

# SCOTTISH BORDERS COUNCIL

MINUTES of Meeting of the SCOTTISH COUNCIL held in Council Chamber, Council Headquarters, Newtown St. Boswells and Microsoft Teams on Thursday, 27th October, 2022 at 10.00 am

-----

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, Steel, R. Tatler, V. Thomson, E. Thornton-Nicol and T. Weatherston

Apologies:- Councillors A. Smart

In Attendance:- Acting Chief Executive, Director Education and Lifelong Learning, Director Infrastructure and Environment, Director Resilient Communities, Director Social Work and Practice, Director Strategic Commissioning and Partnerships, Chief Officer Health & Social Care integration, Acting Chief Financial Officer, Chief Legal Officer, Clerk to the Council.

1. **CONVENER'S REMARKS.**

The Convener congratulated those communities which had taken part in the Greener Gateways competition and the fantastic efforts made by volunteers in towns and villages across the Borders. He also congratulated the Eyemouth Enhancement Group who had won a **Keep Scotland Beautiful Award, RHS Scotland Award for Overcoming Adversity.**

**DECISION**

**AGREED to pass congratulations to those concerned.**

2. **ORDER OF BUSINESS.**

The Minute of the Meeting held on 29 September 2022 was considered.

**DECISION**

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

3. **DECLARATIONS OF INTEREST.**

4. **MINUTE**

The Minute of the Meeting held on 29 September 2022 was considered.

**DECISION**

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

5. **COMMITTEE MINUTES**

The Minutes of the following Committees had been circulated:-

Local Review Body	15 August 2022
Tweeddale Area Partnership	23 August 2022
Innerleithen Common Good Fund	24 August 2022
Planning & Building Standards	5 September 2022
Melrose Common Good Fund	8 September 2022
Galashiels Common Good Fund	8 September 2022
Jedburgh Common Good Fund	12 September 2022
Executive	13 September 2022
Kelso Common Good Fund	13 September 2022
Chambers Institution Trust	14 September 2022
Pension Fund	15 September 2022
Pension Board	15 September 2022
Innerleithen Common Good Fund	15 September 2022
Local Review Body	22 September 2022
Planning & Building Standards	3 October 2022
Executive	4 October 2022

**DECISION**

**APPROVED the Minutes listed above.**

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

With reference to paragraph 8 of the Minute of 29 September 2022, there had been circulated copies of a report by the Acting Chief Executive providing the second formal 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 report explained that work had continued in respect of all actions listed in the Action Plan. Good progress had been made on a second tranche of actions from the Action Plan, as contained in Appendix 1 to the report, which were now complete as highlighted in the report. A further update report would be brought to Council in November (relating to outcome actions 4 and 10) seeking sign off of these remaining outstanding actions and any other issues. Members welcomed the progress made to date.

**DECISION**

**AGREED to:-**

- (a) **note the progress of the Review Group as detailed in the report;**
- (b) **approve the following actions from the Action Plan as being complete:**
  - **Action 1 (b): Create a clear reporting mechanism which demonstrates progress against all actions and changes agreed by the Review Group, and achieve sign off by Council;**
  - **Action 3(b): Consider the Terms of Reference for CSOG in light of the Inquiry report and its recommendations;**

- **Action 6(e) and (f): Following on from actions 6 (a-d) have the Councils Disciplinary Procedure moderated by the Improvement Service. Create an implementation plan for the new Procedures, to include, training, briefing sessions and communication strategy;**
- **Action 9(a) and (b): Update the Disciplinary Procedures and Guidelines to expressly articulate that conduct involving children can be determined as misconduct or gross misconduct. Procedures will be moderated against best practice. Update and disseminate information from (a) into the Council's Managing Disciplinary Cases training course;**
- **Actions 12(a) and (b): Creation of a protocol that establishes all HR disciplinary related information must be held in the HR Case Management System. Implement and train managers regarding this. Create a process for ensuring that the rationale for Disciplinary investigation decisions is appropriately recorded in the HR Case Management system. Implement and train managers regarding this;**
- **Action 12(e): Ensure there is a clear process where any referrals concerning a staff member to the CPU is by default copied to the HR Case Management System (failsafe measure).**

## **7. CHIEF SOCIAL WORKER ANNUAL REPORT**

There had been circulated copies of a report by the Director Social Work and Practice containing the Chief Social Work Officer (CSWO) annual report on the work undertaken on behalf of the Council by the CSWO in this statutory role for 2021/22. The report provided an account of the decisions taken by the CSWO in the statutory areas of Fostering and Adoption, Child Protection, Secure Orders, Adult Protection, Adults with Incapacity, Mental Health and Justice. The report also gave an overview of regulation and inspection, workforce issues and social policy themes over the year April 2021 to March 2022, and highlighted some of the key challenges for that year. As had been the case for the last few years, the format of the report was a shortened version from that which was produced prior to the pandemic. This ongoing arrangement had been kept in place to recognise the workload implications caused by the Covid-19 pandemic and pressures that had continued across the Social Work & Social Care landscape as the service emerged from this. The Director highlighted the main points in the report and commented on the increasing demand for services as well as the Social Work Pathfinder Project. Members thanked Mr Easingwood and his staff for their work in the most challenging of circumstances and, in response to a request from Councillor Thornton-Nicol, gave staff a round of applause. Mr Easingwood answered Members' questions and advised that there was a project looking at the transition between child and adult services. He further advised that he was committed to building self-assessment and self-evaluation into services as it was important to identify where the strengths and weaknesses lay. The need for short-breaks for unpaid carers was a priority. However, although it was not possible to meet all needs, it was important to make best use of the resources available.

### **DECISION**

**AGREED to approve the Report of the Chief Social Work Officer as contained in the Appendix to the report.**

## **8. DAY SERVICES PROVISION IN TEVIOT AND LIDDESDALE - NEXT STEPS**

With reference to paragraph 17 of the Minute of 29 September 2022, there had been circulated copies of a report by the Chief Officer Health and Social Care Integration advising Members of the next steps relating to reviewing Day Service provision in Teviot and Liddesdale. The report explained that the intention was to design a seamless service offering across Health and Social Care services, which would provide enabling, person-centred and relationship centred support. This would include the provision of information and support to both carers and those being cared for who used services. Work on the future design of day services would be treated as a fresh process, with a new Integrated Impact Assessment and further consultation within the Teviot and Liddesdale locality initially. This would help inform similar future work in other localities and would include work to explore opportunities to integrate with services and to develop new approaches. No decisions as to the future model of day service delivery had as yet been made, and a future consultation on the model of day service provision would now be undertaken, referencing the work of the unpaid carers group. Work to re-design services would adopt the principles of co-production, fully involving and engaging service users, carers, and other stakeholders in a thorough process of consultation. The process would ensure that equalities issues were fully identified and addressed, along with the views of consultees in developing the future service delivery model. A paper would now be produced making recommendations for review by the Integration Joint Board Strategic Planning Group in November, prior to discussion at the Integration Joint Board in December. This would then be brought back to Council with a recommended way forward. Members welcomed the report and emphasised the need for a robust review and the need for the new services to be provided as soon as possible. In response to a question on the legal requirements of the judgement, the Chief Legal officer advised that external legal advice had been taken and she was content that the Council were taking the necessary steps to meet the requirements imposed by Lady Carmichael. The decision of Court was specific to Teviot & Liddesdale and once that had been looked at, further consideration would be given to the rest of Day Services across the Borders. The Acting Chief Executive assured Members that the decision to close the Day Centre had not been taken on financial grounds, as often it was more expensive to provide services out-with a Day Centre, but was instead trying to meet the needs of users within communities. The Council recognised that the decision to close had been wrong and the judgement had been accepted. Officers were acting as quickly as possible to bring back further details to Members as early as was practicable.

**DECISION  
AGREED:-**

- (a) to note the update on the next steps in reviewing Day Service provision in Teviot and Liddesdale;**
- (b) that a new process of consultation on the design and delivery of day services, and new equalities impact assessment would now be undertaken; and**
- (c) to request that a report recommending the way forward for day services be brought back to Council by the Chief Officer following appropriate consideration with the Integration Joint Board.**

**9. INSPIRE FOR LEARNING PRESENTATION**

The Acting Chief Executive gave Members a presentation on the Inspire for Learning journey, covering key aspects of the Inspire for Learning programme. This work put Scottish Borders at the cutting edge of digital education and Apple was using Scottish Borders as a case study worldwide, putting the Borders at the

forefront of digital education across the world. He also commented on the new centre which had been opened in Tweedbank. Members were shown a video of the work of Viewfinders in Hawick which opened the world of film making to young people. Members paid tribute to the staff involved in this work and expressed the hope that this would attract IT jobs to the Borders. Members who had been part of the previous Council commented on the criticism received when the original decision was taken but it had proved invaluable during the pandemic and presented an opportunity to engage all pupils in school life. The E-sports project was highlighted and that Scottish Borders would be the first area to offer this option in all secondary schools.

**DECISION**  
**NOTED the presentation.**

**10. LICENSING OF SEXUAL ENTERTAINMENT VENUES**

With reference to paragraph 10 of the Minute of 31 March 2002, there had been circulated copies of a report by the Chief Legal Officer advising Members of the responses received to the Stage 2 consultation on the content of the Council's draft Policy Statement on the Licensing of Sexual Entertainment Venues ("SEVs") in the Scottish Borders area. The report explained that at its meeting on 31 March 2022, Council approved the draft Policy Statement and instructed the Director Finance and Regulatory Services to carry out a Stage 2 public consultation. Following the conclusion of the stage 2 consultation on 18 September 2022, 17 responses had been received and these responses were detailed in Appendix 1 to the report. The responses received to the stage 2 consultation were overwhelmingly in favour of the content of the Council's draft Policy Statement on the Licensing of SEVs. A copy of the Council's draft Policy Statement on the Licensing of SEVs was contained in Appendix 2 to the report. Members supported the policy and agreed that the number should be zero. However, they did comment on the disappointing response to the consultation and the need for better public engagement.

**DECISION**  
**AGREED to adopt the draft Policy Statement on the Licensing of SEV's with immediate effect.**

**11. SCHEME OF ADMINISTRATION**

With reference to paragraph 14 of the Minute of 25 August 2022, there had been circulated copies of a report by the Acting Chief Executive seeking approval for changes to the membership of the Executive Committee. The report explained that the membership of the Executive Committee was specifically considered at two meetings of the Members' Cross Party Working Group: Scheme of Administration. A number of different views were presented but there was agreement that the membership of the Committee should be increased to reflect the whole concept of Members from across the political spectrum working together in a collegiate way. The current two members of the Executive Committee from out-with the Administration had allowed an expression of ideas, challenges and a different political perspective being brought to decision making. It was therefore proposed to increase this and that a further two members from out-with the Administration be added to the membership of the Executive Committee. The membership of the Committee would be reviewed after one year, or should issues arise impacting on the working of the Committee, at an earlier time. Members supported the proposal and Councillor Thornton-Nicol, seconded by Councillor Jardine, moved that Councillors Marshall Douglas and Sinclair be appointed. This was unanimously approved.

**DECISION**

**AGREED:-**

- (a) to extend the membership of the Executive Committee to a total of seventeen members, to include a further two members from out-with the Administration, and amend the Interim Scheme of Administration accordingly;**
- (b) to appoint Councillors M. Douglas and Sinclair from out-with the Administration to the Executive Committee; and**
- (c) that the membership of the Executive Committee be reviewed after a year, or should issues arise impacting on the working of the Committee, at an earlier time.**

**12. QUESTIONS FROM THE PUBLIC AT COUNCIL MEETINGS**

With reference to paragraph 14 of the Minute of 25 August 2022, there had been circulated copies of a report by the Acting Chief Executive seeking approval for a process to allow members of the public to submit questions to be answered at meetings of Scottish Borders Council. It was agreed at the August Council meeting that a further report be considered at the next Council meeting with details of how the submission of questions from members of the public to full Council meetings could work. At its meeting held on 23 September 2022, the Members' Cross Party Working Group: Scheme of Administration, considered a draft procedure, template and contact form. Details of the draft procedure were contained in Appendix 1 to the report and the question template and contact details form were contained in Appendices 2 and 3 respectively. It was hoped that by including an item on the Council agenda for questions from members of the public, this would be another avenue for public engagement with the Council. It would also be complementary to the Open Questions item for Elected Members which was included in each Council agenda. The Clerk to the Council presented the report and asked that she be given delegated powers to add the information agreed by the Working Group into the process and this was agreed. Members welcomed this additional method of engaging the community in the work of the Council. Members proposed that an interim report be provided after 6 months and this was agreed.

**DECISION**

**AGREED:-**

- (a) to approve the procedure for Questions from the Public at Council meetings, as detailed in Appendix 1 to the report subject to the delegation of powers to the Clerk to the Council to add the further matters agreed by the Working Group;**
- (b) to approve the template for the submission of questions from the public, as detailed in Appendix 2 to the report;**
- (c) to approve the contact details form to accompany any question submitted by a member of the public, as detailed in Appendix 3 to the report;**
- (d) to delegate authority to the Clerk to the Council to make the necessary changes to the Scheme of Administration; and**
- (e) that the submission of questions by members of the public for Council was reviewed after one year, to ascertain the benefits and consider whether such a process should continue with an interim report on questions from the public being presented to Council after 6 months.**

13. **COMMITTEE APPOINTMENTS**

It was noted that a Vice-Chair required to be appointed for the Planning and Building Standards Committee and Local Review Body. Councillor Mountford, seconded by Councillor Thomson, moved that Councillor Marshall Douglas be appointed and this was unanimously agreed.

**DECISION**

**AGREED that Councillor Marshall Douglas be appointed as Vice Chair of the Planning and Building Standards Committee and the Local Review Body.**

14. **APPOINTMENTS TO OTHER BODIES**

12.1 It was noted that Councillor Parker no longer wished to be a Member of the Wellbeing and Safety Committee. Councillor Jardine, seconded by Councillor Small, moved that Councillor Greenwell be appointed and this was unanimously agreed.

12.2 It was noted that Councillor Cox was to remain as a Member of the SEStran Partnership Board so no appointment was needed.

**DECISION**

**AGREED that Councillor Greenwell be appointed to the Wellbeing and Safety Committee.**

15. **OPEN QUESTIONS**

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

**DECISION**

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

16. **PRIVATE BUSINESS**

**DECISION**

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

17. **COMMITTEE MINUTES**

18. **INSPIRE ACADEMY - BUILDING ON SUCCESS**

*The meeting concluded at 1.00 pm*