

# Public Document Pack



## SCRUTINY & PETITIONS COMMITTEE THURSDAY, 12 JANUARY 2023

A MEETING of the SCRUTINY & PETITIONS COMMITTEE will be held VIA MICROSOFT TEAMS on THURSDAY, 12 JANUARY 2023 at 10.00 am.

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

J. J. WILKINSON,  
Clerk to the Council,

23 December 2022

<b>BUSINESS</b>		
1.	<b>Apologies for Absence</b>	
2.	<b>Order of Business</b>	
3.	<b>Declarations of Interest</b>	
4.	<b>Minute</b>	5 mins
	(a) <b>Minute - 8 December 2022</b> (Pages 3 - 6) Consider Minute of the Meeting held on 8 December 2022 for approval and signature by the Chair. (Copy attached.)	
	(b) <b>Scrutiny Action Sheet</b> (Pages 7 - 8) Consider updated Scrutiny Business Action Sheet. (Copy attached.)	
5.	<b>Waste and Recycling Communications</b> Consider presentation by Waste Collection Manager and Senior Communications and Marketing Offer.	20 mins
6.	<b>Future Scrutiny Work Programme</b> (Pages 9 - 12) Consider briefing note by Clerk to the Council. (Copy attached.)	15 mins
7.	<b>Any Other Items Previously Circulated</b>	
8.	<b>Any Other Items the Chair Decides are Urgent</b>	

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## 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.**

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**Membership of Committee:-** Councillors E. Thornton-Nicol (Chair), N. Richards (Vice-Chair), J. Anderson, P. Brown, J. Cox, M. Douglas, J. PatonDay, E. Robson, S. Scott and F. Sinclair

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**SCOTTISH BORDERS COUNCIL  
SCRUTINY & PETITIONS COMMITTEE**

MINUTES of Meeting of the SCRUTINY & PETITIONS COMMITTEE held via Microsoft Teams on Thursday, 8 December 2022 at 10.00 am

Present:- Councillors E. Thornton-Nicol (Chair), N. Richards (Vice-Chair), J. Anderson, P. Brown, J. Cox, M. Douglas, J. PatonDay, E. Robson (from para 2.1), S. Scott and F. Sinclair (from para.1.2).

In Attendance:- Director Resilient Communities, Communities & Partnership Manager, Clerk to the Council, Democratic Services Officer (W. Mohieddeen), and Trainee Democratic Services Officer.

**1. MINUTE**

1.1 Copies of the Minute of Meeting held on 20 October 2022 had been circulated.

**DECISION**

**APPROVED the Minute for signature by the Chair.**

1.2 Copies of the Action Tracker for Scrutiny decisions had been circulated. With reference to item 2 from 9 June 2022, the Clerk to the Council advised that the timeline for the outstanding actions had now been agreed with Directors so this action was now complete. For the following actions, the dates for presentation to Committee were as follows:

1. Item 1, 13 January 2022 – Use of school facilities would be considered at the meeting of the Committee scheduled for 20 April 2023.
2. Item 2, 9 December 2021 – Rural Proofing policy would be considered at the meeting of the Committee scheduled for 12 January 2023.
3. Item 3, 9 December 2021 – Waste & Recycling communications would be considered at the meeting of the Committee scheduled for 12 January 2023.
4. Item 1, 29 June 2021 – Public Transport and Communities would be considered at the meeting of the Committee scheduled for 1 June 2023.

**DECISION**

**NOTED the dates where outstanding actions would be considered.**

**MEMBER**

Councillor Sinclair joined the meeting during consideration of the above item.

**2. MANAGEMENT AND MAINTENANCE OF PUBLIC HALLS**

2.1 With reference to paragraph 10.3 of the Minute of 14 March 2022, copies of a report by the Director Resilient Communities on the Management and Maintenance of Public Halls had been circulated. The Director explained that when Halls were referenced in the report this was a catch all phrase covering different sizes and types, town halls, community centres, and village halls. The report covered the management and funding of halls across the Borders. Village Halls hosted regular local events and activities, they provided space for local clubs and societies to run activities and play a major role during emergency responses and elections. Village halls were often run by independent voluntary management committees, taking bookings for the halls, ensuring that they were clean and maintained. An umbrella organization called the Scottish Borders Village & Community Halls (SBVCH) brought together 4 Federations of Village Halls in the Borders, with 95 Halls having membership of the Federations. Scottish Borders Council had lease arrangements in place for 45 halls (20 to Live Borders and 25 to local community groups/committees), with the remaining halls owned by their individual communities or held in private trusts. All halls leased from the Council had a

responsibility to run as community enterprises and to fundraise as required. The duration and annual cost of the leases had been developed over a number of years on a case by case basis, which had led to inconsistency. The Council provided c.£50k of funding to the 4 Federations using a formula split between the number of halls within the respective Federation and the rural population for each area (excluding certain towns and villages where halls were now run by Live Borders. The average payment per hall was £526. Further details were given in the report on the management of the halls. As part of the SBC Council Plan 2022-23, under the 'Good Health and Wellbeing' theme, there was an action to review the Cultural Strategy for the Scottish Borders, and it was proposed that this would also explore options to improve consistency in lease, funding and management arrangements for halls.

## **MEMBER**

Councillor Robson joined the meeting during the above presentation.

- 2.2 The Communities & Partnership Manager, Ms Smith, explained that the role of the halls during Covid had been exemplary, but since the Covid restrictions had been relaxed it had been a struggle to get volunteers back. There was an evolving role for halls and it would be useful to review their operation, management and support within communities going forward. Cllr Anderson raised the matter of those community centres leased to Live Borders, whereby management committees were paying an annual contribution equating to 65% of their income from lets to Live Borders, advising that for Eyemouth this was incorrect as they paid a fee which was much greater than 65% of let income. Mrs Craig, Director Resilient Communities, undertook to look into this if Cllr Anderson would send on specific details. Other points raised included the need to be careful so as not to disadvantage some halls by making everything the same; there was a need for capacity building in communities when working with volunteers, especially where there were complex arrangements; the differences between halls' incomes with some achieving more than others; and that any income received should be vested in the halls themselves and not moved elsewhere. Consideration should also be given to the number of halls and whether all were needed or required financial support. Mrs Craig confirmed that, through the Place Making discussions, the number of assets in a community and their use would be verified and then communities asked whether they still wished to retain them all or whether some could amalgamate to get more investment. Discussions on this were only in the very early stages in a few towns at the moment. There were huge variations between areas and the halls themselves, with different funding streams. It was unlikely a consistent model could be brought in across the Borders but hopefully it would be possible to develop a framework in which they all could work.
- 2.3 Ms Smith confirmed that officers had had a look at 2 or 3 halls in private trusts, and these could be quite complex. However, they too could still be a member of a Federation and get additional benefits. Further concern was expressed about the management fee paid by halls, which may still be based on pre-Covid use, and there needed to be a better relationship developed between Live Borders and the voluntary committees running some of the halls. With regard to the promotion of Community Asset Transfers and capacity building to assist communities in making applications, Mrs Craig explained that work was currently underway and a report would be brought to Council on better community engagement and a better way to support communities. It was recognized that the Council website was not structured in the right way to make it easy for communities to get the support they needed, and it was proposed – in the same way as had happened with the cost of living crisis – that information on community support, whether that be asset transfer, how to get more volunteers, financial support, etc., would be brought to the one place. This would also include links to other organisations as it was not just the Council providing support to communities. Ms Clare Malster, the Council's Participation Officer, was available to have a conversation with groups about asset transfers and a video on this had just been added to the Council website. It was a complex process but Ms Malster could help guide people through it, including a "try before you buy" arrangements where the Estates team could arrange a lease of varying lengths to allow communities to check if

they could manage before going ahead. In response to a request for a list of halls, including their ownership and any lease arrangements in each Ward, Mrs Craig advised that this could be provided, although it would not be a complete list, and Members should let officers know of any others which were missing from the list.

**DECISION**

**AGREED to note the findings of the report and that the planned work to review and update the Scottish Borders Cultural Strategy and action plan would include the lease, maintenance, funding and management options for Halls.**

**URGENT BUSINESS**

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

3. **FUTURE SCRUTINY WORK PROGRAMME**

The Chair advised that an item of business would be placed on the agenda of the next meeting of the Committee to consider potential items for the future Scrutiny Work Programme. Should Members have any items they wished to be included in the programme, they should contact the Clerk to the Council, who would write out to all Members and also Community Councils asking if they had any matters, within the remit of the Council, for a Scrutiny review.

**DECISION**

**NOTED.**

*The meeting concluded at 10.45 am.*

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**SCOTTISH BORDERS COUNCIL**  
**SCRUTINY BUSINESS ACTION SHEET**  
**SCRUTINY & PETITIONS COMMITTEE**

Notes:-

1. Paragraphs Marked with a \* require full Council approval before action can be taken
2. Items for which no actions are required are not included

TITLE	DECISION REQUIRING ACTION	DEPARTMENT/ SECTION	RESPONSIBLE OFFICER	Action Update
<b>8 December 2022</b>				
1. Future Scrutiny Work Programme	Para 3 – AGREED to place an item of business on the agenda for the next meeting of the Committee.	Democratic Services	Jenny Wilkinson	Item on agenda for meeting on 12 January 2023
<b>13 January 2022</b>				
1. Scrutiny Business Action Sheet	Para 2.4 – action (d) AGREED there would be a discussion at a future meeting of Audit & Scrutiny on the use of school facilities by community groups and how this could be taken forward through the Place Making discussions.	Corporate	Lesley Munro/Jenni Craig/John Curry	Scheduled for 20 April 2023 meeting.
<b>9 December 2021</b>				
1. Community Funding Evaluation Process	Para 3.2 – action (b) AGREED to add the review of Festival Funding to the Action Tracker.	Resilient Communities	Jenni Craig	A report on a review of Festival Funding will be taken to the Executive Committee post-election, with funding for 2022/23 based on existing arrangements.
2. Rural Proofing Policy	Para 4 – action (b) AGREED that the UN Sustainable Development Goals and Integrated Impact Assessment Goals checklists would be strengthened to ensure that elements of rurality were fully incorporated, and that the draft checklists be considered by the Committee prior to submission to Council.	Corporate	Jenny Wilkinson/ Jenni Craig	Scheduled for 20 April 2023 meeting.

TITLE	DECISION REQUIRING ACTION	DEPARTMENT/ SECTION	RESPONSIBLE OFFICER	Action Update
3. Waste & Recycling Communications Update	Para 5 – action (b) AGREED to ask Communication Officers to attend the March meeting of the Committee to allow Members to have a discussion about a programme of communication in regard to climate change, including waste and recycling.	Infrastructure & Environment	Ross Sharp-Dent	On agenda for 12 January 2023 meeting.
<b>29 June 2021</b>				
1. Scrutiny Work Programme	(a) Public transport and communities – An evaluation of the current situation and future plans for supporting rural communities to set up their own community transport where there was demand and current transport inadequate. (Initial Scrutiny hearing to determine best methodology and reporting)	Infrastructure & Environment	John Curry	Scheduled for 1 June 2023 meeting.



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## **FUTURE SCRUTINY WORK PROGRAMME**

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### **Briefing Note by Clerk to the Council**

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## **SCRUTINY & PETITIONS COMMITTEE**

**12 January 2023**

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### **1 PURPOSE AND SUMMARY**

- 1.1 This briefing note provides Members with details of the proposed process for future Scrutiny reviews.**

### **2 BACKGROUND**

- 2.1 As detailed in the Scheme of Administration, the Scrutiny & Petitions Committee is required to develop an annual programme of work for approval by Council, based on the following functions within its remit:
- (a) monitoring the performance of the Authority towards achieving its policy objectives and priorities in relation to all functions of the Council;
  - (b) reviewing the effectiveness of all the Council's work against agreed standards, targets and budgets for the levels of services provided; and
  - (c) acting as a focus for value for money and service quality exercises.
- 2.2 In practice, this means that as well as members of the Committee submitting subjects for review, proposals are also sought from other Elected Members and Community Councils for inclusion in a work programme.
- 2.3 During initial discussions at its meeting held on 8 December 2022, members of the Committee were asked to contact the Clerk to the Council with any subjects they would like considered for review.
- 2.4 Once the Committee has agreed what reviews it would wish to carry out, then a Programme of Work will be submitted for Council approval.

### **3 ASSESSMENT OF PROPOSALS FOR REVIEW**

- 3.1 In keeping with the remit of the Committee, Members need to focus on their strategic role, so it would not be appropriate for reviews to look at the detailed implementation of individual projects, which is an operational matter, but it would be appropriate for reviews to scrutinise delivery against a plan, or benefit realisation against a target. An example would

be that of the Councils' winter maintenance plan – it is fine to scrutinise the plan and performance against that plan, but not to look at day to day individual depot/gritting vehicle management.

3.2 In devising a programme of work for approval by Council, Members should be mindful of the need to demonstrate objectivity by developing a set of criteria against which individual proposals could be assessed. The first stage could be one or two threshold criteria. If these were not met, then the theme or issue being proposed would not be considered further. This would avoid abortive time being spent on issues or themes which were either inappropriate for review or where review would not be productive. The two threshold criteria proposed are:

- Is the proposed review within the scope of the Council and its objectives?
- Is the scope of the review clear and concise?

3.3 If the threshold criteria are met, then further points could then be taken into consideration:

- Is an improvement in service expected as a result of the review?
- To what extent could a review lead to a reduction in the costs of a service?
- To what extent could a review lead to an increase in income for the Council?
- How much budget is involved?
- How important to the public is the topic being proposed for review?
- Does the scope of the review take into account equalities for minority and other groups or particular sections of the Borders community?
- Is there any current performance deficit associated with the topic proposed for review?
- Is the review business critical to the Council's strategic objectives?

3.4 Members may also wish to take account of any other factors, such as the potential scale of the review and the resources required to take it forward.

## **4 TYPE OF REVIEW**

4.1 There are a number of ways in which the Scrutiny & Petitions Committee can proceed with reviews. The first of these is through an information Hearing. Depending on the topic for review, invitations are made to officers, portfolio holders and, if appropriate, representatives of other organisations to attend a Committee meeting and make a presentation on a particular subject. Members of Scrutiny & Petitions could then decide whether to consider the subject further either through a more detailed Hearing or through the setting up of a Working Group to make a more thorough investigation.

4.2 In a similar way to an information Hearing, a more focussed Hearing could be arranged, whereby members of Scrutiny & Petitions submit in advance to officers, portfolio holders and representatives of other organisations, questions which they wish answered. At the relevant Scrutiny & Petitions meeting, these pre-submitted questions would be supplemented by others,

to allow Members to delve deeper into the particular topic. The Committee could either make recommendations based on their findings or decide that the matter requires the setting up of a Working Group to probe further.

- 4.3 Again, depending on the topic, the Scrutiny & Petitions Committee could decide to set up a Working Group straight away as the best way to take matters forward, with a report on the findings and conclusions of the Working Group being considered by the Scrutiny & Petitions Committee. Membership of these Working Groups would not just be confined to members of Scrutiny & Petitions, but include other Councillors, as well as, where appropriate, representatives from other agencies. Should specialist knowledge be required, then invitations could be made to experts to address a Working Group or to become a member of, or advisor to, such a Group.
- 4.4 Any Working Group set up by the Scrutiny & Petitions Committee to investigate a particular topic would be required to submit for approval of the Committee a detailed remit in advance of its work. This will ensure that the Committee can check that the Working Group has not strayed from its original remit.
- 4.5 The breadth of some reviews will need to be taken into consideration, as will the number of reviews being undertaken at any given time, to ensure that Members and Officers do not become over-burdened and resources are not stretched too thinly. Depending on the subject matter, officers from various Services of the Council can provide support to Scrutiny & Petitions hearings and Working Groups.

**Author(s)**

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