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SCRUTINY & PETITIONS COMMITTEE THURSDAY, 20 APRIL 2023

A MEETING of the SCRUTINY & PETITIONS COMMITTEE will be held VIA MICROSOFT TEAMS on THURSDAY, 20 APRIL 2023 at 10.00 am

J. J. WILKINSON,
Clerk to the Council,

18 April 2023

BUSINESS		
1.	Apologies for Absence	
2.	Order of Business	
3.	Declarations of Interest	
4.	Minute and Scrutiny Action Sheet (Pages 3 - 8) (a) Consider Minute of the Meeting held on 12 January 2023 for approval and signature by the Chair. (Copy attached.) (b) Consider updated Scrutiny Business Action Sheet. (Copy attached.)	
5.	Future Scrutiny Work Program (Pages 9 - 16) Consider report by Clerk to the Council. (Copy attached.)	
6.	Any Other Items Previously Circulated	
7.	Any Other Items the Chair Decides are Urgent	

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.

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, 12 January 2023 at 10.00 am

Present:- Councillors E. Thornton-Nicol (Chair), N. Richards (Vice-Chair), J. Anderson, J. Cox, M. Douglas, E. Robson, S. Scott and F. Sinclair

Apologies:- Councillors P. Brown and J. PatonDay

In Attendance:- Waste Manager, Senior Communications & Marketing Officer (A. Drummond), Clerk to the Council, and Trainee Democratic Services Officer.

1. MINUTE - 8 DECEMBER 2022

1.1 Copies of the Minute of Meeting held on 8 December 2022 had been circulated.

DECISION

APPROVED the Minute for signature by the Chair.

2. SCRUTINY ACTION SHEET

Copies of the Action Tracker for Scrutiny decisions had been circulated. With reference to item 2 from 9 December 2021, regarding the Rural Proofing Policy, the date for presentation to Committee had now been changed to 20 April 2023, to allow work to tie in with other reviews underway e.g. Integrated Impact Assessment.

DECISION

NOTED the dates where outstanding actions would be considered.

3. WASTE AND RECYCLING COMMUNICATIONS

2.1 With reference to Paragraph 1.2 of the Minute of 8 December 2022, Adam Drummond, Senior Communications and Marketing Officer, presented an update on the Council's Climate Change Communications. In working towards the Net Zero target, it had been challenging to develop and sustain the level of communications required due to multiple competing priorities and staff vacancies. The recent recruitment of a Climate Change Officer was to result in more effective communications with internal and external audiences henceforth. A brief overview of the plan was presented to Members which would provide an easily accessible, web based source of information and plans on the action of Scottish Borders Council towards its Net Zero Commitments; to raise awareness, signpost to resources, highlight best practice and support behavior and cultural change internally and externally related to the climate emergency, and to work with national and local partners. The initial web content was in its final stages and was to be published shortly. Climate emergency training had been rolled out internally and 1800 staff had completed the e-learning module on Climate Change. This was to be an area of focus in the coming months.

2.2 Ross Sharp-Dent, Waste Manager, then presented an update on the Waste and Recycling Campaign. This initiative, as part of the Climate Change communications Plan, aimed to encourage positive behavior change, to increase recycling performance and to reduce the amount of recyclable waste going into general waste bins (currently at 76%).

The previously delayed campaign had launched in December 2022 to coincide with the festive collection communications and was disseminated via social media platforms, Councillor and Community Council briefings, posters and a press release. A staff video had also been produced. The Council web page had been updated with a new 'missed bin' service whereby the public were apprised of missed collections reported by the waste crews and subsequent remedial action to be taken. The results of an information gathering survey conducted in January 2022 had now been published. The survey had highlighted public confusion as to the type of refuse permitted in the different bins. It was confirmed that excess recyclate could be put out alongside the blue bin for collection, although that needed to be in a clear or white bag tied at the top. No black bags could be used for recyclate, as there was an assumption that this could contain ordinary waste so would be contaminated and the sorting machine did not recognise black bags so these would be rejected. Large cardboard boxes could be flattened and also left out for collection.

2.3 A summary of planned initiatives was provided: the Primary Schools Waste and Recycling Resource was to be launched in conjunction with Levensat (General Waste Contractor) in March 2023 and contained online lesson plans, activities and games; a Community Engagement Review to maximise community involvement; and 'Recollect' - a one year trial of a web app to be rolled out in March/April 2023. The interface allowed the public to type in an item and be directed to the correct means of disposal. Training was to be provided to CAS staff to enable them to use the app and provide answers at the first point of contact. The app also provided reminders to put out domestic bins. Comprehensive data gathered from the trial was to be used to address public knowledge gaps and improve behaviours.

2.4 The shortage of HGV drivers was discussed. All posts for HGV drivers were filled apart from one. There were also loaders who were trained as HGV drivers but the number of those in the workforce had shrunk from 20 down to 2 or 3 in recent years. Currently, any gaps in drivers were being filled by foremen and supervisors. A recent recruitment exercise for six HGV drivers received no applicants. Scottish Borders Council was committed to training new drivers and had undertaken to put applicants through their DVLA car licence training first if they did not have a pre-1997 licence, with a view to starting HGV training one year later, although there was a backlog of testing. In response to a question about the reporting of full bottle banks, it was confirmed that this was not currently possible via the website but this was something which would be considered. Where it was known in advance e.g. festive period, summer festivals, etc. then additional bottle banks were brought in and also bins were emptied more frequently. The advent of the Deposit Return Scheme (DRS) for plastic bottles and cans would likely result in a reduction in the amount of recyclate to be collected by Waste Management. While the Council was still obliged by legislation to collect plastic at kerb sides and bottle banks, it was acknowledged that the position, timing and routes of collections would be reviewed at the appropriate time. The issue in the Borders was distance and not volume so it may mean vehicles would pick up less waste as the assumption was less would be going into general waste bins. The frequency of collections may reduce. There was an acknowledgement that while emails had been sent out to all Community Councils on the waste campaign over the festive period, communications with Community Councils required greater focus to ensure that information was being disseminated to their local community. It was suggested that future waste management email communications to Community Councils should also be sent to Elected Members to allow them to check on receipt and that the information was being disseminated out to communities.

DECISION

NOTED the updates and AGREED that waste management emails to Community Councils also be sent to Elected Members to allow them to check that the information had been received and was being disseminated out to communities.

4. **FUTURE SCRUTINY WORK PROGRAMME**

There had been circulated copies of a briefing note by the Clerk to the Council, the purpose of which was to provide Members with details of the proposed process for future Scrutiny reviews. The Clerk to the Council gave an explanation of the work of the Scrutiny and Petitions Committee: to monitor the Authority's performance in achieving policy objectives and priorities; to review the Council's effectiveness against agreed standards, targets and budgets; and to act as a focus for value for money and service quality exercises. Subjects for review were to be brought to the Clerk by members of the Committee and other Elected Members; this was to be submitted via email with no need for a rationale to be completed at this stage and reviews could be focussed and specific. Further explanation was provided as to how proposals for review were to be initially assessed for inclusion in a Programme of Work. With a focus on their strategic role, Members had the authority to objectively scrutinise the delivery of a project against a plan, or a benefit realisation against a target, according to set criteria. The review would proceed in one of three ways initially: an Information Hearing whereby officers or representatives made a presentation; a more focussed Hearing where questions would be submitted in advance and supplemented by further queries to delve deeper, with a Working Group convened to probe further still; or a Working Group would be convened immediately to take matters forward. Oversight of a Working Group was to be ensured through the approval of their remit by the Scrutiny & Petitions Committee. Due attention was to be given to the scale and number of reviews at any given time to ensure reviews were adequately resourced and proportionate across the service. The Clerk to the Council had received one subject for review to date. It was suggested that one Working Group at a time was convened; this could be either for a short term of a few months or longer up to a year. There was general agreement that each Committee member proposed one subject for review before the next meeting on 20 April 2023. The Clerk to the Council would also write out to all Members and Community Councils asking for any subjects for review.

DECISION

NOTED the briefing and AGREED to each Committee member submitting one subject for review before the next meeting.

The meeting concluded at 11.10 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
12 January 2023				
1. Waste & Recycling Comms	Para 2.4 – AGREED that waste management emails to Community Councils also be sent to Elected Members to allow them to check that the information had been received and was being disseminated out to communities	Communications	Ross Sharp-Dent/Adam Drummond	
2. Future Scrutiny Work Programme	Para 4. - AGREED to each Committee member submitting one subject for review before the next meeting	Elected Members		
13 January 2022				
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.
9 December 2021				
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
29 June 2021				
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.

FUTURE SCRUTINY WORK PROGRAMME

Report by Clerk to the Council

SCRUTINY & PETITIONS COMMITTEE

20 April 2023

1 PURPOSE AND SUMMARY

- 1.1 This report provides details of those subjects submitted for consideration for review by the Scrutiny and Petitions Committee and seeks approval for their inclusion in the Scrutiny Review Work Programme.**
- 1.2 At its meeting on 12 January 2023, the Scrutiny and Petitions Committee considered a briefing note which gave details of the proposed process for future Scrutiny reviews and the criteria for assessment of subjects submitted for review. 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.
- 1.3 To date, eleven subjects have been submitted for possible inclusion in the Scrutiny Work Programme, and these are detailed in the Appendix to this report. Members are now asked to consider which subjects they wish to take forward into the Committee's Review Programme. It is further recommended that the Council's Management Team provides some outcomes/guidance for the subjects chosen prior to the Committee recommending its Review Programme for approval by Scottish Borders Council.

2 RECOMMENDATIONS

- 2.1 I recommend that the Committee agrees:-**
 - (a) which subjects it wishes to take forward for inclusion in the Scrutiny Review Work Programme; and**
 - (b) that the Council's Management Team is asked to provide further details, including outcomes for such reviews, for consideration by the Scrutiny & Petitions Committee prior to it**

**recommending its Review Work Programme for approval by
Scottish Borders Council.**

3 BACKGROUND

3.1 At its meeting on 12 January 2023, the Scrutiny and Petitions Committee considered a briefing note which gave details of the proposed process for future Scrutiny reviews and the criteria for assessment of subjects submitted for review. The two threshold criteria were:

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

3.2 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?

3.3 Members may also wish to take account of any other factors, such as the potential scale of the review, the resources required to take it forward, the timing of such a review and the method of taking the review forward i.e. by way of an information hearing, a focussed hearing or by setting up a Working Group. 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.

3.4 In keeping with the remit of the Committee, Members are reminded of the 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.

4 PROPOSED SCRUTINY REVIEWS

4.1 To date, eleven subjects (see Appendix for further details) have been submitted for consideration for inclusion in a Scrutiny Review Programme:

1. Public Toilet Provision
2. Closure of Public Toilet in Stow
3. Employability Service Public Engagement

4. Private Sector Housing Grants and Assessment Process (OT)
5. Unused Trading Estate, Lennel Road, Coldstream
6. Scottish Government Covid Grant Funding
7. Covid Recovery Fund
8. Community Access to Schools out-with school hours
9. Shared Lives
10. E-Fleet
11. See Hear Funding 2013/14

4.2 Members are now asked to consider which subjects they wish to take forward into the Committee's Review Programme. It is further recommended that the Council's Management Team provides some outcomes/guidance for the subjects chosen prior to the Committee recommending its Review Programme for approval by Scottish Borders Council.

4.3 Members should also note that this Programme of Reviews is not final and can be added to, subject to Council approval, at any given time over the coming years as further subject reviews arise.

5 IMPLICATIONS

5.1 Financial

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

5.2 Risk and Mitigations

There is a risk that if the Committee does not produce a work programme of subjects for review that it will not fulfil its remit in the Scheme of Administration. By requesting further details from the Council's Management Team, the Committee will have guidance on potential outcomes and parameters for such reviews.

5.3 Integrated Impact Assessment

The Council has a statutory obligation to eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity between people who share a characteristic (age, disability, gender re-assignment, trans/transgender identity, marriage or civil partnership, pregnancy and maternity, race groups, religion or belief, sex-gender identity, and sexual orientation) and those who do not; and foster good relations between people who share a characteristic and those who do not. This involves tackling prejudice and building understanding. Additionally, where proposals are "strategic", the Fairer Scotland Duty requires us to show that we have actively considered how we can reduce socio-economic inequalities in the decisions that we make and to publish a short written assessment on how we have done this. At the current stage, the Scrutiny & Petitions Committee is considering what subjects it wishes to include in its Review Programme. Once these subjects have been confirmed and the Programme agreed by Council, an IIA will be completed for each Review subject, as necessary.

5.4 Sustainable Development Goals

When the Scrutiny & Petitions Committee is considering specific subjects as part of its Review Programme, each subject will be considered as required against the UN Sustainable Development Goals.

5.5 **Climate Change**

When the Scrutiny & Petitions Committee is considering specific subjects as part of its Review Programme, each subject will be considered as required for its impact on Climate Change.

5.6 **Rural Proofing**

When the Scrutiny & Petitions Committee is considering specific subjects as part of its Review Programme, each subject will be considered as required in terms of Rural Proofing.

5.7 **Data Protection Impact Statement**

There are no personal data implications arising from the proposals contained in this report. When the Scrutiny & Petitions Committee is considering specific subjects as part of its Review Programme, each subject will be considered as required in terms of Data Protection.

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 Finance Officer, the Acting Chief Corporate Governance Officer, the Chief Officer Audit and Risk, the Director (People Performance & Change), and Corporate Communications have been consulted on this report, and comments received have been incorporated.

Approved by

Jenny Wilkinson

Clerk to the Council

Author(s)

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

Background Papers: None

Previous Minute Reference: Scrutiny & Petitions Committee, 12 January 2023

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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SCRUTINY & PETITIONS COMMITTEE

SCRUTINY POTENTIAL REVIEWS

NO	POTENTIAL REVIEW	SUBMITTED BY/DATE	RESPONSIBLE OFFICER	Action Update
1.	Public Toilet Provision	Cllr Sinclair (9 January 2023)	John Curry	
2.	Closure of Public Toilet in Stow	Stow Community Council (20 March 2023)	John Curry	
3.	Employability Service public engagement	Cllr Anderson (12 January 2023)	Jenni Craig	
4.	Private Sector Housing Grants and assessment process (OT)	Cllr Robson (12 January 2023)	Gwyneth Lennox (OT assessment)/ Donna Bogdanovich	
5.	Unused Trading Estate on Lennel Road, Coldstream – this has no tenants and has stood unused for over 10 years. We would like to understand what SBC is going to do to ensure that whatever extra it takes to make it a useful site is invested so the grant monies used to create the site are not wasted and actually general a return and jobs for the community.	Coldstream CC (17 February 2023)	John Curry	
6.	Scottish Government Covid Grant Funding – a full analysis of its purpose and use, with reference to the Audit Committee if necessary.	Cllr M Douglas (17 February 2023)	Jenni Craig/Suzy Douglas	
7.	Covid Recovery Fund – purposed and spend to date on what?	Cllr Thornton-Nicol	Suzy Douglas, Jenni Craig	
8.	Community Access to Schools out-with school hours and the availability of janitorial staff to open the premises.	Cllr M Douglas (17 February 2023)	Lesley Munro, Jenni Craig, John Curry	
9.	Shared Lives – what does the contract cost annually and what is the performance against KPIs, savings met?	Cllr Thornton-Nicol	Chris Myers/ Simon Burt	
10.	E-Fleet – impact of pool cars on cost of reimbursing mileage to staff?	Cllr Thornton-Nicol	John Curry/ Clair Hepburn	
11.	See Hear funding 2013/14 – amount received, what hat has this been used for and what are the outcomes.	Cllr Thornton-Nicol	Michael Curran	

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