

SCOTTISH BORDERS COUNCIL

MINUTES of Meeting of the SCOTTISH COUNCIL held in Council Chamber, Council Headquarters, Newtown St. Boswells and via Microsoft Teams on Thursday, 26th January, 2023 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, A. Smart, Steel, R. Tatler, V. Thomson, E. Thornton-Nicol and T. Weatherston

In Attendance:- Chief Executive, Director - Education & Lifelong Learning, Director Infrastructure & Environment, Director - Resilient Communities, Director - People Performance & Change, Director - Social Work & Practice, Acting Chief Financial Officer and Chief Officer Corporate Governance

1. **CONVENER'S REMARKS.**

- 1.1 With reference to paragraph 1(b) of the Minute of 24 November 2022, the Convener was pleased to present the Green Flag Awards for the Volunteer Team of the Year and the Employee of the Year to Lisa Brydon, Volunteer Co-ordinator at Wilton Park Walled Garden in Hawick. Lisa addressed Members and commented on the value of growing spaces in terms of both sustainability and mental health and suggested that every town in the Borders would benefit from having its own green growing space.
- 1.2 The Convener recognised the efforts of both Council staff and volunteer resilience groups who had assisted during the flood events over the festive period and passed on the thanks of the Council.
13. The Convener advised that the Doddie Weir Flag was now flying outside Council Headquarters which had been arranged by Councillor Parker and commented on the outstanding fundraising effort that was ongoing.

DECISION

AGREED that congratulations be passed to those concerned.

2. **MINUTE**

The Minute of the Meeting held on 16 December 2022 was considered.

DECISION

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

3. **COMMITTEE MINUTES**

The Minutes of the following Committees had been circulated:-

Jedburgh Common Good Fund
Community Planning Strategic Board
Eildon Area Partnership

14 November 2022
17 November 2022
17 November 2022

Civic Government Licensing	18 November 2022
Chambers Institution Trust	23 November 2022
Peebles Common Good Fund	23 November 2022
Planning and Building Standards Executive	5 December 2022
Scrutiny & Petitions	6 December 2022
Pension Fund	8 December 2022
	13 December 2022

DECISION

APPROVED the Minutes listed above.

4. **COMMITTEE RECOMMENDATION**

There had been circulated copies of an extract from the Minute of the Employee Forum held on 1 December 2022 recommending that the Scheme of Administration and Constitution for the Group be amended. Councillor Rowley as Chair of the Group spoke in support of the changes

DECISION

AGREED to approve the following recommendations:-

- (a) to replace the Convenor of the Council with the Executive Member for Service Delivery and Transformation as Chairperson and that the name of the Employee Forum be changed to Colleague Community;**
- (b) to amend the Elected Members appointed to the Committee, to replace reference to the Convenor with the Executive Member for Service Delivery and Transformation, and include “two other appointed members” in place of “another appointed member”; and**
- (c) to include reference to the Colleague Representative Chairperson in the Management Committee section of the Constitution.**

5. **LOCAL GOVERNMENT FINANCE SETTLEMENT 2023/2024**

There had been circulated copies of a report by the Acting Chief Financial Officer providing Members with an analysis of the Local Government Finance Settlement for 2023/24, issued by Scottish Government on 20 December 2022 and updated on 10 January 2023. The report explained that the Local Government Finance Circular, contained in Appendix 1 to the report, provided details of the provisional total revenue and capital funding allocations for 2023/24. The funding allocations formed the basis for the Council’s budget for 2023/24 and annual consultation between the Scottish Government and COSLA ahead of the Local Government Finance (Scotland) Order 2023 being presented to the Scottish Parliament. This was currently scheduled for early February 2023. Budget flexibilities identified in the settlement included no cap on Council Tax and a commitment to look at ring fenced funding by Scottish Government as part of a new partnership agreement with Local Government in Scotland. The estimated financial implications of the settlement on the Council budget in 2023/24 was a small increase of £0.049m in the Capital settlement and a settlement of £257.765m for revenue which was required to fund core spend, a range of new policy priorities required by the Scottish Government, as well as the ongoing impact of inflation. The settlement provided slightly more revenue resources than were anticipated totalling £1.5m when comparing base budget 2022/23 to base budget 2023/24 and adjusting for Scottish Government priorities funded within the settlement. The impact on Council budgets of inflation in 2023/24 was estimated at £8.7m; the additional £1.5m would help to partly offset the real terms reduction in the resources available. After applying this funding, the reduction in the Council’s spending power was £7.2m in real terms; this gap would have to be addressed as part of the Council’s budget process. The meeting of Council to set the budget was

scheduled for 23 February 2023. Members commented on the challenges ahead and the Leader encouraged members of the public to take part in the budget consultation process, asking Councillors to share this as widely as possible. In response to a question on the difficulties caused by ring-fencing matters relating to education, the Leader confirmed that this was being pursued by COSLA.

DECISION

NOTED:-

(a) the officer interpretation of the Local Government Finance Settlement and associated financial implications for the Council; and

(b) that a budget gap remained for 2023/24, with Officers and the Council's Budget Group continuing to consider options for presenting a balanced budget for Council approval on 23 February 2023.

6. HAWICK CARE VILLAGE - OUTLINE BUSINESS CASE

With reference to paragraph 5 of the Minute of 29 September 2022, there had been circulated copies of a report by the Chief Officer Health and Social Care Integration presenting the Outline Business Case (OBC) for Hawick Care Village provision and seeking approval of, and to take forward, the preferred option. The OBC, a copy of which was appended to the report, included the Strategic Case for change, the Economic Case, the Commercial Case, the Financial Case and the Management Case. It was explained that the Economic Case set out the Non-Financial and Financial appraisal of options and the preferred option which would be further developed as part of the of the Full Business Case for Hawick Care Village provision. Since September, the 4 options had been developed further and appraised. During this process, the Private Residential Care provider withdrew their interest and so Option 3 was not taken forward in the appraisal process. If the preferred option was agreed, the Full Business Case would be developed with Eildon Housing Association, and submitted to both the Integrated Joint Board and Council upon completion for approval. Members welcomed the progress made and thanked the Team working on this project. The importance of a plan for the decommissioning of Deanfield and the need to keep the public fully informed was highlighted. Mr Myers confirmed that there was a decommissioning workstream and this would be included as part of the full Business Case. In response to a question on the need for a medical and nursing care package, Mr Myers advised that the aim was for a holistic model of care. This was the next part in the process of moving from old fashioned care homes to the future provision of care. There would also be continued engagement with the Stirches and wider Hawick community as the project developed.

DECISION

AGREED:-

(a) the preferred option of a new build with Eildon Housing Association on their Stirches site;

(b) progression to the next stage of the preferred option and the development of a Full Business Case; and

(c) to approve the closure of Deanfield Residential Care Home on completion of the new Care Village.

7. **JEDBURGH LEISURE FACILITIES TRUST**

With reference to paragraph 9 of the Minute of 15 December 2022, there had been circulated copies of a report by the Chief Executive setting a proposal to help mitigate the financial challenges facing the Jedburgh Leisure Facilities Trust (JFLT), following approval of a grant of £127,000 to the Berwickshire Recreation and Education Sports Trust (BREST) at Council on 15 December 2022. The JFLT, like BREST, had had significant increases in their cost base since the COVID 19 pandemic due to rising energy costs and reduced patronage income. It was therefore proposed to provide financial assistance to JFLT of £127,000 from the Council's recovery fund for the 2022/23 financial year to assist with the costs of a programme of energy efficiency works that would significantly reduce the running costs of the Laidlaw Memorial Pool. The report explained that with increasing energy costs in recent years, the three Leisure Trusts operating in the Borders had seen increasing costs of running their facilities. Live Borders was the largest of the three charitable trusts commissioned by SBC for the delivery of sport, leisure and cultural services operating 6 pools across the Region. The other two Borders based trusts operating swimming pools were the Jedburgh Leisure Facilities Trust, which operated the Laidlaw Memorial Pool in Jedburgh, and Berwickshire Recreation Educational Sports Trust, which operated Duns Swimming Pool. The increase in energy costs had been especially felt in those leisure centres operating swimming pools, with pools facing particular challenges in continuing to operate while keeping their costs of admission affordable to users. Sport, physical activity and cultural activity played a vital role in delivering the Council Plan and Community Plan priorities and outcomes, in particular the priority of 'Good Health & Wellbeing', where the people of the Scottish Borders would be "enabled and supported to take control of their health and wellbeing, and enjoy a high quality of life" so that the Borders would have "more people in good health, leading an active lifestyle at every age and stage of life". Swimming pool buildings consumed significantly more energy per sq. m than most other building types; careful design and the operation of pools to conserve energy was therefore of fundamental importance in ensuring their continued viability. Without sufficient funding to assist the Trusts to reduce their energy usage and their carbon footprint, the financial viability of swimming pools in the Borders was at risk. This in turn risked the delivery of the Council's corporate priorities associated with Health and Wellbeing, and the important community benefits they delivered. Council had already agreed to assist BREST, and this paper sought approval to also provide the same level of grant funding of £127,000 to the Jedburgh Trust. Discussions with Live Borders were also progressing and would be reported to Council at the earliest opportunity. Members supported the proposal and highlighted the importance of swimming for health, wellbeing and safety given the length of coastline and number of rivers in the Scottish Borders.

DECISION

AGREED to provide one-off financial support to Jedburgh Leisure Facilities Trust in the current financial year of £127,000 from the Recovery Fund to help finance a programme of energy improvement works identified by the Trust at the Laidlaw Memorial pool.

8. **PEEBLES SWIMMING POOL FIRE UPDATE**

There had been circulated copies of a report by the Director Infrastructure and Environment providing an update on the repair works to Peebles Swimming Pool. The report explained that a fire in June 2022 had caused damage to the roof, plant room and parts of the internal fabric of the main pool hall. Although the fire caused moderate damage to the roof structure, there had been significant water penetration to the plant room and ceilings within the main pool hall as a consequence of extinguishing the fire. The roof tiles were known to be an asbestos-containing material and therefore specialists were engaged to undertake immediate removal of debris from the surrounding site. As a result of this, internal air assurance asbestos testing was undertaken to allow safe access within the building for damage assessments. In consultation with Live Borders, the

decision was made to close the pool to the public, allowing thorough investigations to take place. Following discussions with the Council's fire insurance provider, agreement had been reached on the work required to repair the fire damage and this work had now commenced. It was also agreed that all roof/ceiling tiles that contained asbestos would be removed as part of the repair works. The swimming pool was intended to re-open to the community in Spring 2023. Members noted the reasons for the delay in commencing repair works and expressed the hope that they would be completed as soon as possible as this was an essential facility for Tweeddale. The need to learn lessons for future projects was highlighted.

DECISION

NOTED the contents of the report.

9. **EDINBURGH AND SOUTH EAST SCOTLAND REGIONAL PROSPERITY FRAMEWORK DELIVERY PLAN**

With reference to paragraph 6 of the Minute of 23 September 2021, there had been circulated copies of a report by the Director Resilient Communities seeking ratification of the Regional Prosperity Framework (RPF) Delivery Plan, a copy of which was appended to the report, in anticipation of approval by the City Region Joint Committee on 3 March 2023. The Regional Prosperity Framework Delivery Plan was the articulation of the next phase of the development of the regional economy, building upon the successes of the City Region Deal. It was both an action plan, focused on more immediate and currently resourceable interventions, and a prospectus for investment setting out collective ambition and opportunity for the city region to become the data capital of Europe; support inclusive growth; and a just transition to a net zero economy over the next 20 years. The document was a live document that would be updated every 12 months to reflect changes to the local, regional, and macro economy and to ensure that regional activity could react and remain relevant to city region partners. Over the next 12 months four key programme areas had been identified, namely Green Regeneration, Infrastructure & Recovery, Visitor Economy & Culture and Data-Driven Innovation. To realise the ambitions of the Delivery Plan, Regional Partners would ask both the Scottish and UK Governments to commit to work in tripartite (UKG/SG/ESES) partnership to progress the Delivery Programme which was aligned with Scotland's National Strategy for Economic Transformation (NSET) and UK Government Levelling Up and Shared Prosperity priorities and for the Delivery Plan to be supported through a medium to long term, integrated, place-based funding allocation based on shared outcomes. The Regional Prosperity Framework Delivery Plan would be considered by the other five constituent Local Authorities in the region ahead of the meeting of the Edinburgh and South East Scotland City Region Joint Committee on 3 March 2023, which (subject to agreement) would conclude formal sign off of the Delivery Plan under the City Region's governance arrangements. The report also highlighted the City Region Deal Annual Report for 2021/22, which provided an update on overall progress for the City Region Deal programme between 1 August 2012 and 31 July 2022, and included the expected milestones to be achieved in the next year. Members welcomed the report and the ambition for the area. In response to a question on the unsuccessful levelling up funding application, the Director advised that she was still awaiting formal feedback on the bid which would be critical to make sure bids for round 3 were clearly articulated.

DECISION

AGREED:-

(a) to approve the Regional Prosperity Framework Delivery Plan;

(b) to note that the Delivery Plan would be considered by the other five constituent Local Authorities in the Edinburgh and South East Scotland City Region (ESES CR) ahead of the ESES CR Joint Committee meeting on 3 March 2023;

(c) to note the progress highlighted in the 2021/22 City Region Deal Annual Report; and

(d) that future updates on the progress of the City Region Deal and Delivery Plan would be provided to the (Economic Development) Executive Committee.

10. **MOTION**

Councillor Anderson, seconded by Councillor Tatler, moved approval of the following Motion as detailed on the agenda:-

“That Scottish Borders Council recognises the major increase in the level of fuel bills currently being experienced, with no sign of a reduction in the immediate future, is causing huge issues not only on the public’s available funds to be able to pay them but also the mental distress of worry about providing for their own and their families’ welfare.

The Council therefore agrees that the Leader of the Council writes to the Minister of State (Minister for Energy and Climate) and the Cabinet Secretary for Net Zero, Energy and Transport to ask for more pressure to be applied to the energy companies to give clear, uncomplicated bills to the public – including making clear the standing charge for meters - along with simplified billing advice so that they not only are able to understand their bills but also know where to seek help in either spreading the cost of these bills or finding other means of heating their homes. Energy companies should be required to place their customers automatically on the lowest unit price they offer for gas, electricity or oil as a matter of good practice.”

Councillors Anderson and Tatler spoke in support of the Motion which was unanimously agreed.

DECISION

AGREED to approve the Motion as detailed above.

11. **COMMITTEE APPOINTMENT**

Councillor Jardine, seconded by Councillor S. Hamilton, moved that Councillor Richards be appointed to the H&SC Integrated Joint Board and the H&SC IJB Audit Committee to replace Councillor Cox.

DECISION

AGREED that Councillor Richards be appointed to the H&SC Integrated Joint Board and the H&SC IJB Audit Committee

12. **OPEN QUESTIONS**

The questions submitted by Councillors Sinclair, Thornton-Nicol, Thomson, Mackinnon, Smart, Begg, Steel and Parker were answered.

DECISION

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

13. **APPOINTMENT TO THE POST OF CHIEF EXECUTIVE AND HEAD OF PAID SERVICE 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.

With reference to paragraph 2 of the Minute of the meeting held on 12 July 2022, there had been circulated copies of a report by the Director People, Performance and Change on the appointment of a new Chief Executive. At its meeting on 12 July 2022, the Council approved the establishment of an Appointment Committee which was delegated full authority to appoint a permanent new Chief Executive, following the appropriate assessment and interviewing procedures. The Appointment Committee conducted interviews for the post of Chief Executive on 18 January 2023 and unanimously agreed to the appointment of David Robertson to the post of Chief Executive and Head of Paid Service. The Convener, Leader and Group leaders congratulated Mr Robertson on his appointment. Mr Robertson thanked Members for their kind words and paid tribute to the Council's Management Team and the staff within the Council for their dedication and hard work, commenting that it was a huge privilege to lead them.

DECISION

NOTED:-

- (a) the details of the recruitment exercise for a Chief Executive; and**
- (b) the appointment of David Robertson to the post of Chief Executive and Head of Paid Service, which commenced with immediate effect.**

14. PRIVATE BUSINESS

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.

SUMMARY OF PRIVATE BUSINESS

15. COMMITTEE MINUTES

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

16. PRIVATE COMMITTEE RECOMMENDATION

Members approved a recommendation by the Peebles Common Good Fund Sub-Committee regarding Jedderfield Farm.

The meeting concluded at 11.40 am