allowing for flexibility in scheduling and helping to ensure that the service users receive the right care at the right time.
- 5.5 Carers receive their scheduled visits, with detailed information available to them to ensure that the highest quality of care can be provided to meet individual needs. Updates by the carers are made in real time at the start and end of the care visits and these allow schedulers and Home Care managers to proactively monitor care delivery.
- 5.6 Carers are now also connected to a 24 hour emergency monitoring service and can trigger an alarm from their phone, to get help if they find themselves in a threatening or emergency situation. Further phases of the project will expand on this worker safety functionality and look to provide automated scenarios where an alarm would trigger if a worker, for example, was late completing a job and had not responded to safety alerts over a predefined period of time.
- 5.7 Where previously, payroll and mileage claims were paper based manual processes, TotalMobile allows carers to track their hours and mileage in real time and the reports from the system, once reviewed by managers, are uploaded directly to Business World for payroll processing. This has reduced the overall staff overhead and results in more accurate, faster and less labour intensive processing of hours and mileage claims.

- 5.8 Phase two of the Enterprise Mobility project will be delivered through this Pathfinder and will focus on enabling the opportunities for efficiency that empowerment of the frontline workforce through timely access to information while being truly mobile brings, and the benefits of real time updates being applied to work in progress to reduce or remove administrative overhead to the direct benefit of the service users and staff across Social Work.
- 5.9 It will also introduce the Council's Lone Worker App for Social Work staff to enable them to trigger an alarm from their phone if they feel they are in danger and need help. This will be passed to an Alarm Receiving Centre who are able to be in contact with the worker, alert management, or summon emergency services to the worker's location as may be deemed appropriate.
- 5.10 The Enterprise Mobility solution is one of the key components in the gathering of information from frontline staff that can then be surfaced through the Council Information Hub and will support service improvement and increased efficiency to build additional capacity across the Social Work services.
- 5.11 Beyond the delivery of this pathfinder, the work stream would expect to deliver improved outcomes and operational savings in such diverse service areas as Cleaning, Licensing, Enforcement, Environmental and Public Health, and across all of the Council's wide ranging maintenance services.

6 COUNCIL INFORMATION HUB AND DATA WORK STREAMS

- 6.1 While these work streams can be delivered independently of each other, each critically depends on the other in order to release the value of the work. The Council Information Hub seeks to bring together data from across the organisation into a central data 'lake', enabling us to connect our data and begin to have a more holistic view of service delivery. Being able to access our information in this way will support us to make better, evidence based and data driven decisions relating to services and in turn, will ensure that we are delivering the best possible outcomes for our citizens. In parallel, the data work stream will ensure that the data required to populate the dashboards is accurate, 'clean' and validated as being of sufficient quality for inclusion in the 'lake'.
- 6.2 SBC are working in partnership with CGI and a supplier called Itelligent-I to develop the InfoHub and the data work streams. The long-term deliverables being sought are:
- An effective data management model, including additional data quality controls
 - Clear data ownership practice guidance
 - A secure 'data lake' environment allowing for information from all core SBC systems to be connected
 - Management Information & Performance dashboards for individual users
 - Extensive data reporting functionality
 - Reporting and analysis capabilities for managers and staff

- An organisational culture of valuing data and data informed decision making

6.3 Itelligent-I are specialists in modelling Local Authority data and have a proven and well referenced platform on which to build the Council's reporting and analytics dashboards. Case studies¹ and demonstrations have been used to better understand how implementation of their suite of rich Social Work dashboards will impact positively on the Council's ability to improve outcomes for our citizens and understand our service delivery in detail day to day - more quickly and more accurately than has previously been possible. As an example, Bristol City Council have been on a journey with Itelligent-I which is not dissimilar to what we plan for SBC's Council Information Hub. BCC's Children's Services Director's comment on their progress is quoted below:

"we're able to get information quickly and share with others in the network quickly"... "now we've got the potential to grow and go further in our use of data, so that together we're able to deliver on our vision for the City.." — Ann James, Children's Services Director, Bristol City Council "

6.4 A number of the foundational building blocks for our transformation are already in place, including the Jadu platform for Digital Customer Access, the BusinessWorld ERP system, TotalMobile (in Social Care), Mosaic in Social Work and the Office 365 suite. SBC now needs to build on these foundations to create an end to end information management solution that captures high value data, makes it accessible to those who need to use it & enables better informed decision making.

6.5 SBC worked closely with the CGI Consultancy Team to engage a range of stakeholders across the organisation to establish our requirements in terms of gathering data to answer key strategic data-related questions. This exercise has engaged 130 key individuals across the organisation that are responsible for maintaining, extracting and reporting data from the current suite of business applications. In addition, members of the Strategic Leadership Team have engaged in this process to ensure the strategic reporting needs of the organisation have been captured.

6.6 As the strategic aim is to identify an enterprise-wide solution that will deliver data led outcomes across all business areas, the pathfinder will establish operational social work services that rely heavily on data the Council holds and collects to improve workflow and outcomes. The data that underpins service delivery and decision making will be governed through the creation of an enterprise information architecture, and associated data governance framework that will build on and further embed a best practice data culture across the Council.

6.7 The information hub will provide a central data lake that will hold data from multiple systems utilised across the organisation. It will enable SBC to have greater insights in to the data it holds on individuals (customers / employees / area demography) in order to improve decision making

¹ <https://www.itelligent-i.com/case-studies/>

when it comes to service delivery. The Pathfinder will seek to improve the performance of our Social Work service by improving our data collection and using the intelligence that will be delivered through the Information Hub to make better informed, timely, evidence led decisions at all levels with the aim of delivering better outcomes for our service users and staff.

- 6.8 The Pathfinder will define and initiate a long term data migration approach, with the data in the Information Hub being refreshed and expanded on a daily basis in order to provide both up to date information and ever improving trend analysis around the Council's social work service, and the data to monitor the efficiencies being released by the project as well as the outcomes being achieved by our service users over time.
- 6.9 Where appropriate, officers will engage with other local authorities who are currently using enterprise level information systems to drive service delivery as well as with the Scottish Digital Office to leverage and share knowledge and learning. Intelligent-I have significant experience with other clients, which SBC will benefit from. However, this is believed to be a varied landscape as there are a range of approaches and scales of usage.
- 6.10 The Pathfinder will monitor progress against the forecast costs and efficiencies to help inform and develop the business case for the enterprise wide adoption of the Council Information Hub solution in future phases. A detailed value analysis will be used to produce a set of recommendations setting out the best approaches for the full enterprise-wide data model and prioritisation for future phases.

7 THE PROCESS RE-DESIGN AND SIMPLIFICATION WORK STREAM

- 7.1 The Process Re-Design and Simplification work stream will train and support frontline staff and managers at all levels of the organisation (initially within Social Work under the Pathfinder) to look critically at what we do and how we deliver services to citizens of the Borders, simplify and or automate every step of the process and remove steps where the value is not directly to the benefit of our citizens. Process simplification will, by definition, reduce the complexity of processes, and thus, reduce the time required to complete them. By investing in modernising and optimising our processes now, with a solid focus on improved citizen experience and outcomes, the organisation will create efficiencies to free up vital resource capacity to help meet future demand.
- 7.2 This Pathfinder will seek to significantly expand the work already undertaken and ongoing to improve processes across SBC, through the implementation of a standardised and repeatable best practise methodology, with further investment to build and embed core process skills across the leadership team, transformation team and social work staff at all levels. This will allow staff who deliver the services to define the processes that best meet the needs of their service users, while being supported with knowledge and expertise from the transformation programme throughout. This approach further reinforces and embeds the delivery of the optimal outcomes achievable for our citizens at the core of the Council's service delivery models.

7.3 Digital investment will form a major part of this work but will not, in itself, achieve the successful transformation required. The following factors will be considered throughout the delivery phase of the Pathfinder:

- **Intelligence from customer feedback and staff ideas** - SBC already utilise the learning points from customer complaints and comments to improve services. Furthermore, the contributions of staff ideas and improvements are celebrated through the staff recognition scheme. However, digital investment has made it possible for more robust capture, analysis and implementation of process improvements identified from these valuable sources.
- **Maximising the benefits from available systems** – Enabled by the Council’s investment in systems including BusinessWorld, Digital Customer Access, Office 365 and Inspire Learning, SBC has already made significant improvements to a range of customer-focussed and internal processes over the past few years. This effort needs to continue, and in many cases be accelerated to maximise the benefit realisation from the digital capabilities already available, and those still to be introduced.
- **Removal of manual effort** – Process improvements will seek to establish the most effective ways of doing things, and establish whether steps are even necessary. Only then will the appropriate digital solutions be identified and implemented.
- **Digital first** – SBC will seek to implement paperless processes where possible/suitable. This will not be to the detriment of customers who require alternative options but will seek to avoid cumbersome traditional processes, which benefit no-one.
- **Looking at lessons from elsewhere** – There are very few processes or challenges that have not been encountered elsewhere. SBC will increase the interactions and learnings possible with other organisations to compare good practice and benefit from experiences elsewhere.
- **Findings from audits and inspections** – Various observations and recommendations are made by both internal and external scrutiny bodies. It is vital that these opportunities to improve are captured and translated into process improvements that directly benefit SBC customers, improve our service quality at every step and build an efficient, outcome focused organisation.
- **Covid response opportunities and lessons** – It is worth noting that SBC were better equipped than most local authorities and other public sector organisations to avoid disruption at the outset of the pandemic due to investment already made in the digital estate. Office-based staff were able to work remotely almost immediately; Covid response co-ordination efforts were able to be effectively undertaken via digital means; and customers, particularly vulnerable customers, were able to access critical support throughout the pandemic largely due to SBC’s digitally-enabled working practices. Furthermore, SBC’s requirement to significantly change delivery models quickly, whilst still maintaining effective service delivery, highlighted the opportunity to challenge existing processes to effect improvements & efficiencies. The momentum and willingness to adapt service delivery, and to challenge the ‘norms’ in order to address the immediate challenges of the pandemic, nationally as well as locally, provides a fertile environment for further, wide reaching transformation and the can-do attitude shown by all staff, Officers, Members and the public in responding on an unprecedented scale will continue to support the recovery efforts and build a truly transformed organisation,

empowered, lean, outcome focused, and ready to meet and adapt to the multi-faceted challenges facing the Council over coming years.

- 7.4 The Process Re-design and Simplification work stream while focused on Social Work for the Pathfinder will also seek to encourage ideas and participation from all staff and managers across SBC, in order to inform the prioritisation and case for change for future phases of the Digital Transformation Programme.
- 7.5 SBC will seek to use a combination of internal resources and external expertise where appropriate to deliver and embed these changes. The many process improvement projects already under way will be considered for inclusion within this wider programme to ensure they are strategically aligned, compatible and working towards the same Council Plan goals.

8 THE BENEFITS CASE

- 8.1 SBC has taken numerous steps over many years to support the delivery of essential services within difficult financial circumstances. The aspiration is that services will improve and be reflective of the needs and priorities of citizens and communities across the area. However, in the context of increasing demands and anticipated further financial challenges, the case for change is predicated on the reality that significant modernisation of services and approaches is essential. Sound digital investment, based on excellent practice and learning from elsewhere, is a critical building block of ongoing successful Council service delivery.
- 8.2 Accordingly, the Council seeks to establish itself as a leader in the field of data-driven tactical and strategic-thinking. This ambition will drive forward a programme of work that revolves around the SBC's business processes, its data, its workers and its citizens. In order to protect and improve essential services, it will seek to lower operating costs through improved data and management information used to form critical strategic and operational decisions.
- 8.3 The DAMA framework is the model adopted as best practice in data governance by the UK Government. The DAMA Body of Knowledge states that, "... *poor quality data is simply costly to any organization. Estimates differ, but experts think organizations spend between 10-30% of revenue handling data quality issues. IBM estimated the cost of poor quality data in the US in 2016 was \$3.1 Trillion. Many of the costs of poor quality data are hidden, indirect, and therefore hard to measure.*"²
- 8.4 For the Council, there are significant improvements that need to take place in data systems and processes simply due to changing demands and the evolution of services. These improvements are essential in order to maintain effective services but aforementioned studies suggest that the financial benefits of improving the Council's overall data governance and reporting landscape may assist SBC to maintain and improve frontline services in future. SBC has undertaken an intensive modelling

² IBM estimate referenced to: Harvard Business Review - [Bad Data Costs the U.S. \\$3 Trillion Per Year \(hbr.org\)](https://hbr.org)

exercise based on the systems, processes and practice currently used across Social Work to inform the benefits case.

- 8.5 The case for change is based on the fact that SBC simply cannot stand still and meet all of its ambition, statutory commitments and wider expectations. SBC has identified scope for significant improvements in: the mobility and connectedness of frontline staff; the data and information used across the organisation; the processes involved in delivering critical services; all of which come together to release efficiencies in the service delivery model and build capacity to allow the service to improve outcomes for those citizens they support.
- 8.6 The decision to run the pathfinder across Social Work services, not only allows the approach to be fully tested prior to roll out across other areas, it also allows immediate action in an area with significant capacity, demand and funding challenges now and into the future. In addition to the capacity and financial benefits set out in this report, it is anticipated that this programme will deliver the following:

Clients and staff

- Allow Social Workers more high value time in front of their clients, leading to better client outcomes and better employee work satisfaction
- Empower Social Workers with the secure mobile access they need to access the information they need, when they need it giving them the ability to better meet the needs of their service users in less elapsed time
- Provide the ability to update records, complete assessments and care plans and capture sign off without the need to transcribe notes removing, where possible and appropriate, significant duplication of effort
- Provide further assurance for clients and carers that accurate data and effective processes are in place to ensure optimal outcomes, with the individual needs of the client firmly at the centre of all considerations
- Elimination of unnecessary travel and all the benefits this brings in terms of safety, time and impact on the carbon footprint of the service
- Safer working practices in terms of lone workers - equipping employees with effective communications tooling and a 24/7 alarm response service reduces measurable and predictable risks
- Geographic and demographic analysis will enable the service to monitor and assure that there is equity of access to services for citizens across the region

Managers

- Enable managers to self-serve their own reporting saving time for them and the reporting teams dealing with ad-hoc requests for data
- Eliminate different software formats for reporting leading to greater control, consistency and reliability

- Visual dashboards are easier for managers at all levels to understand, and the drillable nature of the data presented allows for better understanding of challenges and opportunities
- Ability to recognise trends earlier in order to be able to be more proactive in decision making
- Trend analysis will enable more accurate predication of future service demand
- Better able to understand the communities we support

The Service and the wider Council

- Reduced overall report production effort and cost releasing capacity for higher value analysis and intelligence gathering from the data
- Poor quality data will be more visible and can therefore be more easily addressed
- One source of data for all reporting eliminates duplicate reporting based on differing metrics and showing different data
- Provision of up to date data – the data lake will be refreshed daily from source systems
- Greater ability to spot patterns and anomalies in the data
- Greater ability to use predictive analytics to inform future planning and strategic and operational decision making

8.7 The Pathfinder will deliver the systems and define the change management processes that may then, subject to further analysis and prioritisation, allow replication of many of these benefits across other Council services, through additional phases of delivery.

9 THE CHANGE MANAGEMENT PLAN

9.1 Effective management of change and the successful embedding of a refreshed data and process culture is key to the overall success of this Pathfinder. A change management plan aims to identify the high level activities that will be required to support citizens and staff with the changes that will be introduced.

9.2 The Pathfinder will adopt the change enablement “Diamond” approach to identify the change interventions needed to support successful implementation. Full realisation of benefits can only be achieved if successful adoption of new systems and new processes is completed by those involved in their use.



This change management approach was used successfully in phase 1 of the Enterprise Mobility delivery to Social Care and will provide a coherent framework for the Pathfinder within which to define change outcomes through aligning the Service and Pathfinder processes in four key areas:

- Vision
- Communication
- Participation
- Readiness

9.3 Vision – The Pathfinder vision is to support social work service users and staff, keeping them safe and empowering them to achieve their best outcomes possible through maximising the service’s use of data, the true mobilisation of frontline staff and by embedding more efficient processes.

9.4 Communication – The Council communications team will own the communications plan for the Pathfinder, as part of the delivery team. This will ensure that the messaging around the programme is consistent and aligned with the intended outcomes. This plan will address the needs of all stakeholder groups to be informed at all stages of the change delivery; to understand what the Pathfinder is delivering, why the changes are being made, how the changes affect them, and where they can access support to help them if needed. Communications are likely to include:

- Service User communications
- Staff Briefings
- Frequently Asked Questions (FAQ’s)
- ‘How to’ Videos
- Yammer updates
- Council Internet and Intranet
- Quick reference guides
- Press statements

9.5 Participation – Service users are at the heart of service redesign. Where possible and appropriate, the Pathfinder will gather the views of service users to inform the core principles of the transformation. The Pathfinder will provide frontline social work staff the opportunity to shape the service they deliver. We will help them to build the skills required to participate in continuous service improvement, empower them to affect change and will rely on their knowledge and expertise to maximise efficiency, assure regulatory compliance and ultimately deliver the service changes that will support both staff and service users. These frontline staff will champion the Pathfinder work with their service users and colleagues. Management at all levels of the service will be critical in helping the programme to embed data governance and continuous improvement cultures across their organisation, and in ensuring that the new service delivery models are fully adopted across their teams.

- 9.6 Readiness – Key to ensuring all staff are ready for the changes will be the delivery of the Training Plan – The Pathfinder will introduce new ways of working, new processes and new tools. To ensure that these deliver the intended benefits for our citizens and staff, a comprehensive training needs analysis will be undertaken and a full training plan implemented to address the identified training needs of the programme’s stakeholder groups.
- 9.7 The efficacy of the change management activities will be measurable in the following ways:
- Improvement in data quality for those data sets that are included in scope for the Council Information Hub workstream
 - Impact on efficiency from the process improvement workstream
 - Accelerated and impactful increase in organisational data maturity
 - Increased face to face time between service users and social work professionals
 - Increased satisfaction of service users
 - Successful delivery of the wider benefits case

10 IMPLICATIONS

10.1 Financial Implications

10.1.1 As well as focusing on improving citizen’s interactions with the Council’s social work services, reducing the time between referral and care delivery and helping managers to make the best, data driven operational and strategic decisions, the Digital Transformation Programme Pathfinder will deliver significant efficiencies. The Programme is funded through the investment budget of £34m already agreed as part of the CGI extension in September 2020. As such there will be no additional capital costs to the Council beyond the investment already approved and budgeted for. It is intended that the revenue costs associated with the ongoing support for the systems being implemented through the Pathfinder will be met from within the efficiencies that will be released through the programme.

10.1.2 Costs and nominal values of the expected efficiency benefits are as shown in the table below.

Digital Transformation Pathfinder Summary	Yr1 22/23	Yr2 23/24	Yr3 24/25	Yr4 25/26	Yr5 26/27	Total
Capital (Already budgeted under CGI extension)	-£4,714,042.34	-£429,488.00	£0.00	£0.00	£0.00	-£5,143,530.34
Revenue						
Already Budgeted under the CGI extension	-£173,476.76	-£189,281.92	-£189,281.92	-£189,281.92	-£189,281.92	-£930,604.42
Additional Revenue Costs Resulting from Delivery	-£331,234.58	-£599,812.64	-£658,746.68	-£723,474.43	-£794,565.76	-£3,107,834.09
Total Revenue cost	-£504,711.34	-£789,094.55	-£848,028.59	-£912,756.35	-£983,847.68	-£4,038,438.51
Total Cost of Pathfinder Transformation	-£5,218,753.68	-£1,218,582.55	-£848,028.59	-£912,756.35	-£983,847.68	-£9,181,968.85
Total Value* of efficiency gained	£365,434.77	£2,906,801.58	£3,385,669.08	£3,892,794.08	£4,201,069.08	£14,751,768.58
Net ROI	-£4,853,318.91	£1,688,219.02	£2,537,640.48	£2,980,037.73	£3,217,221.40	£5,569,799.73
Cumulative ROI	-£4,853,318.91	-£3,165,099.88	-£627,459.40	£2,352,578.33	£5,569,799.73	

*** Value in this table is a monetary representation of efficiency released into the service and is extrapolated for the purpose of the financial analysis of the Business Case. It does not represent a target 'saving' or 'cost'.**

NB: The revenue cost of capital is already captured in the published revenue budget. It is included here to inform the fully costed picture that underpins the business case

NB. Opportunity cost of the use of Council staff in the delivery of this project are not included in the project costs

Revenue costs have been corrected for inflation at 9% p/a

10.2 Risk and Mitigations

The Council is facing significant demands upon its services and there is a pressing need to improve the effectiveness and coordination of front line public services in the Borders. The provision of hand held technology linked to joined-up back office systems will deliver significant cashable savings and should lever significant non cashable productivity improvements. Furthermore, the effective use of accurate data to inform decisions will mitigate a number of risks across SBC, not least many relating to client wellbeing and customer outcomes. The table below includes the key delivery risks that have been identified and these will be managed through the lifecycle of the Pathfinder through the Council's risk management processes.

Risk Description	Impact	Mitigation Strategy
The benefits from Council Information Hub are reliant on the availability and quality of the data that will feed into the dashboards. There is a risk that some of the data required to populate the full suite of dashboards may not be available or may not be of sufficient quality	The full benefit forecast from the Council Information Hub may not be realised	Any underlying data quality issues will be identified and resolved through the data workstream. The implementation of TotalMobile for front line workers will allow additional data controls to be implemented to assure data, and the work on data culture will further ensure that staff understand the criticality of gathering and recording accurate data.

<p>The programme scope is complex and a large number of dependencies are known to exist between the workstreams. There is a risk that any delays in the delivery of one workstream will delay the whole programme</p>	<p>The programme would fail to deliver the benefits forecast within the timeline and thus delay or limit overall benefit realisation</p>	<p>Dependencies between the workstreams will be identified and managed through the programme. Careful planning and monitoring will ensure that dependencies are identified, monitored and managed within the programme</p>
<p>The Pathfinder will require investment of time from front-line social work staff and managers to design and embed the new ways of working. There is a risk that this commitment will not be able to be made due to pressure on the service over the winter</p>	<p>The Pathfinder would fail to deliver against the full benefits case in the timeline planned.</p>	<p>The prioritisation of process engineering will focus initially on those processes where the maximum efficiency gains can be released. This will help to build additional capacity early which can be partly allocated to the delivery of the remainder of the programme.</p>

10.3 Integrated Impact Assessment

An integrated impact assessment (IIA) template has been completed for the Digital Strategy which covers this proposal (published in 21-22). This is a project underpinned by enhanced digital technology designed to improve the efficiency and effectiveness of the Council’s internal deployment of staff. In itself, the project will have positive impacts on staff and clients who may have equalities characteristics and appropriate adjustments to technology and / or process will be made where required to ensure the inclusion of all staff and service users. The IIA will be revisited through the lifecycle of this project and updated if required.

10.4 Sustainable Development Goals

10.4.1 The objectives of this project and the wider Enterprise Mobility Programme are directly linked with the strategic aims of Scottish Borders Low Carbon Economic Strategy 2023. The project business case also responds to the climate emergency declared by the Council in 2020.

10.4.2 More efficient digital staff and work scheduling, re-scheduling and dispatching as well as the new mobile application will enable optimising care workers travel time, reducing unnecessary trips to the office thus reducing associated fuel usage and vehicle repair. It is also expected that the project will lead to an overall reduction in printing required which the pathfinder will measure.

10.4.3 This change contributes to Council’s obligation to act sustainably, reduce environmental impact and decrease carbon emissions as required by

Climate Change (Emissions Reduction Targets)(Scotland) Act 2019 to achieve the “net-zero” target of all greenhouse gases by 2045.

10.4.4 The project will contribute positively to UN sustainability goals 3, 8 and 13 by investing in digital technology that will assist people to live in their own homes for longer; promoting wellbeing; enhancing staff safety at work through the provision of hand held communication devices and alarm monitoring; and reducing the impact on the environment through a reduction in car mileage travelled and more efficient scheduling and completion of assessment and planning visits and a significant reduction in paper usage.

10.5 Climate Change

The project will make a positive contribution to the reduction of greenhouse gas emissions through reducing the number of journeys required to be undertaken by staff in the delivery of services and reducing the amount of printed material produced by social work services.

10.6 Rural Proofing

There are no changes envisaged to the Council’s policy on rural proofing. However, the challenges faced by both staff and residents across the Scottish Borders due to rurality, will be reduced through greater choice and improved real time communications/information sharing that is facilitated by the digital solutions pursued within this report.

10.7 Data Protection Impact Assessment

The project will be fully compliant with the requirements of the Data Protection Act. It is anticipated that SBC’s Data Protection commitments will be fully considered and further enhanced through the immediate and longer-term activity set out in this report. The digitisation of records, removal and destruction of unnecessary data, the streamlining of processes and the accurate recording/storage/use of data will be embedded in all process re-engineering and will continue to build on the Information Management foundations to ensure ongoing data protection benefits.

10.8 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to be made to either the scheme of administration or the scheme of delegation as a result of this report.

11 CONSULTATION

11.1 The Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR & Communications, the Clerk to the Council and Corporate Communications have been consulted and any comments received have been incorporated into the final report.

Approved by

Jen Holland

Signature

Director of Strategic Commissioning and Partnerships

Author(s)

Name	Designation and Contact Number
Jason McDonald	Senior Manager - Business Strategy & Resources

Background Papers: Scottish Borders Council Digital Strategy

Previous Minute Reference: Minute Scottish Borders Council 25 February 2021.

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

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Revised Devolved School Management Scheme

Report by Director of Education and Lifelong Learning

Scottish Borders Council

25 August 2022

1 PURPOSE AND SUMMARY

- 1.1 This report seeks approval of a revised Scheme of Devolved School Management (DSM) and agreement that the revised Scheme be implemented and published in academic year 2022/23.**
- 1.2 All Local Authorities are required to review and update their Scheme of Devolved School Management by August 2022.
- 1.3 Headteachers and officers have worked collaboratively to draft a Scheme which is transparent and which empowers Headteachers to manage resources flexibly and responsively. This is provided in Appendix 1.

2 RECOMMENDATIONS

2.1 I recommend that the Committee:-

- a) Approve the revised DSM Scheme for implementation from August 2022.**
- b) Agree to the publication and submission to Scottish Government of the revised Scheme.**
- c) Agree that a review cycle of 3 years be implemented and any changes be reported to the Education Executive Committee.**
- d) Approves virements as detailed in Appendix 2.**

3 BACKGROUND

- 3.1 Devolved School Management (DSM) was introduced in 1993 to enhance and improve the management of resources at school level. The DSM guidance was reviewed nationally in 2006, and again in 2012, taking account of the changing economic and financial climate for both Local Authorities and Scottish Government. In June 2017 the Scottish Government consulted on changes to DSM as part of the wider “Fair Funding to Achieve Excellence and Equity in Education” consultation.
- 3.2 DSM refers to financial, personnel and material resource devolved to Early Years, Primary and Secondary establishments.
- 3.3 New [Devolved School Management \(DSM\) Guidelines](#) were produced and published jointly by the Scottish Government and COSLA at the end of June 2019. It was intended that each Local Authority developed *and* published their new DSM Scheme by April 2020 – however, as a result of Covid-19, this timescale was initially revised to April 2021 and then to August 2022.
- 3.4 The updated DSM principles, agreed by the Fair Funding Reference Group, and building on the foundations and principles of the 2012 guidance are:
- Subsidiary and empowerment
 - Collaboration
 - Accountability and Responsibility
 - Clarity and Equity
- 3.5 These principles reflect the National Improvement Framework aims of excellence through raising attainment and achieving equity. The principles also fully endorse those proposed in the Fair Funding consultation:
- (i) Support Excellence and Equity – ensuring every child and young person has the same opportunity to succeed;
 - (ii) Be fair – placing the needs of all children and young people at the centre;
 - (iii) Be simple, transparent and predictable – ensuring that the costs of delivering education can be easily understood and explained and that schools are able to manage and plan ahead with certainty;
 - (iv) Deliver value for money – ensuring that every penny spent is used effectively.
- 3.6 The guidance provided a framework to allow Local Authorities to populate a standard format, which will introduce a level of consistency of presentation and enable benchmarking. They also clarified what is expected and recommended in a local scheme and provided practical examples from Local Authorities.
- 3.7 The proposed new Scheme has been produced by Headteacher/Officer Working Groups. Consultation/communication sessions were carried out during February and March 2022, with Headteachers and relevant staff

discussing the methodology and the proposed way forward of the new Scheme.

- 3.8 A report was presented to the Local Teachers Negotiating Committee on 21 May 2022 detailing the proposed way forward of the new Scheme.

4 Proposed Scheme of Devolved School Management (DSM)

- 4.1 The revised DSM Scheme strongly supports an agenda of Headteacher empowerment, enabling Headteachers to make decisions on spending within the delegated budget and to design a staffing structure which best supports the school's curriculum and leadership requirements.
- 4.2 The Scheme ensures Headteachers are provided with clear information about which areas of expenditure are delegated to them, and which areas are not, with specific guidance for accounting policies with regard to areas such as budget setting, budget virement, carry forward and underspends is provided.
- 4.3 There is scope for combining budgets between schools, clusters, and other public partners (subject to any legal or contractual restraints).
- 4.4 The DSM Scheme included the criteria and methodology used to create staffing models and other resource allocations. Where formulae have been applied, these are included.
- 4.5 The DSM Scheme will be published to an external facing (SBC) website providing access to public stakeholders.
- 4.6 Training will be in place to support understanding and enhance confidence in DSM.
- 4.7 Locally determined virement criteria, including any maximum percentage, financial limits or excluded budget areas will be included within the published DSM scheme.
- 4.8 Headteachers are given the ability to carry forward budget underspends and overspends from one financial year to another within agreed parameters.
- 4.9 The Scheme identifies which budget areas are to be devolved and which are not. In principle, Headteachers will be given maximum flexibility over their budgets, however, there are areas of expenditure that are generally not considered suitable for devolution as they do not support Headteachers to improve the quality of provision.
- 4.10 The areas which will be devolved to Headteachers are:
- a) Teaching staff, including management positions and support for learning teachers (secondary);
 - b) Management time for Early Learning and Childcare provisions;

- c) SJC staff – pupil support assistant (primary) and technicians (secondary);
 - d) Staff training costs – teaching and support staff;
 - e) Supply costs for short term absence;
 - f) Staff travel and subsistence;
 - g) Costs for curricular materials and resources;
 - h) Costs for replacement and repair of i-Pads;
 - i) Exam invigilator costs (secondary).
- 4.11 There is scope to devolve further resource to schools as and when reviews of service elements allow. This may include, for example, youth work, additional support needs or early learning resources.
- 4.12 Formula for the allocation of each devolved element will provide a fair and transparent allocation of resource, resulting in an “envelope” which schools can use flexibly for salaries, time and material resource to meet the local context and needs.
- 4.13 Areas not devolved include areas outside the influence of a Headteacher; that are too bureaucratic; have unacceptable levels of risk; which benefit from economies of scale; which require professional expertise or which are complex by their nature.
- 4.14 In agreement with Headteachers, the following specific areas are Non-devolved areas;
- a) Budgets linked to building maintenance and running costs such as rent payments, and capital expenditure, property insurance and non-domestic rates as well as Local Authority contracted work on managing the school estate, including grounds maintenance, window cleaning, hygiene supplies, waste collection, janitorial and cleaning staff, consequential costs from burglary or vandalism and utility costs;
 - b) Corporate support function costs, for example Finance, HR and Legal services;
 - c) Education support services including Education Psychology, Quality Improvement, ASN provision and Music Instructors;
 - d) Grants and allowance such as School clothing grants, Education Maintenance Allowances, Home to school pupil transport, School Meals, Parent Council expenditure and premature retirement costs;
 - e) Long term sickness and maternity leave payments for teaching staff;
 - f) Supply cover for Trade Union duties;
 - g) Payment for exam fees to SQA.
- 4.15 Internal audit included a review of processes to enable to new DSM framework to be put in place, including consultation, communication, training and ongoing support as part of their 2022/23 financial governance assurance work.
- 4.16 The resultant report concluded that “on this audit Internal Audit are able to provide substantial assurance. Largely satisfactory risk, control, and

governance systems are in place. The audit fieldwork was undertaken between May and June 2022, and we have made no recommendations.”

- 4.17 Budget statements reflecting the new allocations have been prepared and Headteachers have planned resources for the academic year 2022/23 on the basis of the new Scheme.
- 4.18 Virements are required to reallocate budgets between services within Education as part of the realignment to support the revised DSM Scheme and these can be found in Appendix 2.

5 IMPLICATIONS

5.1 Financial

The new Scheme reflects an increase of £6,138m in funding devolved to schools and includes additional allocation of £4,866m for increased staffing, partly funded through Scottish Government funding to increase teacher numbers. As reflected in Appendix 2, the new DSM Scheme is funded within the overall Education budget, including the permanent delivery of existing financial plan savings for 2022/23.

5.2 Risk and Mitigations

There is a risk that if the Scheme does not provide the resource needed to deliver services, however, the cycle of review on a 3 yearly basis will support mitigation against this. Furthermore, the risk of the Scheme being unsuitable is mitigated through the extensive involvement of Headteachers in the process of creating the Scheme and the wider consultation undertaken in doing so.

5.3 Integrated Impact Assessment

The Integrated Impact Assessment will be published with the Scheme.

5.4 Sustainable Development Goals

The DSM Scheme contributes to Sustainable Development Goal 4 – Good Education through ensuring appropriate provision of resource.

5.5 Climate Change

There is no direct impact on Climate Change as a result of the recommendations in this report.

5.6 Rural Proofing

There are no implications on rural proofing as a result of this revision to the Scheme.

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 implications for the Scheme of Administration or Scheme of Delegation arising from the proposals contained in the report.

6 CONSULTATION

- 6.1 The Acting Chief Financial Officer, 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 will be reflected verbally at Council.

Approved by

Lesley Munro

Signed

Director – Education & Lifelong Learning

Author(s)

Name	Designation and Contact Number
Lesley Munro	Director – Education & Lifelong Learning

Background Papers: Appendix 1 – Draft Devolved School Management Scheme

Appendix 2 – Virement

Previous Minute Reference: N/A

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Scottish Borders Council

Devolved School Management Scheme

DRAFT

August 2022

Scottish Borders Council

Devolved School Management Scheme 2022

Formal Review Date: January 2025 [for implementation August 2025]

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1. INTRODUCTION

Scottish Borders is a rural local authority covering a large area – 1,827 square miles – taking approximately 2 hours by car to travel from East to West. There are approximately 16,000 children and young people in our early years, primary and secondary schools and centres. For catchment purposes, Scottish Borders is divided into 9 clusters each with a secondary school and varying numbers of associated primary schools.

In total there are 9 secondary schools and 59 primary schools. 49 Primary schools have Early Learning & Childcare provision and there are 4 Early Years Centres. Early Learning and Childcare places are also procured from 36 Funded Providers. There are 3 Roman Catholic primary schools, situated in Peebles, Galashiels and Selkirk. There is a primary and secondary Inclusion and Wellbeing Service and 1 special primary school which is designed to support children with autism. In addition, we have 4 primary and 5 secondary enhanced provisions which meet the needs of our children and young people with severe and complex additional support needs. These provisions cover all areas of Scottish Borders.

24% of children in the Scottish Borders live in families with limited resources with 10.4% of P1- S3 children in receipt of free school meals. The SBC Child Poverty Indicator (CPI) takes into account a range of measures to provide a CPI score for each school.

Devolved School Management Overview

Devolved School Management (DSM) was first introduced in 1993 to enhance and improve the management of resources at school level. These updated DSM guidelines have been developed in collaboration with head teacher and finance colleagues to reflect the national Education Reform Programme and local financial arrangements. Compliance with these guidelines is mandatory.

The Scottish Borders scheme is based fully on the national DSM framework.
<https://www.gov.scot/policies/schools/devolved-school-management/>

Working within an agreed national framework will support benchmarking, introduce an element of common understanding for users and support shared training. In keeping with the national guidance Scottish Borders Council intends to engage across local authority boundaries to quality assure and improve the local DSM system on a three-yearly basis.

Any changes in financial governance made by Council will be reflected through a clearly communicated refresh of this guidance following the Council budget setting meeting in February each year. A more formal and thorough evaluation and review will be undertaken on a three-yearly basis. This review will be undertaken by a group representative of all stakeholders.

Principles of Devolved School Management

The updated DSM principles, agreed by the Fair Funding Reference Group and building on and enhancing the foundations and principles of the 2012 guidance, are:

- Subsidiarity and Empowerment
- Collaboration
- Accountability and Responsibility
- Clarity and Equity

These principles reflect the National Improvement Framework aims of excellence through raising attainment and achieving equity. The principles also fully endorse those proposed in the Fair Funding consultation:

- **support excellence and equity** - ensuring every child and young person has the same opportunity to succeed
- **be fair** - placing the needs of all children and young people at the centre
- **be simple**, transparent and predictable – ensuring the costs of delivering education can be easily understood and explained and that schools are able to manage and plan ahead with certainty
- **deliver value for money** – ensuring that every penny spent is used effectively

Ongoing review of this scheme will be based on these principles.

2. BUDGET OVERVIEW

The revised DSM Guidelines have been considered in relation to the financial pressures that the public sector is experiencing and will continue to experience over the years ahead. In Scottish Councils there are around 53,500 teachers employed with approximately £6.46bn spent on school education in 2020/21.

The breakdown of Scottish Borders Council's Education budget following realignment for 2022/23 is as follows:

Sector	Budget (£'000s)	Sum Devolved to Schools (£000s)	% Headteacher
Pre-Primary	16,909	-	-
Primary	30,860	29,919	97.0%
Secondary	46,348	35,156	75.9%
Additional Support Needs	10,972	-	-
Central (including Inspire)	4,580	-	-
Community Learning & Development	968	-	-
School Meals	1,756	-	-
School Transport	3,594	-	-
Total	115,987	65,075	56.1%

Scottish Borders Council's Education budget for 2022/23 of £115,987m accounts for approximately 36% of the total expenditure budgets of all council services. £65.075m of the Education budget will be devolved to schools in 2022/23, representing around 56% of the total Education budget for 2022/23.

School budgets are primarily based on school roll. Agreed mechanisms are in place to enable flexible spending across allocated budgets where the headteacher and school community have agreed this is appropriate.

3. AREAS OF EXPENDITURE TO BE DEVOLVED

Whilst headteachers are given maximum flexibility over their budgets, there are areas of expenditure that are generally not considered suitable for devolution as they do not support head teachers to improve the quality of provision. The reasons for this may include, but are not limited to:

- areas outside the influence of a headteacher;
- areas that are too bureaucratic;
- areas that have unacceptable levels of risk;
- areas which benefit from economies of scale; and
- areas which require professional expertise;
- areas which are complex by their nature

Non devolved budgets

- Budgets linked to building maintenance and running costs such as rent payments and capital expenditure, property insurance and non-domestic rates as well as Local Authority contracted work on managing the school estate including grounds maintenance, window cleaning, hygiene supplies, waste collection, janitorial and cleaning staff, consequential costs from burglary or vandalism and utility costs
- Corporate support function costs for example Finance, HR, and Legal
- Education support services including Educational Psychology, Quality Improvement Teams, ASN Support Services and Music Instructors
- Grants and allowances such as School clothing grants, Education Maintenance Allowances, Home to school pupil transport, School Meals, Parent Council expenditure and premature retirement costs
- Local Authority Information Management Systems (currently SEEMIS)
- Long-term supply cover for teaching staff sickness
- Supply cover for teaching staff maternity leave
- Supply cover other (Trade Union duties etc.)
- Exam Fees
- IT & telephony costs

Devolved budgets

- Staff costs – teaching and support
- Short term teaching supply cover, sickness absence and Family Leave costs
- Inspire costs for repair and replacement
- Staff development
- Supplies and Services Costs
- Curriculum and materials costs
- Travelling expenses

4. KEY AREAS TO BE COVERED BY SCHEMES

GENERAL INFORMATION ON DEVOLVED SCHOOL MANAGEMENT

4.1. Financial Regulations

Financial Regulations are an integral part of the stewardship of Council Funds. Adhering to the Financial Regulations ensures that all financial transactions of the Council are conducted in a manner which demonstrates openness, integrity and accountability. They form a significant part of the governance of the Council. Headteachers must comply with these regulations at all times.

The SBC DSM Scheme will provide a transparent, fair and equitable allocation of resources to schools. Allocation formulae have been designed with relative stability in mind, providing a financial envelope in advance for headteachers to effectively plan their spend for the forthcoming academic year. This will promote the efficient and effective operation of each school, and application of resources.

Local authorities must secure best value in accordance with section 1 of the Local Government Scotland Act 2003.

<http://www.legislation.gov.uk/asp/2003/1/contents>

4.2. Best Value Principles

Each Director and Chief Officer must ensure that their Services achieve best value.

All purchasing and Orders for supplies, services and works must be undertaken in accordance with the Council's Purchasing Handbook.

Schools will have access to the council's Enterprise Resource Planning system - Business World - which will allow them to order goods and services, create forecasts and manage their budget.

In addition, schools are supported in the operation of their budgets by resources through the Business Administration team and Finance team. Each Cluster will be assigned a Business Manager and a member of the Finance team as a Finance Contact. Schools will work with their Business Manager and their administration team to ensure monthly forecasting is returned within the finance deadlines and that actual spend is reviewed and variances investigated. Schools will be obliged to hold teams meetings with their assigned Finance Contact on a regular basis throughout the financial year.

4.3. Local Authority Commitment to Devolved School Management

In an empowered system, headteachers, schools and Local Authorities are partners, each contributing and supporting each other and respecting the different role each plays. This guidance was developed by a collaborative working group of head teachers and central colleagues to ensure the guidance works for all stakeholders.

Local Authorities have a responsibility to lead the review the DSM scheme and to review associated systems to ensure that they enable key decisions to be made by those who are closest to the educational experience of children and young people in order to maximise outcomes for children and young people.

Budget holders will be responsible for ensuring that the regulations referred to in this scheme are followed fully and that resource is used to directly improve outcomes for children.

How Good Is Our School 4 provides a national expectation of how headteachers will utilise resource to support improvement. School performance in the management of resources to promote equity will be evaluated based on the quality indicator and school leadership teams should be familiar with the expectations within the quality indicator. The QI has two themes:

- Management of finance for learning
- Management of resources and environment for learning

Level 5 illustration:

'We have effective systems for financial stewardship and management to ensure best value and sustainability. We make innovative use of the finances available to allocate resources to take forward our improvement priorities and planned developments. Our available budget is used very effectively to meet the needs of all learners. Staff, pupils, parents, partners and other stakeholders understand their responsibilities for effective financial management. We are pro-active in seeking funding from a range of sources to support specific aspects of our work. We work together to ensure

transparency and equity in the use of our financial resources. We take account of local and national advice in our financial management, seeking support from those with financial expertise as appropriate. Financial expenditure is carefully planned to improve the quality of learning and teaching and increase attainment and achievement for all learners. We systematically monitor and can evidence the extent to which our use of financial resources leads to improved outcomes for learners.

'We make the best use of available resources, including digital technologies, to create, sustain and enhance a motivating environment for effective learning. The learning environments across the school are seen as a resource to fully support learning, teaching and inclusion. We have a wide range of appropriate resources to support and challenge learners at all levels of their learning. We encourage our learners to make independent and responsible use of a range of resources. We ensure sustainable, transparent and equitable allocation and use of resources to support the learning needs of all. We manage allocated resources proactively and efficiently to meet planned learning and development priorities. In consultation with relevant stakeholders, resources are sourced, allocated and used efficiently and effectively to meet organisational, local and national priorities and the needs of the people we work with. We use data and evaluations of the impact of previous planning priorities and learning programmes to inform future resourcing decisions. We diligently implement relevant health and safety legislation and are vigilant in ensuring the security and safety of all users and visitors. As a result, our buildings are secure and any health and safety issues are identified and addressed promptly'

Head teachers are expected to consider the challenge questions in HGIOS4 to self-evaluate their current processes to inform improvement. This Quality Indicator will be more rigorously considered during yearly training to ensure that those with budget responsibilities are aware of national and local expectations.

Scottish Borders Council devolves the management of these budgets to schools and services, but will retain overall responsibility to ensure that total spending is kept within the resources available and that these resources are efficiently, fairly and equitably distributed.

4.4. School Expenditure Within Wider Strategic Planning

Decisions are made closest to the learner wherever possible and are delegated to headteachers and schools in line with the Education Reform programme. Schools are empowered to make the decisions that affect outcomes, while being part of a collaborative learning community and the Local Authority. Decisions about education spending at Local Authority and school level are made in a collegiate and transparent way, paying due regard to wider responsibilities including GIRFEC.

The Headteacher is accountable and responsible for the use of financial resources within their delegated responsibility following consultation with pupils, parents, staff and the wider community and with due consideration of the Service Improvement Plan.

Strong and distributive leadership is necessary to establish effective systems to support the partnership working with pupils, parents, staff and the wider community to determine how best to utilise resource to deliver on local and school level plans.

Headteachers are accountable to both Scottish Borders Council and to their learning community for the leadership and management of resources within their settings and must comply with the financial regulations to ensure that the Local Authority is not compromised and that all legislation is adhered to. Any issues regarding adherence to financial and procurement regulations will be identified by Cluster Finance Officer and escalated to the Chief Education Officer.

The Headteachers' Charter advises that headteachers are required to:

- Manage a delegated budget in a fair, equitable and transparent way, supported by the Local Authority and a fair, transparent and equitable local Devolved School Management Scheme.
- Deploy the school's budget in accordance with best value principles and Local Authority procurement arrangements, with appropriate support and guidance from their Local Authority.
- Play an active role in designing and reviewing recruitment and staffing approaches, both for their own school(s) and for the wider Authority.
- Be empowered to design a staffing structure which best supports the school's curriculum and leadership requirements, working within their delegated staffing budget and supported by their Local Authority and Scottish Negotiating Committee for Teachers (SNCT) / Local Negotiating Committee for Teachers (LNCT) agreements and guidance.
- Be integral to the appointment of staff in accordance with the best interests of children and young people, and work in partnership with the Local Authority to ensure good practice in recruitment and appointments, in line with SNCT/LNCT agreements and guidance.

Headteachers, Local Authority and LNCT have a shared role in ensuring that the SNCT code of practice on HT responsibilities regarding staffing operates efficiently.

Further guidance is available in the SNCT code of practice Appendix 2.20.

http://www.snct.org.uk/wiki/index.php?title=Appendix_2.20

4.5 Scottish Negotiating Committee for Teachers and Local Negotiating Committees for Teachers Agreements

Headteachers are required to operate within the agreed SNCT terms and conditions for all staff who come under this scheme. The SNCT handbook is available:

<http://www.snct.org.uk/>

In addition, some terms and conditions are governed by LNCT (local) agreements and there is also a requirement to adhere to these. Details of local agreements can be found on the LNCT website for Scottish Borders:

<https://www.snct.org.uk/lncatAgreements.php>

Publication

4.6 Publication Availability

The DSM scheme will be subject to 3-yearly review involving stakeholders and a peer Local Authority if appropriate and will be published following Committee Endorsement of the scheme.

This endorsement will trigger the publication of the DSM scheme and summary document will be published on the Scottish Borders website with a link provided on all school websites to ensure all stakeholders can easily access the scheme.

Training

4.7 Available Training

Finance and education service colleagues will provide a minimum of twice yearly training on the strategic management of budgets. This will include all of the features of DSM scheme, will explore expectations around management of Resources to promote equity and exemplify how data should drive allocation of budgets. All new senior leaders and business managers will be expected to attend the first available session, it is

expected that all staff managing budgets will have the knowledge and confidence to do so and be familiar with this document.

Aspiring leaders and LNCT Trade Union representatives will also be invited to attend the training. On-going support and guidance in implementing the DSM scheme will be available initially from the Finance Team including regular drop in Teams sessions and thereafter from school business managers.

Consultation, Engagement and Transparency

4.8 Consultation and Engagement

The Chief Education Officer and the Director chaired working parties comprising head teachers and colleagues from HR and Finance, to oversee the development of this guidance. Meaningful consultation was central to decision making at Local Authority level with collaborative decision-making being led on areas such as budget allocations, staffing models and any redesign or savings options.

Separate staffing working groups reviewed the impact of the separate staffing formula across sectors, these sector specific working groups made recommendations.

Each parent and pupil council will have the opportunity to hear about the scheme through their headteacher. Head teachers are also expected to share details of how the scheme will be applied (and allocation of resource) with staff and members of the wider community. Officers will continue to engage with the Parent Council Chairs Forum and the LNCT.

4.9 Transparency

The DSM scheme is written in plain English in order to maximise engagement and support transparency.

Headteachers are expected to ensure that any costs on families are minimised to ensure equality of access. Where charges are deemed unavoidable, such as school trips or school uniform, it is recommended that these are clearly detailed in school information published at the start of the academic session. Opportunities available to the pupil/families, or any discounts or exemptions available, for example in relation to pupils in receipt of free school meals, should be included within this information.

Collaboration

4.10 Local Priorities

Allocations of resource are informed by the DSM formulae and Improvement Priorities. Schools are expected to consider these priorities as well as local needs when deciding how to utilise resources.

Improving the wellbeing and attainment of children and young people is increasingly multi-agency in approach and it is important that decisions are taken with other key stakeholders wherever possible. This will include close collaboration with Cluster schools and wider partnership forums to enable them to contribute towards shared agendas and allowing stronger partnership working between schools and with other agencies and stakeholders.

Local Authority decisions about education spending are expected to be made in a collegiate and transparent way, paying due regard to their wider responsibilities, including Getting it Right for Every Child (GIRFEC) and the role of Local Authorities as Corporate Parents. Budgets require a collaborative approach to decision making to ensure that all multi-agency resources and supports achieves intended outcomes and Best Value. Schools are encouraged to pool resources in order to access a shared service/resource across a locality and this innovation is encouraged to make best use of resource.

Local Authorities are expected to ensure that at least 1% of their council budget is subject to participatory budgeting, it is expected that Scottish Government will increase this percentage as the practise becomes embedded in council processes. Schools are expected to look at all their budgets and identify areas where they can work with their communities to identify, discuss and prioritise projects giving the community the power to make real decisions (through a voting mechanism) about how the budget is spent.

Staffing

4.11 Staffing Structures

A formula is used to allocate devolved resource to schools with the size of the school being a significant factor. Headteachers are expected to empower school communities to consider how best to utilise the resource available to them and to consider the need to amend their staffing structure to better serve local need, subject to the local agreement on staffing structures.

If the community deem that changes are required a business case should be developed for consultation and shared with the relevant education

officer, HR and Finance to ensure that all parties are assured that the proposal will enable to the school to deliver on all statutory duties and that risks have been identified and mitigated. A statutory two-week consultation is then held where members of the school community including staff, trade unions, parents and children and young people have the opportunity to ask questions and comment. Finalised business cases are then sent to the relevant education officer where appropriate, and with Finance and HR for approval. Guidance/protocol is being developed and will be issued to Headteachers in due course.

Any further allocations of staffing (outwith devolved budgets) will be shared in a clear and transparent fashion. Finance will keep a record of all ad-hoc arrangements and the budget from which the funding was obtained. Further guidance on this will be published in due course.

The latest “Calculator with Forecast 202x-2x” spreadsheet will be provided in advance of each new financial year to support decision making in relation to staff costs.

4.12 Legislative and Contractual Requirements

Although staffing budgets are devolved to schools, Scottish Borders Council remains the employer and all major conditions of service continue to be negotiated at national level.

Within the devolved scheme, schools must adhere to SNCT/LNCT national and local agreements in areas such as class sizes, staff structures, length of the school day etc.

Pupil numbers will be the major factor in determining budget allocations, however account will also be taken of individual circumstances which may not be capable of adequate determination by a simple roll-based formula.

4.13 Staff Resource

Devolved budgets are issued to establishments at the beginning of the financial year (April) and specific budgets which are affected by pupil and teacher numbers will be subsequently adjusted in September / October once the census figures have been compiled if pupil roll changes by +/- 10%. Otherwise, allocations will be reviewed every 3 years to tie in with the scheme review. In Primary schools the number of class teachers will change in August to ensure that the number of classes in the school meets the national criteria for class sizes.

Additional budget provision may be issued to establishments in the course of the year as a result of:

- ✦ Receipt of additional budget by the authority in the form of a central government grant for dedicated additional school expenditure.
- ✦ The transfer of elements of central budgets prior to the end of the financial year.

Any changes as referenced above will be recorded for audit and monitoring purposes and subject to regular review.

Teaching and support staff, including technical staff, are allocated to schools on a formula basis.

Further work is needed in respect of the proposed pupil support assistants are allocated on a needs basis. For the initial year of the revised scheme, schools will retain their current allowance of SJC staff. An amendment to the scheme will be proposed once the job description has been approved, the scale point confirmed, further work has been undertaken on the impact of the new role and the appropriate consultation undertaken.

Staffing of Early Learning and Childcare settings is allocated annually by the Early Years team based on the model of delivery and pupil capacity of the setting and does not form part of the revised scheme.

Headteachers are involved in the design of recruitment processes, both for their own schools and for the Local Authority. Working collegiately with all stakeholders, headteachers can design a staffing structure that best supports learning and teaching in the school, within the budget delegated to the school by the Local Authority. Headteachers must comply with employment law and other relevant legislation, and the contractual obligations and policies of their Local Authority. Local Authorities and headteachers must have regard to supporting guidance and agreements developed by SNCT and LNCT (where appropriate).

The local authority is proactive in addressing teacher shortages which have been a feature of the staffing landscape for several years. The *Grow our Own teacher* Initiative supports workforce needs as well as offers local graduates the opportunity to train and remain in the Borders. Headteachers are involved in the recruitment of the current year's probationer teachers which takes place in March. Successful candidates are offered a permanent post with Scottish Borders Council, subject to the relevant checks.

Headteachers are also involved in recruiting to the supply registers for teaching and support staff, with the recruitment process for these posts ongoing throughout the year.

Professional Support

4.14 Professional Support teams, functions and transparency

Schools are provided with professional teams to support head teachers. This may be in the form of business managers in the cluster, as well as central finance, human resources and facilities teams. Headteachers should contact the appropriate team for advice and guidance.

Additional information on staffing and financial processes for schools and services will be available in a central location so that all Headteachers can easily access it.

Finance

4.15 Budget underspend / overspend

Carry forward is the facility to transfer surpluses and / or deficits into the next financial year. All devolved budgets have this carry forward facility.

Schools are limited to carry forward a maximum underspend of 1% or £10,000 whichever is lower of the total of the devolved budgets into the following financial year.

Intended use of carry forward should be identified in School Improvement Plans.

There is no limit to the carry forward of overspends. Finance contacts have regular meetings with schools and will identify potential overspends to the school's headteacher and relevant education officer at the earliest opportunity so the relevant education officer can work with the headteacher to mitigate these.

4.16 Budget Flexibility and Alternative Spending

Headteachers have the flexibility to manage and determine the best use of the resources devolved to schools. Headteachers can overspend across devolved budget lines if they underspend on an equivalent basis across other devolved budget lines.

Where a headteacher wishes to use underspend arising from staffing vacancies flexibly, they are required to complete a Staff Vacancy Alternative Spend form and submit this to their Finance contact for costing, HR to ensure no issues with staff for whom the post is their substantive post and the relevant education officer for approval before the funds are committed.

4.17 Review, methodology and Stakeholders

Any changes in financial governance made by Council will be reflected through a clearly communicated refresh of this guidance following the Council budget setting meeting in February each year.

A more formal and thorough evaluation and review will be undertaken on a three-yearly basis with a key element of this formal review being a peer review with a neighbouring Local Authority

5. APPENDICES

5.1 Appendix A Primary Specific

5.1.1 Primary Management Posts Allocation Model

SBC Primary School	Pupil Numbers		Management Structure			Management Time		
	From	To	FTE HT	FTE DHT	FTE PT	FTE HT	FTE DHT	FTE PT
Joint	1	100	1	0	1	1	0	0.22
	101	150	1	0	1	1	0	0.44
	151	200	1	0	1	1	0	0.50
	201	300	1	1	0	1	1	0.00
	301	350	1	1	1	1	1	0.22
	351	450	1	2	0	1	2	0.00
	451+		1	2	1	1	2	0.22
Single	1	100	1	0	0	0.22x class*	0	0.00
	101	150	1	0	1	1	0	0.22
	151	200	1	0	1	1	0	0.50
	201	300	1	1	0	1	1	0.00
	301	350	1	1	1	1	1	0.22
	351	450	1	2	0	1	2	0.00
	451 +		1	2	1	1	2	0.22

* class includes ELC and the headteacher will teach a maximum of 2 days per week

Where a Headteacher manages 3 or more schools, the management model will increase by a PT with 0.22 management time.

5.1.2 Class teachers will be allocated to each school to ensure national requirements for class sizes by age and for composite classes are met.

5.1.3 Allocation in respect of Early Learning Childcare Provision

Where a primary school has an ELC provision, an additional staff allocation will be given as per the table below

ELC Provision	FTE at TCH005
Term time	0.1
Hub <100 children	0.2
Hub >99 children	0.3
OOSC - Selkirk	0.3
EY Centre	0.2
EY Centre and Hub	0.3

5.1.4 Travel expenses

Claims for all school travel should follow the latest published Employee Travel and Mileage Policy.

5.1.5 Supply

An allowance for supply will be given at 2 days per FTE teacher. The rate will be the equivalent of the overall average salary for primary school class teachers

5.1.6 Sickness

5.1.6.1 Primary schools will be expected to cover the first 2 weeks of a teacher's sickness. Thereafter, the cost will become a non-devolved item.

5.1.6.2 Some primary schools are currently in a Consortia arrangement whereby teacher's sickness is a non-devolved item from the first day of absence. Consortia arrangement will be reviewed in the first year of the new scheme.

5.2 Appendix B Secondary Specific

5.2.1 All secondary schools have a Headteacher

5.2.2 Depute Headteachers and Principal teachers are allocated as below:

5.2.2.1 Deputy Headteachers

School Roll	No of DHTS
Up to 749	2
750 to 999	3
1,000 and above	4

5.2.2.2 Principal teachers - Curriculum

School Roll	No of PTS	Scale Point
Up to 699	6	6
700 to 899	7	6
900 to 1,099	8	7
1,100 to 1,299	9	7
1,300 and above	10	7

5.2.2.3 Principal teachers – Other

Type	Allocation	Grade
Pastoral	1 per 200 pupils	3
Support for Learning	1 per school	6

5.2.3. Class Teachers

Class teachers will be allocated at 9.24FTE per school plus 0.053 based on the school roll less the number of Curriculum PTs allocated in 5.2.2.2 above.

Example

School roll = 789

$$\begin{aligned}
 \text{Class teachers} &= 9.24 + [(789 \times .053) - 7 \text{ Curriculum PT}] \\
 &= 9.24 + [41.82 - 7] \\
 &= 9.24 + 34.82 \\
 &= \mathbf{44.06}
 \end{aligned}$$

5.2.4. Support Staff

5.2.4.1. Technicians

Type	Allocation	Terms
Information Technician	1 per school	Grade Term time + 2 weeks
Science Technician	1 per 6 FTE Science teachers	
Technical Technician	1 per 6 FTE Technical teachers	

5.2.4.2. Support for Learning Teachers

Type	Allocation	Number
Support for Learning Teacher	1 per 200 pupils	X
LESS Support for Learning PT		(1)
Number of Support for Learning Teachers		X-1

5.2.4.3. Additional Needs Assistants

Currently ANAs will still be allocated by the ASN team. This is to be reviewed and may form an amendment to the scheme in the future.

5.2.5. Exam Fees and Invigilation

5.2.5.1. Exam Fees

The actual cost of exam fees will be a non-devolved item

5.2.5.2. Invigilation

Base	Allocation	Amount (£)
Whole school roll	Per pupil	6

5.2.6. Curriculum Costs

	Allocation	Amount (£)
Whole school roll	Per pupil	80

No charges are to be made to parents for curricular materials etc.

5.2.7. Supply

An allowance for supply will be given at 2 days per FTE teacher. The rate will be the equivalent of the overall average salary for secondary school class teachers

5.2.8. Sickness

Secondary schools will be expected to cover the first 3 weeks of a teacher's sickness. Thereafter, the cost will be picked up by the central sickness code

5.3 All sectors

5.3.1 iPads

Category	Base Roll	% to apply to Roll	Amount (£)
Repair	Pupil roll P4-P7 and S1-S6	10	32
Replacement	Pupil roll P4-P7 and S1-S6	3	125

5.3.2 Training

Category	Base	Amount (£)
Teacher	Per FTE	50.00
Non -Teaching staff	Per FTE	50.00

5.3.3 Staff Travel & subsistence

Category	Base	Amount (£)
Teacher	Per FTE	20.00

5.3.4 Recruitment

5.3.4.1 No interview expenses will be paid

5.3.5 Keeping in Touch Days

5.3.5.1 The process around Keeping in Touch Days is as per the HR Policy Family Friendly Policy revised May 22 6a.

5.3.5.2 The payment to the individual will be costed to the school's DSM budget. The relevant cost centre should be given to payroll when they are notified of the dates and hours to be paid by the line manager.

5.3.6 NQT Mentoring Allowance and Waiver Payment

5.3.6.1 A budget amount equivalent to 0.1 of the base salary of an NQT will be given to schools for each 1FTE NQT they have placed in the school

e.g. Base Salary at 01/01/2022 of £28,113 gives an allowance of £2,811.

This will be allocated pro-rata where relevant.

5.3.6.2 Where a NQT is entitled to a waiver payment, the equivalent budget will be given to schools.

5.3.7 Equipment purchase & replacement

5.3.7.1 There will be an annual allowance from the Education & Lifelong Learning capital block.

5.3.7.2 Schools will be notified of the timeframe(s) in which they need to submit their request for either new or replacement equipment

5.3.7.3 Items notified outwith this timeframe will be held until the next one.

5.3.8 First Aid staffing and equipment / consumables

5.3.8.1 Uplift will be provided for staff who were First Aiders at the end of July 2022

5.3.8.2 Schools should submit a co-ordinated bulk order annually which allows for a stock element. Ensure that don't over purchase especially for items that have short use by dates.

5.4 NQT Allocation and Funding

5.4.1 Headteachers in discussion have identified permanent NQT posts in both Primary & Secondary schools.

5.4.2 For these posts, budget will be allocated at the NQT rate. If the NQT is in receipt of a waiver payment, the appropriate budget will also be allocated.

5.4.3 As noted in 5.3.7.1, budget amount equivalent to 0.1 of the base salary of an NQT will be given to schools for each 1FTE NQT they have placed in the school. This will be allocated pro-rata where relevant.

5.4.4 Where an NQT is allocated to a school to cover maternity leave or long term sickness the financial implications must be looked at on a case by case basis and the ELL finance team must be involved. The source and re-allocation of any additional budget required MUST be calculated and agreed by finance, school, and the relevant QIO and signed off by ELL SLT BEFORE the arrangement is put in place.

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Budget Virement Requirement Education & Lifelong Learning No. of Virements 1

1 Virement is required from

Department	Education & Lifelong Learning	2022/23	2023/24	2024/25
Service	Additional Support Needs	£	£	£
Budget Head	Employee Costs	(1,880,000)	(1,880,000)	(1,880,000)
Service	Central Schools	£	£	£
Budget Head	Employee Costs	(2,805,000)	(2,805,000)	(2,805,000)
Service	Early Years	£	£	£
Budget Head	Employee Costs	(1,453,000)	(1,453,000)	(1,453,000)
Total		(6,138,000)	(6,138,000)	(6,138,000)

To

Department	Education & Lifelong Learning	2022/23	2023/24	2024/25
Service	Primary Schools	£	£	£
Budget Head	Employee Costs	1,128,000	1,128,000	1,128,000
Service	Secondary Schools	£	£	£
Budget Head	Employee Costs	5,010,000	5,010,000	5,010,000
Total		6,138,000	6,138,000	6,138,000

Because

To reallocate funds between E&LL services as part of realignment and revised DSM scheme implementation.

1. Additional Support Needs currently reallocate part of their budget to support primary and secondary schools. The virement above only relates to provision in secondary schools that is being formalised in the DSM scheme. More work is to be done on allocations for primary schools and an amendment to the DSM scheme and the resulting virement will be brought when the allocation has been agreed.

2. Early Years currently recharge primary schools to support them with management time in relation to nurseries and transition work from nursery into Primary 1. This is included within the new DSM scheme but due to reporting requirements to Scottish Government, it will continue to be dealt with as a recharge and the virement actioned once the 1140 hours specific funding is mainstreamed within the Revenue Support Grant which is expected to be in financial year 2023/24.

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Scottish Borders Council Response to the Regional Transport Strategy

Report by Director - Infrastructure and Environment

SCOTTISH BORDERS COUNCIL

27 January 2022

1 PURPOSE AND SUMMARY

- 1.1 The report proposes the approval of the consultation response to South-East of Scotland Regional Transport Partnership (SEStrans) in reply to the Draft Regional Transport Strategy. The response is required to be submitted by 11 February 2022.**
- 1.2 The Draft Regional Transport Strategy (RTS) for the South-East of Scotland has been prepared by the South-East of Scotland Regional Transport Partnership (SEStran) which was set up under the Transport (Scotland) Act 2005. It covers eight constituent Local Authorities:
 - Clackmannanshire
 - East Lothian
 - City of Edinburgh
 - Falkirk
 - Fife
 - Midlothian
 - Scottish Borders
 - West Lothian
- 1.3 This Act also set the requirement to produce a statutory RTS to provide a strategic framework for transport management and investment for the Partnership area.
- 1.4 The Draft RTS has been prepared to replace the Regional Transport Strategy 2015 -2025 Refresh published in July 2015. It replaced the original SEStran Regional Transport Strategy 2008 –2023 published in November 2008.
- 1.5 An Officers Group have reviewed the draft strategy in the context of national policy, local challenges and opportunities created through the establishment of SOSE and the regions involvement in two growth deals.
- 1.6 From this review it is clear that the draft strategy does not properly represent the Scottish Borders and should be significantly changed to reflect more rural challenges and solutions.

- 1.7 It is proposed that Scottish Borders Council submit a structured response through the SEStran consultation portal and a detailed response to clearly articulate the areas where change is required in the draft strategy. The draft responses are provided in Appendix 1 & 2. Without an honest and detailed response the final strategy will not reflect the challenges and ambition of the Scottish Borders, leaving the region without the leverage to support cross boundary and local transport projects that are vital for our communities.
- 1.8 SEStran also use the draft strategy to highlight the historic constraints that have hindered their delivery of cross boundary transport projects in the past and identify that there are discussions ongoing with Transport Scotland regarding further powers and funding for SEStran. Developments will be monitored by Officers and communicated back to Scottish Border Council at the appropriate point.
- 1.9 SEStran's programme for approval of the final Regional Transport Strategy indicates the ambition to seek approval from their board in March 2022. It is proposed that the Council requests a written response from SEStran on how they have actioned the Council's comments so that we can consider the Council's approach to being involved in the final approval process.
- 1.10 The Scottish Government will publish the draft Strategic Projects Review 2 on the 20 January 2022 (following the publication of this report) and it will inform transport investment programme in Scotland over the next 20 years (2022-2042). Any implications of this draft investment commitment on the Council's review of the Draft Regional Transport Strategy will be highlighted at the Council meeting.

2 RECOMMENDATIONS

2.1 I recommend that Scottish Borders Council:-

- (a) Agrees that the finalised strategy should fully reflect the challenges and ambition of the Scottish Borders;**
- (b) Agrees that the finalised strategy should specifically address the comments identified in Section 4 of this report;**
- (c) Approves the online questionnaire responses provided in Appendix 1, for submission to SEStran on, or before 11 February 2022;**
- (d) Approves the detailed response provided in Appendix 2, for submission to SEStran on, or before 11 February 2022;**
- (e) Agrees that officers request a written response from SEStran on how Scottish Borders Council's comments have been incorporated into the next draft of the Strategy prior to the planned approval in March 2022;**
- (f) Agrees that a further update should be brought back to Council as the discussions develop regarding potential additional powers and funding being allocated to SEStran.**

- (g) Consider any implications on the Council's views on the Draft Regional Transport Strategy following the publication of the Scottish Governments Strategic Transport Review 2 on 20 January 2022.**

3 BACKGROUND

- 3.1 The Draft Regional Transport Strategy (RTS) for the South-East of Scotland has been prepared by the South-East of Scotland Regional Transport Partnership (SEStran) which was set up under the Transport (Scotland) Act 2005. It covers eight constituent local authorities:
- Scottish Borders
 - Clackmannanshire
 - City of Edinburgh
 - East Lothian
 - Falkirk
 - Fife
 - Midlothian
 - West Lothian
- 3.2 This Act also set the requirement to produce a statutory RTS to provide a strategic framework for transport management and investment for the Partnership area
- 3.3 The Draft RTS has been prepared to replace the Regional Transport Strategy 2015 -2025 Refresh published in July 2015. It replaced the original SEStran Regional Transport Strategy 2008 –2023 published in November 2008.
- 3.4 SEStran confirm that the Draft RTS has been prepared in accordance with RTS development guidance (Transport Scotland, 2006), the Scottish Transport Appraisal Guidance (STAG) and all relevant legislative and policy requirements. It is supported by a suite of evidence drawn from published policy documents, data analysis as well as stakeholder and public consultation. This has been set out in the documentation accompanying the development of the RTS:
- This includes a STAG Case for Change report which details the problems and issues that need to be tackled by the RTS as well as defining options to address them along with the strategy objectives.
 - The options which emerged from the Case for Change also underwent appraisal with the findings outlined in the STAG Preliminary Options Appraisal report.
 - A Strategic Environmental Assessment (SEA) and Equalities Impact Assessment (EqIA) processes have been undertaken, each of which has identified key environmental and equalities issues which need to be addressed in the new RTS.
- 3.5 The Draft RTS sits within and is being developed in the context of a policy hierarchy which spans the national, regional and local levels. It is being developed within the policy framework provided by the National Transport Strategy 2 which was published in February 2020. It set out four strategic priorities:
- Reduce Inequalities
 - Take Climate Action
 - Help Deliver Inclusive Economic Growth
 - Improve Our Health & Wellbeing

As well as defining a Sustainable Travel Hierarchy

1. Walking & wheeling
2. Cycling
3. Public Transport
4. Taxi's & shared transport
5. Private car

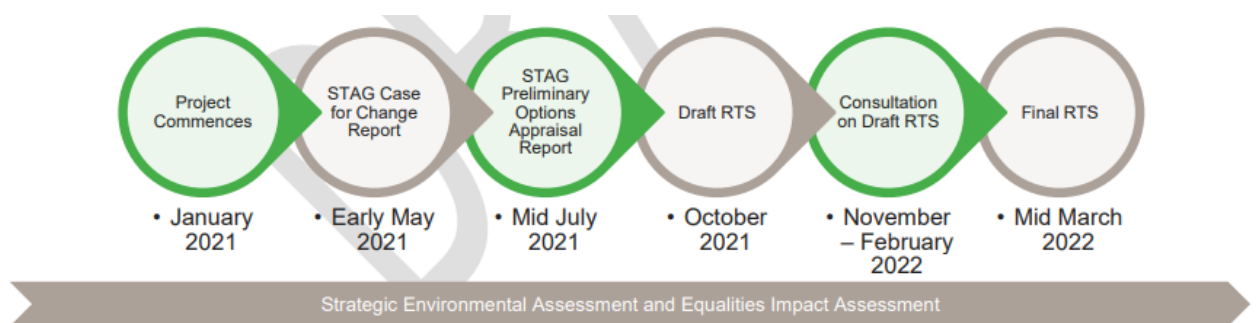
These four priorities and hierarchy have been used to guide the development of this Draft RTS.

4 CONSULTATION RESPONSE

4.1 Appropriate Officers across the Authority have undertaken a detailed review of the draft strategy and the following themes have emerged:

- There needs to be more differentiation between urban and rural areas. The document seems to be heavily skewed to urban challenges and solutions. There is no recognition of the role that rural regions make to the overall transport network, other than travelling into Edinburgh;
- The draft strategy needs to acknowledge the important linkages of the region to the south into northern England; west to Dumfries & Galloway, South Lanarkshire and Glasgow; and north into Perth & Kinross and beyond. These corridors and linkages provide important opportunities for the SEStrans region and the Scottish Borders;
- There needs to be support for the development/delivery of the Borders Railway extension, improvements on the existing line and action to maximise the integration of Reston Station into the east coast mainline so that it supports the community and a modal shift. There is a clear opportunity to support these strategically important infrastructure projects in sections 9.1 & 9.3 of the RTS;
- There should be more emphasis on the correlation between good transport and good digital connectivity. Digital equality across the region will support an integrated and connected transport network especially in rural areas.
- The final strategy should have significantly more emphasis on increasing public confidence in public transport following the national messaging to avoid public transport during COVID 19. Also there is a lead role to play in behavioural change and public education to support sustainable transport choices to help deliver the strategy vision.
- The 'Vision' and 'Objectives' need to have clear alignment with National Transport Strategy 2, the Just Transition recommendations and support the ambition of regional Economic Strategies and Growth Deals.
- The links back to the strategy 'Vision' and 'Objectives' needs to be clearly articulated throughout the document. The core linkages seem to get too lost in each section to accurately define how the actions will help deliver the strategy objectives. There also needs to be clear and measurable outputs for each action so that they are quantifiable and link to the Monitoring and Evaluation section of the strategy.

- There is a significant number of actions within the draft strategy without clarity on ownership, how they will be funded, delivered or programmed;
 - The document would benefit from being shortened, especially in comparison with other regional strategy documents such as the Regional Economic Strategy, the Indicative Regional Spatial Strategy for the South of Scotland and the Edinburgh & South East Scotland City Region Deal Regional Prosperity Framework;
- 4.2 These are all key themes that need to be addressed in the final strategy so the vision, objectives and actions respond to the challenges of the Scottish Borders and supports the ambition of the region. A detailed response has been produced by Officers (contained in **Appendix 2**) that suggest areas of the strategy that need to be amended to mitigate concerns and make the final strategy representative of the Scottish Borders.
- 4.3 SEStran have created an online virtual consultation portal with specific questions to be answered as a consultee. The questions on the portal provide an opportunity for a high level response to be submitted, so it is proposed that Scottish Borders Council respond via the portal with the answers in **Appendix 1**, but also provide a detailed written response to reflect comments across the whole document, as per the draft in **Appendix 2**.
- 4.4 SEStran indicates that following the consultation process, they will work to finalise the strategy in March 2022. It is Officer's opinion that we require written feedback from SEStran on their review of our comments, to confirm what has, and has not been incorporated into the final strategy document. This response should be brought back to Council for consideration and influence our approach for involvement in the final SEStran approval process.



5 SESTRAN'S USE OF STATUTORY POWERS

- 5.1 SEStran have highlighted key constraints for delivering cross boundary projects since 2008 as:

'This was largely attributed to difficulties with the existing delivery mechanisms and in coordinating cross-boundary and multi-partner schemes. In addition, given SEStran's position as a 'Level 1' Regional Transport Partnership and the limited statutory powers this conveys along with a lack of dedicated funding to support delivery of the RTS, it was highlighted that the current regional governance arrangements present a constraint to the delivery of cross-boundary schemes and interventions emerging from the RTS.'

- 5.2 In Section 3.2 of the Draft Strategy, SEStran has highlighted that an interim solution to this issue maybe:

'...the Transport (Scotland) Act 2005 (2005 Act) allows for arrangements and associated functions that could be developed for cross boundary or multi partner RTS schemes which can be agreed and brought into effect through the provisions of sections 10 and 14 of the 2005 Act. SEStran, in consultation with its constituent authorities and other stakeholders, will consider use of these powers as appropriate in relation to such schemes.'

- 5.3 The request for the use of Statutory Powers by SEStran will require detailed consultation with the LA partners and any recommendations will require approval through statutory process, following validation by each Local Authority. SBC will engage proactively with this consultation process, when it takes place, and bring any recommendations back to Scottish Borders Council at the appropriate time.

- 5.4 Section 3.2 also confirms that:

'As part of development of the National Transport Strategy 2 work to review transport governance was undertaken by the Roles and Responsibilities Group. The review also recognised this barrier (lack of statutory powers) to delivery. The Roles and Responsibilities group continue to consider this issue and until a decision or direction is given this barrier could continue to affect the ability for SEStran and its partners to deliver cross-boundary and multi-partner schemes that emerge from the new RTS.'

- 5.5 Council officers will continue to monitor the development of this issue through involvement in SEStran forums and provide any information and/or reports to Council committees as this topic develops.

6 STRATEGIC TRANSPORT PROJECTS REVIEW 2

- 6.1 The second Strategic Transport Projects Review (STPR2) will inform the Scottish Government's transport investment programme in Scotland over the next 20 years (2022-2042) and will help to deliver the vision, priorities and outcomes for transport set out in the National Transport Strategy (NTS2). It will align with other national plans such as the Infrastructure Investment Plan, National Planning Framework (NPF4), Climate Change Plan and the National Strategy for Economic Transformation.
- 6.2 The announcement for STPR2 is programmed for 20 January 2022 in advance of the publication of this report, so any implications on the key theme of our review of the Regional Transport Strategy will be verbalised at the Council meeting for consideration and approval.
- 6.3 A separate detailed review will be undertaken on the draft STPR2 and taken through the appropriate Council approval process.

7 IMPLICATIONS

7.1 Financial

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

7.2 Risk and Mitigations

- (a) It is important that we are authentic in our response to the Draft Regional Transport Strategy and clearly state that in its current form it is not representative of the Scottish Borders. Without an honest and detailed response the final strategy will not reflect the challenges and ambition of the Scottish Borders, leaving the region without the leverage to support cross boundary and local transport projects that support our communities.
- (b) The drafting of the current document is very city focused and doesn't acknowledge the importance of the Scottish Borders connections into northern England, Dumfries & Galloway and South Lanarkshire. This has been highlighted in the draft response and needs to be addressed in the final strategy to maximise the opportunities for the region.
- (c) There is currently no mention of the Borders Railway, whether it is improvements to the existing line or the proposed extension. This is a priority project for the region and needs to be addressed in the final strategy.
- (d) Absent from the draft strategy is the support required to develop the Reston Station proposals further to enable it to operate to its full potential for the region. SEStran should play a key role in this process to lobby Scottish Government and Network Rail to deliver facilities and timetabling that supports the Berwickshire communities' access opportunities, services and help reduce the reliance on the private car. This has been highlighted in the draft response and needs to be addressed in the final strategy.

7.3 Integrated Impact Assessment

No Integrated Impact Assessment required for this report. This report details the proposed Scottish Borders Council's consultation response to the SEStran Regional Transport Strategy. The proposed response does highlight that there needs to be a greater emphasis on rural areas, the challenges, ambitions and solutions for the benefit of our communities. SEStran have completed an IIA as part of their Strategy development process, it highlights positive and negative implications for the groups identified in this assessment. The SEStran IIA can be found at the link below:

<https://sestran.gov.uk/publications/sestran-2035-equalities-impact-assessments/>

7.4 Sustainable Development Goals

The finalised Regional Transport Strategy will positively impact the Sustainable Development Goals in the following ways:

- There will be a step change to the prioritisation of transport projects to reduce inequalities, improve wellbeing and inclusive growth. Local equity and accessibility will be regional priorities.
- Active travel sits at the top of the new transport hierarchy, so further investment and behavioural change will benefit the health & wellbeing of our communities.
- Building resilient infrastructure and transport solutions are at the core of the proposed strategy.

- The safety of users on the transport system is a fundamental principle of the draft strategy, which is specifically important for a transition to active travel solutions.
- All of the actions within the draft strategy are focused on delivering the national net zero targets.

7.5 Climate Change

The final SEStran Regional Transport Strategy will identify methodologies for reducing impacts, include direct and indirect greenhouse gas emissions, resulting from regional transport projects. This report provides a proposed consultation response to the draft SEStran Regional Transport Strategy to highlight the need for linking the actions back to the vision of carbon reduction. As this is just a consultation response to a new strategy being delivered by and external organisation, SEStran have already completed an Integrated Impact Assessment (IIA) and Strategic Environmental Assessment (SEA) as part of their Strategy development process. This will highlight positive/negative implications and mitigation for the actions identified in the Climate Change checklist. The SEStran IIA and SEA can be found at

<https://sestran.gov.uk/publications/>

7.6 Rural Proofing

The final SEStran Regional Transport Strategy will identify methodologies for reducing impacts and providing benefits for rural areas resulting from regional transport projects. This report provides a proposed consultation response to the draft SEStran Regional Transport Strategy to highlight the need for equitable benefits across the whole region. As this is just a consultation response to a new strategy being delivered by and external organisation, SEStran have already completed an Integrated Impact Assessment (IIA) and Strategic Environmental Assessment (SEA) as part of their Strategy development process. This will highlight positive/negative implications and mitigation for the actions identified in the Climate Change checklist. The SEStran IIA and SEA can be found at

<https://sestran.gov.uk/publications/>

7.7 Data Protection Impact Statement

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

7.8 Changes to Scheme of Administration or Scheme of Delegation

NA

8 CONSULTATION

8.1 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 on this report and comments received have been incorporated into the final report.

Approved by

Name: John Curry **Title:** Director Infrastructure and Environment

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Background Papers: NA

Previous Minute Reference: NA

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

Contact us at Jacqueline Whitelaw, PLACE, Business Support, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, Tel 0300 100 1800, email JWhitelaw@scotborders.gov.uk.

APPENDIX 1 – Draft Response to Online Questionnaire

1. In Chapter 3 the draft RTS has identified 29 individual transport challenges and problems, do you agree or disagree that these provide an appropriate focus for the RTS?

ANSWER:

Yes in part.

2. Do you feel there are any other transport challenges and problems which have been missed?

ANSWER: Yes

Additional challenges to be added should be:

- *The public transport travel information and ticketing landscape is too complicated and spread across multiple places so it makes it difficult for passengers to plan journeys and buy the best value tickets.*
- *The integration between operators and different modes of transport is not coordinated so it makes it difficult for passengers to plan journeys and buy the best value tickets.*
- *Data is not shared across commercial services so that there is better strategic planning of the transport network.*
- *The power network does not have the resilience to support the on-street EV charging ambition.*
- *The current model of Local Authority led EV charging infrastructure is not sustainable in the long term as the infrastructure created a high resources demand for operation and maintenance support, with regular technology updates and customer support. This has led to high instances of inoperable charging infrastructure that affects public confidence. With the anticipated growth in demand, the private sector delivery and operation model needs to be developed in urban and rural areas to facilitate a transition to companies that have the experience and resources to deliver a network to meet the future demand.*
- *The reputational damage caused to the public transport system during the COVID response have not yet been countered with positive encouragement to re-engage with the services. Public transport is only at 50-70% of its original patronage and to ensure longevity there needs to be sustained growth.*

3. The RTS vision is set out in Chapter 4. Do you agree or disagree that this should be the vision for the new RTS?

ANSWER:

Yes in Part. Additional themes to be added should be:

- *The inclusion of wording that reflects that all of our transport modes need to be fully integrated (physically and through information, ticketing and data sharing).*
- *Also the development of the strategy will support a 'Just Transition' toward Net Zero. A vision that ensures that the benefits of a transition to a net*

zero economy are shared widely, while also supporting those who stand to lose economically.

4. The Strategy Objectives are outlined in Chapter 4. Do you agree or disagree that these should be the Strategy Objectives for the new RTS?

ANSWER:

Yes in Part.

5. Do you think any other Objectives should be considered for the new RTS?

ANSWER: Yes

Additional objectives to be added should be:

- A strategy objective that will support a 'Just Transition' toward Net Zero. An objective that ensures that the benefits of a transition to a net zero economy are shared widely, while also supporting those who stand to lose economically.*
- Also think an objective is required to support 'Inclusive' economic growth, aligning the strategy with NTS2 and to support the regional economic ambitions.*

6. We have identified 'Shaping development and place' as one of the key themes for the RTS in Chapter 5. How important is this theme to you?

ANSWER:

High Importance.

- Infrastructure first principles included in the draft NPF4. The Transit Orientated Development needs to align closely with the final NPF4 and be clearer in its ambition and practical delivery.*
- Putting the burden of cost on developers to deliver more solutions is of concern from a rural perspective, where developments are smaller and house prices are lower than central Scotland.*

7. We have identified 'Delivering safe active travel' as one of the key themes for the RTS in Chapter 6. How important is this theme to you?

ANSWER:

High Importance.

- The role that Active Travel takes in the future transport network is important to deliver the objectives of the RTS, but also other regional and national policies (health & wellbeing, carbon reduction etc). The barriers to the use of Active Travel, highlighted in the RTS can only be overcome with an approach to enhance the standards and investment in this vital form of infrastructure.*
- The delivery of Active Travel has to be undertaken in an overarching vision of how it fits within a connected network to support public transport, placemaking, rural and urban development. Each transport option has a role to play and it isn't a one size fits all across the SEStran region.*
- The role of Active Travel also has to acknowledge the seasonal variations in usage due to weather and darker winter evenings.*

8. We have identified 'Enhancing access to public transport' as one of the key themes for the RTS in Chapter 7. How important is this theme to you?

ANSWER:

High Importance.

- *'Physically accessible' should also cover having access to a bus in the first instance. As per the RTS Main Issues report, 5% of people across the region are without access to public transport and 9% in the Scottish Borders.*
- *Believe that this section does not fully respond to the 29 challenges in Chapter 3 and we need it to respond to the additional challenges identified in this consultation response.*
- *The role of Active Travel also has to acknowledge the seasonal variations in usage due to weather and darker winter evenings.*

9. We have identified 'Enhancing and extending the bus service' as one of the key themes for the RTS in Chapter 8. How important is this theme to you?

ANSWER:

High Importance. However:

- *This section again doesn't recognise the differences between urban and rural challenges.*
- *There is no reference to the data gathered and analysed through the Workforce Mobility project as validation of the regional differences and scale of the challenges.*
- *The role of Demand Responsive Transport is valuable in rural and urban contexts, but it is not a whole system solution for rural areas.*
- *Again, SEStran has a huge opportunity to lead the educational and behavioural change agenda for public transport, repairing public confidence from COVID and leading a generational change to make more sustainable transport decisions.*

10. We have identified 'Enhancing and extending the train service' as one of the key themes for the RTS in Chapter 9. How important is this theme to you?

ANSWER:

High Importance. However:

- *We would like to see a specific mention of the Borders Railway extension.*
- *We would like to see specific mention of improvement work for Borders Rail (Phase 1) i.e. more dynamic loops, more carriages and electrification.*
- *We would like to see more support for service provision at Reston Station.*
- *We see SEStran having an important role in lobbying Scottish Government and Transport Scotland for better integration of rail services into the wider transport network. This should include partnership working, shared information, shared ticketing and better active travel connectivity (more disabled and on train bike storage for example).*

11. We have identified 'Reallocating roadspace on the regional network' as one of the key themes for the RTS in Chapter 10. How important is this theme to you?

ANSWER:

Medium Importance.

12. We have identified 'Improving integration between modes' as one of the key themes for the RTS in Chapter 11. How important is this theme to you?

ANSWER:

High Importance. However:

- *We see SEStran having an important role in lobbying Scottish Government and Transport Scotland for better integration of rail services into the wider transport network. This should include partnership working, shared information, shared ticketing and better active travel connectivity (more disabled and on train bike storage for example).*
- *We see SEStran having an important role in lobbying Scottish Government and Transport Scotland for better integration information and ticketing across the region and Scotland. Obtaining clarity on a single Mobility as a Service solution to include multiple modes without adding to the ticket prices of the customer.*
- *Again, SEStran has a huge opportunity to lead the educational and behavioural change agenda for public Transport, repairing public confidence from COVID and leading a generational change to make more sustainable transport decisions.*

13. We have identified 'Decarbonising transport' as one of the key themes for the RTS in Chapter 12. How important is this theme to you?

ANSWER:

High Importance. However:

- *There is an opportunity for SEStran to help carry out further work to help LA's especially around EVs and hydrogen*
- *We see SEStran having an important role in ensuring the journey to Net-Zero is undertaken in a way that support a 'Just Transition' for the whole region and supports 'inclusive economic growth'.*
- *Again, SEStran has a huge opportunity to lead the educational and behavioural change agenda for public Transport, repairing public confidence from COVID and leading a generational change to make more sustainable transport decisions.*

14. We have identified 'Facilitating efficient freight movement and passenger travel' as one of the key themes for the RTS in Chapter 13. How important is this theme to you?

ANSWER:

High Importance. However:

- *This will be led by Transport Scotland on Trunk Road infrastructure. The local provision that are being proposed may not be deliverable in a rural context due to density of population and demand.*

15. We have identified 'Working towards zero road deaths and serious injuries' as one of the key themes for the RTS in Chapter 14. How important is this theme to you?

ANSWER:

High Importance. Further comment:

- *The policy on 20mph zones specifically mentions the urban environment but not rural. This need to be clarified, and it is suggested the SEStran review the SBC report on the regional pilot project that went to Council in December 2021 regarding the proposed approval of our 20mph schemes.*

16. We have identified 'Reducing car kilometres' as one of the key themes for the RTS in Chapter 15. How important is this theme to you?

ANSWER:

High Importance. However:

- *This section misses the point in terms of trying to deliver public transport improvements for rural areas to enhance the reduction in private car usage. Need rural solutions, where car will always form a large part of the transport jigsaw for rural communities. Need to focus on infrastructure first investment for the short journeys.*
- *There is no priorities around education and generational shift in view. A big part of this strategy should be education, communication and encouragement of the long term sustainable change to daily transport habits.*

17. We have identified 'Responding to the post-Covid world' as one of the key themes for the RTS in Chapter 16. How important is this theme to you?

ANSWER:

High Importance. However:

- *The final strategy should have significantly more emphasis on increasing public confidence in public transport following the national messaging to avoid public transport during COVID 19. Also there is a lead role to play in behavioural change and public education to support the right transport choices to help deliver the strategy vision.*
- *The better utilisation of data and information sharing will form a big part to the COVID recovery. Ideal location to mention the Edinburgh & South East Scotland City region Deal Workforce Mobility Project that is working with anchor employers to analyse employee postcode data to help optimize the transport network and enable the latent commuting demand to shift to sustainable transport options. Also, working with Government, employers and operators to identify incentives that make the change affordable and flexible compared to the private car.*
- *Only one paragraph referencing professionals working from home, I don't think this has been taken into account fully and how that working pattern HAS and WILL reflect on commuter passenger numbers into the future.*

18. In Chapter 17 the spatial strategy identifies two themes to direct where individual projects should be progressed. Do you agree or disagree that these themes provide an appropriate focus for interventions emerging from the new RTS?

ANSWER:

Disagree. Additional considerations to be added should be:

- *Overall this section should align with the principles of NPF4 and the ambitions in the various regional Economic Strategies and growth Deals.*
- *Also we need to remember that we need a focus on stronger links outside the SEStran region to the north, west and south into England.*
- *From a Scottish Borders perspective there are a significant volume of journey within the region or to non-SEStran's regions and these need to be better catered for within the Strategy. This will require cross regional working with other Regional Partnerships.*
- *Again, SEStran has a huge opportunity to lead the educational and behavioural change agenda for public Transport, repairing public confidence from COVID and leading a generational change to make more sustainable transport decisions.*

19. In Chapter 18 a set of Key Performance Indicators (KPIs) linked to the Strategy Objectives are set out. Do you agree or disagree that these KPIs provide an appropriate means to monitor performance of the RTS?

ANSWER:

Disagree. Additional considerations to be added should be:

- *The links back to the strategy 'vision' and 'Objectives' needs to be clearly articulated throughout the document. The core linkages seem to get lost in each section to accurately define how the actions will help deliver the strategy objectives. There also needs to be clear and measurable outputs for each action so that they are quantifiable and link to the Monitoring and Evaluation section of the strategy.*
- *The KPI's drafted in this section are not measurable as there is no baseline data and there is no objective to increase or reduce the baseline data by a prescribed value.*
- *The KPI's mentioned in this section are the means of monitoring progress and need defined targets to achieve, so that performance can be monitored and action taken to deliver the desired outcomes.*

20. If you have any comments to make on the Equalities or Strategic Environmental Assessment documents, please do so in the boxes below

ANSWER:

No

21. If you have any other comments regarding the RTS which have not been covered within the survey, please add them below

ANSWER:

A full list of comments will be provided separately, as per Appendix 2 of this report.

APPENDIX 2 – Draft Detailed Response Following Whole Document Review by Officer Group

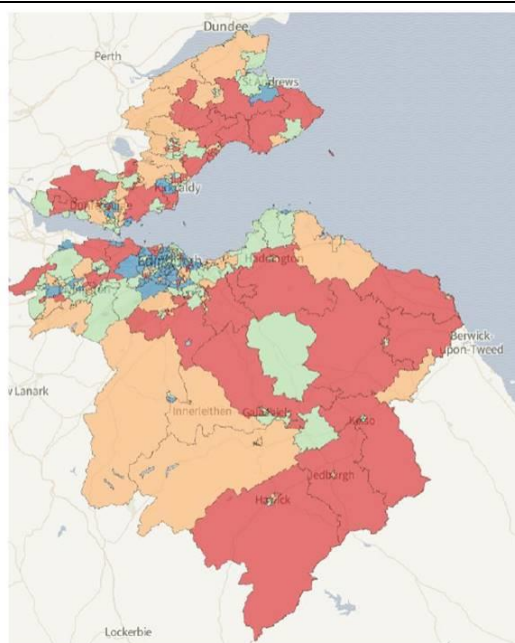
Section/page number	Comment
General	The document needs to include photos and graphic that reflect the whole region. The current selection supports the view that this document is predominately urban focussed and is not representative of all the SEStran partners.
Page 2	Don't like the reference that Scott Borders is the 'Hinterland'. Also the correct name is the 'Scottish Borders'.
Page 4	It should be noted that these projections do not reflect the potential impact of Brexit on net-migration which has been the primary driver of growth in recent years - This could have a big impact can assumptions not be made (based on reliable sources) and factored in?
	New Ways of Working (as a result of Covid) will impact where population growth occurs? Can assumptions be made (based on reliable sources) and factored in?
Page 7	Repetition from previous page. Word missing 'overview of the spatial strategy is shown in A...'
	IRSS diagram of page 7 is not finalised version (should not include green networks in SBC)
Page 8	The RPF is now approved and moving to a deliver plan. Need to mention SOSE & Regional Economic Strategy
Page 10	User perspective 'Complexity of transport information' is a barrier, so is 'lack of coordinated services and modes' and 'an overlay complex transport network'
SECTION 3	
Page 13	Need a regional and rural perspective in here. The region isn't just served by Lothian Buses
Page 13	Where does the reference "The majority of the most 'at risk' population was situated in urban areas" come from? There are high risk populations across the whole region.
Page 13	Who provided the passengers surveys? Is it reflective of the whole region?
Page 14	Mention of surveys again. What surveys? Can you reference where the surveys info comes from and is it representative?
Page 15	Good to see the below is included as a problem: 15. Combining cycling and public transport use is not possible: few buses and trains have facilities to carry bikes whilst those that do have low capacity which creates a degree of uncertainty for users. Finally, the further rollout of bike-buses presents an additional opportunity to improve integration between modes. These have been successfully introduced by Borders Buses with 23 bike friendly vehicles now available with space for between 2 - 4 bikes. These have enabled people to combine bike and bus journeys where previously this wouldn't have been possible. In the future similar provision should also be further extended on train services where practical f) Opportunities should be sought to expand the provision of bike-buses across the region to facilitate more integrated journeys. Actions Work with partners to deliver more buses in the region with the facilities to carry bikes.
Page 17	What was the public survey? How far reaching across the region was it?
	"Public Consultation: A public survey was undertaken online over a six-week period between Monday 8th March 2021 and Monday 19th April 2021. This explored pre-pandemic travel patterns, anticipated post-pandemic travel behaviour along with the reasons for these travel choices. In total 998 responses were received." – Would it be possible to share this data with the partner LA's and the Workforce Mobility Project and a full breakdown of the results?

Page 18	Charger problems/unavailability across the region from the burden of LA's having to operate and maintain has created a negative experience for users. Feedback from SBC
Page 19	The request for the use of Statutory Power by SEStran will require detailed consultation with the LA partners and any recommendations will require approval through statutory process, following validation at each LA. SBC will engage proactively with this consultation process.
SECTION 4	
	Should it be strategic objectives instead of strategy objectives?
Page 21	Could the regional mobility themes be related to urban-rural classification?
Page 22	Grey Box –Additional points required: - Coordinated Transport Network required - Simplifying information and multi-modal ticketing - Affordable transport to support NTS2 hierarchy
	Very little mention of working with other RTPs or cross Border relations with our colleagues to the South, Lanarkshire or D&G. SESTRANS maybe should look at more holistic view.
SECTION 5 – Shaping Development & Place	
Page 24	Transit Orientated Development (TOD) – Is there not already pressure on these corridors? These should be sustainable access corridors. How will this reduce inequalities across the region? Does it increase the gap between urban and rural? How does this support rural jobs and economy? it seems based on a hub and spoke model that all employment and opportunities are in Edinburgh, which is contrary to NTS2, RPF and SoS RES. The draft NPF4 supports a principle of sustainable infrastructure first, but also confirms that it won't accept the sub-urbanisation of rural areas. This creates a conflict in rural areas, but promotes wider/equitable investment. Can you please check and align this section with NPF4? Transit Orientated Development – Needs further exploration with Planning partners – lets simplify the language;
Page 24	20min neighbourhoods – acknowledgement that this is an urban solution which is good. What is the solution in rural areas? Do we look at key connections between Active travel with bus/train (including bike for first mile/last mile) Need to see a rural equivalent of the 20 min neighbourhood;
Page 24	Zero Car development – again this could be an urban solution only. How do you build the commercial incentive for this in the market for developers? The customer has to want this solution for the developer to deliver. What about rural areas? Car sharing communities? Again, getting in line with NPF4 in this section would be helpful.
Page 25	Developer contribution is already a heavily used mechanism in rural areas. Rural developers are already pushed on contributions and margins, based on lower house prices. Could this be assigned to TOD developments? Legislation should only be in relation to certain types of developments, phased graduation to the principles, as the market may not be ready for this yet? Again NPF4 coordination would be helpful
	I don't think LAs will welcome the request for audits for LDPs and other relevant strategies.
SECTION 6 – Delivering Safe Active Travel	
Page 27	Strategic Active Travel network misses the ambition from the SBC LATS Main Issues report in 2015. There is a more extensive ambition in the Scottish Borders. Berwickshire is not covered, neither is the Borderlands Destination

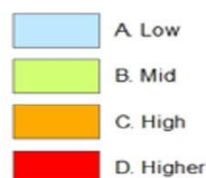
	Tweed, national cycle routes or the Coast 2 Coast development etc..
Page 27	The phase 2 developments are already in place, so all programmed for phase 4 & 5 in the region. Can we have some clarity on the rationale for the phasing please?
Page 27	Why is there no apparent alignment with SUStran design standards? Widths, segregation, lighting etc. The key rule from SUStran is, can a 12 year old safely use the route unaccompanied?
Page 28	Fully supportive of the role of active travel. Bike storage in housing and business developments is key to help adoption. Again, this could be fed back into the NPF4 consultation from SEStran. It would also be more representative if there were more example pictures from across the whole region. GO ebike is another urban solution, how can we roll out equitably across the region?
	Barriers to bike ownership, cost, storage, safety, personal safety, instruction, weather, lack of parking at workplace, lack of welfare facilities at workplace for cyclists. eBikes are a distraction from the real problems not a solution, the public will still need to store, park and use them safely.
Page 29	Is the picture representative of the user? How do we get multiple generations and backgrounds using the bikes? How do we make it equitable? Do we involve the 3 rd sector, NHS etc
Page 29	A comment for all of this section – There is no priorities around education and generational shift in view. A big part of this strategy should be education, communication and encouragement of the long term sustainable change to daily transport habits. Sorry if I have missed this theme and action.
	More funding for feasibility would be really useful for LAs;
	Would like to see more action on E-bike infrastructure and how this links to mobility hubs and EV charging, possibly more feasibility work;
SECTION 7 – Enhanced Access to Public Transport	
Page 31	Physically accessible should also cover having access to a bus in the first instance. As per the Main Issues report 5% of people across the region are without access and 9% in the Scottish Borders.
Page 31	Information – agree with the text, but it doesn't go far enough. The information where there is more than one services provider or transport option is difficult and complex to access. A single place for all transport information is required in multiple formats.
Page 31	RTI is great where it works and is installed, but there is not 100% network coverage. Commitments around this and improving digital connectivity across the whole region is essential. The first step on the Transport Hierarchy should be digital connectivity and avoiding the need to travel in the first place.
Page 32	Affordability is a key barrier for both the customer and the operator. The English BSIP's are moving away from a commercial orientated approach to bus transport and looking at investment of profits in the wider network to reduce inequalities and increase the level of services. The network is still provided by the private sector whether through a JV or Franchise. The status of bus services and funding for Local Authorities needs to be protected to allow investment & growth to encourage more passengers, thus reducing subsidies in the longer term and helping to deliver Net Zero
Page 33	Good case study, but Greater London has a fully coordinating role, which isn't the case out-with Edinburgh. Forced car ownership point good. Fully integrated travel information and ticketing essential.
Page 33	A comment for all of this section – There is no action about reversing the trend from COVID. There should be a communication exercise prioritised to re-assert public confidence in using the bus. There is no priorities around education and generational shift in view. A big part

	of this strategy should be education, communication and encouragement of the long term sustainable change to daily transport habits. Sorry if I have missed these themes and actions.
	Overall it doesn't mention MaaS but it does come later in the report. We need better services, frequency versus price, high volume commuter flows need to be identified, shake up of bus timetables to meet peak demand, rail services need to integrate with the bus, integrated ticketing.. SESTRANS to lobby and influence industry please
	SEStran should be concentrating on working with Scottish Government and other Regional Transport Authorities to deliver improved ticketing arrangements for the whole of Scotland;
SECTION 8 – Enhancing and Extending the Bus Service	
Page 35	Overview – Why not mention that buses transport 4x as many passengers as rail but receive ¼ of the funding. This should help build the argument for further investment.
	BRT – doesn't really reflect the rural barriers of long distances and multiple settlements to services to be commercially viable. Need cross referencing with the whole tool box of transport options in a coordinated way. Not a one size fits all solution for the region.
Page 36, 37, 38,	<p>There does not seem to be recognition of rural issues in the report or in the workforce mobility the Workforce Mobility Deprivation Index developed for the City Region Deal Edinburgh & South East Scotland. Overview of the Workforce Mobility Deprivation Index has been shared with the Improvement Service.</p> <ul style="list-style-type: none"> • To have a context by which to identify areas where there are challenges for workforce mobility. • Working with intermediate zones (IZ) for each of the local authorities within the City Region Deal Edinburgh & South East Scotland. • Each of the 4 components impact on workforce mobility <ul style="list-style-type: none"> ○ People living in 15% most 'access deprived' areas –rurality/ transport / digital ○ Population income deprived –reflecting income challenges ○ Working age population employment deprived –reflecting employment challenges ○ Educational attainment of school leavers –reflecting the potential challenges for young adults <p>Would be helpful if the RTS uses information from the WFM Interim Baseline Report, or the final report to be published in April 2022.</p>

Workforce Mobility Deprivation Index



Workforce Mobility Deprivation Index (WMDI)



The report could also reference the Scottish Access to Bus Indicator – available for each data zone in Scotland reference year is 2019
<https://spice-spotlight.scot/2021/11/19/where-can-i-get-a-bus/>

Extract from report:

About the data

The Scottish Access to Bus Indicator (SABI) gives a score for the accessibility of bus services in each data zone (around 7,000 small areas in Scotland with roughly equal populations) and provides an objective measure of accessibility to public transport by bus in Scotland. This score is worked out by finding all the bus stops within 400 metres of the of the centre point of each 2011 Census Output Area, which are made up of at least 50 people and 20 households. Then they work out the average number of buses per hour within each area.

The indicator provides separate scores for weekday and weekend services. The output areas are aggregated to data zones using a population weighted average. The data zones are then ordered from least to most accessible by:

- quintile, where the data is split into five parts of equal size
- decile, where the data is split into ten parts of equal size.

Page 39	DRT has its place across the region, but it is not the whole solution within rural areas without significant funding, as it is an expensive solution in areas with low populations and limited commerciality. If funded properly for the merits of net zero, wellbeing, reducing inequalities and inclusive growth then a wider adoption across the region would naturally happen.
	Good to see BSIP and franchise models mentioned
Page 39/40	How are these actions to be delivered and funded?
Page 40 – 8.3	Ideal location to mention the Edinburgh & South East Scotland City region Deal Workforce Mobility Project that is working with anchor employers to analyse employee postcode data to help optimize the transport network and enable the

	latent commuting demand to shift to sustainable transport options. Also, working with Government, employers and operators to identify incentives that make the change affordable and flexible compared to the private car.
	Overall it would be helpful to provide case study here about what partners are undertaken across the wider region.
	Overall most of the solution in here are urban. What about sub-urban, sub-rural and rural solutions? This would help the overall connectivity of the region and deliver the priorities of NTS2 and each LA's ambition for reducing inequalities, increasing wellbeing and opportunities for all.
	Bus corridors should mean no private cars, bus priority measures advanced signalling, bus gates at peak hours, and it just needs the support to put the measures in place. Modal shift needs to be more attractive, SESTRANS to lobby Scottish Gov and lead on Communications.
	There is no priorities around education and generational shift in view. A big part of this strategy should be education, communication and encouragement of the long term sustainable change to daily transport habits. Sorry if I have missed these themes and actions.
	DRT provision for rural areas requires more financial support and resourcing;
SECTION 9 – Enhance and Extend the Train Service	
	I would like to see a specific mention of Borders Rail Extension;
	I would like to see specific mention of improvement work for Borders Rail (Phase 1) i.e. more dynamic loops, more carriages and electrification;
	I would like to see more support for service provision at Reston Station;
	We have looked at Edinburgh Cross Rail before and the service was really poor because of constraints at Waverley and the length of route travelled. The service runs much better now although you do require to change at Waverley. SEStran should be working with key partners to try and help resolve the constraints at Waverley such as the Calton Tunnel and the reworked Portobello Junction which has been promised for years;
Page 42	Good clear opposition to reducing rail services and frequencies
	Would also like to see hydrogen trains mentioned, as it would help generate hydrogen demand across the region that maybe helps create the critical mass for local production, thus generating economic benefits.
Page 43	9.2 Policies – Not strong enough. SBC needs clear support for the Borders railway extension and potentially new stations. This should be within this regional strategy despite what may be the position through the SPTR2 process
	9.2 f) – This is potentially counterproductive and could lead to less stops and a reduction in rural services. This needs to maybe be changed that the region wants to benefit from HS2/3/4. This again supports the East Coast Mainline and extension to the Borders Railway (especially with recent announcements about changes to HS2 commitments in the North East of England)
	9.2 h) – Agree with the principle. Can't be done in isolation. It has to be undertaken with bus transport so it is comparable, joined up and not creating more competition for passengers between the two modes. This also needs to be clear on the need to spare information and joint ticketing, rather than the rail network continuing to operate in a silo to the detriment of the vision of a fully integrated transport network.
	9.3 – Need to be a Borders Railway Extension action to lobby and provide support for the extension.
	9.3 – is this list fully representative of the ambitions of the region? Or does it just align with SPTR2
	SEStran should lead the change to get better partnership working and sharing of information from rail to other transport modes.
	Why do train services charge more at peak times, when we should be encouraging an increased use of trains rather than deterring travel and pushing

	<p>people back into cars. If there were more carriages to take commuters it would remove the overcrowding issue that higher charging is meant to control. This could also help reduce car Km's. Is a rethink of the old peak time models required? Is our infrastructure actually resilient enough to support a modal shift (both train and bus) in its current form?</p> <p>What is the long term effect of flexible working on commuter habits?</p>
SECTION 10 – Reallocating Roadspace on the Regional and Local Network	
	I am not sure we actually need this chapter. It is inherent in the NTS and the just transition and just feels an add-on here and doesn't really add anything
	Overall, this seems to be a section (like a number of others) where 'behavioural change' initiatives should be lead and supported/led by SEStran.
	There is no priorities around education and generational shift in view. A big part of this strategy should be education, communication and encouragement of the long term sustainable change to daily transport habits. Sorry if I have missed these themes and actions.
	explore 'Golden Hour' of regional distribution, get the trucks on and off major transport corridors overnight, early morning before commuter services begin, HGV embargo during rush hour, off peak deliveries only.. SESTRANS to lobby LA's and the Freight sector to determine solutions.
SECTION 11 – Improve Integration Between Modes	
	There is an opportunity for greater integration between bus and rail when ScotRail becomes a public company and SEStran should be lobbying on this issue on our behalf;
	Agree the 'Hubs' concept is scalable. Again very reliant on good digital connectivity.
	Completely supportive of Maas. Need the aspiration to be a single Scotland wide solution so you can plan your trip on one site from Langholm to Lerwick
Figure 11.2	Not sure I would agree that Bus is a low cost option in a rural setting (is for those with concessions but not other users/potential users) Unless it's subsidised, DRT will be high cost for users in a Rural context
Page 50	Disagree with the spare capacity statement to accommodate DRT with existing fleet. The fleet in the Scottish Borders is utilised across fixed routes services and school services to sweat the asset. The fixed routes are running all day. The key here from an SBC perspective is to look at the fleet specification. Moving to smaller buses that are fully accessible provides the flexibility to optimise the fleet across fixed routes (where patronage number allow), school services and DRT. Again this shouldn't be done in isolation as requires the sharing of patronage data across commercial and subsidised services to optimise the network, and the Workforce Mobility project data analysis to respond to the untapped demand of the car travelling workforce. (if we can get 10% of the car travelling workforce to move to public transport it could be a significant boost to services and help target subsidies to harder to reach areas through DRT)
	Bike on bus infrastructure should be mandatory across the region, especially on through routes (first mile/last mile support)
	More bike storage provision on trains (first mile/last mile support)
Page 52	There are a lot of positive items in 11.3 – How are you going to support LA's deliver these actions and how are they going to be delivered equitably across the region?
	Need to re-inforce the vision of a fully coordinated transport network, with better collaboration, information sharing, single point of information and ticketing for the public across all modes in Scotland.
	How are we going to fund this ambition?
	There is no priorities around education and generational shift in view. A big part of this strategy should be education, communication and encouragement of the

	long term sustainable change to daily transport habits. Sorry if I have missed these themes and actions.
SECTION 12 – Decarbonising Transport	
	There is an opportunity for SEStran to help carry out further work to help LA's especially around EVs and hydrogen;
Page 54	Need to explain the following statement further ' <i>There is some debate about much less carbon intensive an EV is over its lifecycle compared to a fossil fuelled car, but there is little doubt that where a car trip has to be made, it is better made in an EV.</i> ' How do you justify the statement? Not saying it is wrong, but what parameters is this measured against (whole life carbon?) What are the benefits?
	What are the Local/regional incentives to replace Gov Funding for EV cars & Chargers? There are a number of feasibility studies looking to deliver solution aligned with NTS 2 Delivery plan through commercial models for charging infrastructure. What is happening elsewhere in the region? There are various approaches being investigated across the region. SEStran role to share best practice across the region is a key priority on this topic and find urban and rural exemplar.
Page 55	Should this section not have more on hydrogen and link with economic strategies across the region? Again linking with Private sector providers to help deliver urban and rural solutions
	This section should include a strong position on 'Just Transition' and links to wider policies across nationally and regionally. This agenda has the potential to minimise transport costs across the region, attract new users, increase accessibility and make our environment clear for our health and wellbeing.
	Need a better balance between EV, Hydrogen and anything else that is developed in the next 10 years. This section need flexibility and needs to be open to new technologies emerging. Still a bit prescriptive at this point. The recent storms highlight the vulnerability of a fully electric system for transport and heating.
	No mention of coordination with NRSWA and the implications of private supplies in public spaces
	Should Ferry and planes be mentioned in this section?
	How do we incentivise operators to change when the prices are high and the technology is developing so quickly? In two year's time the fleet could be out of date and inefficient. Difficult position until we know if hydrogen is going to be a solution for >3.5t vehicles.
	There is no priorities around education and generational shift in views/habits. A big part of this strategy should be education, communication and encouragement of the long term sustainable change to daily transport habits. Sorry if I have missed these themes and actions.
SECTION 13 – Facilitating Efficient Freight Movement and Passenger Travel	
Page 57	Why don't we use congestion 'hot spots' to help change public perception and accelerate a modal shift? If you get the modal shift then the 'hot spot' is removed.
	The rest area commitments need strengthened.
Page 60	Need to strengthen commitments to increase rail provisions to take freight
	13.2 a) why are we trying to increase capacity if we want a modal shift, except where there is a safety issue?
	How are these elements going to be delivered and financed
	Consolidation Centres and Rail Freight require double handling of goods, adds to time and cost and not suitable to FMCG's and Parcel sector. liability for handling product, security and safety all a concern. SEStran to lead engagement with the sector?

SECTION 14 – Working Towards Zero Road Deaths and Serious Injuries	
	This section should also link with supporting a modal shift and reducing traffic volumes
	I may have missed it, but what about police enforcement?
	The policy on 20mph zones specifically mentions the urban environment but not rural. This need to be clarified, especially with an SBC report going to Council next week regarding the proposed approval of our 20mph scheme;
	I am curious that SEStran is proposing to develop Route Action Plans?
SECTION 15 – Reducing Car Km	
	This section misses the point in terms of trying to deliver public transport improvements for rural areas to enhance the reduction in private car usage;
	There is also the issue of equipping people adequately so that they do not need to travel as much as they used to do;
	There is still the question regarding EVs in rural areas, are we supporting or are we not supporting?
	Need rural solutions, where car will always form a part of the transport jigsaw for rural communities. Need to focus on infrastructure first investment for the short journeys, but be open to shared transport and different mass transport models
	How do 'LEZ's' impact Just Transition and equalities? Need to consider the wider implication out with the urban areas that introduce these
	The actions should be delivered equitably across the region
	Digital improvements across the region as an alternative to travel in the first instance
	There is no priorities around education and generational shift in view. A big part of this strategy should be education, communication and encouragement of the long term sustainable change to daily transport habits. Sorry if I have missed these themes and actions.
SECTION 16 - Responding to the Post Covid World	
	Great opportunity here to commit to regional communications to get people back using public transport. Hopefully the U22 roll out will help raise the profile of public transport but it needs to be undertaken for all ages.
	The better utilisation of data and information sharing will form a big part to the COVID recovery. Ideal location to mention the Edinburgh & South East Scotland City region Deal Workforce Mobility Project that is working with anchor employers to analyse employee postcode data to help optimize the transport network and enable the latent commuting demand to shift to sustainable transport options. Also, working with Government, employers and operators to identify incentives that make the change affordable and flexible compared to the private car.
	one paragraph referencing professionals working from home, I don't think this has been taken into account fully and how that working pattern HAS and WILL reflect on commuter passenger numbers into the future
	Could be opportunities as workplaces now more flexible on working hours (where appropriate) so peak congestion could reduce? What is the impact on traditional morning and evening peaks?
	Should think about referencing current inflation which could impact the cost of using public transport which is already a barrier for many.
	Bus driver shortage impact service and potentially increasing ticket prices? And transport availability? How are SEStran representing the sector with key employability agencies?
SECTION 17 – Spatial Strategies	
	Overall this section should align with the principles of NPF4 and the regional Economic Strategies
Page 74	Does this information not suggest that we should de-centralise the employment and develop the working pattern shift that has taken place as a reaction to

	COVID19?
Page 75	This regional car travel could help better inform our public transport system if we can get origin destination data and shift patterns (as per the workforce mobility project)
Page 76	It would be good to get some number behind the % figures. What number and percentage of each area don't commute into Edinburgh? What are the percentages that community within their own region? What are the percentages that commute to other SEStran regions.
	We need to remember that we need a focus on stronger links outside the SEStran region to the north, west and south into England also.
Page 79	You don't seem to have picked up all the Border Buses connection out with the region, which are important to the Scottish Borders. We can't just focus on all corridors leading to Edinburgh.
	Overall this section needs to align and reflect the ambition of the Regional Prosperity Framework and the SoS Regional Economic Strategy
	The section highlights the huge investment needed to get people out of cars and using Active Travel and mass transit options. How can this be delivered?
Page 91	Theme 2 – Where is the detail behind this statement? Sorry if I have missed it in the Section
	Is the spatial strategy correct? Does it not need to reflect how we connect between corridors

SHORT TERM LETS LICENSING

Briefing Note by Chief Legal Officer

SCOTTISH BORDERS COUNCIL

25 August 2022

1 BACKGROUND

- 1.1 The purpose of this note is to update Members on the requirements of the new mandatory licensing system for short term lets which local authorities are required to establish by **1 October 2022**.
- 1.2 On 19 January 2022, the Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022 was approved by the Scottish Government. The order came into effect on 1 March 2022 and inserts new legislative provisions into the Civic Government (Scotland) Act 1982. Prior to the introduction of the legislation, there was no requirement to licence short-term lets and, therefore, local authorities did not have the ability to regulate these types of premises.
- 1.3 The licensing scheme was brought in by the Scottish Government with the aim to ensure short-term lets are safe, address issues faced by neighbours, to facilitate local authorities in knowing and understanding what is happening in their area, and handling complaints effectively. It also enables local authorities to ensure the people providing short-term lets are suitable. The legislation aims to make sure that the economic and tourism benefits from short-term lets are balanced with the needs and concerns of local communities.

2 TIMESCALES

- 2.1 The new regime has a two tier approach to implementation, in that existing operators have more time to apply for a licence than any new operator. After 1 October 2022, any new hosts and operators will need to have a licence before they can operate. Any hosts and operators not previously providing short-term lets before 1 October 2022 will be able **advertise** but cannot take any bookings or receive guests until they have obtained a licence.
- 2.2 **Existing hosts and operators** using accommodation to provide short-term lets prior to 1 October 2022 have until **1 April 2023 to apply for a licence**. During this period existing hosts and operators can continue to

operate and take bookings and receive guests (unless their application has been received, determined and refused).

2.3 After 1 April 2023, existing hosts and operators can only continue to operate if they **have submitted an application** for a licence on or before 1 April 2023 that has not yet been determined or have been granted a short-term let licence. All short term lets must be licensed by 1 April 2024.

2.4 **In other words, existing operators do not need to have obtained a licence by the 1 April 2023, but they must have applied for such a licence on or before that date.**

3 WHAT IS A SHORT-TERM LET?

3.1 A short-term let is not defined by the length of that letting period, rather it is defined as the use of residential accommodation provided by a host in the course of business to a guest where **all** the following criteria are met:

- (a) the guest does not use the accommodation as their only or principal home,
- (b) the short-term let is entered into for commercial consideration,
- (c) the guest is not-
 - (i) an immediate family member of the host,
 - (ii) sharing the accommodation with the host for the principal purpose of advancing the guest's education as part of an arrangement made or approved by a school, college or further or higher educational institution or an owner or part owner of the accommodation,
- (d) the accommodation is not provided for the principal purpose of facilitating the provision of work or services by the guest to the host or another member of the host's household,
- (e) the accommodation is not excluded accommodation,
- (f) the short-term let does not constitute and excluded tenancy.

3.2 A number of property types are specifically excluded from the Licensing Scheme, for example, hostels, aparthotels and student accommodation.

4 LICENSING PROCESS

4.1 Applications will be made in writing (online) to the Council. Any applications will be published and the public will have the right to object.

4.2 The Authority will determine the application having regard to whether the Applicant is a fit and proper person to hold the licence and the premises is suitable for the conduct of the activity, having regard to-

- (i) the location, character or condition of the premises,
- (ii) the nature and extent of the proposed activity,
- (iii) the kind of persons likely to be in the premises,
- (iv) the possibility of undue public nuisance, public order; or public safety,
- (v) other good reason

4.3 Any Licence which is granted will contain a number of Conditions. The Legislation requires a number of mandatory conditions to be attached, and these are shown in Appendix A. As can be seen these include matters related to gas, electricity and fire safety. In addition to those mandatory conditions an authority can attach such other conditions that they think are appropriate.

5 TYPES OF LICENSES

5.1 The different types of licences which can be applied for are defined as follows:

- (1) Secondary Letting- this means a short term let involving the letting of a property where the host or operator does not normally live.
- (2) Home Letting- this means a short term let where the host or operator lets out part or all of their home whilst they are absent.
- (3) Home Sharing- this means a short-term let where the host or operator lets out part or all of their home for short-term lets whilst they are there. This includes guest houses or bed and breakfast accommodation within the host or operator's principal residence.

5.2 A separate licence is required for each of a host or operator's premises. However, a single licence may be issued in respect of unconventional accommodation such as glamping pods where there is more than one separately bookable property on the same site.

5.3 **A licence shall have effect for a period of three years** from the date it comes into effect or for such shorter period as the licensing authority may decide at the time of the grant. In addition, upon renewal of the licence the licensing authority may grant the licence for a period of longer than three years if it deems it appropriate to do so. Scottish Government guidance to Local authorities however encourages local authorities to grant licences for a period of three years unless they have good reason to do otherwise.

6 FEES

6.1 Licensing authorities are required to charge fees in respect of processing and determining applications. They must ensure that the fees are sufficient to cover their administrative costs. The Council will require to agree the appropriate fees to be charged, but Licensing Officers are currently considering what an appropriate level may be. Regard is being paid both to the fees charged for other licences and also to the fees which other local authorities charge. A possible recommendation may be:

- (a) Maximum Occupancy of 5 people or more-
 - Secondary letting - £400
 - Home letting or home sharing or both- £275
- (b) Maximum Occupancy of 4 people or Less-
 - Secondary Letting - £250
 - Home letting or home sharing or both- £200

7 DRAFT POLICY

- 7.1 A draft short-term lets licensing policy is currently being finalised for Members to consider, with a view thereafter of carrying out a short public consultation of three weeks on the terms of the draft policy. Upon the conclusion of the public consultation the responses will be collated and the findings reported to the Council's Civic Government Licensing Committee prior to the Licensing Policy being finalised.

8 SHORT-TERM LET CONTROL AREAS

- 8.1 There is a separate legislative process from licensing which allows the Council, as Planning Authority, to establish short term let control areas. The purpose of control areas is to help planning authorities manage high concentration of secondary letting where it affects the availability of residential housing or the character of the neighbourhood and to restrict or prevent short-term lets in places where it is not appropriate.
- 8.2 The Council does not currently propose to designate any short term let control areas but this will be reviewed regularly. Outside of a control area it is for the planning authority to consider whether any change of use of a dwelling-house is material and therefore requires planning permission. It will be a mandatory condition of the licence that a host or operator complied with the planning regime. Hosts and Operators will be encouraged to liaise with the Council's planning department prior to submitting a licence application to confirm whether they require planning permission or a certificate of lawful use.

9 NON-DOMESTIC RATES

- 9.1 The Assessor has advised that the law in respect of Short-Term Lets for Valuation for Rating differs to this licensing regime. If a property, due to its actual use (not planning use), is determined by the Assessor to be non-domestic, having regard to the Valuation Acts and Case Law, it will fall to be entered in the valuation roll and liable for non-domestic rates.
- 9.2 In March 2022, the Assessor issued a communication to the operators of all Self-Catering properties within the Valuation Roll (c850) advising that the law in respect of the valuation for non-domestic rating of Self-Catering properties was changing in Scotland.
- 9.3 On 1 April 2022, the Council Tax (Dwellings & Part Residential Subjects) (Scotland) Amendment Regulations 2021 came into force. This legislation was introduced by Scottish Government following a recommendation within the Barclay Report on Non-Domestic Rates (August 2017) to counter a known Council Tax avoidance tactic for second homes.
- 9.4 For each financial year, from 2022/23 onwards, in order to be classed as a non-domestic property and liable for non-domestic rates instead of Council Tax, a self-catering operator will be required by the Assessor to declare that the property **was not a sole or main residence**, provide **evidence of 70 days of actual letting** as well as **140 days of intention to let**. The

letting must be on a commercial basis, with a view to the making of profit, therefore, any lettings to family/friends at a nil/reduced rate will not count towards this requirement. This legislation is independent of any HMRC rules in respect of Furnished Holiday Lets. If an operator does not meet this criteria the Assessor will retrospectively transfer the property to the Council Tax List.

Appendix A – Mandatory licence conditions

Agents

1. Only those named as a holder of the licence can carry out the day to day management of the short-term let of the premises.

Type of licence

2. The holder of the licence may only offer the type of short-term let for which the licence has been granted.

Fire safety

3. The holder of the licence must ensure the premises has satisfactory equipment installed for detecting, and for giving warning of—
 - (a) fire or suspected fire, and
 - (b) the presence of carbon monoxide in a concentration that is hazardous to health.
4. The holder of the licence must keep records showing that all upholstered furnishings and mattresses within the parts of the premises which are for guest use, or to which the guests are otherwise permitted to have access, comply with the Furniture and Furnishings (Fire Safety) Regulations 1988.

Gas safety

5. Where the premises has a gas supply—
 - (a) the holder of the licence must arrange for an annual gas safety inspection of all gas pipes, flues and appliances in the premises,
 - (b) if, after an annual inspection, any appliance does not meet the required safety standard, the holder of the licence must not allow a short-term let of the premises until the works necessary to bring the appliance to the required safety standard have been carried out.

Electrical safety

6. Where there are electrical fittings or items within the parts of the premises which are for guest use, or to which the guests are permitted to have access, the holder of the licence must—
 - (a) ensure that any electrical fittings and items are in—
 - (i) a reasonable state of repair, and
 - (ii) proper and safe working order,
 - (b) arrange for an electrical safety inspection to be carried out by a competent person at least every five years or more frequently if directed by the competent person,
 - (c) ensure that, following an electrical safety inspection, the competent person produces an Electrical Installation Condition Report on any fixed installations,
 - (d) arrange for a competent person to—
 - (i) produce a Portable Appliance Testing Report on moveable appliances to which a guest has access, and
 - (ii) date label and sign all moveable appliances which have been inspected.

7. In determining who is competent, the holder of the licence must have regard to guidance issued by the Scottish Ministers under section 19B(4) of the Housing (Scotland) Act 2006(2).

Water safety: private water supplies

8. Where the premises are served by a private water supply, the licence holder must comply with the requirements on the owners of private dwellings set out in the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017.

Water safety: legionella

9. The holder of the licence must assess the risk from exposure to legionella within the premises, whether or not the premises are served by a private water supply.

Safety & repair standards

10. (1) The holder of the licence must take all reasonable steps to ensure the premises are safe for residential use.
- (2) Where the premises are subject to the requirements of Chapter 4 of Part 1 of the Housing (Scotland) Act 2006, the holder of the licence must ensure that the premises meet the repairing standard.

Maximum Occupancy

11. The licence holder must ensure that the number of guests residing on the premises does not exceed the number specified in the licence.

Information to be displayed

12. The holder of the licence must make the following information available within the premises in a place where it is accessible to all guests—
- (a) a certified copy of the licence and the licence conditions,
 - (b) fire, gas and electrical safety information,
 - (c) details of how to summon the assistance of emergency services,
 - (d) a copy of the gas safety report,
 - (e) a copy of the Electrical Installation Condition Report, and
 - (f) a copy of the Portable Appliance Testing Report.

Planning Permission

13. Where the premises is in a short-term let control area for the purposes of section 26B of the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”), the holder of the licence must, where the use of the premises for a short-term let requires planning permission under the 1997 Act, ensure that either—
- (a) an application has been made for planning permission under the 1997 Act and has not yet been determined, or
 - (b) planning permission under the 1997 Act is in force.

Listings

14. (1) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises includes—
- (a) the licence number, and

- (b) a valid Energy Performance Certificate rating if an Energy Performance Certificate is required for the premises, in accordance with the Energy Performance of Buildings (Scotland) Regulations 2008
- (2) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises is consistent with the terms of the short-term let licence.

Insurance

- 15.** The holder of the licence must ensure that there is in place for the premises—
- (a) valid buildings insurance for the duration of the licence, and
 - (b) valid public liability insurance for the duration of each short-term let agreement.

Payment of fees

- 16.** The holder of the licence must pay any fees due to the licensing authority in respect of the licence on demand.

False or misleading information

- 17.** The holder of the licence must not provide any false or misleading information to the licensing authority.

Interpretation

- 18.** In this schedule—

“Electrical Installation Condition Report” means a report containing the following information -

- (a) the date on which the inspection was carried out,
- (b) the address of the premises inspected,
- (c) the name, address and relevant qualifications of the person who carried out the inspection,
- (d) a description, and the location, of each installation, fixture, fitting and appliance inspected,
- (e) any defect identified,
- (f) any action taken to remedy a defect,

“Energy Performance Certificate” means a certificate which complies with regulation 6 of the Energy Performance of Buildings (Scotland) Regulations 2008,

“Gas safety report” means a report containing the following information -

- (a) the date on which the appliance or flue was checked,
- (b) the address of the premises at which the appliance or flue is installed,
- (c) a description of and the location of each appliance or flue checked,
- (d) any safety defect identified,
- (e) any remedial action taken,

- (f) confirmation that the check undertaken complies with the requirements of an examination of—
 - (i) the effectiveness of any flue,
 - (ii) the supply of combustion air,
 - (iii) subject to head (iv), its operating pressure or heat input or, where necessary, both,
 - (iv) if it is not reasonably practicable to examine its operating pressure or heat input (or, where necessary, both), its combustion performance,
 - (v) its operation so as to ensure its safe functioning,
- (g) the name and signature of the individual carrying out the check, and
- (h) the registration number with which that individual, or that individual's employer, is registered with a body approved by the Health and Safety Executive for the purposes of regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998.

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INITIAL AMENDMENTS TO THE INTERIM SCHEME OF ADMINISTRATION AND CHANGES TO STANDING ORDERS

Report by Acting Chief Executive

SCOTTISH BORDERS COUNCIL

25 August 2022

1 PURPOSE AND SUMMARY

- 1.1 **This report proposes initial changes to the Interim Scheme of Administration and changes to Standing Orders, with a further report to be presented to Council in September 2022.**
- 1.2 At its meeting held on 26 May 2022, Scottish Borders Council agreed to the establishment of a Cross-Party Working Group to work on proposals for changes to the Interim Scheme of Administration. The Working Group has had wide ranging discussions and its work continues but included in this report are the initial changes being proposed so far.
- 1.3 Section 4 of the report contains the proposed changes to the Interim Scheme of Administration and the details are contained in the Appendix. There are also changes being proposed to Standing Orders to amend the publication dates of agendas/papers for meetings from seven days prior to a meeting to ten days; and to further widen debate at meetings on Motions.
- 1.4 Section 6 of the report contains further proposals from the Working Group covering a pilot change of timing for a Council meeting; potentially allowing members of the public to submit questions for a Council meeting in a similar way to those submitted by Elected Members; a review of the Employee Council; and the future removal of the Community Planning Strategic Board as a Council committee linked to the current review of the Community Planning Partnership.
- 1.5 Section 7 of the report gives details of which committee meetings should be held in a blended way (in the Chamber at Council HQ and online via Microsoft Teams) and which should be, for the main part, held wholly online (via Microsoft Teams) to take account of the current climate emergency and to assist with greater public engagement. The public business for these meetings will continue to be livestreamed and recorded. There are no known external venues out-with Council HQ at the moment with the technology/capacity to livestream or record such meetings, so any physical meetings held out-with HQ cannot currently be livestreamed or recorded.

2 RECOMMENDATIONS

3.1 I recommend that the Council agrees:

(a) to make the following changes to the Interim Scheme of Administration (as detailed in the attached Appendix):

- (i) Section II, Provisions applicable to all Committees – amend the wording in the second sentence to add clarity, so it reads: “It shall be delegated to the Chief Executive or the Clerk to the Council to make the final determinations, in consultation with the Convener (Council) or Leader (Executive) or appropriate Chair, on whether or not an item of business should be included on an agenda.”**

- (ii) Section III – Council Sub-Committees (Major Contracts Governance Group) – the functions to monitor the performance of Live Borders be moved from the Executive Committee to this Group and the name of the Group is changed to the External Services/Providers Monitoring Group to better reflect that remit;**

- (iii) Section IV – Executive Committee and Education Performance Sub-Committee –**
 - The Leader will chair all meetings of the Executive Committee**
 - The removal of the Education Performance Sub-Committee**
 - The establishment of an Education Sub-Committee of the Executive**
 - That the current teacher, parent council, and pupil representatives on the Executive Committee move to the Education Sub-Committee**
 - The religious representatives become non-voting members of the Education Sub-Committee, in line with the other non-voting members of the Sub-Committee**
 - The Education functions in the Executive Committee and the functions of the Education Performance Sub-Committee be moved to the Education Sub-Committee**
 - Seven Elected members are appointed to the Education Sub-Committee, namely the Executive Member for Education & Lifelong Learning (Chair), the Executive Member for Developing Our Children & Young People, two other members of the Administration, the Champion for Opportunities for Young People, the Champion for Education & Young People and one other member not on the Administration;**

- (iv) Section V – Audit and Scrutiny Committee –**
 - The removal of the Audit & Scrutiny Committee**
 - The establishment of an Audit Committee, comprising 10 Elected Members and two non-voting members from an external source**

- **The establishment of a Scrutiny & Petitions Committee, comprising 10 Elected Members**
 - **The audit and risk functions of the Audit & Scrutiny Committee move to the Audit Committee**
 - **The scrutiny and petitions/deputations functions of the Audit & Scrutiny Committee move to the Scrutiny & Petitions Committee;**
- (b) that a further report be brought back to the next meeting of Council to allow Members to consider a proposal to invite a number of service users to attend - as non-voting members - those meetings of the External Services/Providers Monitoring Group for those meetings where Live Borders performance is being considered;**
- (c) to appoint the existing Elected Members on the Audit & Scrutiny Committee to both the Audit Committee and the Scrutiny & Petitions Committee;**
- (d) to amend the following Standing Orders:**
- (i) Standing Order No. 8 to read: "Notice of the time and place of a meeting of the Council, and copies of any written reports to be considered, shall be given by the proper officer not later than ten days before the meeting by being left at or sent by post or communicated by e-mail to the usual place of residence of every member of the Council.";**
 - (ii) Standing Order No. 33 to read: "A motion to which no amendment is moved may be the subject of debate at the sole discretion of the Chair, if the subject matter is considered by the Chair to be of special interest to the meeting, otherwise the motion will be declared carried." ;**
 - (iii) Standing Order No. 35 to read: "At the discretion of the Chair, a member may address the Council more than once on any motion or amendment. A member may speak to a Point of Order or in explanation of some material part of a speech made by them which they believe to have been misunderstood or in reply to a question addressed to them through the Chair."**
- (e) to amend the start time of the October or November meeting of Scottish Borders Council from 10am to 2pm and to review that impact thereafter;**
- (f) that officers bring a report to the next meeting of Council for consideration of a process for the inclusion of questions from the public at Council meetings;**
- (g) that officers undertake a review of the purpose and function of the Employee Council and a report brought back to Council in due course on the most appropriate vehicle for future employee**

engagement, including whether the Employee Council should remain within the Scheme of Administration in future;

- (h) in principle to the removal of the Community Planning Strategic Board as a formal committee of Council, once the current review of the Community Planning Partnership is completed;**
- (i) that each Area Partnership considers holding an annual event to showcase its work and the outcomes of the projects which it has grant-funded;**
- (j) that the following Committee meetings are held in a blended way (with Members/Officers/the public attending in the Chamber at Council HQ or online via Microsoft Teams): Scottish Borders Council; Executive Committee; Civic Government Licensing Committee; Planning & Building Standards Committee; Local Review Body; Pension Fund Investment & Performance Sub-Committee; Staffing Appeals Committee; Education Appeals Committee; Asset Transfer Appeals Committee; and Scottish Borders Licensing Board;**
- (k) that the following meetings are held wholly online via Microsoft Teams: all Common Good Fund Sub-Committees; William Hill Trust; External Services/Providers Monitoring Group; Education Sub-Committee; Audit Committee; Scrutiny & Petitions Committee; Sustainable Development Committee; Pension Fund Committee; JCG: Staff; JCG: Teachers; Police, Fire & Rescue, and Safer Communities Board; Community Planning Strategic Board; Area Partnerships; Local Licensing Forum; Police CAT Members Oversight Group; Anti-Poverty Members Reference Group; Community Council Scheme Review Working Group; and Regional Economic Strategy Reference Group; and**
- (l) to note that the Chair of a committee retains the option to request meetings be held in person, taking account of travel for Members, Officers and other attendees, and also the potential impact on public engagement and attendance.**

3 BACKGROUND

- 3.1 At its meeting held on 26 May 2022, Scottish Borders Council agreed to some changes to the Scheme of Administration to take account of the new Portfolio holders and the consequential impact on committee memberships, and to the establishment of a Cross-Party Working Group to work on proposals for further changes to the Scheme. The Working Group comprises Councillors McAteer (Chair), Cochrane, Jardine, Linehan, Moffat, Pirone, Robson, Rowley, Sinclair and Thornton-Nicol and has now met on 5 occasions.
- 4.2 The Working Group has had wide ranging discussions, covering among other points, the committee structure, membership of committees, interaction with the Council Plan, Member and community engagement, debate, the role of Elected Members Champions and Portfolio holders, etc. The main aim of these discussions was to establish what worked well and what could be even better, which included the business being considered at meetings, the publication of papers, timing of meetings, physical and online venues. The work of the Group continues but included in this report are the initial changes being proposed to date.

4 PROPOSED INITIAL CHANGES TO THE INTERIM SCHEME OF ADMINISTRATION

- 4.1 After due consideration, the Cross-Party Members Working Group is now proposing a number of initial changes to the Interim Scheme of Administration, which are also included in the Appendix to this report, highlighted in red (removed) and blue (added).

Section II – Provisions applicable to all Committees

- 4.2 Paragraph 15 of this section refers to items for agendas and reports for committees. It is proposed to change the wording in the second sentence to add clarity, so it would read: "It shall be delegated to the Chief Executive or the Clerk to the Council to make the final determinations, in consultation with the Convener (Council) or Leader (Executive) or appropriate Chair, on whether or not an item of business should be included on an agenda."

Section III – Council Sub-Committees (Major Contracts Governance Group)

- 4.3 It is proposed that the Major Contracts Governance Group has a scrutiny and performance evaluation remit for not only SB Contracts and CGI but also Live Borders. This will allow specific focus on those significant Council services either being provided to external customers or those services which are being provided on behalf of the Council by an external provider through contract, Service Level Agreement or Memorandum of Understanding. Thus the current performance monitoring of Live Borders would move from the Executive Committee to the Major Contracts Governance Group. To better reflect these changes, it is also proposed that the name of the Group is changed to the External Services/Providers Monitoring Group. Meetings of the Group are also likely to focus on only one service at a time so that each meeting is not too long, which will mean an increase in the number of

meetings of the Group. For those meetings of the Group which would be considering Live Borders performance, it is proposed that a number of service users be invited to attend as non-voting members and a further report will be brought to Council with details of this.

Section IV – Executive Committee and Education Performance Sub-Committee

- 4.4 It is proposed that the Leader chairs all meetings of the Executive Committee which will allow the relevant Portfolio holders to fully participate in debates at themed meetings. The Working Group is considering themes for Executive meetings/agendas in conjunction with those in the Council Plan and will provide further proposals in due course for any changes. As proposed in paragraph 4.3, the remit of the Executive Committee regarding Live Borders will be moved to the External Services/Providers Monitoring Group.
- 4.5 It is also proposed that to allow more substantial monitoring of education matters, that the Education Performance Sub-Committee is deleted and a new Education Sub-Committee of Executive is established, with a cross party representation. The current non-Elected Members of the Executive Committee would become non-voting members of the Education Sub-Committee. This would include the current religious representatives who would move from voting to non-voting members, to mirror the status of the other non-Elected Members on the Committee. Education matters currently included in the remit of the Executive and Education Performance Sub-Committee would transfer to the new Education Sub-Committee. Where HMIe reports, educational Care Inspectorate reports and internal school reviews items were being considered by the Sub-Committee, the teacher, parent teacher and pupil representatives would be excluded from the meeting. It is suggested that the constitution of the new Sub-Committee would comprise seven Elected Members, being:
- Executive Member for Education & Lifelong Learning (Chair)
 - Executive Member for Developing Our Children & Young People
 - Two other members of the Administration
 - Champion for Opportunities for Young People
 - Champion for Education & Young People
 - One other member not on the Administration
- And a further nine non-voting members:
- Three persons interested in the promotion of religious education appointed in accordance with Section 124 of the Local Government (Scotland) Act 1973 as amended by Section 31 of the Local Government Etc. (Scotland) Act 1994
 - Two teachers in the employment of the Council
 - Two representatives from Parent Councils, one from the Primary sector and one from the Secondary sector
 - Two pupil representatives

Section V – Audit and Scrutiny Committee

- 4.6 It is proposed that the Audit & Scrutiny Committee is split into two separate committees, namely an Audit Committee and a Scrutiny & Petitions Committee, each with ten Elected Members, with the functions moving to the relevant Committee. The two additional members appointed from an external source as non-voting members would move to the Audit Committee. Members may wish to consider whether the existing Elected

Members on the Audit & Scrutiny Committee would sit on both the new Committees for the time being or make changes at this point. Details of the new Committees are contained in the Appendix.

5 AMENDMENTS TO STANDING ORDERS

5.1 As part of its discussions, the Working Group also gave consideration of the amount of time allowed for Members to read reports once they are published and give due thought to their content. To assist in this, it is proposed that Standing Order No. 8 be amended to change the publication date of agendas/reports from 7 to 10 days prior to a meeting. There may still be the occasion where a report is not yet finalised so will need to come out as a late paper but this should not happen on a regular basis. Thus Standing Order No. 8 would read: "Notice of the time and place of a meeting of the Council, and copies of any written reports to be considered, shall be given by the proper officer not later than ten days before the meeting by being left at or sent by post or communicated by e-mail to the usual place of residence of every member of the Council."

5.2 Following discussion around debate at Council when Motions are being considered, the Working Group is now proposing a change which gives the Chair the discretion to allow debate of a Motion when no amendments are being proposed. There is not an automatic right for Members other than the Proposer and Seconder to speak if no amendment is being proposed, unless the Chair approves otherwise. Thus, Standing Order No. 33 would change from:

(a) "A motion to which no amendment is moved will be declared carried and will not be the subject of debate except that the Chair may, at their sole discretion, decide to allow the mover and the seconder of the motion to speak in explanation, if the subject matter is considered by the Chair to be of special interest to the meeting. No other speeches will be allowed."

To:

(b) "A motion to which no amendment is moved may be the subject of debate at the sole discretion of the Chair, if the subject matter is considered by the Chair to be of special interest to the meeting, otherwise the motion will be declared carried."

And Standing Order No. 35 would change from:

(c) "A member shall not address the Council more than once on any motion or amendment. However, the mover of an original motion may reply and in their reply shall confine themselves strictly to answering matters raised by previous speakers, with the following exception:- A member may speak to a Point of Order or in explanation of some material part of a speech made by them which they believe to have been misunderstood or in reply to a question addressed to them through the Chair."

To:

- (d) "At the discretion of the Chair, a member may address the Council more than once on any motion or amendment. A member may speak to a Point of Order or in explanation of some material part of a speech made by them which they believe to have been misunderstood or in reply to a question addressed to them through the Chair."

6 FURTHER PROPOSALS

- 6.1 The Working Group also looked at the timing of the meetings of full Council, and considered whether a change of the start time of the meeting would allow for greater public interest in either attending or watching the livestream. However, while it may be more convenient for some if meetings were held either in the afternoon or early evening, this would not suit everyone and consideration would need to be made of the length of the meeting should it start later in the day. It is therefore proposed that to test this, the time of either the October or November meeting of full Council will move to a 2:00 pm start. Further consideration of the timing of these meetings will be made by the Working Group thereafter, taking account of whether the meeting ran more smoothly and there was greater public engagement.
- 6.2 Consideration was also given to direct public engagement at Council meetings. At the moment, Elected Members submit questions to Executive members for response at these meetings and the Group discussed whether members of the public should also be able to submit questions in a similar way. This could be a way forward and a different approach but it would need to be a controlled process, with criteria for questions and limits to the number of public questions at each meeting. It is therefore proposed that officers do further work on this and bring a report to the next Council meeting with details of how this process could work.
- 6.3 With regard to the Employee Council, it is proposed that a review of the purpose and function of the Employee Council is undertaken and a report brought back to Council in due course on the most appropriate vehicle for future employee engagement, including whether the Employee Council should remain within the Scheme of Administration in future.
- 6.4 There is currently a review underway of the Community Planning Partnership in the Scottish Borders, with the Community Planning Strategic Board currently a formal committee of this Council. All formal committees of Council are governed by specific legislation which places limits on the membership and chairs of such committees, as well as voting rights. It is proposed that in future the Community Planning Strategic Board is removed as a Council committee once the review of the Community Planning Partnership is completed. This will give greater freedom to include statutory and non-statutory partners in the governance of the Partnership, as well as more community engagement.
- 6.5 While Area Partnerships are currently linked to the Community Planning Partnership, and are also subject to review at the moment, further work is needed to get more people and organisations to engage. It is not proposed at this stage to make any changes to Area Partnerships, although it is proposed that each Area Partnership considers holding an annual event to

showcase its work and the outcomes of the projects which it has grant-funded. A further report will be brought to Council in due course on the future of Area Partnerships, taking account of the Council Plan, community planning and place making. It should also be noted that while no changes are being proposed to the membership or voting rights at Area Partnerships, when matters are being considered at meetings which may impact on areas out-with the locality boundary, then consideration should be given to inviting members from the neighbouring Area Partnership to participate in such a meeting (although with no voting rights at that meeting).

7 MEETING VENUES/BLENDED/ONLINE

7.1 The Working Group had discussions about which committee meetings would be best suited to either blended or online meetings. This followed on from the decision of Council at its meeting on 26 May 2022 that blended meetings of Council committees would become the default position, once the functionality of the technology in the Council Chamber had been successfully tested. There are still some issues with the technology which it is hoped to have resolved in the next few weeks. Being mindful of the current climate emergency and to assist a wider public engagement in meetings without the need for travel, there are a number of committees which lend themselves to wholly online meetings. There is still the option for the Chair to request meetings be held in person but care needs to be taken over travel for Members, Officers and other attendees, and also the potential impact on public engagement and attendance. However, the proposal is for the following:

- (a) Blended meetings – Scottish Borders Council; Executive Committee; Civic Government Licensing Committee; Planning & Building Standards Committee; Local Review Body; Pension Fund Investment & Performance Sub-Committee; Staffing Appeals Committee; Education Appeals Committee; Asset Transfer Appeals Committee; Scottish Borders Licensing Board
- (b) Wholly online meetings – all Common Good Fund Sub-Committees; William Hill Trust; Major Contracts Governance Group; Education Sub-Committee; Audit Committee; Scrutiny & Petitions Committee; Sustainable Development Committee; Pension Fund Committee; JCG: Staff; JCG: Teachers; Police, Fire & Rescue, and Safer Communities Board; Community Planning Strategic Board; Area Partnerships; Local Licensing Forum; Police CAT Members Oversight Group; Anti-Poverty Members Reference Group; Community Council Scheme Review Working Group; Regional Economic Strategy Reference Group.

7.2 While consideration was given to moving some meetings of Scottish Borders Council out-with HQ and holding these physically in different parts of the Borders, the Working Group will give further thought to this in due course, taking account of climate impact and cost. There are no known external venues out-with Council HQ at the moment with the technology/capacity to livestream or record such meetings.

- 7.3 Where committee meetings are either held online or blended (in the Council Chamber at HQ), then the public business will continue to be livestreamed and recorded.

8 IMPLICATIONS

8.1 Financial

There are no costs attached to any of the recommendations contained in this report and any increase in the number of meetings can be met from existing budgets. Any increase in the number of Members and officers attending blended meetings in the Chamber or physical meetings will lead to increased costs in travel which are not included in current budgets.

8.2 Risk and Mitigations

There is a reputational risk to the Council if it does not review of its decision making structure. It is through committees that the decisions of Scottish Borders Council are made. These decisions affect the lives of every person in the Scottish Borders and it is therefore critical that the infrastructure around that decision making process is as effective as possible to ensure that the most informed and the best possible decisions are made. Members are keen to further enhance the democratic process and the Working Group will continue to consider further changes to the Interim Scheme of Administration.

8.3 Integrated Impact Assessment

No Integrated Impact Assessment has been carried out on the Interim Scheme of Administration although it is anticipated that there are no adverse equality issues.

8.4 Sustainable Development Goals

The changes to the Scheme of Administration will not have any direct impact on the UN Sustainable Development Goals.

8.5 Climate Change

The changes to the Scheme of Administration will not have any direct impact on climate change, although any increase in face to face meetings may increase travel across the region.

8.6 Rural Proofing

There is no specific impact on the rural area from the proposals contained in this report.

8.7 Data Protection Impact Statement

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

8.8 Changes to Scheme of Administration or Scheme of Delegation

Changes are needed to the Scheme of Administration and these are detailed in the report.

9 CONSULTATION

- 9.1 The Acting Chief Financial Officer, the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Director People Performance & Change, and Corporate Communications have been consulted and any comments received have been incorporated into the report.

Approved by

David Robertson

Acting Chief Executive

Author(s)

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Background Papers: N/A

Previous Minute Reference: Scottish Borders Council, 26 May 2022

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

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Scottish Borders Code of Governance

Interim Scheme of Administration

Openness
Accountability
Responsiveness
Democracy

Scottish Borders Council
Approved - 28 September 2017

(Amended at Council – 26 May 2022)

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SECTION I

GENERAL Purpose

1. This Scheme of Administration:-
 - (a) regulates the constitution and membership of the Committees of the Council;
 - (b) the allocation of the functions of the Committees of the Council; and
 - (c) the delegation to Committees of authority to exercise the functions of the Council.

Amendment

2. This Scheme may be amended at any time by the Council by decision of a simple majority, or, for more minor changes arising from a decision of the Council or the Executive Committee, by the Clerk to the Council in accordance with the Scheme of Delegation.

Interpretation

3. In this Scheme the following expressions have the following meanings assigned to them:

"Act" in relation to the functions of the Council means an Act of Parliament or any amendment or variation of such, including Regulations made under an Act.

"The Local Government Acts" means the Local Government (Scotland) Act 1973, the Local Government etc. (Scotland) Act 1994, and any other relevant statute relating to committees

"Area" in relation to the geographical area of jurisdiction of the Council shall be the Scottish Borders as defined in column 1 of Part 1 of Schedule 1 to the Local Government etc. (Scotland) Act 1994.

"Council" means the Scottish Borders Council.

"Committee", also relates to Boards, and where the context permits, includes any Sub-Committee of that Committee.

"Convener" means the Civic Head of the Council appointed by the Council.

"Vice-Convener" means the Depute Civic Head of the Council appointed by the Council.

"Co-opted Member" means any member of a Committee who is not an Elected Member.

"Chief Executive" means the Chief Executive appointed by the Council.

"Assessor" means the Assessor appointed by the Council as valuation authority under Section 27(2) of the Local Government etc. (Scotland) Act 1994, except in Section XV (Local Review Body) where its meaning is taken from the Planning etc. (Scotland) Act 2006.

"Elected Member" or "Member" means a Councillor elected to the Council in terms of Chapter 1 of Part 1 of the Local Government etc (Scotland) Act 1994, as amended.

“Leader” means the Leader for the time being of the Council.

“Administration” in relation to the membership of the Council and Committees means the ruling group formed by an alliance of the majority of Members on the Council.

“Opposition” in relation to the membership of the Council and Committees means the registered group formed by an alliance of Members out-with the ruling group on the Council.

Committees, etc.

4. Subject to the provisions of the Local Government etc. (Scotland) Act 1994 and any other relevant statutes, the Council shall appoint and maintain the following Committees, and Sub-Committees:

Council Sub-Committees

Coldstream Common Good Fund
Duns Common Good Fund
Eyemouth Common Good Fund
Galashiels Common Good Fund
Hawick Common Good Fund
Innerleithen Common Good Fund
Jedburgh Common Good Fund
Kelso Common Good Fund
Lauder Common Good Fund
Melrose Common Good Fund
Peebles Common Good Fund
Selkirk Common Good Fund
William Hill Trust
~~Major Contracts Governance Group~~
External Services/Providers Monitoring Group

Executive Committee

~~Education Performance Sub-Committee~~
Education Sub-Committee

~~**Audit and Scrutiny Committee**~~

Audit Committee

Scrutiny and Petitions Committee

Civic Government Licensing Committee

Pension Fund Committee

Pension Fund Investment and Performance Sub-Committee

Planning and Building Standards Committee

Local Review Body

Sustainable Development Committee

Joint Consultative Group – Staff

Joint Consultative Group – Teachers

Employee Council

Appointment Committee

Standards Committee

Staffing Appeals Committee

Education Appeals Committee

Asset Transfer Appeals Committee

Police, Fire & Rescue, and Safer Communities Board

Community Planning Strategic Board

Berwickshire Area Partnership

Cheviot Area Partnership
Eildon Area Partnership
Teviot & Liddesdale Area Partnership
Tweeddale Area Partnership

5. Under The Licensing (Scotland) Act 2005, the Council shall also appoint a **Scottish Borders Licensing Board**.
6. Under the Public Bodies (Joint Working)(Scotland) Act 2014, the Council shall also appoint members to the Scottish Borders Health & Social Care Integration Joint Board.
7. The respective Committees, etc., of the Council shall have the Constitution, Quorum, Terms of Reference and Delegated Powers, as detailed in the appropriate Section of this Scheme.
8. The Council may from time to time appoint such other Committees, Sub-Committees, etc., and/or Working Parties with such Constitution, Quorum, Terms of Reference and Delegated Powers as the Council may decide.
9. The Minutes of a meeting of a Sub-Committee will be submitted for approval as a correct record and signed by the person chairing the next meeting of the Sub-Committee and will be circulated to the next meeting of the parent Committee for approval of any recommendations.
10. The Minutes of parent Committees will be submitted for approval as a correct record and signed by the person chairing the next meeting of the Committee and will be circulated to the next meeting of the Council for approval of any recommendations.

Call-In Procedure

11. A decision of the Executive Committee can be called-in for review by the **Audit and Scrutiny and Petitions** Committee in the following way subject to the terms detailed in (a) to (f) below:
 - (i) the Clerk to the Council must be informed, in writing, of the request;
 - (ii) the request must be made before 5 p.m. on the fourth working day following the Executive meeting, whether the Minute of that meeting has been issued or not; and
 - (iii) at least five named members of the Council must subscribe to the request.
- (a) Decisions Not Subject to Call-in**
Certain types of decision are exempted from Call-in and these are:
- (i) matters which require formal ratification by the full Council, such as the setting of the level of Council Tax;
 - (ii) decisions taken under emergency powers ([under Standing Order No. 49](#));

- (iii) decisions where a delay would prejudice the best interests of the Council – for example if:
 - (1) the decision is a formal response by the Council which has to be given within a prescribed deadline;
 - (2) immediate action is needed in order to avoid possible legal proceedings against the Council; or where a delay would involve a breach of law (such as where a statutory or contractual timescale would be infringed by a delay);
 - (3) deferral of an immediate implementation of the decision could result in financial detriment to the Council. If financial detriment is cited as a reason for refusal, then details of the actual costs and their composition will be included in the explanation.

(b) Terms for Calling-in Items

- (i) Requests for a call-in must contain a clear and specific reason for wishing the decision to be reviewed.
- (ii) It is acceptable for requests to be submitted to the Clerk to the Council by e-mail provided that an individual e-mail is received from each of the members identified as subscribing to the request giving their own individual endorsement to this.
- (iii) One of the five signatories to the request must be identified as the “lead member” for the purpose of processing the matter. The request will therefore need to stipulate which of the five wishes to be the designated “lead member”.

(c) Timescale for Reviewing Decisions Called-in

It is important to ensure that ~~Audit and~~ Scrutiny ~~and~~ Petitions has sufficient time to review a decision, whilst at the same time avoiding undue delay to the decision-making process of the Council. To this end, the ~~Audit and~~ Scrutiny ~~and~~ Petitions Committee will review a decision called-in at the first available meeting or at a specially convened meeting after the due notice of call-in has been received by the Clerk to the Council and will provide a report for the meeting of the Executive Committee immediately following. Where the ~~Audit and~~ Scrutiny ~~and~~ Petitions Committee is, for some reason, unable to provide a response within this timescale, it will notify the Executive Committee accordingly, together with the reason why it has been unable to complete its review, and advise of the expected completion date. Should any such delay lead to the best interests of the Council being prejudiced then the call-in will fall.

(d) Procedure for Reviewing Items Called-in

In order to carry out a review of decisions called-in, the ~~Audit and~~ Scrutiny ~~and~~ Petitions Committee will require to interview Executive Committee members and/or officials. Where this is the case, and in

order to ensure that all such interviews are fair and productive, it is suggested that to help provide information relating to the matter under review, the person or persons who are to be asked to attend the meeting will:

- (i) be given prior notice of this; and
- (ii) be provided with an indication of the nature of the issue under consideration or of the questions likely to be asked.

In terms of officials asked to attend, the procedure for the ~~Audit and~~ Scrutiny ~~and~~ Petitions Committee will be to ask the relevant Director who will either attend in person or will nominate an appropriate representative. The designated "lead member" for the request (if they are not already a member of the ~~Audit and~~ Scrutiny ~~and~~ Petitions Committee) will be extended the opportunity of attending the meeting of the ~~Audit and~~ Scrutiny ~~and~~ Petitions Committee where the matter is to be discussed in order to explain in more detail the reasons for calling-in the decision.

(e) Procedure for ~~Audit and~~ Scrutiny ~~and~~ Petitions Committee Recommendations being considered by the Executive Committee

Once the ~~Audit and~~ Scrutiny ~~and~~ Petitions Committee has considered a Call-in and come to a conclusion, the Chair of the ~~Audit and~~ Scrutiny ~~and~~ Petitions Committee (or their representative) and the Lead Member of the Call-in, are required to attend the Executive Committee meeting where any ~~Audit and~~ Scrutiny ~~and~~ Petitions Committee recommendations are being considered, to introduce the findings/recommendations of the ~~Audit and~~ Scrutiny ~~and~~ Petitions Committee.

(f) Procedure in the Event of Continuing Differences between the Executive and ~~Audit and~~ Scrutiny ~~and~~ Petitions Committees

If agreement cannot be reached between the Executive Committee and the ~~Audit and~~ Scrutiny ~~and~~ Petitions Committee on the matter called in, then the matter will be referred to the full Council for a final resolution of the matter.

SECTION II

PROVISIONS APPLICABLE TO ALL COMMITTEES

Referred Functions

1. Subject to the provisions of the Local Government (Scotland) Act 1973 and the Local Government etc. (Scotland) Act 1994 and any other relevant statutes, and subject also to the provisions of the Council's Standing Orders, where any function of the Council is referred to a Committee, the Committee shall not have the power to exercise the function in like manner as the Council, but the Committee shall consider any matter relating to that function and report to the Council or Committee as the case may be and any recommendation by the Committee on any such matter shall be subject to the approval of the Council, or of any Committee to which that function may have been delegated.
2. There shall be excluded from reference to any Committee the following:
 - (a) any matter specifically referred to another Committee;
 - (b) any matter which the Council may decide is specifically excluded from reference to the Committee.
3. Notwithstanding the reference to one Committee of any class of functions, the Council shall have power to refer any one of those functions on any particular occasion specifically to another Committee when by reason of the nature of the matter and in the opinion of the Council, it should be so referred.
4. Where any question arises out of or in connection with the functions referred to two or more Committees, these Committees shall confer together and give all necessary assistance before reporting to the Council either jointly or separately.
5. In the event of any difference arising between two or more Committees, the matter shall be determined by the Council after receiving reports on the matter from each Committee concerned.

Delegated Functions

6. Subject to the provisions of the Local Government Acts and any other relevant statutes and subject also to the provisions of the Council's Standing Orders, where any function of the Council is delegated to a Committee (or Sub-Committee), that body shall have the power to exercise the function in like manner in all respects as the Council could have exercised it had there been no delegation; provided, however, that it shall be competent for such Committee (or Sub-Committee) in relation to any delegated matter, instead of taking a decision on the matter, to make a recommendation on the matter to the Council or Committee as the case may be, in which event the matter shall be decided by the Council or Committee as the case may be after consideration of that recommendation. Any recommendation which requires a final decision by full Council shall be identified in the Minute of the Committee marking the recommendation with an asterisk*, and any recommendation which requires a final decision by the Executive Committee shall be identified in the Minute of the Committee marking the recommendation with a hash#.

General

7. Subject to the provisions of the Local Government Acts and any other relevant statutes:
 - (a) Each Committee shall give effect to any instruction of the Council.
 - (b) The Council may at any time if they so determine deal with any matter included in the reference or delegation to a Committee although no report from such Committee is before them.
 - (c) The Council may, at any time, by decision recorded in the Minutes of the Council, vary, add to or restrict any reference or delegation to any Committee or Working Group.
 - (d) A Committee may at any time if they so determine deal with any matter included in the reference or delegation to a Working Group of that Committee although no report from such Working Group is before it.
8. The Council shall appoint all members of Committees and Sub-Committees unless otherwise provided in this Scheme. The appropriate Committee shall appoint all members of its Working Groups unless otherwise provided in this Scheme. The term of office of members of Committees shall be as decided by the Council. The Leader of the Council shall be entitled, in addition to their membership of the Executive Committee, to attend and speak at any Committee, Sub-Committee or Working Group of the Council – except Planning and Building Standards Committee, Licensing Board, and Civic Government Licensing Committee - but shall not be entitled to vote at these bodies unless as a duly appointed member of that body.
9. For the purpose of awarding Members' Allowances, including payments to Senior Councillors, and for the purpose of appointment of Members to Committees, the Council will apply the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007, the Local Government (Allowances and Expenses) (Scotland) Regulations 2007 and the Local Governance (Scotland) Act 2004 (Allowances and Expenses) Regulations 2007, and any subsequent variation or amendment thereto. The Council shall only recognise a political group, its Leader, Depute Leader (where specified by any political group), and the membership of any political group, where appropriate notice is delivered to the Council's Chief Executive or Proper Officer.

Furthermore, the Council shall take account of the preferred nominations submitted by the various groups, by notice signed by the Leader or Depute Leader of the group concerned and delivered to the Chief Executive or other authorised officer, in the selection of persons to be appointed as members of Committees, always however within the overall number of members of each group entitled by the Council to have membership of each Committee. The Council will also take account of any subsequent variation in the preferred nomination or nominations submitted by any group, by notice signed and delivered as aforesaid, in relation to the membership of any Committee, always subject to the same consideration as immediately before specified.
10. Casual vacancies in the membership of any Committee, however arising, shall be filled as soon as reasonably possible, taking account of Clause 10 of Section II of this Scheme, and the term of office of members so appointed to fill casual vacancies shall be as decided by the Council; provided that in the event of a

casual vacancy arising within the period of three months immediately preceding the next ordinary statutory election of councillors, the Council in the case of a vacancy in the membership of a Committee may decide that the vacancy shall remain unfilled for the remainder of that period.

11. The Council shall appoint the Chair and Vice-Chair (if required) of each Committee (other than the Licensing Board), and unless otherwise specified in this Scheme, the persons appointed shall be Elected Members. Each Committee shall appoint the Chair of any Working Group of that Committee and the person appointed shall already be a member of that Committee.
12. A Committee may delegate to an Officer of the Council, or to an Officer or Officers in consultation with an Elected Member or Members as appropriate, authority to undertake or discharge any function which is delegated to that Committee or Sub-Committee. Authority may not be delegated to an individual Councillor or Councillors unless as members of a particular Committee or Sub-Committee meeting formally.
13. An Elected Member may take part in the proceedings of, speak and vote (if appointed as a voting member) at any Committee (or Working Group) of which they are a member. An Elected Member may attend the proceedings of a Committee of which they are not a member but may not take part or vote and may only speak if, following a prior request to the Chair, they are invited to address the Committee on the matter under consideration. Such a request may be granted where a specific Ward issue is involved, or otherwise in exceptional circumstances, at the Chair's discretion.

A Co-opted Member may only attend, take part in, speak (and vote if the appointment is as a voting-member) at a meeting of a Committee of which they are a member.

14. Committee meetings are open for members of the public to attend except to the extent that they are excluded under Section 50(A)(2) and (4) of the Local Government (Scotland) Act 1973. Members of the public may not take part in Committee meetings and may only speak if, following a prior request to the Chair, they are invited to address the Committee on the matter under consideration. The Chair shall have sole discretion on whether to invite members of the public to address the Committee. No such right to speak will be granted where Committees are considering planning or licensing applications, other than under the public speaking protocols covering Planning and Building Standards Committee and Local Review Body or when a Licensing Hearing has been convened.

Items for Agendas and Reports to Committees

15. Only those reports which require a decision to be taken by a Committee of the Council, or are necessary to enable the Committee to discharge its business or exercise its statutory or monitoring role, will normally be included on the agenda of any Committee. It shall be delegated to the Chief Executive or the Clerk to the Council to make the final determination, in consultation with the Convener (Council) or Leader (Executive) or appropriate Chair, on whether or not an item of business should be included on an agenda. Any reports or other documents which are for information only will be included in an Information

Bulletin prepared by the Clerk to the Council for issue to all Members of the Council on a regular basis.

SECTION III SCOTTISH BORDERS COUNCIL

Constitution

All 34 Elected Members.

Chair

The Convener shall be Chair of the Council and the Vice-Convener Vice-Chair.

Quorum

- (a) The complete number of Council members is thirty four. Subject to Standing Order No. 18, no business shall be transacted at a meeting of the Council unless at least one-fourth (i.e. nine members) of the complete number of Council members are present.
- (b) Where there are vacancies of more than one-third of the Council members (i.e. more than 12 members), then the quorum of the Council is determined as follows:-
- Until the number of members in office is increased to not less than two-thirds (i.e. 24 members) of the complete number of Council members, the quorum of the Council shall be determined by the actual number of Council members, instead of the complete number of Council members. The quorum, however, shall never be less than one-eighth (i.e. five members) of the complete number of members of the Council.

Decisions Excluded from Delegation to any Committee by Statute

1. The raising of money by Rates, Council Tax or borrowing.
2. The approval annually of the Revenue Financial Plan and the setting of the level of Council Tax for any year.
3. The approval annually of the Capital Financial Plan.
4. The approval annually of the Council's and Pension Fund's statutory accounts.
5. The approval annually of the Council's treasury management policy and strategy.
6. The approval of any new policies and strategies.
7. Approve the Community Plan.
8. Except as provided for in this Scheme of Administration, Financial Regulations, Scheme of Delegation and Standing Orders approved by the Council, in respect of the matters referred to the Committee:
 - (i) the incurring of any net new expenditure not provided for in the estimates of Capital or Revenue expenditure unless and until such expenditure is reported to and approved by the Council;
 - (ii) the amendment of the Financial Regulations for regulating the Council's financial procedures;

- (iii) the amendment of this Scheme of Administration regulating the constitution, membership, functions and powers of Committees of the Council;
 - (iv) the preparation, review and amendment of the Standing Orders for regulating the proceedings and business of the Council and Committees
 - (v) the preparation, review and amendment of the Scheme of Delegation detailing those functions delegated by the Council to its officers.
9. The making of an order for the compulsory acquisition of any land or buildings.
 10. Other than to a Committee specially appointed for the purpose, the appointment of the Chief Executive and the dismissal of the Chief Executive, the Assessor or any Director.
 11. All matters relating to elections of Councillors.
 12. Matters relating to any alteration in the boundaries of the area or electoral wards and the number of Councillors.
 13. The appointment of representatives of the Council on outside bodies.
 14. The decision to co-operate or combine with other local authorities in the provision of services, other than decisions relating to any arrangements under which the Council's Trading Organisations may co-operate or combine with other contracting units in the provision of services.
 15. The preparation and review of the Scheme for Community Councils and carrying out those powers and duties relative to facilitating and co-ordinating the Council's relationship with Community Councils.
 16. Consideration of Provisional Orders or Private Bills affecting the interests of the Council and approval of the terms of any Provisional Order or Private Bill to be promoted by the Council.
 17. Approval of the Strategic and Local Development Plans.
 18. The consideration of planning applications in respect of National Developments and Major developments which are significantly contrary to the local development plan as defined within Section 38A(1) of the Town and Country Planning Act (Scotland) Act 1997.
 19. The conducting of Pre-determination Hearings to consider representations from applicants and other interested parties in respect of National Developments and Major developments which are significantly contrary to the local development plan as defined within Section 38A(1) of the Town and Country Planning Act (Scotland) Act 1997.

Other Functions

20. Approve the Local Policing Plan.
21. Approve the Local Fire and Rescue Services Plan.

22. Approve items of expenditure for any Common Good Fund of a value greater than £20,000.
23. Approve the disposal or change of use of a Common Good asset of a value greater than £20,000, following due process in terms of Section 104 of the Community Empowerment (Scotland) Act 2015.
24. Determine any matters affecting Common Good Funds, other than those delegated to Common Good Fund Sub-Committees.
25. Review the annual performance of investments and monitor the Charitable Trusts.
26. Ensure appropriate investment Management arrangements are in place for the monies invested by the Charitable Trust Funds.
27. Review the Common Good and Trust Fund Investment Strategy and ensure that it continues to meet the needs of the Charitable Trusts.
28. Consult such other parties as the Council considers appropriate prior to decision making, including Community Councils.
29. Determine any matters affecting the Charitable Trusts, other than those delegated to Charitable Trusts Sub-Committees.
30. Approve Local Bye-Laws and Management Rules, after consultation with the relevant local Members.
31. Consider applications to the Borders-wide Community Fund.
32. Determine, if required, any matter referred or delegated to any other Committee.
33. Approve the change of status, or closure, of any school. [*Note: Where a recommendation has not been received from the Executive Committee, the religious/teacher/parent council/pupil representatives on the Executive Committee shall be given the opportunity to contribute to the debate.*]
34. Note decisions taken under Emergency Powers in Standing Order No. 49(a)(i).

(COUNCIL SUB-COMMITTEES)

COMMON GOOD FUND SUB-COMMITTEES

Constitution

- (a) For each Common Good Fund Sub-Committee, the elected Scottish Borders Councillors representing the Ward(s) of:
For **Coldstream** – Mid Berwickshire
For **Duns** – Mid Berwickshire
For **Eyemouth** – East Berwickshire
For **Galashiels** – Galashiels and District
For **Hawick** – Hawick and Denholm; Hawick and Hermitage
For **Innerleithen** – Tweeddale East
For **Jedburgh** – Jedburgh and District
For **Kelso** – Kelso and District
For **Lauder** – Leaderdale and Melrose
For **Melrose** – Leaderdale and Melrose
For **Peebles** – Tweeddale East; Tweeddale West
For **Selkirk** – Selkirkshire
- (b) For each of the Common Good Fund Sub-Committee, a member of the following local Community Council(s) as a non-voting member:
For **Coldstream** – Coldstream & District Community Council
For **Duns** – Duns Community Council
For **Eyemouth** – Eyemouth Community Council
For **Galashiels** – Galashiels Community Council
For **Hawick** – Burnfoot Community Council; Hawick Community Council
For **Jedburgh** – Jedburgh Community Council
For **Kelso** – Kelso Community Council
For **Lauder** – Lauderdale Community Council
For **Melrose** – Melrose & District Community Council
For **Peebles** – Peebles Community Council
For **Selkirk** – Selkirk Community Council

Quorum

- (a) Two Scottish Borders Councillors, in relation to the Common Good Fund Sub-Committees of **Coldstream, Duns, Eyemouth, Galashiels, Innerleithen, Jedburgh, Kelso, Lauder, Melrose** and **Selkirk**.
- (b) Three Scottish Borders Councillors, with at least one from each Ward, in relation to the Common Good Fund Sub-Committees of **Hawick** and **Peebles**.

Chair of each Sub-Committee

The Chair of each Sub-Committee shall be a Scottish Borders Councillor.

Functions Referred

The following functions of the Council shall stand referred to each Sub-Committee:

1. The routine administration of the Common Good Fund.

2. Award of grants or loans of up to £20,000.
- *3. Make recommendations to Council in respect of grants or loans or major items of expenditure above £20,000.
4. Approve terms for hires, wayleaves, leases etc., and the sale or purchase of land and property up to a value of £20,000.
- *5. Make recommendations to Council in relation to the sale or lease or purchase of Common Good land or property of a value greater than £20,000.
6. Hold an annual meeting to consider:
 - (i) a budget for the year ahead;
 - (ii) a report reviewing the performance of investments and approval for the amount of funds to be invested, as per the Corporate Investment Policy;
 - (iii) a report on the factorage of property, as appropriate;

and otherwise to hold meetings on an ad hoc basis to deal with business as it arises.
7. Approve the amount of funds to be invested each year, as per the Corporate Investment Policy.
8. Consult such other parties as the Sub-Committee considers appropriate prior to decision making.
9. Ensure the implementation of decisions affecting the Common Good Fund and monitor their impact on the Common Good Fund.
10. Grant and confer Burgess Tickets (Lauder Common Good Fund only).
11. Approve the Common Good Fund Asset Register(s) as required in terms of Section 102 of the Community Empowerment (Scotland) Act 2015, reviewing these at least every 5 years.
12. Approve the disposal or change of use of a Common Good asset up to the value of £20,000, following due process in terms of Section 104 of the Community Empowerment (Scotland) Act 2015.
13. Make recommendations to Council regarding the disposal or change of use of a Common Good asset of a value greater than £20,000, following due process in terms of Section 104 of the Community Empowerment (Scotland) Act 2015.
14. Determine any Community Asset Transfer Request made in respect of Common Good Property. For the avoidance of doubt, there is no financial value limit to the exercise of this function. However in the event that a Sub-Committee is minded to transfer property to a Community Transfer Body, the matter will require to be referred to the Community Asset Appeal Committee for ratification.

Functions Delegated

All functions above NOT marked *. Those functions marked * are referred to the Sub-Committee for consideration and recommendation only and must receive approval of Council.

(COUNCIL SUB-COMMITTEES)

WILLIAM HILL TRUST SUB-COMMITTEE

Constitution

- (a) The three elected Scottish Borders Councillors representing the Ward of Leaderdale and Melrose.
- (b) A member of Melrose Community Council as a non-voting member.

Chair

The Chair shall be a Scottish Borders Councillor.

Quorum

Two Scottish Borders Councillors.

Functions Referred

The following functions of the Council shall stand referred to the Sub-Committee:

1. The routine administration of the Trust Fund.
2. Award of grants or loans of up to £20,000 from the Trust Fund.
- *3. Make recommendations to Council in respect of grants or loans or major items of expenditure above £20,000.
4. Approve terms for hires, wayleaves, leases etc., and the sale or purchase of land and property up to a value of £20,000.
- *5. Make recommendations to Council in relation to the sale or lease or purchase of Trust Fund land or property of a value greater than £20,000.
6. Hold an annual meeting to consider a budget and to hear reports reviewing the performance of investments and on the factorage of property and otherwise to hold meetings on an ad hoc basis to deal with business as it arises.
7. Consult such other parties as the Sub-Committee considers appropriate prior to decision making, including Community Councils.
8. Ensure the implementation of decisions affecting the Trust Fund and monitor their impact on the Trust Fund.

Functions Delegated

All functions above NOT marked *. Those functions marked * are referred to the Sub-Committee for consideration and recommendation only and must receive approval of Council.

(COUNCIL SUB-COMMITTEES)

MAJOR CONTRACTS GOVERNANCE GROUP EXTERNAL SERVICES/PROVIDERS MONITORING GROUP

Constitution

Seven Elected Members of Scottish Borders Council, including the Executive Member for Service Delivery & Transformation.

Chair

The Chair shall be the Executive Member for Service Delivery & Transformation.

Quorum

Three SBC Elected Members of the Sub-Committee shall constitute a quorum

Functions Referred

The following functions of the Council shall stand referred to the Sub-Committee:-

SB Contracts

1. The consideration of matters relative to business management of trading services including providing an appropriate level of scrutiny on the financial risk arising from trading operations.
2. The monitoring of the trading arrangements and operations in terms of the Local Government (Scotland) Act 2003.
3. The evaluation of financial controls and the detailed monitoring of financial and performance levels for trading services.
4. The evaluation of Financial Plans for delivering required performance levels from trading services.
5. Consideration of the strategic model employed by trading services, and to contribute towards the long-term strategic development process.
6. Consideration of matters relative to tendering for internal and external contract works.
7. The determination of appropriate processes and practices, within overall Council policy, to support the efficient and effective development of trading powers.
8. To understand the trading risk exposure and to evaluate measures to manage the trading risk-reward balance.
9. The consideration of Joint Arrangements with suppliers or other parties to improve the effectiveness and/or efficiency of the trading organisation.

CGI

10. The consideration of any major proposed changes to the CGI contract, with recommendations to Council as necessary.

11. The regular consideration of performance information on the transformation being delivered with CGI, key performance information with respect to the contract and any key issues associated with contract management.
12. The scrutiny of the performance of the CGI contract to ensure value for money and the effective delivery of outcomes required by the Council.

Live Borders

- *13. The consideration of the any proposed contractual changes to the Agreement with Live Borders.
14. The regular consideration of performance against the Live Borders Business Plan actions and initiatives.
15. The scrutiny of the financial performance of Live Borders in terms of the conditions of grant by Scottish Borders Council to ensure value for money and the effective delivery of outcomes required by the Council.
- *16. Consideration of any future proposed changes to service provision by Live Borders, with recommendations to Council as necessary.

Functions Delegated

All functions above NOT marked *. Those functions marked * are referred to the Sub-Committee for consideration and recommendation only and must receive approval of the Council.

SECTION IV

EXECUTIVE COMMITTEE

Constitution

(a) 15 Members of the Council, being:-

Leader of the Council

Executive Members for –

- Community and Culture
- Estate Management and Planning
- Social Work and Community Enhancement
- Health and Wellbeing
- Community and Business Development
- Service Delivery and Transformation
- Roads Development and Maintenance
- Developing our Children and Young People
- Education and Lifelong Learning
- Environment and Transport
- Communities and Equalities
- Community Engagement

Two members not from the Administration

~~(b) At that part of an Executive meeting which is considering Education Authority business as a main theme, the Executive will include (for that part of the meeting only) the following additional members as voting members (to be made in accordance with Appendix 1 to this Scheme) – three persons interested in the promotion of religious education appointed in accordance with Section 124 of the Local Government (Scotland) Act 1973 as amended by Section 31 of the Local Government Etc. (Scotland) Act 1994; and the following additional members as non-voting members – two teachers in the employment of the Council appointed as non-voting members by the Council from nominations to be made in accordance with Appendix 2 to this Scheme; two representatives from Parent Councils, one from the Primary Sector, and one from the Secondary Sector; and two pupil representatives.~~

(c) At that part of an Executive meeting which is considering Economic Development business as a main theme, the Executive will include (for that part of the meeting only) two additional members appointed from an external source as non-voting members.

Chair

(a) The Leader of the Council shall be Chair of the Executive.

~~(b) At that part of an Executive Committee meeting which is considering Education Authority business as a main theme, the Committee will be chaired by the Executive Member for Education and Lifelong Learning.~~

~~(c) At that part of an Executive Committee meeting which is considering Economic Development business as a main theme, the Committee will be chaired by the Executive Member for Community and Business Development.~~

Quorum

Five SBC Elected Members of the Executive shall constitute a Quorum.

Functions Referred

The following functions of the Council shall stand referred to the Committee –

Policy and Performance

1. Review and alter from time to time, as may be considered necessary, any existing policies or strategies not specifically within the remit of any other Council Committee.
- *2. Consider the broad needs of the Council's Area and matters of comprehensive importance, including advising the Council on European Community matters, making recommendations to Council as necessary.
3. Consider regularly Council performance against:-
 - Corporate and Improvement Plans including policy objectives and priorities
 - Relevant Business Plan actions and initiatives
 - Statutory Performance Indicators and the Annual Public Performance Report
 - Key performance indicators and other relevant performance indicators
 - Business Transformation
 - Best Value
4. Identify the requirement for any in-depth policy or practice review work arising from the monitoring of performance and refer to the appropriate Committee and/or Director, as necessary.
5. Ensure the enactment of committee decisions and monitor their impact on Council services.
6. Monitor the performance of the Police Community Action Teams, with reporting on a quarterly basis.

Resources and Services

7. Consider matters relating to the organisation and administration of all Services of the Council.
8. Initiate or carry out reviews of strategic or corporate significance and such other reviews as the Executive deem appropriate.

Financial Management

9. Secure the co-ordination, control and proper management of the financial affairs of the Council.
10. Consider regularly the Council's performance against the revenue and capital budgets and associated financial statements.
11. Within the context of the approved Capital Financial Plan, approve proposals for capital expenditure.

12. Within the context of the approved Revenue Financial Plan, except where specifically delegated to another Committee, approve proposals for revenue expenditure, including proposals for virement in terms of Financial Regulation 7.9. For the avoidance of doubt, this means approval of all decisions relating to virements between Services, capital finance from current revenue, policy changes and the carry forward of earmarked balances.
 - *13. Consider requests to incur revenue expenditure not provided for in the approved Revenue Financial Plan and make recommendations to Council.
 - *14. Consider requests to incur capital expenditure not provided for in the approved Capital Financial Plan and make recommendations to Council.
 15. Consider all matters (not delegated directly to Officers) related to:
 - (i) Revenue and Capital budgets and funding approved by Council;
 - (ii) banking;
 - (iii) debt management and debt recovery, including the appointment of sheriff officers;
 - (iv) Treasury Management;
 - (v) procurement;
 - (vi) investment;
 - (vii) borrowing;
 - (viii) income collection; and
 - (ix) insurance arrangements of the Council.
 16. Consider all matters related to the collection of Council Tax, Rates, (former) Community Charges, Water and Sewerage Charge (on behalf of Scottish Water) and acting as Collecting Authority therefore in terms of Section 79 of the Local Government etc. (Scotland) Act 1994.
 17. Approve applications for funding and authorise grants above the level not delegated directly to officers.
 18. Approve grants from the SBC Welfare Trust and SBC Community Enhancement Trust in situations where grant applications exceed the limits specified in the Scheme of Delegation or less than 50% of the Members in the relevant Wards are in agreement.
 19. Determine applications for financial assistance from outside bodies.
 20. Establish an ad-hoc Procurement Appeals Committee, consisting of three Members, to consider and determine any appeals by suppliers against the disqualification of their tender by the Council for any reason.
- Property, Land and Accommodation
21. Consider matters relating to land and buildings, including:
 - (i) asset management planning for the Council's estate;
 - (ii) the provision, management, furnishing, equipping, maintenance and facilities management of buildings;
 - (iii) negotiations relating to commercial developments and the acquisition and disposal of land and/or buildings; and
 - (iv) energy and carbon management.

Staffing

22. Consider the training, development and welfare of all staff, including the preparation and review of Council policies on staffing issues and Health and Safety at Work, and the promotion of good human resources management and employment practices.
23. Consider all matters relating to the conditions of service, remuneration, allowances, superannuation and pensions of all employees, including consultation and negotiation with the appropriate Trades Unions as necessary, and the ratification of National Agreements and significant Local Agreements.
24. Employer discretions under the Local Government Pension Scheme, within the terms of the relevant legislation.

Education

- ~~*25. Consider the broad educational needs of the Council's area, making recommendations to Council as necessary.~~
- ~~26. Oversee the functions of the Council under the Education (Scotland) Acts, the Education (Additional Support for Learning) (Scotland) Act 2004, and all other relevant legislation and regulations.~~
- ~~27. Consider all matters relating to education including pre-school education, primary education, secondary education and community learning and development.~~
- ~~*28. Make recommendations on the change of status, or closure, of any school.~~
- ~~29. Consider all matters relating to Parent Councils.~~
- ~~30. Establish an ad hoc Sub-Committee, as required, to deal with any parents who are failing to meet their responsibilities regarding a child's attendance at school, if a parent:-~~
 - ~~(a) fails to provide a reasonable excuse for the child's absence from school; and/or~~
 - ~~(b) provides dubious excuses for the child's absence; and/or~~
 - ~~(c) does not effectively address the matter of the child's absence from school.~~

Economic Development

31. Provide strategic leadership and vision for Economic Development in the Scottish Borders, developing and overseeing the delivery of economic development plans.
32. Ensure key changes are implemented by the Council to achieve improved services for businesses, encouraging a 'business positive' culture across the Council.
33. Scrutinise and review the effectiveness of Council services, other agencies and organisations in promoting the economic development and well-being of the Scottish Borders.

Live Borders

- ~~*34. The consideration of the any proposed contractual changes to the Agreement with Live Borders.~~
- ~~35. The regular consideration of performance against the Live Borders Business Plan actions and initiatives.~~
- ~~36. The scrutiny of the financial performance of Live Borders in terms of the conditions of grant by Scottish Borders Council to ensure value for money and the effective delivery of outcomes required by the Council.~~
- ~~*37. Consideration of any future proposed changes to service provision by Live Borders, with recommendations to Council as necessary.~~

Miscellaneous

- 38. Consider new legislation and advise Council accordingly.
- 39. Approve all matters relating to street naming and numbering (where not already delegated to officers), after consultation with the relevant local Members.
- 40. Initiate or defend civil actions other than those relating to matters standing referred to other Committees.
- 41. Consider all matters not specifically referred to or delegated to any other Committee.
- *42. Make recommendations to Council regarding responses to statutory and other consultations.

Functions Delegated

All of the functions above NOT marked *. Those functions marked * are referred to the Committee for consideration and recommendation only and must receive approval of the Council.

~~(EXECUTIVE COMMITTEE)~~

~~EDUCATION PERFORMANCE SUB-COMMITTEE~~

Constitution

~~Three Elected Members, being the Executive Member for Education & Lifelong Learning, together with two other Members of the Executive Committee. The Teacher Representatives, Parent Council and Pupil representatives are excluded from membership of the Sub-Committee.~~

Chair

~~The Chair shall be the Executive Member for Education & Lifelong Learning.~~

Quorum

~~Two Members of the Sub-Committee shall constitute a quorum.~~

Functions Referred

~~The following functions of the Committee shall stand referred to the Sub-Committee:-~~

- ~~1. To consider all published reports, action plans, and follow up reports on:
 - ~~(i) pre school, primary and secondary school by Her Majesty's Inspectorate of Education (HMIE);~~
 - ~~(ii) community learning and development (CLAD) and other community services by Her Majesty's Inspectorate of Education (HMIE);~~
 - ~~(iii) Care Inspectorate (on educational establishments in the Scottish Borders);~~
~~and~~
 - ~~(iv) internal school reviews.~~~~
- ~~#2. To request follow up reports in respect of the implementation of any Action Plans, if required, for any of the above reports, and make recommendations to the Executive Committee, as necessary.~~

Functions Delegated

~~All functions above NOT marked #. Those functions marked # are referred to the Sub-Committee for consideration and recommendation only and must receive approval of the Executive Committee.~~

(EXECUTIVE COMMITTEE)

EDUCATION SUB-COMMITTEE

Constitution

- (a) Seven Elected Members, being the Executive Member for Education & Lifelong Learning, the Executive Member for Developing our Children & Young People, two other Members of the Administration, the Elected Member Champion for Opportunities for Young People, the Elected Member Champion for Education & Young People, and one other Member not on the Administration.
- (b) Nine additional non-voting members, comprising:
- three persons interested in the promotion of religious education appointed in accordance with Section 124 of the Local Government (Scotland) Act 1973 as amended by Section 31 of the Local Government Etc. (Scotland) Act 1994;
 - two teachers in the employment of the Council appointed from nominations to be made in accordance with Appendix 2 to this Scheme;
 - two representatives from Parent Councils, one from the Primary Sector, and one from the Secondary Sector; and
 - two pupil representatives.

Chair

The Chair shall be the Executive Member for Education & Lifelong Learning.

Quorum

Three Elected Members of the Sub-Committee shall constitute a quorum.

Functions Referred

The following functions shall stand referred to the Sub-Committee:-

1. Consider the broad educational needs of the Council's area, making recommendations to Council as necessary.
2. Oversee the functions of the Council under the Education (Scotland) Acts, the Education (Additional Support for Learning) (Scotland) Act 2004, and all other relevant legislation and regulations.
3. Consider all matters relating to education including pre-school education, primary education, secondary education and community learning and development.
- *4. Make recommendations on the change of status, or closure, of any school.
5. Consider all matters relating to Parent Councils.
6. Establish an ad-hoc Sub-Committee, as required, to deal with any parents who are failing to meet their responsibilities regarding a child's attendance at school, if a parent:-

- (a) fails to provide a reasonable excuse for the child's absence from school; and/or
 - (b) provides dubious excuses for the child's absence; and/or
 - (c) does not effectively address the matter of the child's absence from school.
7. To consider all published reports, action plans, and follow up reports on:
- (i) pre-school, primary and secondary school by Her Majesty's Inspectorate of Education (HMIe);
 - (ii) community learning and development (CLAD) and other community services by Her Majesty's Inspectorate of Education (HMIe);
 - (iii) Care Inspectorate (on educational establishments in the Scottish Borders); and
 - (iv) internal school reviews.
- #8. To request follow-up reports in respect of the implementation of any Action Plans, if required, for any of the above reports, and make recommendations to the Executive Committee, as necessary.

Functions Delegated

All functions above NOT marked #. Those functions marked # are referred to the Sub-Committee for consideration and recommendation only and must receive approval of the Executive Committee.

SECTION V

~~AUDIT AND SCRUTINY COMMITTEE~~

Constitution

~~(a) Ten members of the Council;~~

~~(b) At that part of an Audit and Scrutiny Committee meeting which is considering Audit matters, the Audit and Scrutiny Committee will include (for that part of the meeting only) two additional members appointed from an external source as non-voting members.~~

Chair

~~The Chair shall be a member of the Opposition. The Vice Chair shall be a member of the Administration.~~

Quorum

~~Four Elected Members of the Council shall constitute a quorum.~~

Functions Referred

~~The following Audit functions of the Council shall stand referred to the Committee:-~~

- ~~1. Assess the adequacy and effectiveness of the Council's systems of internal financial control and framework of internal control relating to the Council's service delivery models including partnership and collaboration to provide reasonable assurance of effective and efficient operations, and ensure the Council's ongoing resilience to the threats of fraud and corruption.~~
- ~~2. Assess the adequacy and effectiveness of the Council's risk management arrangements relating to the Council's service delivery models including partnership and collaboration.~~
- ~~3. Assess the adequacy and effectiveness of corporate governance arrangements and consider annual assurance reports relating to the Council's service delivery models including partnership and collaboration to ensure the highest standards of probity, public accountability and ethical standards are demonstrated to underpin the delivery of value for money or best value services.~~
- ~~*4. Review the Council's audited Statement of Accounts and the Annual Report from the External Auditor to Members and the Controller of Audit, prior to submission to Council.~~
- ~~5. Approve the Terms of Reference for Internal Audit and the strategic and annual internal audit plans.~~
- ~~6. Monitor and review the performance of Internal Audit, conformance to the Public Sector Internal Audit Standards and code of ethics.~~
- ~~7. All matters relating to the implementation of recommendations contained within internal audit reports.~~

- ~~8. Review external audit plans and arrangements for effective liaison between external and internal audit.~~
- ~~9. Monitor responses to recommendations contained within external audit reports and the implementation of such recommendations.~~
- ~~10. The scrutiny of treasury management strategy and policies.~~
- ~~11. Assess the adequacy and effectiveness of the Pension Fund's systems of internal financial control, including counter fraud, theft or corruption and framework of internal control to provide reasonable assurance of effective and efficient operations.~~
- ~~*12. Note the Pension Fund's audited Statement of Accounts and the Annual Report from the External Auditor to members and the Controller of Audit, prior to submission to Council.~~

~~The following Scrutiny functions of the Council shall stand referred to the Committee:-~~

- ~~#13. Monitoring the performance of the Authority towards achieving its policy objectives and priorities in relation to all functions of the Council.~~
- ~~#14. Reviewing the effectiveness of all the Council's work against agreed standards, targets and budgets for the levels of services provided.~~
- ~~#15. Acting as a focus for value for money and service quality exercises.~~
- ~~#16. Management of the "Call in" procedure for the examination of decisions of the Executive Committee.~~
- ~~*17. Developing an annual programme for approval by Council (likely in April each year) on the basis of the scrutiny functions outlined from 13 to 15 above.~~
- ~~18. Any other matter referred to the Committee for consideration by Council or the Executive Committee.~~

~~The following petitions and deputations functions shall stand referred to the Committee:~~

- ~~19. Consider petitions submitted to the Council in accordance with the Council's approved petitions procedure and determine the appropriate action to be taken within the terms of the procedure.~~
- ~~20. Consider deputations to the Council in accordance with the Council's approved deputations procedure and determine the appropriate action to be taken within the terms of the procedure.~~

Functions Delegated

~~All functions above NOT marked # or *. Those functions marked # are referred to the Committee for consideration and any recommendations must receive approval of the Executive Committee. Those functions marked * are referred to the Committee for consideration and recommendation only and must receive approval of Council.~~

AUDIT COMMITTEE

Constitution

- (a) Ten members of the Council;
- (b) Two additional members appointed from an external source as non-voting members.

Chair

The Chair shall be a member of the Opposition. The Vice-Chair shall be a member of the Administration.

Quorum

Four Elected Members of the Council shall constitute a quorum.

Functions Referred

The following functions of the Council shall stand referred to the Committee:-

1. Assess the adequacy and effectiveness of the Council's systems of internal financial control and framework of internal control relating to the Council's service delivery models including partnership and collaboration to provide reasonable assurance of effective and efficient operations, and ensure the Council's ongoing resilience to the threats of fraud and corruption.
2. Assess the adequacy and effectiveness of the Council's risk management arrangements relating to the Council's service delivery models including partnership and collaboration.
3. Assess the adequacy and effectiveness of corporate governance arrangements and consider annual assurance reports relating to the Council's service delivery models including partnership and collaboration to ensure the highest standards of probity, public accountability and ethical standards are demonstrated to underpin the delivery of value for money or best value services.
- *4. Review the Council's audited Statement of Accounts and the Annual Report from the External Auditor to Members and the Controller of Audit, prior to submission to Council.
5. Approve the Terms of Reference for Internal Audit (Charter) and the Internal Audit Strategy and Annual Plans.
6. Monitor and review the performance of Internal Audit, conformance to the Public Sector Internal Audit Standards and code of ethics.
7. All matters relating to the implementation of recommendations contained within internal audit reports.
8. Review external audit plans and arrangements for effective liaison between external and internal audit.
9. Monitor responses to recommendations contained within external audit reports and the implementation of such recommendations.

10. The scrutiny of treasury management strategy and policies.
11. Assess the adequacy and effectiveness of the Pension Fund's systems of internal financial control, including counter fraud, theft or corruption and framework of internal control to provide reasonable assurance of effective and efficient operations.
- *12. Note the Pension Fund's audited Statement of Accounts and the Annual Report from the External Auditor to members and the Controller of Audit, prior to submission to Council.

Functions Delegated

All functions above NOT marked # or *. Those functions marked # are referred to the Committee for consideration and any recommendations must receive approval of the Executive Committee. Those functions marked * are referred to the Committee for consideration and recommendation only and must receive approval of Council.

SCRUTINY AND PETITIONS COMMITTEE

Constitution

Ten members of the Council.

Chair

The Chair shall be a member of the Opposition. The Vice-Chair shall be a member of the Administration.

Quorum

Four Elected Members of the Council shall constitute a quorum.

Functions Referred

The following functions of the Council shall stand referred to the Committee:-

- #1. Monitoring the performance of the Authority towards achieving its policy objectives and priorities in relation to all functions of the Council.
- #2. Reviewing the effectiveness of all the Council's work against agreed standards, targets and budgets for the levels of services provided.
- #3. Acting as a focus for value for money and service quality exercises.
- #4. Management of the "Call in" procedure for the examination of decisions of the Executive Committee.
- *5. Developing an annual programme for approval by Council (likely in April each year) on the basis of the scrutiny functions outlined above.
6. Any other matter referred to the Committee for consideration by Council or the Executive Committee.
7. Consider petitions submitted to the Council in accordance with the Council's approved petitions procedure and determine the appropriate action to be taken within the terms of the procedure.
8. Consider deputations to the Council in accordance with the Council's approved deputations procedure and determine the appropriate action to be taken within the terms of the procedure.

Functions Delegated

All functions above NOT marked # or *. Those functions marked # are referred to the Committee for consideration and any recommendations must receive approval of the Executive Committee. Those functions marked * are referred to the Committee for consideration and recommendation only and must receive approval of Council.

SECTION VI

CIVIC GOVERNMENT LICENSING COMMITTEE

Constitution

Nine Members of the Council.

Quorum

Five members of the Committee shall constitute a quorum.

Functions Referred

The following functions of the Council shall stand referred to the Committee:-

1. All matters relating to the Council's responsibilities for licensing under the Civic Government (Scotland) Act 1982, except those matters specifically delegated to the Chief Legal Officer.
2. All matters relating to the Council's responsibilities for the granting and revocation of miscellaneous licences, except those matters specifically delegated to the Chief Legal Officer.
3. Decide cases where Officers recommend that a private sector landlord is refused registration, or that a private sector landlord be removed from the Private Landlord Register.

Functions Delegated

All of the functions referred to the Committee.

SECTION VII

PENSION FUND COMMITTEE

Constitution

Seven Members of the Council comprising –

- (a) the Convener
- (b) one member of the Executive
- (c) three other Members of the Administration
- (d) two members from the Opposition

Quorum

Four members of the Committee shall constitute a Quorum.

Functions Referred

The following functions of the Council shall stand referred to the Committee -

1. All matters relating to the Council's role as the Administering Authority for the Scottish Borders Council Pension Fund, within the terms of all relevant Local Government Pension Scheme legislation and the requirements of the Pension Regulator.
- *2. Review the Pension Fund's audited Statement of Accounts and the Annual Report from the External Auditor to members and the Controller of Audit, prior to submission to Council.

Functions Delegated

All of the functions not marked *. Those functions marked * are referred to the Committee for consideration and recommendation only and must receive approval of Council.

Joint Meeting with the Pension Board

While the statutory roles and function of the Pension Fund Committee and Pension Board are separate, the normal practice will be that both bodies will meet at the same time to consider the same agenda, with the Chair of the Pension Fund Committee chairing the concurrent meeting. The aim is to engender a positive and proactive partnership culture where in practice the two bodies act as one.

Dispute Resolution between Pension Board and Pension Fund Committee

Within the regulations there is a prescribed approach to dispute resolution between the Pension Board and the Pension Fund Committee.

1. At the joint meeting referred to above, if the Pension Fund Committee and Pension Board cannot reach joint agreement on any matter the process for resolving any differences between the two bodies is set out in 3) below.
2. Whilst this process is undertaken the decision of the Pension Fund Committee is still competent.

3. In the first instance, if at least half of the members of the Pension Board agree, then the Pension Board can refer back a decision of the Pension Fund Committee for further consideration if any of the following grounds are met:
 - (a) That there is evidence or information which the Pension Board considers needs re-evaluating or new evidence or data which the Pension Fund Committee did not access or was not aware of at the point of decision making and which is considered material to the decision taken;
 - (b) That the decision of the Pension Fund Committee could be considered illegal or contrary to regulations;
 - (c) That the decision of the Pension Fund Committee is contrary to a relevant Code of Practice published by the Pensions Regulator; or
 - (d) That the decision is not in the interest of the continued financial viability of the Scottish Borders Council Pension Fund or is against the principles of proper and responsible administration of the Scottish Borders Council Pension Fund.
4. This referral must be communicated to the Clerk to the Council within 10 working days of the joint meeting with the Pension Fund Committee which made the decision being required to be reconsidered.
5. If there is no agreement after the matter has been referred back to the Pensions Fund Committee, then the difference in view between the Pension Board and the Pension Fund Committee will be published in the form of a joint secretarial report from the Pension Board on the Pension Fund website and included in the Pension Fund's Annual Report.
6. The Scottish LGPS Scheme Advisory Board may also consider and take a view on the matter and, if considered appropriate, provide advice to Scottish Borders Council as the Scheme Manager or the Pension Board in relation to the matter.

(PENSION FUND COMMITTEE)

PENSION FUND INVESTMENT AND PERFORMANCE SUB-COMMITTEE

Constitution

Nine members, being:

- (a) the seven members of the Pension Fund Committee; and
- (b) two non-voting members nominated by the Pension Board.

Chair

The Chair shall be the Chair of the Pension Fund Committee.

Functions Referred

The following functions of the Committee shall stand referred to the Sub-Committee -

1. Reviewing the Pension Fund's Statement of Investment Principles.
- #2. Where appropriate, recommending changes to the Pension Fund Committee in relation to the Statement of Investment Principles.
3. Ensuring appropriate investment management arrangements are in place for monies of the Pension Fund and to review investment manager performance.
4. Overseeing the contractual review of the fund managers and investment adviser(s) and custodian.
- #5. Where appropriate, making recommendations to the Pension Fund Committee in relation to the appointment or removal of a fund manager, investment adviser or custodian.
- #6. Overseeing the overall approach to investment management and where appropriate recommending changes to the Pension Fund's Risk Register.

Functions Delegated

All functions above NOT marked #. Those functions marked # are referred to the Sub-Committee for consideration and recommendation only and must receive approval of the Pension Fund Committee.

SECTION VIII

PLANNING AND BUILDING STANDARDS COMMITTEE

Constitution

Nine Members of the Council, including the Executive Member for Estate Management and Planning.

Quorum

Four members of the Committee shall constitute a quorum.

Chair

The Chair of the Committee shall be the Executive Member for Estate Management and Planning.

Functions Referred

The following functions of the Council shall stand referred to the Committee:-

1. All matters relating to Town and Country Planning except the following:-
 - (a) Strategic Development Plan and Local Development Plan
 - (b) Applications referred under Section 38(A)(1) of the Town and Country Planning (Scotland) Act 1997
 - (c) Applications and other matters delegated to the Chief Planning Officer
2. All matters relating to the Council's responsibilities for Building Control except those delegated to the Chief Planning Officer.
3. Consideration and determination of appeals against the proposed refusal of applications for Building Warrants and Relaxations of the Building Regulations.
4. Consideration and determination of High Hedge Notices not dealt with under delegated powers by the Chief Planning Officer.

Functions Delegated

All of the functions referred to the Committee.

SECTION IX

LOCAL REVIEW BODY

Constitution

Nine Members of the Council, being the members of the Planning and Building Standards Committee.

Chair

The Chair of the Local Review Body shall be the Chair of the Planning and Building Standards Committee or in their absence the Vice-Chair.

Quorum

Four Members shall constitute a quorum.

Assessor

The Review Body may appoint an Assessor to sit with the Local Review Body at any hearing session it elects to hold to advise on matters arising.

Functions Referred

The following functions of the Council shall stand referred to the Review Body:-

1. Conduct Reviews in accordance with Section 43A of the Town and Country Planning (Scotland) Act 1997 where the appointed person has:-
 - (a) Refused an application for planning permission or for consent, agreement or approval;
 - (b) Granted it subject to conditions; or
 - (c) Not determined it within such period as may be prescribed by regulations or a development order.

Functions Delegated

All functions referred to the Review Body

Note

Where the Local Review Body considers that the review documents before them provide sufficient information to enable them to determine the review, they may determine the review without further procedure. (Regulation 12 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2008.)

Other than in circumstances where the Local Review Body considers the review documents provide sufficient information to enable them to determine the review without further procedure, the Local Review Body may consider the review:

- (a) by means of written submissions;
- (b) by holding one or more hearing sessions;
- (c) by means of a site inspection; or

(d) by a combination of procedures.

Functions Delegated

All functions detailed above.

SECTION X

SUSTAINABLE DEVELOPMENT COMMITTEE

Constitution

Eleven Members of the Council, being 6 members of the Administration, including the Executive Member for Environment & Transport, and 5 members of the Opposition.

Chair

The Chair of the Sustainable Development Committee shall be the Executive Member for Environment & Transport.

Quorum

Four Members shall constitute a quorum.

Functions Referred

The following functions of the Council shall stand referred to the Committee:-

- *1. Review recent decisions and actions of the UK and Scottish Government, UK local authorities, and Borders wide voluntary sector initiatives, with a view to making recommendations as to how the Council can exercise leadership in tackling climate change.
2. Report annually to Council on progress.

Functions Delegated

All functions above NOT marked *. Those functions marked * are referred to the Committee for consideration and recommendation only and must receive approval of Council.

SECTION XI CONSULTATIVE GROUPS

JOINT CONSULTATIVE GROUP FOR STAFF

Constitution

Fourteen members comprising:-

- (a) The Executive Member for Service Delivery & Transformation and five other Members of the Council;
- (b) Eight employee Trade Union Representatives, namely:-
 - (i) Three from Unison
 - (ii) Three from Unite
 - (iii) One from General Municipal and Boilermakers Union
 - (iv) One other to be agreed by the Trade Unions
 - (v) One from GMB: MPO (only to attend for items relating to Chief Officials)

Chair

The Executive Member for Service Delivery & Transformation shall be the Chair of the Group.

Quorum

Three Members of the Council and four Trade Union representatives shall constitute a quorum.

Functions Referred

The following functions of the Council shall stand referred to the Group:-

1. Consultation on matters relating to terms and conditions of employment, health & safety and welfare of all Council employees except Teachers. (The pay grading, efficiency or disciplinary record of any individual employee is not within the scope of the Group)

Functions Delegated

All functions referred to the Consultative Group.

JOINT CONSULTATIVE GROUP FOR TEACHERS

Constitution

Fourteen members comprising:-

- (a) The Executive Member for Education & Lifelong Learning and five other Members of the Council, being three members from the Administration and two members from the Opposition.
- (b) Eight employee Trade Union Representatives, namely:-
 - (i) Four from E.I.S.
 - (ii) Two from S.S.T.A.
 - (iii) One from P.A.T.
 - (iv) One other to be agreed by the Trade Unions

Chair

The Executive Member for Education & Lifelong Learning shall be the Chair of the Group.

Quorum

Three Members of the Council and four Trade Union representatives shall constitute a quorum.

Functions Referred

The following functions of the Council shall stand referred to the Group:-

1. Consultation on matters relating to terms and conditions of employment, health & safety and welfare of all Teachers employed by the Council. (The pay grading, efficiency or disciplinary record of any individual teacher is not within the scope of the Group.)

Functions Delegated

All functions referred to the Consultative Group.

EMPLOYEE COUNCIL

Constitution

- (a) Five Elected Members of the Council, being the Executive Member for Service Delivery & Transformation, the Leader, two other Executive Members, and the Leader of the Opposition.
- (b) Any Five members of the Corporate Management Team.
- (c) Employee representatives from across the Council.

Chair

The Executive Member for Service Delivery & Transformation shall be Chair of the Employee Council.

Quorum

Two Elected Members of the Council, two of the Corporate Management Team, and two of the employee representatives shall constitute a quorum.

Functions Referred

The following functions of the Council shall stand referred to the Employee Council –

1. Share information and promote communication between Council management and staff.
2. Be informed and consulted on (but not as a negotiating body) issues affecting employment and the Council's plans, including:
 - Public sector reform and related issues
 - Information on recent or probable developments of the Council's activities, financial and economic situation
 - Organisational design and development
 - Budget development and implementation
 - Information and consultation on developments regarding employment arrangements, particularly where these may cause significant change to employment
 - Employee benefits
 - Council business issues.

Note: The Employee Council shall not affect the rights and responsibilities of Council management to make all business, financial, commercial, operational and technological decisions.

Functions Delegated

All functions referred to the Employee Council.

SECTION XII

AD-HOC COMMITTEES

STANDARDS COMMITTEE

Constitution

Eight Members of the Council, being, five members from the Administration and three members from the Opposition.

Quorum

Three members of the Committee shall constitute a quorum.

Functions Referred

The following functions of the Council shall stand referred to the Committee:-

1. All matters relating to the Ethical Standards in Public Life etc. (Scotland) Act 2000.
2. The adoption and application of the Code of Conduct for Councillors.
3. The consideration, investigation and determination of all complaints made concerning the conduct of Councillors.
- *4. The consideration and revision from time to time of the list of sanctions available to the Council in the event of misconduct on the part of a Councillor.
5. The consideration of reports from the Monitoring Officer on matters relating to the Ethical Framework.

Functions Delegated

All functions above NOT marked *. Those functions marked * are referred to the Committee for consideration and recommendation only and must receive approval of Council.

APPOINTMENT COMMITTEE

Constitution

Minimum of Five Members of the Council comprising –

- (a) the Executive Member for Service Delivery & Transformation
- (b) the Leader
- (c) the relevant Executive Member(s)
- (d) one other Member of the Administration
- (e) one Member from the Opposition

In this context, “relevant Executive Member(s)” means the Executive Member(s) for the Service(s) within which the appointment is being made.

Chair

The Executive Member for Service Delivery & Transformation shall be Chair of the Committee.

Quorum

Three members of the Committee shall constitute a Quorum.

Functions Referred

The following functions of the Council shall stand referred to the Committee -

1. The recruitment of staff to posts at Director and above.

Functions Delegated

All of the functions referred to the Committee.

STAFFING APPEALS COMMITTEE

Constitution

All Members of the Council shall be Members of an Appeals Panel, from which three members of a Staffing Appeals Committee shall be drawn.

Chair

The Executive Member for Service Delivery & Transformation shall be the Chair of the Staffing Appeals Panel or in his absence an Executive Member.

Selection of Appeal Committees

Each of the Staffing Appeals Committees shall be selected by the Clerk to the Council or their authorised representative in consultation with the Chair of the Appeals Panel.

Chair

The Chair of the Appeals Panel shall chair the Committee or, in their absence, the Chair shall be an Executive Member.

Quorum

Two Members of the Committee shall constitute a quorum.

Functions Referred

The following functions shall stand referred to the Committee:-

1. The consideration and determination of appeals by all employees against decisions in respect of discipline.
2. The consideration and determination of grievances by all employees.

Note: Grievances in respect of pay, gradings or conditions of service shall be dealt with through the relevant Council policies and procedures and not through the Staffing Appeals Committee.

Functions Delegated

All of the functions referred to the Committee.

EDUCATION APPEALS COMMITTEE

Constitution

The rules for the formal constitution and membership of the Education Appeal Sub-Committee are laid down in the Education (Scotland) Act 1980.

There may be up to three different categories of membership of the Appeal Sub-Committee as follows:-

- (a) Members of the Council who are not members of the Executive Committee.
- (b) Members of the Executive Committee (including non-elected members).
- (c) Lay members.

The following arrangements apply in respect of the selection of the Panel and individual Appeal Sub-Committees.

Appointment of Panel

A Panel from which members of Appeal Sub-Committees shall be drawn shall comprise 53 persons as follows:-

- (a) The Convener, who shall be Chair of the Panel.
- (b) The Executive Member for Education & Lifelong Learning, who shall be Vice-Chair of the Panel.
[Neither of these persons may chair an Appeal Committee.]
- (c) Fourteen other Members of the Executive Committee, which excludes the Teacher, Parent Council and Pupil representatives (none of whom may chair the Appeal Committee).
- (d) Nineteen Members of Council who are not members of the Executive Committee.
- (e) Eighteen persons who are not members of the Council or the Executive Committee and who are either parents of children of school age or persons having experience in education or persons acquainted with the educational conditions in the area, and who are members of the nominated Parent Councils – one to be nominated by each Secondary Parent Council and by the Parent Council for the largest primary school in each of the catchment areas for the nine secondary schools. In the event of any such primary or secondary school not having a Parent Council or of any Parent Council declining to provide a nominee, then a nomination will be sought from the Parent Council of the next largest primary school and so on.

Functions Referred

The following functions shall stand referred to the Sub-Committee:-

1. Appeals by parents against decisions of the Council acting as Education Authority as to the schools, excluding nursery schools or classes, which their child or children should attend.
2. Appeals by parents against decisions of the Council acting as Education Authority to exclude their child or children from school.
3. Various appeals by parents in connection with their child or children being recorded as having marked or continuing special education needs.

Functions Delegated

All of the functions referred to the Sub-Committee.

Duration of Appointment

The term of office of members of the Panel shall be:-

- (a) In the case of Members of the Executive Committee or of the Council, from the date of their appointment until the date of the next Council election.
- (b) In the case of persons nominated by Parent Councils, from the date of their appointment until the date when they are due to stand down.

Selection of Appeal Sub-Committees

5. (a) Each Appeal Sub-Committee shall be selected by the Clerk to the Council or their authorised representative in consultation with the Chair of the Panel, or, in their absence, the Vice-Chair of the Panel.
- (b) Each Appeal Committee shall comprise 5 persons being:-
- 3 Members of the Executive Committee or of the Council from the Panel.
 - 2 other persons from the Panel.
- (c) In the event of all 5 persons not being in attendance at a hearing of an appeal, the Appeal Sub-Committee shall be reduced to 3 persons including not less than:-
- 1 Member of the Executive Committee or of the Council from the Panel.
 - 1 other person from the Panel.
- (d) The Clerk to the Council or their authorised representative, in consultation with the Chair or, in their absence, the Vice-Chair of the Panel, shall appoint the Chair of the Appeal Committee, who shall not be a Member of the Executive Committee.

Administrative Arrangements

6. The Clerk to the Council or their authorised representative shall act as Clerk to the Appeal Committee and the Director – Education & Lifelong Learning or their representative shall present the case for the Council at any Appeal Committee hearing.

ASSET TRANSFER APPEALS COMMITTEE

Constitution

All Members of the Council shall be Members of the Appeals Panel, from which five members for an Asset Transfer Appeals Committee shall be drawn. No Member may be a member of a Committee set up to hear an Appeal for an Asset Transfer request for land/buildings within their Ward.

Chair

The Executive Member for Communities & Equalities shall be the Chair of the Asset Transfer Appeals Panel or in their absence the Executive Member for Estate Management and Planning.

Selection of Appeal Committees

The membership of the Appeals Panel shall be selected by the Clerk to the Council or their authorised representative in consultation with the Chair of the Appeals Panel.

Quorum

Three members of the Committee shall constitute a quorum.

Functions Referred

The following functions shall stand referred to the Committee:-

1. The consideration and determination of appeals by any Community Transfer Body made under Section 86 of the Community Empowerment (Scotland) Act 2015, where the Asset Transfer Officers Group has:
 - (i) refused the request; or
 - (ii) agreed to the request but the decision notice relating to the request specifies material terms or conditions which differ to a significant extent from those specified in the request; or
 - (iii) failed to issue a decision within the statutory period.
2. Determining whether to ratify the value at which a Community Asset Transfer is to be made, where the Asset Transfer Officer Group or a Common Good Sub-Committee has determined to agree to that transfer at a value less than market value.

Note: The Community Transfer Body has the right to attend and present their appeal to the Committee.

Functions Delegated

All of the functions referred to the Committee.

SECTION XIII

COMMUNITY AND PARTNERSHIP BODIES

General

1. The Council is required, or has agreed, to set up, lead and/or participate in a number of Community and Partnership Bodies. The aim is to work in partnership with other key public, voluntary and private bodies, together with communities and businesses to maintain and improve the quality of life and meet the needs of Borders residents and their communities through the delivery of high quality public services, projects, advocacy and other actions.
2. The principles for going forward are –
 - To provide effective structures for delivery/implementation;
 - To include partner buy-in and Member involvement;
 - To have meaningful community involvement and stakeholder engagement as appropriate;
 - To help prioritise services where most needed;
 - To comply with any statute and regulations governing those public, private and voluntary sector organisations involved.
4. Decisions at meetings of the Bodies in this Section shall be reached on a consensus basis where possible between the SBC Elected Members and other members of the Body. Should consensus between SBC Elected Members and other members not be reached on a decision, then the matter shall be raised at each individual organisation's governing body, except for Area Partnerships, whereby the Elected Members of Scottish Borders Council shall decide Council financial matters by vote.
5. Any delegated budgets shall operate as aligned budgets delegated to the Committee of Scottish Borders Council and the Committees or representatives of other partner organisations respectively, and this will mean that only Members of Scottish Borders Council may expend budgets delegated by Scottish Borders Council, and other organisations' budgets shall be expended in accordance with their own operating rules.

POLICE, FIRE & RESCUE, AND SAFER COMMUNITIES BOARD

Constitution

Ten members, being six Members of the Council, and four non-voting members appointed from an external source.

The Council Members shall comprise the Executive Member for Community & Culture, and five other Members of the Council.

The non-voting members shall comprise a representative from each of NHS Borders, the Scottish Borders Housing Network, the voluntary sector, and the business sector.

Chair

The Chair and Vice-Chair of the Board shall be Elected Members of the Council.

Quorum

Three Elected Members of the Council shall constitute a quorum.

Functions Referred

The following functions of the Council shall stand referred to the Board:-

- *1. Assess the adequacy and effectiveness of the Scottish Borders Policing Plan in terms of priorities, community engagement and performance related measures to provide reasonable assurance of effective and efficient implementation and operation; and make recommendations on any aspect of these Plans in terms of issues or improvements.
- *2. Assess the adequacy and effectiveness of the Scottish Borders Fire and Rescue Plan in terms of priorities, community engagement and performance related measures to provide reasonable assurance of effective and efficient implementation and operation; and make recommendations on any aspect of these Plans in terms of issues or improvements.
- *3. Assess the adequacy and effectiveness of the Scottish Borders Safer Communities Plan in terms of priorities, community engagement and performance related measures to provide reasonable assurance of effective and efficient implementation and operation; and make recommendations on any aspect of these Plans in terms of issues or improvements.
4. Contribute to the delivery of the Scottish Borders Single Outcome Agreement (SOA) within the Scottish Borders Community Planning Transformation Plan, and in particular the local outcome indicators and programme in relation to the national outcome "We live our lives safe from crime, disorder and danger".
5. Monitor and keep under review progress and delivery of all Safer Communities projects and initiatives.
6. Consider statistical reports on complaints on policing, fire and rescue, and safer communities in the Scottish Borders.
- *7. Consider and draft responses to any consultation documents pertaining to policing, fire & rescue services, and safer communities.

Functions Delegated

All functions above NOT marked *. Those functions marked * are referred to the Board for consideration and recommendation only and must receive approval of the Council.

COMMUNITY PLANNING STRATEGIC BOARD

General

The Community Planning Strategic Board shall comprise Scottish Borders Council Elected Members meeting together with Statutory and other Community Planning Partner representatives.

Constitution

- (a) Any three from the following Elected Members of Scottish Borders Council being:-
- (i) 4 Executive Members;
 - (ii) the Leader of the Opposition
- (b) Representatives from each of the other statutory Community Planning Partners, being:-
- (i) NHS Borders – 2 representatives
 - (ii) South of Scotland Enterprise – 1 representative
 - (iii) Police Scotland – 1 representative
 - (iv) Scottish Fire and Rescue Service – 1 representative
- (c) Representatives from the following Community Planning Partners:
- (i) Registered Social Landlords – 1 representative;
 - (ii) Borders College – 1 representative;
 - (iii) Third Sector – 1 representative.

Chair

The Board must be chaired by an Elected Member of the Council.

Quorum

Two Elected Members of the Council and one representative from each of 2 other statutory Community Planning Partners shall constitute a quorum.

Functions Referred

The following functions of the Council, within policy, budget and legislative requirements, and in compliance with any statute and regulations governing these public, private and voluntary sector organisations involved, shall stand referred to the Board -

1. Approve, monitor and evaluate progress on the Community Plan (Local Outcomes Improvement Plan) and the individual Locality Plans.
2. Monitor the work of the Joint Delivery Team and Themed Delivery Groups.
3. Find consensus in reaching decisions on those issues that involve competing interests or are controversial or contentious.
- *4. Identify the ideal level of resources necessary to achieve the outcomes of the Plans and advise partners of these.

5. Work together to resolve any problems arising from significant issues.
- *6. Consider and make recommendations to the Community Planning Consultative Partnership and/or partner organisations on any aspects of community planning in terms of issues or improvements.
7. Provide the Community Planning Consultative Partnership with an annual assessment of community planning in the Scottish Borders.
8. Sign off the Annual Report on Community Planning, after consultation with the wider Community Planning Consultative Partnership.

Functions Delegated

All functions above NOT marked *. Those functions marked * are referred to the Board for consideration and recommendation only and must receive approval of the Council and other relevant Community Planning partner organisations.

AREA PARTNERSHIPS

Constitution

1. Each Area Partnership will comprise –

(a) Core Members:

- (i) The elected Scottish Borders Councillors representing –
 - **Berwickshire Area Partnership:** the six Elected Members for the Wards of East Berwickshire and Mid-Berwickshire;
 - **Cheviot Area Partnership:** the six Elected Members for the Wards of Kelso & District and Jedburgh and District;
 - **Eildon Area Partnership:** the ten Elected Members for the Wards of Galashiels & District, Leaderdale & Melrose, and Selkirkshire;
 - **Teviot & Liddesdale Area Partnership:** the six Elected Members for the Wards of Hawick & Denholm and Hawick & Hermitage;
 - **Tweeddale Area Partnership:** the six Elected Members for the Wards of Tweeddale East and Tweeddale West;
- (ii) One representative from each of four different Community Councils in the Area Partnership area as non-voting members;
- (iii) Any other non-voting member appointed by the Area Partnership up to a total core membership maximum of 20.

(b) Additional Invited members:

Invitations to attend and participate as non-voting members in meetings where there are relevant agenda items:

- (i) appropriate representative(s) from the Community Planning partners (NHS Borders, Scottish Police, Scottish Fire & Rescue Service, South of Scotland Enterprise, Live Borders, RSLs, Borders College, Health & Social Care Integration Board, SEPA, SNH, Skills Development Scotland, SESTRAN, Third Sector, Visit Scotland);
- (ii) a representative from any other Community Group or Local body, as appropriate; and
- (iii) a representative from any other community of interest group, as appropriate.

Chair/Vice-Chair

The Chair and Vice-Chair of each Area Partnership shall be a Member of Scottish Borders Council.

Quorum

Three of the Scottish Borders Council Members of each Locality Committee, including at least one representative from each Ward, shall constitute a quorum, except for the Eildon Area Partnership where five shall constitute a Quorum.

Functions Referred

The following functions of the Council shall stand referred to each Area Partnership, in compliance with any statute and regulations governing those public, private and voluntary sector organisations involved:-

1. Champion/lead the preparation and publication of a Locality Plan for the area, while taking account of the Scottish Borders Community Plan.
2. Inform the Locality Plan, by involving local communities in establishing:
 - (a) a shared understanding of need in the area;
 - (b) the outcomes and priorities for the area;
 - (c) the proposed improvement(s) to be achieved.
3. Approve the Locality Plan and recommend final approval by the Community Planning Strategic Board.
- *4. Review and monitor the progress of the Locality Plan, including approval of an annual progress report for publication, and receive progress and performance reports on local services, making recommendations to the relevant body/committee, as appropriate.
- *5. Where there is a local dimension to a Borders-wide plan, or a specific locality plan, act as a community consultation body.
6. Consider applications for financial assistance from the Council from the Community Fund up to the value of £10,000 or in exceptional cases £30,000
Note: The decisions on the Fund applications at Area Partnerships shall be by consensus (i.e. widespread agreement) and where consensus is not possible, then only SBC Elected Members will make the final decision. The Chair of the Area Partnership shall have a casting vote if required should there be an even split amongst SBC Elected Members.
7. The distribution of Pay Parking Income (where available).
Note: Only SBC Elected Members have decision making powers on the above Fund.
8. Promote and support the Localities Bid Fund, and encourage communities to get involved and participate.
9. Decide whether the funding for each Area Locality Bid Fund is to be allocated in a particular way (e.g. urban/rural split); if any themes are being applied to a particular release of funding; if there is to be any cap on the amount of grant for any project and whether a cash contribution will be required.

Functions Delegated

All functions above NOT marked *. Those functions marked * are referred to the Committee for consideration and recommendation only and must receive approval of the relevant other Council committee.

General

In addition to the functions referred and delegated to the Area Partnerships, the Council or other Organisations may from time to time seek the views of Area Partnerships on specific matters or applications out-with their normal remit.

REGULATIONS – RELIGIOUS REPRESENTATIVES

for Nominations of Persons interested in the Promotion of Religious Education to be Appointed to the Executive Committee (for that part of the meeting considering Education Authority matters)

1. The Council shall appoint three persons interested in the promotion of religious education to be members of the Executive Committee (for that part of the meeting considering Education Authority matters) in accordance with Section 124 of the Local Government (Scotland) Act 1973, as amended by Section 31 of the Local Government etc. (Scotland) Act 1994.
2. The appointments shall be made by the Council as soon as possible after the ordinary statutory election of Councillors in the month of May and, subject to Regulation 5(e), the persons will be appointed and hold office until the day of the next ordinary statutory election of Councillors.
3. One person interested in the promotion of religious education shall be nominated by the General Assembly of the Church of Scotland in terms of Section 124 of the Local Government (Scotland) Act 1973 as amended. The Clerk to the Council shall, in a year of an election of Councillors, request the Principal Clerk of the General Assembly of the Church of Scotland to submit to them a nomination of the person not later than the First day of May in that year.
4. One person interested in the promotion of religious education shall be nominated by the Roman Catholic Church, in such manner as may be determined by its Scottish Hierarchy in terms of Section 124 of the Local Government (Scotland) Act 1973 as amended. The Clerk to the Council shall, in a year of an election of Councillors, request the Archbishop of Edinburgh and St. Andrews to submit to them a nomination of the person not later than the First day of May in that year.
5. One other person interested in the promotion of religious education shall be nominated in terms of Section 124 of the Local Government (Scotland) Act 1973, as amended. The nomination shall be made in accordance with the following provisions:-
 - (a) Not later than the Fifteenth day of March in the year of an election of Councillors, the Clerk to the Council, by advertisement in one or more newspapers circulating in the Area, shall give notice that the Churches or denominational bodies (other than the Church of Scotland and the Roman Catholic Church) who claim to have duly constituted charges or other regularly appointed places of worship within the Area and to be entitled to be represented at the meeting for nomination of one person with a view to appointment as a member of the Executive Committee (for that part of the meeting considering Education Authority matters), may obtain copies of these Regulations on application to them; and that each of these Churches or denominational bodies who desire to be represented at the meeting for the nomination of one person with a view to appointment as a member of the Executive Committee (for that part of the meeting

considering Education Authority matters) must transmit to them prior to the Thirty first day of March -

- (i) A certified list of the names and situations of the duly constituted charges or other regularly appointed places of worship which such church or other denominational body claims to have within the Area;
- (ii) A certified statement of the number of representatives whom such church or denominational body claims to be entitled to have at the said meeting calculated in accordance with the following scale -

Number of duly constituted charges or other regularly appointed places of worship	Number of representatives at meeting
Not more than three	One
More than three and not more than six	Two
More than six and not more than ten	Three
More than ten and not more than fifteen	Four
More than fifteen and not more than twenty	Five
Each ten in excess of twenty	One additional

- (iii) The full names and postal addresses of the persons appointed to represent such Church or denominational body at the said meeting.
- (b) Not later than the Seventh day of April, the Clerk to the Council shall -
- (i) Prepare a list of the Churches or denominational bodies who have claimed to have duly constituted charges or other regularly appointed places of worship within the Area, which list shall, as regards each Church or denominational body included therein, show the total number of duly constituted charges or other regularly appointed places of worship and the number of representatives at the aforesaid meeting which such Church or denominational body has claimed.
 - (ii) Transmit a copy of such list to each of the Churches or denominational bodies included therein, and at the same time intimate to such Churches or denominational bodies that they may inspect at their office all the certified lists of the duly constituted charges or other regularly appointed places of worship and all the certified statements of the numbers of representatives claimed at the aforesaid meeting which they have received from Churches or denominational bodies in the Area; and that any Church or denominational body included in the list may, within seven days after the date of such intimation, lodge with them objections to any of the certified lists or certified statements on the ground that such list or statement is inaccurate.
- (c) If any objection to any such certified list or certified statement on the ground that it is inaccurate is received by the Clerk to the Council in accordance with the immediately preceding paragraph, they shall, as soon as reasonably may be, fix a time and place for the hearing and determination of such objection and send a copy of each such objection to each Church or denominational body included in the list and intimate

the time and place fixed for the hearing and determination of the objections, and each Church or denominational body included in the list may be represented at such hearing and determination by not more than two representatives. The Convener or a person nominated by them shall preside at such hearing and, after such procedure as they may prescribe, shall determine whether the objection is well founded and shall in accordance with the scale prescribed in paragraph (a)(ii) of this Regulation, fix the number of representatives whom each church or denominational body shall be entitled to have at the meeting for the nomination of a person in terms of this Regulation. The determination of the Convener or the person appointed by them shall be final and not subject to review.

- (d) If no such objections are received or upon the determination of any such objections, the Clerk to the Council shall call a meeting of the representatives appointed by the Churches or denominational bodies for the purpose of nominating a person with a view to such person being appointed a member of the Executive Committee (for that part of the meeting considering Education Authority matters). Such meeting shall be held in the Council's Headquarters, Newtown St. Boswells, not later than the Thirtieth day of April and shall be called by circular addressed and sent by post to each representative not less than six days prior to the date of the meeting. The Convener, or such other person appointed by them, shall preside and conduct and regulate the proceedings at the meeting, but they shall have only a casting vote. Each representative of a Church or denominational body present at the meeting shall have one vote only. The Clerk to the Council shall report the result of such meeting of representatives to the Council as soon as possible after the ordinary statutory election of Councillors.
- (e) In the event of a casual vacancy among the members of the Executive Committee appointed in accordance with this Regulation, the provisions contained in this Regulation shall apply to and govern the constitution and covering of the meeting of representatives of Churches or denominational bodies for the purpose of filling such vacancy. The Clerk to the Council shall determine the dates for taking the action required of them, allowing periods of time between events similar to those specified in the preceding sub-paragraphs.

REGULATIONS - TEACHERS**for Nominations of Teachers to be Appointed to the Executive Committee (for that part of the meeting considering Education Authority matters)**

1. The Council shall appoint two Teachers in the employment of the Council as Teachers' Representatives to be members of the Executive Committee, for that part of the meeting considering Education Authority matters.
2. The appointments shall be made by the Council as soon as possible after the ordinary statutory election of Councillors in the month of May and, subject to Regulation 13, the Teachers' Representatives shall be appointed and hold office until the day of the next ordinary statutory election of Councillors.
3. Teachers entitled to nominate and vote for Teachers' Representatives and teachers entitled to be nominated as Teachers' Representatives shall be registered teachers holding full-time permanent appointments with the Council and engaged in Primary or Secondary Education as at the First day of March in the year of election.
4. A teacher shall be entitled to nominate and vote for not more than two Teachers' Representatives.
5. The Convener or a person nominated by them shall be the Supervising Officer to supervise the nominations of Teachers' Representatives and the decisions of the Supervising Officer on all matters relating to the nominations shall be final and not subject to review.
6. Not later than the Fifteenth day of March in the year of an election of Councillors, the Director – Education & Lifelong Learning shall send to all teachers entitled to nominate Teachers' Representatives a notice specifying the right of each teacher to nominate not more than two Teachers' Representatives and the arrangements for making nominations of Teachers' Representatives and for voting on the nominations if necessary.
7. Each nomination shall be on a form prescribed by the Director Education & Lifelong Learning and shall be signed by two teachers, one as proposer and one as seconder, and shall be counter-signed by the nominee to signify their consent to the nomination.
8. Candidates may provide a personal statement of not more than 250 words, which statement must either accompany the nomination form or be lodged with the Director Education & Lifelong Learning on the Seventh day of April in the year of the election at the latest. The statement will be reproduced and circulated by the Director Education & Lifelong Learning with the ballot papers. Statements must not be defamatory, offensive, obscene, likely to incite racial hatred or political in nature or designed to effect public support for a political party. If any part of the personal statement is not permitted by reason of being defamatory, offensive, obscene, likely to incite racial hatred or political in

nature, the circulation of it will be refused by the Supervising Officer unless suitably amended by the candidate or candidates concerned. The candidates remain responsible for their own personal statement

9. Nominations must be lodged with the Director Education & Lifelong Learning at Council Headquarters, Newtown St. Boswells, not later than 4 p.m. on the Thirty first day of March in the year of election.
10. Immediately after the closing date for the receipt of nominations, the Director Education & Lifelong Learning shall issue to each teacher who is validly nominated, a list of the names and addresses of all teachers who are validly nominated. A teacher may withdraw their nomination by written intimation to that effect lodged with the Director Education & Lifelong Learning not later than 4 p.m. on the Seventh day of April in the year of election.
11. Where more than two teachers remain validly nominated the Director Education & Lifelong Learning shall, not later than the Fifteenth day of April in the year of election, send ballot papers to all the teachers entitled to vote.
12. Ballot papers, duly completed, shall be lodged in sealed marked envelopes with the Director Education & Lifelong Learning not later than 4 p.m. on the Twenty fifth day of April in the year of election.
13. The Supervising Officer shall make arrangements for the ballot papers to be opened and the votes to be counted not later than the Thirtieth day of April in the year of election and shall forthwith notify the names of the persons duly nominated as Teachers' Representatives to the Chief Executive who shall report the names to the Council as soon as possible after the ordinary statutory election of Councillors.
14. In the event of a casual vacancy among the Teachers' Representatives on the Executive Committee, the provisions contained in these Regulations shall apply to and govern the nomination of a successor Teachers' Representative. The Director Education & Lifelong Learning shall determine the dates for taking the action required of them allowing periods of time between events similar to those specified in the preceding Regulations. The teachers entitled to nominate and vote for the Teachers' Representatives shall be registered teachers holding full-time permanent appointments with the Council and engaged in Primary or Secondary Education all as at the Fifteenth day prior to the date fixed by the Director Education & Lifelong Learning for issuing the notice specified in Regulation 6 above.

POLITICAL GROUPS

Constitution of political groups

1. (1) A political group shall be treated as constituted in relation to a local authority when there is delivered to the proper officer of the local authority a notice in writing which -
 - (a) is signed by two or more members of the local authority who wish to be treated as a political group; and
 - (b) complies with the provisions of sub-paragraph (3).
- (2) A political group shall cease to be constituted if the number of persons who are to be treated as members of that group is less than two.
- (3) A notice under sub-paragraph (1) shall state -
 - (a) that the members of the local authority who have signed it wish to be treated as a political group;
 - (b) the name of the group; and
 - (c) the name of one member of the group who has signed the notice and who is to act as its leader.
- (4) A notice under sub-paragraph (1) may specify the name of one or other member of the group who has signed the notice and who is authorised to act in the place of the leader when they are unable to act ("the deputy leader").
- (5) The name of the group or the name of the person who is the leader or deputy leader may be changed by a further notice in writing delivered to the proper officer and signed -
 - (a) in the case of a change in the name of the group or the deputy leader, by the leader of the group or a majority of the members of the group;
 - (b) in the case of a change of the leader of the group, by a majority of the members of the group.

Membership of political groups

2. Subject to paragraph 4, a member of the local authority is to be treated as a member of a political group if -
 - (a) they have signed a notice in accordance with paragraph 1; or
 - (b) they have delivered to the proper officer a notice in writing which is signed by them and by the leader or deputy leader of the group or by a majority of the members of the group, stating that they wish to join the group.

Cessation of membership

3. A person is to be treated as having ceased to be a member of a political group when -
- (a) they have ceased to be a member of the local authority;
 - (b) they have notified the proper officer in writing that they no longer wish to be treated as a member of the group;
 - (c) there is delivered to the proper officer a notice under paragraph 1 or 2(b) signed by the person whereby a new political group is constituted or they join another political group; or
 - (d) there is delivered to the proper officer a notice in writing signed by the majority of the members of the group stating that they no longer wish them to be treated as a member of it.

Restriction on membership

4. No person shall be treated as a member of more than one political group at any given time and, accordingly, if a person changes the political group of which they are a member by a notice under paragraph 1 or 2 they shall from the date of delivery of that notice be treated -
- (a) in the case of a notice under paragraph 1, as a member only of the new political group which is constituted in accordance with that paragraph; and
 - (b) in the case of a notice under paragraph 2(b) as a member only of the group named in the notice.

APPENDIX 4

OTHER COMMITTEES/BOARDS (NOT COMMITTEES OF COUNCIL)

Governed by the Licensing (Scotland) Act 2005

LICENSING BOARD

There shall be constituted the Scottish Borders Licensing Board, "the Licensing Board", meeting as required and having the following constitution, quorum and functions.

Constitution

The Licensing Board shall consist of nine Members of the Council.

Convener

The Convener of the Licensing Board shall be appointed at the first meeting of the Licensing Board from among their number.

Quorum

Five Members of the Licensing Board shall constitute a quorum.

Functions Referred

The following functions stand referred to the Licensing Board in terms of the relevant Liquor Licensing and Betting & Gaming Legislation.

1. All matters relating to Liquor Licensing.
2. The approval of disciplinary or enforcement action relating to Licensees.
3. All matters relating to Bookmakers' Permits, Betting Office Licences, Bingo Licences and Amusement with Prizes Permits for Liquor Licensed Premises.

Note: All Members of the Licensing Board must complete satisfactorily the required training before taking any part in Licensing Board proceedings.

**SCOTTISH BORDERS HEALTH AND SOCIAL CARE
INTEGRATION JOINT BOARD**

Constitution

- (a) Five Elected Members of Scottish Borders Council being:-
- (i) three members of the Executive to include the Executive Member for Health & Wellbeing
 - (ii) two other Elected Members
- (b) Five Members of NHS Borders
- (c) A number of advisory (non-voting) members as identified by the Integration Joint Board, including:
- (i) Health and Social Care representatives
 - (ii) Chief Social Work Officer
 - (iii) Chief Financial Officer of the Joint Integration Board
 - (iv) from the staff side
 - (v) from the third sector
 - (vi) from carers
 - (vii) from service users
 - (viii) Chief Officer of the Integration Joint Board

Chair

The first Chair of the Board shall be from the body not employing the Integration Board's Chief Officer, with the Vice-Chair from the body employing the Chief Officer. The Chair shall not have a casting vote.

Quorum

Three Elected Members from Scottish Borders Council and three members from NHS Borders shall constitute a Quorum

Budgets

Any delegated budgets shall operate as aligned budgets and shall require the final approval of Scottish Borders Council and NHS Borders respectively.

Functions Referred

The following functions of the Council and NHS Board, within policy, budget and legislative requirements, shall stand referred to the Board:

1. All arrangements relating to matters detailed in, and limited to, the Scheme of Integration concerning:
 - (a) Local Governance Arrangements
 - (b) The specific services delegated
 - (c) Local Operational Delivery Arrangements
 - (d) Clinical and Care Governance
 - (e) Chief Officer
 - (f) Workforce

- (g) Finance
- (h) Participation and Engagement
- (i) Information Sharing and Data Handling
- (j) Complaints
- (k) Claims Handling, Liability & Indemnity
- (l) Risk Management
- (m) Dispute Resolution.

Functions Delegated

Where detailed in the Scheme of Integration, functions are referred to the Board for consideration and recommendation only and must receive approval of the Council.



PARTICIPATION REQUEST FROM SCOTTISH BORDERS COMMUNITY COUNCILS' NETWORK

Report by Director - Resilient Communities

SCOTTISH BORDERS COUNCIL

25 August 2022

1 PURPOSE AND SUMMARY

- 1.1 This report presents a Participation Requests submitted to Scottish Borders Council by Scottish Borders Community Councils' Network (SBCCN) seeking to work with the Community Planning Partnership "give the community perspective and knowledge as a member of the [Community Planning Partnership Strategic] Board at the highest level in determining policies that effect the community."
- 1.2 Participations Requests were introduced in April 2017 under the Community Empowerment (Scotland) Act 2015. They are a way for communities to get involved in improving services provided by public authorities such as Scottish Borders Council
- 1.3 It is proposed that the Participation Request is agreed and the process (Outcome Improvement Process) put in place to achieve the identified aim of the Request is that SBCCN becomes a member of the Community Planning Partnership Strategic Board - a committee of Scottish Borders Council and therefore covered by the Council's Scheme of Administration.

2 RECOMMENDATIONS

2.1 It is recommend that Scottish Borders Council:

- a) **agrees to SBCCN's Participation Request,**
- b) **agrees that SBCCN be invited to join the Strategic Board with the Chair representing the Network, and**
- c) **agrees that the necessary amendment is made to the Council's Scheme of Administration.**

3 BACKGROUND

- 3.1 Part 3, Participation Requests, of the Community Empowerment (Scotland) Act 2015 (the Act) sets out a process whereby community groups can be involved in discussions with public service providers (known as Public Service Authorities - PSAs) about how services can be improved.
- 3.2 When a group makes a participation request they have to identify an outcome to be improved. The outcome has to be relevant to the public service authority that the participation request is being made to.
- 3.3 On receipt of a valid request the PSA has steps and timescales that it must follow when deciding whether to agree or refuse the request.
- 3.4 Section 24 of the Act states that, "where a participation request is made by a community participation body to a public service authority ... the authority must decide whether to agree to or refuse the request". Under subsection (5), "the authority must agree to the request unless there are reasonable grounds for refusing it".
- 3.5 If a Participation Request is agreed the PSA must put in place a process to facilitate the improvement that the community group wishes to achieve. This process is known as the Outcome Improvement Process (OIP).
- 3.6 Part 2, Community Planning, of the Act updates the Local Government in Scotland Act 2003 setting out responsibilities shared between five statutory partners. The Community Planning Partnership is required to tackle local challenges and improve local outcomes, with a particular focus on reducing inequalities, by working together as a partnership and with local communities and businesses.
- 3.7 In the Borders this is done through the five Area Partnerships, which report to the Joint Programme Board which in turn reports to the Strategic Board. All work of the Partnership is agreed and signed off by the Strategic Board.
- 3.8 Members of the Scottish Borders Community Planning Strategic Board are the five statutory partners, NHS Borders, Police Scotland, Scottish Borders Council, Scottish Fire and Rescue Service, and South of Scotland Enterprise. Other community planning partners, who are part of the Strategic Board, are the Borders are the Registered Social Landlords, Borders College and the Third Sector Interface.
- 3.9 The Strategic Board is a committee of Scottish Borders Council. The constitution is set out in the Council's Scheme of Administration therefore any changes, including membership, must be approved at a meeting of Scottish Borders Council.

4 SCOTTISH BORDERS COMMUNITY COUNCILS' NETWORK

- 4.1 Scottish Borders Community Councils' Network (SBCCN) is a network of all community councils in the Borders. Membership is automatic and free.

- 4.2 There are 69 community council areas in the Borders although, currently, not all of them have a community council in place.
- 4.3 SBCCN receives an annual grant of £1,250 from Scottish Borders Council to support its objectives which include support, advice and training to community councils.
- 4.4 As a representative body SBCCN speaks on behalf of community councils who in turn act to ascertain, co-ordinate and express the views of the community which they represent.

5 SBCCN'S PARTICIPATION REQUEST

- 5.1 A valid Participation Request has been made to Scottish Borders Council by SBCCN. The request seeks to work with the Community Planning Partnership to "give the community perspective and knowledge as a member of the Board at the highest level in determining policies that effect the community."
- 5.2 Agreement of the request would require an Outcome Improvement Process to be put in place.

6 BENEFITS OF SBCCN'S INVOLVEMENT IN THE COMMUNITY PLANNING PARTNERSHIP

- 6.1 As it currently stands community representation only exists at Area Partnerships. The Strategic Board does not include any representatives from community based organisations. It is recommended that, if there is support for the request, the Outcome Improvement Process is membership of the Strategic Board.
- 6.2 SBCCN would bring the views of community councils, from across the Borders, to the Board providing an important community voice. In conjunction with the input provided by the Third Sector Interface they would reinforce the community perspective in decisions made by the Board.
- 6.3 SBCCN's membership would support the principle of Public Sector Reform that says people should have equal opportunity to participate in decisions shaping their local community and society.
- 6.4 It would also be in line with the community empowerment agenda by providing communities the right to participation in decisions and processes agreed by the Strategic Board, as well as supporting the role of community planning which is to work with local communities to shape and deliver better services.
- 6.5 The addition of SBCCN to the Board would help deliver on one of Scotland's National Outcomes: we live in communities that are inclusive, empowered, resilient and safe.

6.6 It is also in line with one of the Council's priorities for 2022/23: Empowered, vibrant communities – support and empower people to achieve strong, active, resilient and sustainable communities and realise opportunities for improving people's lives.

7 REVIEW OF SCOTTISH BORDERS COMMUNITY PLANNING PARTNERSHIP – GOVERNANCE AND MEMBERSHIP

7.1 Governance is being looked at as part of the current review of the Scottish Borders Community Planning Partnership. This will include a review of current membership to ensure that it is fit for purpose. In some ways the Participation Request pre-empts this by recognising that community involvement needs to be strengthened.

7.2 The review, which is being taking forward through a multi-agency task group, seeks to ensure that decision making is carried out through an effective structure that includes membership that is fit for purpose. It is anticipated that a renewed governance structure will reflect communities of interest, or their representatives, as well as geographic communities.

7.3 Learning from community planning partnerships across the country will feed into this work to develop a representative Community Planning Partnership in the Scottish Borders.

8 PARITY WITH OTHER COMMUNITY PLANNING PARTNERSHIPS

8.1 A desktop review of membership of other Community Planning Partnerships across Scotland shows that approximately 30% have community involvement at Board level. This is through community councils, community trusts, civic forums, faith and youth groups.

9 CONSULTATION WITH THE COMMUNITY PLANNING PARTNERSHIP STRATEGIC BOARD

9.1 Members of the CPP Strategic Board have been informed of the Participation Request received by the Council and asked if they are supportive of the recommendation that the Request be agreed and SBCCN be invited to join the Strategic Board. Members of the Board, who have submitted a response, are supportive of the recommendation.

10 IMPLICATIONS

10.1 Financial

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

10.2 Risk and Mitigations

Not agreeing to the request and proposed recommendation, of inviting SBCCN to join the Strategic Board, would leave the Community Planning Partnership without direct community representation at the decision making level. This could leave the Council open to criticism at a time when community empowerment is central to national aims and many policy objectives.

Not agreeing the Request would be at odds with one of the Council's priorities for 2022/23: Empowered, vibrant communities – support and empower people to achieve strong, active, resilient and sustainable communities and realise opportunities for improving people's lives.

10.3 Integrated Impact Assessment

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

10.4 Sustainable Development Goals

The checklist has been completed and it is anticipated that the inclusion of SBCCN as a member of the Community Planning Partnership Strategic Board will encourage community involvement and will increase working with partners.

10.5 Climate Change

The addition of SBCCN to the Strategic Board could enhance the resilience of communities through the inclusion of community perspective in decisions taken by the Board.

10.6 Rural Proofing

N/A

10.7 Data Protection Impact Statement

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

10.8 Changes to Scheme of Administration or Scheme of Delegation

The Scheme of Administration will be required to be changed to include Scottish Borders Community Councils' Network as a Community Planning Partner in the constitution of the Community Planning Strategic Board, and to nominate a representative (usually the Chair) to attend meetings of the Strategic Board.

11 CONSULTATION

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

Approved by

Jenni Craig, Director - Resilient Communities

Author(s)

Name	Designation and Contact Number
Clare Malster	Participation Officer, 01835 826626

Background Papers: None

Previous Minute Reference: None

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

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PROTOCOL ON RELATIONSHIPS BETWEEN POLITICAL GROUPS, ELECTED MEMBERS AND OFFICERS

Report by Acting Chief Executive

SCOTTISH BORDERS COUNCIL

25 August 2022

1 PURPOSE AND SUMMARY

- 1.1 This report seeks approval for a Protocol on Relationships between Political Groups, Elected Members and Officers.**
- 1.2 The Councillors Code of Conduct, issued as required by the Ethical Standards in Public Life etc. (Scotland) Act 2000, sets out the conduct expected of every Elected Member in Scotland. To complement this, and to give further clarity to both Elected Members and Officers in this Council, a draft Protocol has been produced on Relationships between Political Groups, Elected Members and Officers.
- 1.3 The purpose of the Protocol is to guide Elected Members and Officers of the Council in their relations with one another; to develop co-operative relationships between Members; assist with Ward management; and provide a framework within which members of Political Groups within the Council are able to operate individually and collectively. The Draft Protocol is contained in the Appendix to this report.

2 RECOMMENDATIONS

- 2.1 It is recommended that Scottish Borders Council approves the Draft Protocol for Relationships between Political Groups, Elected Members and Officers contained in the Appendix to this report.**

3 BACKGROUND

- 3.1 The Councillors Code of Conduct, issued as required by the Ethical Standards in Public Life etc. (Scotland) Act 2000, sets out the conduct expected of every Elected Member in Scotland. To complement this, and to give further clarity to both Elected Members and Officers in this Council, a draft Protocol has been produced on Relationships between Political Groups, Elected Members and Officers.

4 DRAFT PROTOCOL ON RELATIONSHIPS BETWEEN POLITICAL GROUPS, ELECTED MEMBERS AND OFFICERS

- 4.1 The purpose of the Protocol is to guide Elected Members and Officers of the Council in their relations with one another; to develop co-operative relationships between Members; assist with Ward management; and provide a framework within which members of Political Groups within the Council are able to operate individually and collectively. The Draft Protocol is contained in the Appendix to this report.
- 4.2 Elected Members and Officers need to have mutual trust and respect, with neither taking advantage of their position. To this effect, the Protocol covers a number of specific areas, although is not intended to cover every eventuality or situation:
- Officer advice to Party Groups
 - Support services to Members and Party Groups
 - Members' access to information and to Council documents
 - Relationships between Officers and Chairs
 - Correspondence
 - Meetings of the Council and Committees
 - Responsibilities of Elected Members
 - Responsibilities of Political Groups
 - Constituency matters
 - Dealing with individual constituent's cases
 - Dealing with Ward issues
 - Dealing with Local Organisations
 - Rights of Elected Members
 - Rights of Political Groups
 - Rights of Political Group Leaders
- 4.3 Details of dispute resolution, including a flowchart, are being drafted and this will be provided to Members and Officers in due course, as an addendum to the Protocol.

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 reputational risk to the Council if it does not have clarity on the relationships between Elected Members, Political Groups and Officers. It is anticipated that adopting this Protocol will help mitigate that risk.

5.3 Integrated Impact Assessment

No Integrated Impact Assessment has been carried out on the Protocol as it applies equally to all Elected Members and Officers, and it is therefore anticipated that there are no adverse equality issues.

5.4 Sustainable Development Goals

Adopting the Protocol will not have any direct impact on the UN Sustainable Development Goals.

5.5 Climate Change

Adopting the Protocol will not have any direct impact on climate change.

5.6 Rural Proofing

There is no specific impact on the rural area from the proposals contained in this report.

5.7 Data Protection Impact Statement

There are no personal data implications arising from the proposals contained in this report. Sections 5, 12 and 13 of the Protocol make specific reference to data protection legislation.

5.8 Changes to Scheme of Administration or Scheme of Delegation

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

6 CONSULTATION

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

Approved by

David Robertson

Acting Chief Executive

Author(s)

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

Background Papers: Nil

Previous Minute Reference: N/A

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Draft Protocol on Relationships between Political Groups, Elected Members and Officers

1. Introduction

The purpose of this protocol is to guide Members and Officers of the Council in their relations with one another; to develop co-operative relationships between Members; assist with Ward management; and provide a framework within which members of Political Groups within the Council are able to operate individually and collectively.

The protocol is informed by the Councillors' Code of Conduct (the Code) which provides that Members must respect all other Members and all Council employees and the role they play, treating them with courtesy at all times. In addition, the Code requires Members to follow the Protocol for Relations between Councillors and Employees which forms Annex A to the Code. The principles of the code and this protocol should be applied to any informal dealings with the Council's employees, party political groups, and others, no less scrupulously than at formal meetings of the Council and its committees. The protocol also reflects the Code of Conduct for Employees.

In agreeing this protocol, Political Groups will seek to ensure that individual members of their Group will comply with its provisions. Where a breach of the protocol occurs, or in the case of a dispute between Elected Members, the Political Group shall attempt to address the matter with the Member(s) concerned and take such measures as it considers appropriate to prevent a recurrence. Political Groups should also consider how they may wish to address complaints regarding alleged breaches of the Code with a view to reaching a satisfactory resolution of the complaint that would prevent a referral to the Standards Commission.

2. Members and Officers

In line with the Code, it is important that Members and Officers have a mutual trust and respect, with neither taking unfair advantage of their position.

3. Officer Advice to Party Groups

Members of local authorities are organised, generally, into Party Groups, and it is common for those Groups to consider matters of Council business before the matters are considered by the relevant Council committee. Party Groups may ask Officers to support and contribute to these discussions.

The support provided by Officers can take many forms, ranging from a briefing meeting with a Chair before a committee meeting, to a presentation to a full Party Group meeting. Officer support is likely to be in

most demand from whichever Party Group(s) form the Administration, but it is available to all Party Groups.

People involved in this process must understand certain points, including the following:

- Officers must just provide information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. Officers are not expected to be present at meetings, or parts of meetings, when matters of party business are discussed.
- Party Group meetings are part of the process for making Council decisions, but they cannot make decisions on behalf of the Council. Conclusions reached at these meetings are not Council decisions.
- Where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this does not replace all information and advice the relevant Committee may need when the matter in question is considered.
- Officers who are involved in providing information and advice to a party group meeting, which includes people who are not Members of the Council, need to take special care. These people will not have to follow the Code (in particular, the conditions concerning declaring interests and confidentiality), and for this, and other reasons, Officers may not be able to provide the same level of information and advice as they would to a Member-only meeting.
- Officers must respect the confidentiality of any Party group discussions at which they are present, and must not pass on details of any discussion to another Party group without prior approval. Any cases of difficulty or uncertainty in this area should be raised with the Chief Executive, who will discuss them with the relevant Group leader(s).

4. **Support Services to Members and Party Groups**

The only way Officers can legally provide support services to Members is to help them in their role as Members of the Council. These support services must only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes. However, the Code recognises that there may be occasional personal use of Council-provided facilities and indicates that when permitted by the Council's policies, incidental persons' use of facilities is permissible provided that this is authorised by the Council. Paragraphs 3.24 and 3.25 of the Code deal with the use of Council facilities.

5. **Members' Access to Information and to Council Documents**

Members are free to ask any Council services for any information; explanation and advice (about that service's functions) that they may reasonably need to help them in their role as Members of the Council. This

can range from asking for general information about some aspect of a service's activities, to asking for specific information on behalf of a constituent (although data protection legislation may prevent Members from accessing information about third parties, where Members are not acting on behalf of the third parties).

Members have the option to make Freedom of Information (FOI) requests under the Freedom of Information (Scotland) Act 2002. Members have the same legal right to access information held by the Council as the general public under this Act. However, Members should be aware of the statutory timescales for making the information requested available (20 working days).

Members have a legal right to inspect any Council document which contains material related to any business which is going to be discussed at a Council meeting. This right applies no matter whether the Member is a member of the Committee concerned or not, and covers reports which are going to be presented at the meeting, and any relevant background papers. This right does not necessarily apply to documents relating to certain items. The items in question are those which contain exempt information relating to:

- Employees
- People who use Council property
- People applying for grants and other services
- Caring for children
- Contract and industrial relations negotiations; and
- Advice from Council and criminal investigations.

These exemptions are listed in the Local Government (Scotland) Act 1973 (as amended). The Freedom of Information (Scotland) Act 2002 does not replace the 1973 Act. However, many of these exemptions will now be subject to a 'public interest test'. This means that exempt reports are not automatically exempt from FoI and there may be limited circumstances where an exempt item needs to be released under the 2002 Act.

Finally, any Council information provided to a Member, including anyone's personal information, must only be used by the Member for the purpose for which it was provided. Personal information should only be used for authorised purposes, which means that Members must be careful how they handle this. The importance of all confidential information which Officers provide to Members is emphasised in the Code at paragraphs 3.21 to 3.23.

6 Relationships between Officers and Chairs

It is clearly important that there should be a close working relationship between the Chair of a Committee and senior Officers of any service which reports to that Committee. However, these relationships should never be allowed to become so close, or appear to be so close, as to bring into question Officers' ability to deal with other Members and other Party Groups fairly.

While the Chair of a Committee may be consulted as part of the process of drawing up the agenda for a future meeting, it must be recognised that in some situations a Chief Officer will have a duty to present a report on a particular matter. Similarly, a Chief Officer will always be fully responsible for the contents of any report presented in their name. Any issues arising between a Chair and a Chief Officer in this area should be referred to the Chief Executive.

In relation to action between meetings, it is important to remember that the law only allows for decisions to be made by a committee or an Officer. The law does not allow a Chair or any other single Member to make decisions. When decisions are made to take action between meetings, it is the Officer, rather than the Chair or Member, who takes the action and is responsible for it.

Officers within a service must answer to their Director. While Officers should always try to help a Chair (or indeed any Member), they must not go beyond whatever authority they have been given by their Director or by the Council's Scheme of Delegation.

7 Correspondence

Correspondence between an individual Member and an Officer should not normally be sent to any other, unless specifically authorised by the Member or authorised by implication by the original correspondence being copied to the Member or otherwise. If it is necessary to send a copy of the correspondence to another Member, this should be made clear to the original Member. In the copying of any correspondence, the Officer concerned must have particular regard to the issue of confidentiality and ensure that the confidentiality of the Member or any other party is preserved. The confidentiality of any information held by the Council is subject to its duties under the Freedom of Information (Scotland) Act 2002.

8 Meetings of the Council and Committees

The procedures for meetings of the Council and its committees are governed by the Procedural Standing Orders. As well as procedural matters, Standing Orders also include a number of matters regarding the conduct of Members, such as how to declare an interest and the consequences of disregarding the authority of the Chair. Members should also follow the basic rules of good conduct:

- During all meetings of the Council and its committees, Members should address in the first instance their fellow Members by their title of 'Councillor' and their surname.
- Members must never use offensive or inappropriate language, and should treat their fellow Members and Officers with respect.

- Members who want to leave a meeting (other than for any comfort break or after they have declared an interest) must tell the Chair before they leave the meeting.
- Any Member who wants more information about the Committee reports should contact the relevant Director/author prior to the meeting.
- While it is expected that senior Officers and Chairs will work closely together, it is important to understand that an Officer's job is to serve all the Members and not just the Chair. The Officer must be, and be seen to be, impartial in their dealings with the committee. It is important that Chairs do not ask Officers to behave in any way that might jeopardise this impartiality. Officers must never be asked to give an opinion on matters of policy.
- Democratic Services Officers attend meetings to take an independent Minute of that meeting and to provide procedural advice as required. At meetings, if a rule in Standing Orders is open to more than one interpretation, the Democratic Services Officer should state that this is the case, but should not be called upon to recommend which interpretation the Chair should favour. No Democratic Services Officer should be asked how to circumvent the procedures set down in Standing Orders.

9 **Responsibilities of Elected Members**

Members have the responsibility:

- To uphold the general principles enshrined in the Code.
- To treat each other and all employees of the Council with respect and dignity.
- To respect the authority of the Chair at any meeting of the Council or its committees and comply with their rulings.
- To respect the confidentiality of information which has not been made public, not to breach any such confidences and to adhere to any embargoed agreements or confidential or sensitive issues.
- To respect the limitations on the disclosure of information because of the requirement of client confidentiality placed on some employees of the Council.
- To participate in training and other development events organised on their behalf by the Council.
- Not to raise matters relating to the conduct or capability of employees in public.
- When performing the duties of Convener or chairing a committee or other meeting, to apply Standing Orders impartially and to refrain from actions or statements that might bring their impartiality into question.

10 **Responsibilities of Political Groups**

Political groups have the responsibility not to require individual Members to vote on party lines in respect of decisions where group decision-making would be unlawful, contrary to the Code, or against any Council approved guidance; in particular on planning applications, specific regulatory matters, employment issues affecting individuals, all matters coming before the Audit and Scrutiny Committee, or any matter which requires to be determined on the basis of evidence given.

11 **Constituency Matters**

All Elected Members within each multi-member Ward have a duty to be accessible to their constituents and to represent their interests conscientiously. The wishes of constituents and/or the interests of a Ward are to be respected at all times.

All Elected Members have equal formal and legal status. Each Ward is represented by 3 or 4 Members. No Elected Member should identify themselves as the sole representative or sole member for a Ward. Members within each multi-member Ward are all of equal status and each represents the whole of their Ward. Members must not describe themselves as representing (or having a particular interest in) only part of the Ward for which they were elected.

In general, an Elected Member should not deal with a matter relating to a constituent or constituency issue out-with their own Ward, although there may be circumstances when this is relevant e.g. a specific request from a constituent, or a political manifesto item.

Members' contact details (but not their home addresses or personal phone numbers) will be provided through a number of sources, including the Council's website. Members of the public calling the Council to find out who their local Member is, will be advised by staff of the names of all the Members for a particular Ward and will offer to provide contact details for all – or if requested for a particular Member. Members' details will be provided in alphabetical order by surname. Members of the public calling for a particular Member will be put through only to the Member concerned. If the Member is unavailable, the person calling will be given the option of leaving a message. Only if the caller asks, will the call be transferred to another Member.

12 **Dealing with Individual Constituent's Cases**

The basic principle is that the interests and wishes of the constituent are the primary consideration. An individual constituent has the right to approach any of the Elected Members representing his/her Ward. A constituent may approach a particular Elected Member on the basis of

location, political party or some other basis – the choice is entirely up to the individual constituent.

Members dealing with constituents may be given personal information and must ensure that such information is handled sensitively and securely. Members are each Controllers of the personal data they process for constituency business. Further advice and specific guidance for Elected Members on this can be obtained from the Information Commissioner's Officer (www.ico.gov.uk).

In the event of a Member receiving inappropriate, persistent, unreasonable or vexatious enquiries from a constituent by whatever means, the Member may decide to restrict further contact to written communication or terminate contact. Further advice on individual cases can be obtained, if required, from the Chief Legal Officer.

Members must not notify other Members representing the Ward of enquiries which they receive from constituents, or copy constituents' correspondence to them, without the consent of the constituent concerned, as that would breach the confidential nature of the relationship between constituent and Elected Member. Members should be sure that they have a constituent's consent to the use of their personal information in dealing with a case. It may be that for a particular case of circumstance, a Member wishes to ensure that they have written consent.

All Members within a particular Ward may agree amongst themselves to allocate responsibilities on the basis of subject matter. That would always be subject to the right of an individual constituent to expect a Member of their choice within their Ward to progress a particular enquiry. A Member may suggest that a constituent refer a specific enquiry to another Elected Member. Such a referral should only be made with the consent of the constituent who may request that the enquiry be dealt with by the Member of their choice.

Members may be approached by a constituent in relation to dealings with another statutory body, such as the Health Board or Scottish Water. Each of these other statutory bodies is likely to have their own arrangements for progressing enquiries and dealing with complaints. Details of the relevant contact points will be provided to Members on request.

13 **Dealing with Ward Issues**

Any Member is entitled to take an interest in or take up a matter affecting the Ward for which they were elected. Members are likely to have a greater impact where they work collectively for a common cause, as that is likely what their constituents would expect. That may not be possible in some instances because of perfectly legitimate political differences but Members may wish to contact one another, as a matter of courtesy, where

they are involved or planning to become involved in a major local issue. Any exchange of information must comply with data protection legislation and, in particular, Members should ensure that any constituent's personal details are not normally shared, in order to safeguard the constituent's right to privacy.

When an Officer writes to residents regarding matters of general concern in an area, the portfolio holder will be briefed and all Ward members will be sent copies of the correspondence e.g. traffic calming measures, bin collection cycles, etc. When a Member has been involved in a private matter affecting one household then the relevant Officer should keep the Member informed of significant developments until the matter is concluded. Where an Officer is calling a meeting with Ward members to discuss a Ward issue which is of a non-personal nature, the Officer will invite all Ward members to allow them to be briefed on the issue.

14 Dealing with Local Organisations

Boundaries of local organisations, including Community Councils, are unlikely to be coterminous with multi-member Ward boundaries. Some organisations will straddle two or more multi-member Wards. It is likely that Members will receive cross-boundary enquiries. These enquiries may be dealt with in conjunction with Member(s) from another Ward(s). However, as with enquiries from individual constituents, information concerning cross-boundary enquiries should only be shared if the express approval is given by the organisation concerned (unless the information is of a general nature), and the organisation may request that the enquiry is dealt with only by the Member(s) of their choice.

15 Rights of Elected Members

Members have a right to be consulted by Officers on specific matters of interest to them as local Member, e.g.:

- Whenever a public meeting is organised by the Council to consider local issues, all Members representing the Ward(s) affected must be invited to attend. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the local Members must be notified and, where appropriate, the views of the Members should be requested.
- Members must be consulted on all significant new projects or initiatives in their Ward at the planning stage, in order that their views may be taken into account.

Members must be advised of any major work being undertaken by the Council in their Ward, or where it is known, by any other statutory undertaker or utility company, where this work is likely to inconvenience the public for any significant length of time. Subject to any requirements imposed on the Council by law, Members must be consulted on any other

issues which are likely to be of substantial or significant interest to the local community in their Ward.

Members have the right and as a matter of courtesy to be informed of visits to their Ward by Ministers of the Scottish Government or UK Parliament, where the visit is in connection with one of the Council's responsibilities. Members only attend such visits when invited to do so by the Ministers.

Any Elected Members in whose Ward an official opening of Council premises is to take place should be invited to attend the opening.

Members have the right to receive induction training, and to the continuing development of their skills as a Member. Members should seek to identify their development needs through a Personal Development Plan (PDP). Councillors also have the right to access online training resources delivered via the Improvement Service to allow them to develop their skills as a Member.

Subject to any decisions by the Council on the services to be provided to the office bearers of the Council or otherwise, Members have the right to parity of service from the Council and its employees.

Elected Members who are not members of political groups have the right to be consulted on matters that are sent to all political groups for consultation and to be advised of information that is being communicated to all political groups.

16 Rights of Political Groups

Political Groups have the right to be notified of any major policy initiatives by the Scottish or UK Governments. They should also receive and be timeously consulted on major consultation papers by the Scottish or the UK Governments. Appropriate cross-party representation should be present at civic events (including the official opening of Council buildings) organised by the Council.

17 Rights of Political Group Leaders

Political Group Leaders have the right to be informed/consulted in confidence by the Convener, Leader of the Administration and/or the Chief Executive on major or sensitive issues which might impact on the Council's interests or the Council's reputation. Political Group Leaders must respect the confidence of such information.

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APPOINTMENT OF A SELECTION COMMITTEE - EXTERNAL MEMBERS OF AUDIT COMMITTEE

Report by the Chief Officer Audit & Risk

SCOTTISH BORDERS COUNCIL

25 August 2022

1 PURPOSE AND SUMMARY

- 1.1 The purpose of this report is to gain approval to the appointment of a Selection Committee for the purpose of interviewing, selecting and appointing persons for the positions of External Members of the Audit and Scrutiny Committee (Audit business only).**
- 1.2 Scottish Borders Council has had at least two External Members on its Audit Committee since 2002 to improve independence and objectivity and to ensure that the Committee's role in the scrutiny process will be robust as a key part of the Council's governance and in line with best practice.
- 1.3 The appointment of the two existing External Members of the Audit and Scrutiny Committee (Audit business only) will end on 31 October 2022. A recruitment advertising process will commence soon. Approval is sought for the appointment of a Selection Committee for the purpose of interviewing, selecting and appointing persons as External Members of the Audit and Scrutiny Committee (Audit business only).
- 1.4 Furthermore, the Scottish Borders Health and Social Care Integration Joint Board (IJB) is looking to appoint an External Member to its Audit Committee and it is proposed to utilise the same recruitment advertising process. The IJB will approve its own process for interviewing, selecting and appointing a person as External Member of the IJB Audit Committee.

2 RECOMMENDATIONS

- 2.1 **I recommend that the Council:**
 - a) Appoints a Selection Committee, comprising the Chair and Vice Chair of the Audit and Scrutiny Committee, and the Executive Member for Service Delivery & Transformation for the purpose of interviewing, selecting and appointing persons as External Members of the Audit and Scrutiny Committee (Audit business only); and**
 - b) Notes that the same recruitment advertising process will be utilised for the External Member of the IJB Audit Committee, and notes that the IJB will approve its own process for interviewing, selecting and appointing a person as External Member of the IJB Audit Committee.**

3 BACKGROUND

- 3.1 In 2002 the Council decided that the membership of its Audit Committee should include somebody who was completely independent of the Council to provide it with specialist knowledge that adds value to the Audit Committee. Since then the Council has had at least two external members on its Audit Committee to improve independence and objectivity and to ensure that the Committee's role in the scrutiny process will be robust as a key part of the Council's governance and in line with best practice.
- 3.2 The appointments of the external members of the Audit Committee have been made every three years, at times separate from Local Elections when elected members might change, to enable continuity of membership.
- 3.3 Within the CIPFA Audit Committees Practical Guidance for Local Authorities and Police 2018 Edition, CIPFA endorses the approach of mandating the inclusion of a lay or independent member and recommends that those authorities, for whom it is not a requirement, actively explore the appointment of an independent member to the committee.
- 3.4 During the annual self-assessment 2021/22, using the CIPFA Audit Committees guidance as best practice, the Audit and Scrutiny Committee (A&SC) considered its Membership and has acknowledged the added value provided by the two External Members relating to its Audit functions. The output was the A&SC Annual / End of Term Report 2021/22, which was presented to Council on 31 March 2022.
- 3.5 The new Council has endorsed having two External Members on its Audit and Scrutiny Committee when approving an updated Scheme of Administration in May 2022. The appointment of the existing two External Members of the Audit and Scrutiny Committee (Audit business only) will end on 31 October 2022.
- 3.6 Furthermore, the Scottish Borders Health and Social Care Integration Joint Board (IJB) is looking to appoint an External Member to its Audit Committee, following the resignation of the previous role holder, to enhance its performance in the review and scrutiny of the IJB's corporate governance arrangements, risk management systems and associated internal control environment, in line with best practice.
- 3.7 The CIPFA Audit Committees best practice guidance includes the following in respect of recruitment of independent members to audit committees:
 - Independent members appointed to the committee should be recruited in an open and transparent way.
 - The job description of the independent member should be drawn up and agreed before commencing recruitment. The requirement for relevant knowledge or expertise should be clearly determined.
 - Vacancies should be publicly advertised.
 - Appropriate enquiries will need to be made as part of the recruitment process to ensure that any applicants satisfy the requirements.
 - Independent members' appointments should be for a fixed term and be formally approved by the local authority's council.
 - The primary considerations when considering audit committee membership should be maximising the committee's knowledge base and skills, being able to demonstrate objectivity and independence, and having a membership that will work together.

4 PROPOSAL

- 4.1 A Person Specification and an Advert for the External Member Audit Committee have been prepared using the Knowledge and Skills Framework in the CIPFA Audit Committees guidance to ensure there is clarity on the required skills, knowledge, experience and personal qualities for the role.
- 4.2 A formal recruitment process will commence soon with the publication of the Person Specification and Advert for External Member Audit Committee to be distributed widely within the Scottish Borders community and across the Council's partner organisations through their networks for engagement. The appointments will be for a fixed period to 31 October 2025.
- 4.3 The proposal is that a Selection Committee be appointed for the purpose of interviewing, selecting and appointing persons as External Members of the Audit and Scrutiny Committee (Audit business only).
- 4.4 It is proposed that the Selection Committee has the following membership:
- Chair of the Audit and Scrutiny Committee
 - Vice Chair of the Audit and Scrutiny Committee
 - The Executive Member Service Delivery & Transformation
- 4.5 The Selection Committee will consult with and be advised by the Chief Officer Audit & Risk during the recruitment, selection and appointment process.
- 4.6 It is proposed to utilise the same recruitment advertising process for the vacant role of External Member of IJB Audit Committee, in the spirit of partnership working. The IJB will approve its own process for interviewing, selecting and appointing a person as External Member of the IJB Audit Committee.

5 IMPLICATIONS

5.1 Financial

There are no direct financial implications associated with this report. The appointment to External Members of the Audit and Scrutiny Committee (Audit business only) is on a voluntary basis, though any related expenses will be reimbursed.

5.2 Risk and Mitigations

As stated in paragraphs 1.2 and 3.1, having External Members on the Audit and Scrutiny Committee (Audit functions) brings independent and objective views and expertise and enhances the robustness and independence of the Audit and Scrutiny Committee's role (Audit functions) in the oversight and scrutiny of the Council's internal controls, risk management and governance arrangements. This mitigates the risks associated with not following CIPFA's best practice guidance for Audit Committees.

There is a risk that there will be no suitable candidates in the current recruitment process and the Selection Committee will be unable to make appointments. This risk is partially mitigated in that the publication of the advert for the External Member Audit Committee roles will be distributed widely within the Scottish Borders community and across the Council's partner organisations through their networks for engagement.

5.3 **Integrated Impact Assessment**

The Selection Committee when interviewing and considering their selection and appointment to the positions of External Member Audit Committee will comply with appropriate legislation to ensure equality, diversity and socio-economic factors are accommodated.

5.4 **Sustainable Development Goals**

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

5.5 **Climate Change**

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

5.6 **Rural Proofing**

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

5.7 **Data Protection Impact Statement**

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

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

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

6 **CONSULTATION**

6.1 The Strategic Leadership Team, Chief Legal Officer (and Monitoring Officer), Clerk to the Council, and Communications team have been consulted on this report and any comments received have been taken into account.

6.2 Those Councillors within the proposed membership of the Selection Committee have been notified of the proposals in advance.

Approved by
Jill Stacey, Chief Officer Audit & Risk

Author(s)

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

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

Previous Minute Reference: Scottish Borders Council 31 March 2022

Note – You can get this document on tape, in Braille, large print and various computer formats by using the contact details below. Information on other language translations can also be given as well as provision of additional copies.

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



ELECTED MEMBER CHAMPIONS' ROLES AND REMITS

Report by Acting Chief Executive

SCOTTISH BORDERS COUNCIL

25 August 2022

1 PURPOSE AND SUMMARY

- 1.1 This report seeks approval for the Elected Member Champions' roles and remits.**
- 1.2 At its meeting on 26 May 2022, Scottish Borders Council appointed Elected Members to 11 Champions roles. To provide clarity for the Councillors undertaking a Champion role, officers were asked to provide further details on their remit.
- 1.3 Details of roles and remits for each Champion are provided in the Appendix to this report. It is intended that the Champions will work to ensure that the voices of those they are supporting will be heard; that they will raise awareness of the challenges facing their particular sector; that they will help shape priorities, launch new initiatives, participate in focus groups, attend local and national meetings as appropriate, and undertake any other relevant activities. The role of the Champion is apolitical with a focus on representing those in their particular sector.

2 RECOMMENDATIONS

- 2.1 It is recommended that Scottish Borders Council approves the Elected Member Champions' roles and remits as detailed in the Appendix to this report.**

3 BACKGROUND

3.1 At its meeting held on 26 May 2022, Scottish Borders Council appointed the following Elected Members as Champions:

- Cllr John Greenwell – Champion for Armed Forces & Veterans
- Cllr James Anderson – Champion for Opportunities for Young People
- Cllr Annette Smart – Champion for Education & Young People
- Cllr Elaine Thornton-Nicol – Champion for the Deaf Community
- Cllr Elaine Thornton-Nicol – Champion for Dementia
- Cllr Neil Mackinnon – Champion for Energy Efficiency
- Cllr Mark Rowley – Champion for Equalities
- Cllr Pam Brown – Champion for Wellbeing & Safety
- Cllr Aileen Orr – Champion for Learning & Physical Disabilities
- Cllr Elaine Thornton-Nicol – Champion for Older People
- Cllr Viv Thomson – Champion for the Voluntary Sector

3.2 To provide clarity for the Councillors undertaking a Champion role, officers were asked to provide further details on their remit.

4 CHAMPIONS' ROLES AND REMITS

4.1 Details of roles and remits for each Champion are provided in the Appendix to this report. It is intended that the Champions will work to ensure that the voices of those they are supporting will be heard; that they will raise awareness of the challenges facing their particular sector; that they will help shape priorities, launch new initiatives, participate in focus groups, attend local and national meetings as appropriate, and undertake any other relevant activities. The role of the Champion is apolitical with a focus on representing those in their particular sector.

4.2 There is a Motion on the agenda for this Council meeting "That Scottish Borders Council introduces an additional Elected Member Champion for The Arts, and appoints Cllr John PatonDay to this role." The role and remit for that new Champion is also included in the Appendix for approval should the Motion itself be approved.

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 reputational risk to the Council if the Elected Members' Champions are not provided with clarity on their role and remit. The role has been assigned as apolitical as each Champion will work across the Council and the wider Borders on the issues that affect those in their particular sphere.

5.3 **Integrated Impact Assessment**

No Integrated Impact Assessment has been carried out on the Elected Members' Champions roles and remits as it is anticipated that there are no adverse equality issues.

5.4 **Sustainable Development Goals**

The work of the Elected Members' Champions should impact on a number of the UN Sustainable Development Goals: -

- Goal 1 and 2 (End poverty in all its forms everywhere; end hunger, achieve food security and improved nutrition) – encourage local action; change to service provision; encourage & support community enterprise.
- Goal 4 (Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all potential) – reach out to vulnerable and marginalised individuals and communities to ensure access to education and training to meet their needs.
- Goal 5 (Achieve gender equality and empower all women and girls) – ensure non-discriminatory service provision to citizens; mainstream gender equality.
- Goal 7 (ensure access to affordable, reliable, sustainable and modern energy for all) – identify gaps in access to affordable energy, particularly to vulnerable groups; identify areas for improvement for transport and carbon emissions.
- Goal 11 (Make cities and human settlements inclusive, safe, resilient and sustainable) – promote public transport; promote re-use and recycling; take action to mitigate the effects of climate change.
- Goal 13 (Take urgent action to combat climate change and its impacts) – raise awareness of climate change at local level.
- Goal 16 (Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels) – encourage local action & decision making; become more responsive to communities.

5.5 **Climate Change**

It is anticipated that some of the work by the Elected Member Champions will help identify opportunities to mitigate climate change impacts.

5.6 **Rural Proofing**

There is no specific impact on the rural area from the proposals contained in this report.

5.7 **Data Protection Impact Statement**

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

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

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

6 CONSULTATION

6.1 The Acting Chief Financial Officer, the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Director People Performance & Change

and Corporate Communications have been consulted and any comments received have been incorporated into the report.

Approved by

David Robertson

Acting Chief Executive

Author(s)

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

Background Papers: Nil

Previous Minute Reference: Scottish Borders Council, 26 May 2022

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Contact us at Jenny Wilkinson, Democratic Services, Council HQ, Newtown St Boswells, Melrose, TD6 0SA.

Tel: 01835 825004

Email: jjwilkinson@scotborders.gov.uk

Champions' Role and Remit

Champions		
1. Armed Forces and Veterans	One	Cllr John Greenwell
2. Opportunities for Young People	One	Cllr James Anderson
3. Education & Young People	One	Cllr Annette Smart
4. Deaf Community	One	Cllr Elaine Thornton Nicol
5. Dementia Champion	One	Cllr Elaine Thornton Nicol
6. Energy Efficiency	One	Cllr Neil Mackinnon
7. Equalities	One	Cllr Mark Rowley
8. Wellbeing & Safety	One	Cllr Pam Brown
9. Learning & Physical Disabilities	One	Cllr Aileen Orr
10. Older People	One	Cllr Elaine Thornton Nicol
11. Voluntary Sector	One	Cllr Viv Thomson
12. <i>The Arts*</i>	<i>One</i>	<i>Cllr John PatonDay</i>

* Still to be approved by Council.

1. Older People's Champion Role

The Older People's Champion will be an Elected Member of the Council who will work to ensure that older people's voices are heard, giving older people the opportunity to live independent lives and supporting older people to stay in the community.

They will help shape priorities and work with partners from the public, voluntary and independent sectors, council colleagues and older people themselves to identify the key issues which affect people locally. This will include collecting and feeding back on older people's concerns to the Council, leading on Council campaigns around older people's issues and communicating council policy back to the community and voluntary sector bodies.

Where appropriate the individual will represent the Council in matters relating to older people, for example:

- * Launching new initiatives
- * Participating in focus groups
- * Attending local and National meetings
- * Any other activities relevant to the older people's agenda.

The appointee may be in the political administration or from out-with the administration, as the role is apolitical, with a focus on representing the voices of older people from across the local area.

Experience of the issues faced by older people would be beneficial but the ability to empathise and represent the views of others is more important.

2. Armed Forces and Veterans Champion Role (AFVC)

The Armed Forces and Veterans Champion will be an Elected Member of the Council who will work to ensure that those who serve their country in the armed forces, and those who have served, have their voices heard.

The Champion will work to ensure the service and sacrifice of armed forces personnel is recognised and respected.

The AFVC will help to assist those who have served their country, by raising awareness of the challenges they may face in civilian life and by sign posting them to public and other services, where required, to help them to live independent, fulfilled lives in the Borders.

They will help shape priorities that assist armed forces personnel and veterans and work with partners from the public, voluntary and independent sectors, council colleagues, and armed forces and veterans themselves, to identify the key issues which affect service and ex-service personnel locally.

This will include participating in acts of remembrance, collecting and feeding back on people's concerns to wider Council, leading on Council campaigns such as armed forces day and communicating with veterans groups.

Where appropriate the AFVC will represent the Council in matters relating to the armed forces, for example:

- * Launching new initiatives
- * Participating in focus groups
- * Attending local and National meetings
- * Participating in acts of remembrance
- * Any other activities relevant to the Armed Forces and Veterans

The appointee may be in the political administration or from out-with the administration, as the role is apolitical, with a focus on representing the voices of service personal and veterans from across the local area.

Experience of the issues faced by service personnel would be beneficial but the ability to empathise and represent the views of others is more important.

3. Opportunities for Young People's Champion Role (OYPC)

The Opportunities for Young People's Champion will be an Elected Member of the Council who will work to ensure that young people who are care experienced have their voices heard.

They will raise awareness of the real barriers that exist for care experienced young people and of the opportunities that exist for them to access employment, training and work experiences that will help them lead independent, fulfilled lives and reach their full potential.

They will help shape priorities and work with partners from the public, voluntary and independent sectors, Council colleagues and young care experienced people themselves to identify the key issues which affect such young people locally.

This will include collecting and feeding back on young care experienced people's concerns to wider Council, leading on Council campaigns around the issues that affect them and communicating Council policy back to the community and voluntary sector bodies.

Where appropriate the individual will represent the Council in matters relating to young care experienced people, for example:

- * Launching new initiatives
- * Participating in focus groups
- * Attend local and National meetings
- * Any other activities relevant to the young care experienced people's agenda.

The appointee may be in the political administration or from out-with the administration, as the role is apolitical, with a focus on representing the voices of young care experienced people from across the local area.

Experience of the issues faced by young care experienced people would be beneficial but the ability to empathise and represent the views of others is more important.

4. Education and Young People's Champion Role (EYPC)

The Education and Young People's Champion will be an Elected Member of the Council who will work to ensure that young peoples have their voices heard.

They will raise awareness of the opportunities that exist for young people to access education, further vocational or higher education, training and work experiences that will help them lead independent, fulfilled lives and reach their full potential.

They will help shape priorities and work with partners from the public, voluntary and independent sectors, Council colleagues and young people themselves to identify the key issues which affect young people locally.

This will include collecting and feeding back on young people's concerns to wider Council, leading on Council campaigns around the issues that affect them and communicating Council policy back to tertiary education, community and voluntary sector bodies.

Where appropriate the individual will represent the Council in matters relating to young people, for example:

- * Launching new initiatives
- * Participating in focus groups
- * Attend local and National meetings
- * Any other activities relevant to the education and young people's agenda.

The appointee may be in the political administration or from out-with the administration, as the role is apolitical, with a focus on representing the voices of young people from across the local area.

Experience of the issues faced by young people would be beneficial but the ability to empathise and represent the views of others is more important.

5. Deaf People's Champion Role (DPC)

The Deaf People's Champion will be an Elected Member of the Council who will work to ensure that Deaf people are able to live independent, fulfilled lives in the Borders.

They will help shape priorities and work with partners from the public, voluntary and independent sectors, council colleagues and deaf people themselves to identify the key issues which affect deaf people locally.

This will include collecting and feeding back on deaf people's concerns to the Council, leading on Council campaigns around the issues that affect deaf people, communicating council policy back to the deaf community and voluntary and independent sector bodies.

Where appropriate the individual will represent the Council in matters relating to deaf people, for example:

- * Launching new initiatives
- * Participating in focus groups
- * Attend local and National meetings
- * Any other activities relevant to the deaf people's agenda.

The appointee may be in the political administration or from out-with the administration, as the role is apolitical, with a focus on representing the voices of deaf people from across the local area.

Experience of the issues faced by deaf people and the ability to communicate effectively using British sign language would be beneficial but the ability to empathise and represent the views of others is more important.

6. People Living with Dementia Champion Role

The Dementia Champion will be an Elected Member of the Council who will work to ensure that those living with dementia and their families and carers have their voices heard. They will work to ensure those living with dementia are given the opportunity to live as independently as possible in the community with appropriate support.

They will help shape priorities and work with partners from the public, voluntary and independent sectors, council colleagues and those living with dementia themselves to identify the key issues which affect them locally.

This will include collecting and feeding back people's concerns to wider Council, leading on Council campaigns around the issues that affect people living with dementia and communicating Council policy back to individuals, the community and voluntary sector bodies.

Where appropriate the Champion will represent the Council in matters relating to people living with dementia, for example:

- * Launching new initiatives
- * Participating in focus groups
- * Attend local and National meetings
- * Ensuring new services are designed with those living with dementia, their families and carers
- * Any other activities relevant to the dementia agenda.

The appointee may be in the political administration or from out-with the administration, as the role is apolitical, with a focus on representing the voices of people living with dementia from across the local area.

Experience of the issues faced by people living with dementia would be beneficial but the ability to empathise and represent the views of others is more important.

7. Energy Efficiency Champion Role

The Energy Efficiency Champion will be an Elected Member of the Council who will work to ensure that energy efficiency is a key consideration in the design of buildings and the delivery of Council services.

They will raise awareness of the importance of reducing the Council's carbon footprint and help shape priorities, working with partners from the public, voluntary and independent sectors, and council colleagues to help tackle the climate emergency by improving SBC's energy usage.

They will challenge officers and members to promote energy efficiency in all our activities, collecting and feeding back on issues to wider Council, leading on Council campaigns around energy efficiency and communicating Council policy back to the community and voluntary sector bodies.

Where appropriate the individual will represent the Council in matters relating to energy efficiency, for example:

- * Launching new initiatives
- * Participating in focus groups
- * Attending local and National meetings
- * Any other activities relevant to the energy efficiency agenda.

The appointee may be in the political administration or from out-with the administration, as the role is apolitical, with a focus on representing those with an interest in energy efficiency from across the local area. The current Champion is a member of the Sustainable Development Committee

Experience of the working to promote energy issues and sustainability would be beneficial but the ability to represent the views of others is more important.

8. Equalities Champion Role

The Equalities Champion will be an Elected Member of the Council who will work to ensure that all people belonging to groups with protected characteristics under the Equalities legislation have their voices heard.

They will help shape priorities and work with partners from the public, voluntary and independent sectors, council colleagues and those with protected characteristics themselves to identify the key equalities issues which affect people locally. This will include collecting and feeding back on people's concerns to wider Council, leading on Council campaigns around equalities issues and communicating Council policy back to the community and voluntary sector bodies and those organisations representing equalities groups.

Where appropriate the individual will represent the Council in matters relating to people with protected characteristics, for example:

- * Launching new initiatives
- * Participating in focus groups
- * Attend local and National meetings
- * Any other activities relevant to the equalities agenda.

The appointee may be in the political administration or from out-with the administration, as the role is apolitical, with a focus on representing the voices of those with protected characteristics from across the local area.

Experience of the issues faced by people with protected characteristics would be beneficial but the ability to empathise and represent the views of others is more important.

9. Wellbeing and Safety Champion Role (WSC)

The Wellbeing and Safety Champion will be an Elected Member of the Council who will work to ensure that wellbeing and safety issues are paramount in the workplace for council staff and those in our care.

They will help shape priorities and work with partners from the public, voluntary and independent sectors, and council colleagues to identify the key health and safety issues and promote measures to address them.

This will include collecting and feeding back on staff and service users concerns to wider Council, leading on Council campaigns around health and safety issues and communicating Council policy back to the staff, clients, community and voluntary sector bodies.

They will attend the council's Wellbeing and Safety committee.

Where appropriate the individual will represent the Council in matters relating to health and safety, for example:

- * Launching new health and safety initiatives
- * Participating in focus groups
- * Attending local and National meetings
- * Liaise with all Elected Members on wellbeing & safety, receiving feedback from Members on any wellbeing & safety issues they come across, and directing these issues to the relevant officers.
- * Any other activities relevant to the agenda.

The appointee may be in the political administration or from out-with the administration, as the role is apolitical, with a focus on representing the health and safety agenda across the local area.

Experience of health and safety issues and a working knowledge of key legislation and responsibilities would be beneficial.

10. Learning and Physical Disability Champion Role (LPDC)

The Champion for people living with Learning and/or Physical Disability will be an Elected Member of the Council who will work to ensure that those people with disabilities are able to live independent, fulfilled lives in the Borders.

They will help shape priorities and work with partners from the public, voluntary and independent sectors, council colleagues and people living with disabilities themselves to identify the key issues which affect them locally.

This will include collecting and feeding back on people's concerns to wider Council, leading on Council campaigns around the issues that affect people living with learning or physical disabilities, communicating Council policy and liaising with voluntary sector bodies providing services to, or representing, people living with disabilities.

Where appropriate the individual will represent the Council in matters relating to people living with a disability, for example:

- * Launching new initiatives
- * Participating in focus groups
- * Attending local and National meetings
- * Any other activities relevant to the learning and disabilities agenda.

The appointee may be in the political administration or from out-with the administration, as the role is apolitical, with a focus on representing the voices of those with disabilities from across the local area.

Experience of the issues faced by those living with disabilities would be beneficial but the ability to empathise and represent the views of others is more important.

11. Voluntary Sector Champion Role (VSC)

The Voluntary Sector Champion will be an Elected Member of the Council who will work to ensure that the voices of the voluntary or third sector are heard.

They will help shape priorities and work with partners from the voluntary sector to identify the key issues which affect voluntary groups locally.

This will include collecting and feeding back on their concerns to wider Council, leading on Council campaigns around issues affecting Voluntary Sector groups and communicating Council policy back to these bodies.

Where appropriate the individual will represent the Council in matters relating to voluntary groups, for example:

- * Launching new initiatives
- * Participating in focus groups
- * Attending local and National meetings
- * Any other activities relevant to the voluntary sector agenda.

The appointee may be in the political administration or from out-with the administration, as the role is apolitical, with a focus on representing the voices of the voluntary or third sector from across the local area.

Experience of the issues faced by the third sector would be beneficial but the ability to empathise and represent the views of others is more important.

12. The Arts

The Arts Champion will be an Elected Member of the Council who will work to ensure that those involved in creative expression through visual, literary, and performing arts, have their voices heard.

They will help shape priorities and work with partners from The Arts sector to identify the key issues which affect groups locally.

This will include collecting and feeding back on their concerns to wider Council, leading on Council campaigns around issues affecting The Arts groups and communicating Council policy back to these bodies.

Where appropriate the individual will represent the Council in matters relating to The Arts groups, for example:

- * Launching new initiatives
- * Participating in focus groups
- * Attending local and National meetings
- * Any other activities relevant to The Arts agenda.

The appointee may be in the political administration or from out-with the administration, as the role is apolitical, with a focus on representing the voices of The Arts from across the local area.

Experience of the issues faced by The Arts sector would be beneficial but the ability to empathise and represent the views of others is more important.

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