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SCOTTISH BORDERS COUNCIL THURSDAY, 30 MARCH, 2023

A MEETING of the SCOTTISH BORDERS COUNCIL will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST. BOSWELLS AND VIA MICROSOFT TEAMS on THURSDAY, 30 MARCH, 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,
20 March 2023

BUSINESS		
1.	Convener's Remarks.	
2.	Apologies for Absence.	
3.	Order of Business.	
4.	Declarations of Interest.	
5.	Minutes (Pages 5 - 24) Consider Minutes of Scottish Borders Council held on 16 and 23 February 2023 for approval and signing by the Convener. (Copies attached.)	2 mins
6.	Committee Minutes Consider Minutes of the following Committees:- (a) Chambers Institution Trust 25 January 2023 (b) Local Review Body 23 January 2023 (c) Civic Government Licensing 27 January 2023 (d) Jedburgh Common Good Fund 30 January 2023 (e) Kelso Common Good Fund 31 January 2023 (f) Planning & Building Standards 6 February 2023 (g) Tweeddale Area Partnership 7 February 2023 (h) Audit 13 February 2023 (i) Executive 14 February 2023	5 mins

	<p>(j) Teviot & Liddesdale Area Partnership 21 February 2023 (k) Chambers Institution Trust 22 February 2023 (l) Civic Government Licensing 24 February 2023 (m) Galashiels Common Good Fund 2 March 2023 (n) Planning & Building Standards 6 March 2023 (o) Executive 14 March 2023</p> <p>(Please see separate Supplement containing the public Committee Minutes.)</p>	
7.	<p>Champions Board Annual Report (Pages 25 - 64)</p> <p>Consider report by Director Social Work and Practice. (Copy attached.)</p>	15 mins
8.	<p>Scottish Borders Public Protection Committee Annual Report 2021/22 (Pages 65 - 112)</p> <p>Consider report by Director Social Work and Practice. (Copy attached.)</p>	15 mins
9.	<p>Tweedbank Expansion - A Community for the Future (Pages 113 - 144)</p> <p>Consider report by Director Infrastructure and Environment. (Copy attached.)</p>	15 mins
10.	<p>Headstone Safety Update (Pages 145 - 158)</p> <p>Consider report by Director Infrastructure and Environment. (Copy attached.)</p>	15 mins
11.	<p>Public Toilet Provision (Pages 159 - 166)</p> <p>Consider report by Director Infrastructure and Environment. (Copy attached.)</p>	15 mins
12.	<p>UK Shared Prosperity Fund (Pages 167 - 174)</p> <p>Consider report by Director Resilient Communities. (Copy attached.)</p>	15 mins
13.	<p>Independent Inquiry Action Plan Update</p> <p>Consider report by Chief Executive. (Copy to follow.)</p>	15 mins
14.	<p>SBC Local Code of Corporate Governance (Pages 175 - 196)</p> <p>Consider report by Chief Executive. (Copy attached.)</p>	15 mins
15.	<p>Charitable De-Registration of SBC Common Good Funds (Pages 197 - 208)</p> <p>Consider report by Acting Chief Financial Officer. (Copy attached.)</p>	15 mins
16.	<p>Scheme of Administration - External Services/Providers Monitoring Group (Pages 209 - 212)</p> <p>Consider report by Acting Chief Corporate Governance Officer. (Copy attached.)</p>	10 mins
17.	<p>Calendar of Meetings (Pages 213 - 222)</p> <p>Consider dates for meetings from August 2023 to July 2024. (Copy attached.)</p>	5 mins
18.	<p>Motion</p>	10 mins

	<p>Consider Motion by Councillor Steel in the following terms:</p> <p>“Following many complaints over several years from Sports Groups and parents of children, Scottish Borders Council agrees to write to the Scottish Government requesting an addition to the Dog Fouling (Scotland) Act 2003 to create a new offence. It is requested that it be made an offence for a person in charge of a dog to allow it to defecate at any time on a sports pitch or children’s play area.”</p>	
19.	<p>Representatives on Outside Bodies - Live Borders</p> <p>Consider appointment of Member to the Board of Live Borders following the resignation of Councillor Brown.</p>	5 mins
20.	<p>Live Borders - Financial Support and Joint Strategic Review Proposal (Pages 223 - 232)</p> <p>Consider report by Director Resilient Communities. (Copy attached.)</p>	15 mins
21.	<p>Open Questions</p>	15 mins
22.	<p>Any Other Items Previously Circulated</p>	
23.	<p>Any Other Items Which the Convener Decides Are Urgent</p>	
24.	<p>Private Business</p> <p>Before proceeding with the private business, the following motion should be approved:-</p> <p>“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.”</p>	
25.	<p>Minute (Pages 233 - 234)</p> <p>Consider private Section of Minute of Scottish Borders Council held on 16 February 2023. (Copy attached.)</p>	1 mins
26.	<p>Committee Minutes</p> <p>Consider private Sections of the Minutes of the following Committees:-</p> <p>Civic Government Licensing - 27 January 2023 Civic Government Licensing - 24 February 2023</p> <p>(Please see separate Supplement containing private Committee Minutes.)</p>	2 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
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SCOTTISH BORDERS COUNCIL

MINUTE of Blended MEETING of the SCOTTISH BORDERS COUNCIL held in Council Headquarters, Newtown St. Boswells and via Microsoft Teams on 16 February 2023 at 10.00 a.m.

- Present:- Councillors W. McAteer (Convener), J. Anderson, 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, R. Tatler, V. Thomson, E. Thornton-Nicol, T. Weatherston
- Apologies:- Councillor D. Begg.
- In Attendance:- Chief Executive, Director Education and Lifelong Learning, Director People, Performance and Change, Director Resilient Communities, Director Social Work and Practice, Director Strategic Commissioning and Partnerships, Acting Chief Financial Officer, Interim Chief Corporate Governance Officer, Waste and Passenger Transport Manager, Clerk to the Council.
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1. CONVENER'S REMARKS

- 1.1 The Convener commented on Nicola Sturgeon standing down as First Minister and wished her well for the future.
- 1.2 The Convener congratulated Paul Hodson on making the finals of the School Cook of the Year and wished him the best of luck.
- 1.3 The Convener advised that Hilary Broach and Vicky Porteous were retiring from their Headteacher posts and wished them both a long and happy retirement.
- 1.4 The Convener thanked all those who were supporting the Doddie Weir Foundation and congratulated Scotland on winning the Doddie Weir Cup on Saturday.

DECISION

AGREED that congratulations be passed to all concerned.

2. MINUTE

The Minute of the Meeting held on 26 January 2023 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:-

Audit	23 November 2022
Cheviot Area Partnership	23 November 2022
Berwickshire Area Partnership	1 December 2022
Selkirk Common Good Fund	7 December 2022
Scrutiny and Petitions	8 December 2022
Audit	12 December 2022
Pension Board	13 December 2022
Galashiels Common Good Fund	14 December 2022
Chambers Institution Trust	14 December 2022

DECISION

APPROVED the Minutes listed above.

4. PPP SERVICE CONCESSION FLEXIBILITIES

There had been circulated copies of a report by the Acting Chief Financial Officer considering the impact for the Council of changing the statutory accounting treatment for Service Concession Arrangements (SCAs) as set out in Finance Circular 10/2022 – finance leases and service concession arrangements. The report explained that the Scottish Government's 2022 Resource Spending Review contained details of a Service Concession Arrangement flexibility that related to the Council's PPP schools. The flexibility permitted Councils to undertake internal accounting changes that extended the period over which the principal repayment debt element of the unitary charge could be made over the life of the asset rather than the life of the contract. This change would result in a one-off credit to the Council and ongoing annual savings for a period of time. In the remaining years following the end of the SCAs, the rescheduled debt repayments continued until the debt liability had been extinguished. FC 10/2022 permitted the option for Scottish Councils to apply additional flexibility to the accounting treatment for Service Concession Arrangements (SCA) in place before 1st April 2022. The statutory guidance applied from the financial year 2022 to 2023 but permitted retrospective application as an option. If this approach was adopted, it must be applied to all service concession arrangements, leases, and similar arrangements with the exception of such arrangements where the contract would expire within five years, where it may be applied. The Council had three such arrangements in place at present, namely the original PPP scheme (3 secondary schools – Earlston HS, Berwickshire HS, Eyemouth HS), Kelso High School and the Jedburgh Intergenerational Campus. In terms of the requirements of FC 10/2022 the Council would need to show that the financial implications of the change were prudent, sustainable, and affordable over the life of the asset and explain the basis for the accounting policy change. The reason for the change needed to be disclosed, along with an explanation of the movement in both the Balance Sheet and the General Fund. Where the annuity method had been applied, narrative would explain how this method linked to the flow of benefits from the asset. Advice and support had been sourced from Link Asset Services, the Council's treasury management consultant. Members welcomed the proposal which helped to bridge the budget gap without severe cuts and helped free up funds for transformation projects. Thanks were given to the Finance team for their work on this.

DECISION

AGREED to:-

- (a) apply, as per section 2.2 of FC 10/2022, the permitted PPP Concession flexibility in financial year 2023/24 on a retrospective basis using an annuity basis with a useful asset life of 50 years;**
- (b) note that the flexibility being applied was consistent with current Council Loans Fund arrangements and was considered prudent, sustainable, and affordable over the life of the asset;**
- (c) note that, by applying the flexibility, a one-off retrospective saving of £29.093m would be achieved followed by a reduction in the annual charges for a further 16 years (commencing in Financial Year 2023/24) and the continuation of the statutory charges after the SCA contracts had been repaid; and**
- (d) allocate the £29.093m retrospective saving as follows:**

- (i) **£9.093m contribution towards supporting the revenue budget over the first 3 years of the revenue plan from 2023/24 as detailed in 4.13; and**
- (ii) **retain the balance of £20m in reserves to establish a £20m change fund. This fund would be deployed over the next 5 years targeted at new technology, service changes and cost reductions to ensure the Council remained financially sustainable while maintaining service standards.**

DECLARATION OF INTEREST

Councillor Rowley left the meeting during the discussion on the following item of business, and subsequently informed the Clerk to the Council that he was declaring an interest in terms of Section 5 of the Councillors Code of Conduct. At the end of the item of business, the Convener advised the Members of this declaration of interest.

5. CARAVAN SITE - VICTORIA PARK, SELKIRK

There had been circulated copies of a report by the Director Resilient Communities seeking approval to invest in remediation and improvement work in advance of the caravan site at Victoria Park, Selkirk opening for business. The report explained that approval was being sought to allocate up to £150k from the Recovery Fund to enable remediation and development works to the site to allow it to re-open in time for the tourist season and with an aim to achieve a Visit Scotland 2-star accreditation. The caravan/camping site located at Victoria Park, Selkirk was currently operated by Live Borders, along with the Leisure Centre based at the same location. For the duration of the Covid-19 pandemic, and in line with Scottish Government policy at the time, the site was designated as the Borders base for the gypsy travelling community. In the report to Council in June 2022 on Gypsy Traveller Site Provision, Members were advised that remediation work would be undertaken to ensure the caravan site could re-open and operate. The Victoria Park Action Group had ambitions for the future development of the site and these would form part of the place-making work which was currently being undertaken in Selkirk. Recent Community Engagement events led by the Selkirk Community and facilitated by Scottish Futures Trust had also highlighted the need to improve and upgrade the site as part of a wider set of measures to improve the riverside area and provide the infrastructure to support tourism in the town and the wider area. A summary of the key works needed to both remediate and improve the site to a Visit Scotland 2-star standard were detailed in the report which proposed that funding of £150K was made available to enable them. Members welcomed this proposal which would help to encourage tourism in the area and provide a good foundation for further development in the future.

DECISION

AGREED to approve an allocation of up to £150K from the Recovery Fund to fund the required works to enable the Caravan site at Victoria Park, Selkirk to reopen for the new season and aim for a 2-star rating from Visit Scotland.

MEMBER

Councillor Rowley re-joined the meeting.

6. NON DOMESTIC RATES - EMPTY PROPERTY RELIEF POLICY

There had been circulated copies of a report by the Director Resilient Communities seeking approval for a temporary "Non Domestic Rates - Empty Property Relief Policy" to commence from 1 April 2023. The report explained that currently all Local Authorities administered Empty Property Relief on behalf of the Scottish Government. The policy was required as Empty Property Relief was being devolved by Scottish Government to Local Authorities with effect from 1 April 2023. Part 11 of the Community Empowerment (Scotland) Act 2015 gave Local Authorities the power to introduce localised schemes for the reduction and remission of Non Domestic Rates. Appendix 1 to the report contained the proposed temporary policy which had been designed to mirror the current provisions as set by the Scottish Government for Empty Property Relief and this would allow time for consultations to take place both within the Council and with external stakeholders, such as local businesses. As at 1 September

2022, 480 non domestic rates properties were receiving Empty Property Relief. It was proposed that a detailed review take place during 2023/24 and a further report brought to Council setting out recommendations for the relief from April 2024. Members welcomed the proposal and emphasised the need for extensive consultation to ensure there were no unintended consequences.

**DECISION
AGREED:-**

- (a) to approve the Empty Property Relief Policy, as detailed in Appendix 1 to the report, to come in to effect from 1 April 2023 until 31 March 2024;and**
- (b) that the Policy would be reviewed prior to 1 April 2024, with officers consulting widely over any future changes, and a report brought back to Council for further consideration prior to that date.**

7. SOCIAL WORK NON-RESIDENTIAL CHARGING

With reference to paragraph 8 of the Minute of 25 November 2021, there had been circulated copies of a report by the Director Social Work and Practice seeking approval to pause the evaluation of impact on the introduction of a single financial assessment process, equal charge in Extra Care Housing and the introduction of equal charging in Sheltered Housing along with the 5% taper rate increase for financial year 2023/24. The report provided the background information on non-residential charging policy, specifically relating to clients in receipt of Housing Support in Extra Care and Sheltered Housing developments and all people who received a charge. Council had approved 8 actions at their meeting in November 2021 and 5 of these had been completed, details of which were contained in the appendix to the report. The Council was now asked to consider not proceeding with previous Council charging decisions and scheduled annual uplifts in light of the cost of living crisis. This was with the intention of protecting vulnerable people from additional expenditure and related anxiety during these uncertain times. There was a reputational risk by carrying out an evaluation at this time that might not materially change the Charging Policy, but would certainly increase anxiety. Members were fully supportive of this proposal.

**DECISION
AGREED to:-**

- (a) pause the evaluation of impact on the introduction of a single financial assessment process, equal charge in Extra Care Housing and the introduction of equal charging in Sheltered Housing;**
- (b) pause the 5% Taper rate increase for financial year 2023/24; and**
- (c) delegate authority to the Director Social Work and Practice to keep under review and monitor planned increases in Social Work non-residential charging in future years, in the context of the ongoing cost of living crisis.**

8. DUTY OF CANDOUR ANNUAL REPORT 2021/22

There had been circulated copies of a report by the Director Social Work and Practice seeking approval for the duty of Candour report for financial year 2021/22 and also for an updated Duty of Candour procedure. The report explained that the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 introduced a Duty of Candour procedure. It applied to all organisations that provided Health Services, Care Services or Social Work Services in Scotland. Duty of Candour was a procedure that these organisations were required to follow where there had been an unintended or unexpected incident that resulted in death or harm. Each statutory body should have a procedure to manage the obligations and to publish an annual report as soon as was reasonably practicable after the end of that financial year. Sadly an adult in the care of the Council had passed away and in light of this and the

application of the Duty of Candour procedure, procedures had been reviewed and changes made where applicable to ensure lessons were learned from this.

DECISION

AGREED to approve:-

- (a) the updated Duty of Candour procedure, as detailed in Appendix 1 to the report; and**
- (b) the Duty of Candour report 2021/22, as detailed in Appendix 2 to the report.**

9. KING'S CORONATION HOLIDAY AND FUND FOR COMMUNITIES

- 9.1 There had been circulated copies of a joint report by the Director of People, Performance and Change and Director Resilient Communities asking Council to consider the best approach to allow employees and communities to celebrate the King's Coronation in May 2023. The report explained that His Majesty King Charles III would celebrate His Coronation in May 2023. The First Minister had confirmed, along with the other nations of the United Kingdom, the introduction of a Bank Holiday on Monday 8 May 2023 to mark the celebration of His Majesty's Coronation. The Convention of Scottish Local Authorities (CoSLA) had not issued specific guidance to Local Authorities, leaving the decision at the discretion of each Council. The Coronation would take place on Saturday 6 May 2023. Four options were considered in coming to a conclusion on how best to mark the occasion. It was proposed that Option 2 was taken forward, and a holiday granted for Monday 8 May as an additional one-off annual leave day for staff and the public offices of the Council be closed. It was further proposed that a sum of £50k be allocated to create a King's Coronation Fund, which would be made available to each of the 69 Community Councils to host celebratory community events to mark the King's Coronation Weekend from 6 to 8 May 2023. Members discussed the proposals and unanimously agreed to support the proposed holiday for staff. However, there were strong views both for and against the provision of a Fund. After a lengthy discussion, Members were still divided on the Fund, and a Motion and Amendments as detailed below were considered. Members unanimously approved the granting of a holiday on Monday 8 May.
- 9.2 Councillor S. Hamilton, seconded by Councillor Pirone, moved that the recommendations in the report relating to the funding be amended as follows:-
- “(b) to approve funding from the COVID19 Recovery Fund to help promote inclusion, wellness and tackle social isolation post pandemic by affording communities the opportunity to host celebratory events to mark the King's Coronation weekend. Funding will be distributed up to 30 April 2023 and will be limited to £500 per Community Council or where a Community Council is not in existence then the funding will be available to appropriate community organisations within the Community Councils boundary; and
 - (c) that the Council will also provide practical help and advice for communities who wish to organise their own events. This support will include waste collection, road closures and other such advice & support.”
- 9.3 Councillor Tatler, seconded by Councillor Anderson, moved as an amendment that “Recommendation 2.1(b) is removed and no action is taken regarding the King's Coronation Fund.”
- 9.4 Councillor Sinclair, seconded by Councillor Thornton-Nicol, moved as a further amendment that “Recommendation 2.1(b) be removed and replaced with:
- (b) Notes that National Lottery Awards for All funding is available to support events and activities to celebrate and commemorate the King's Coronation on or around the weekend of 6 – 8 May; and

(c) Agrees to distribute the £50k identified in this report to Foodbanks and Community Larders across the Scottish Borders.”

9.5 Councillor Scott, seconded by Councillor Tatler moved that the votes be taken by roll call and this was unanimously approved.

9.6 The Clerk to the Council explained that a vote would firstly be taken in respect of Councillor Hamilton’s Motion and the direct negative amendment proposed by Councillor Tatler. The winner of that vote would then be taken against the amendment proposed by Councillor Sinclair.

9.7 First Roll Call Vote

Motion by Councillor S. Hamilton

Councillor Cochrane
Councillor Cox
Councillor L. Douglas
Councillor Greenwell
Councillor C. Hamilton
Councillor S. Hamilton
Councillor Jardine
Councillor Linehan
Councillor Marshall
Councillor McAteer
Councillor Mountford
Councillor Pirone
Councillor Richards
Councillor Robson
Councillor Rowley
Councillor Scott
Councillor Small
Councillor Weatherston

Amendment by Councillor Tatler

Councillor Anderson
Councillor Brown
Councillor M. Douglas
Councillor Mackinnon
Councillor Moffat
Councillor Orr
Councillor Parker
Councillor PatonDay
Councillor Ramage
Councillor Sinclair
Councillor Smart
Councillor Steel
Councillor Tatler
Councillor Thomson
Councillor Thornton-Nicol

18 Members voted for the Motion and 15 Members voted for the amendment. The Motion was accordingly carried.

9.8 Second Roll Call Vote

Motion by Councillor S. Hamilton

Councillor Cochrane
Councillor Cox
Councillor L. Douglas
Councillor Greenwell
Councillor S. Hamilton
Councillor Jardine
Councillor Linehan
Councillor Marshall
Councillor McAteer
Councillor Mountford
Councillor Pirone
Councillor Richards
Councillor Robson
Councillor Rowley
Councillor Scott
Councillor Small
Councillor Weatherston

Amendment by Councillor Sinclair

Councillor Anderson
Councillor Brown
Councillor M. Douglas
Councillor Mackinnon
Councillor Moffat
Councillor Orr
Councillor Parker
Councillor PatonDay
Councillor Ramage
Councillor Sinclair
Councillor Smart
Councillor Steel
Councillor Tatler
Councillor Thomson
Councillor Thornton-Nicol

Note – Councillor C. Hamilton was absent from the meeting during the above vote so did not take part.

17 Members voted for the Motion and 15 Members voted for the amendment. The Motion was accordingly carried.

DECISION

- (a) **AGREED** to grant the holiday as an additional one off annual leave day on Monday 8 May 2023 and the public offices of the Council were closed on that day. If staff were required to work on this holiday, no enhancements to pay would be given and only time in lieu would be granted.
- (b) **DECIDED:**
- (i) to approve funding from the COVID19 Recovery Fund to help promote inclusion, wellness and tackle social isolation post pandemic by affording communities the opportunity to host celebratory events to mark the King's Coronation weekend. Funding would be distributed up to 30 April 2023 and would be limited to £500 per Community Council or where a Community Council was not in existence then the funding would be available to appropriate community organisations within the Community Council's boundary; and
- (ii) that the Council would also provide practical help and advice for communities who wished to organise their own events. This support would include waste collection, road closures and other such advice and support.

10. AWARD OF SUBSIDISED LOCAL BUS SERVICE CONTRACT 101/102

10.1 There had been circulated copies of a report by the Director Infrastructure and Environment proposing that the Council endorse the award of the subsidised local bus service contract 101/102 (Dumfries – Biggar - Edinburgh) to Houston's of Lockerbie in order to preserve the service for the communities of West Linton and Tweeddale. The 101/102 service was jointly funded by SPT, SWESTRANS and Scottish Borders Council. Midlothian Council contributed towards departure charges at Edinburgh Bus Station. The route provided a direct link between Dumfries and Galloway and Edinburgh, including vital transport links for communities in Tweeddale West for work, education and leisure. The service was currently operated by Stagecoach Western who delivered the supported service until August 2022 at an annualised cost of £272,000, which was split as follows:-

- SPT (Strathclyde Passenger Transport) £132,140
- SWESTRANS (Dumfries and Galloway) £105,277
- SBC (Scottish Borders Council) £ 35,000

10.2 SWESTRANS carried out a tendering exercise in February/March 2022 for the renewal of the contract which returned a price of £507,940, representing an 86% increase in costs. The increase was deemed unaffordable by partners and the tendering process was closed on the basis that no sustainable solution could be found. A temporary 101/102 service contract, arranged by SWESTRANS, was agreed and put in place until 31 March 2023 to enable partners to identify a more sustainable solution. SPT carried out a further tendering exercise however detailed analysis of the bids concluded that none of these offerings were financially acceptable to the funding partners and therefore could not be recommended for award. Subsequent direct negotiations with local transport operators took place and Houston's of Lockerbie submitted a bid of £385,000 per annum for 3 years with the option to extend for another 2 years. All partners have agreed to support the award of the new contract. Members supported the proposal.

DECISION

AGREED to:-

- (a) **endorse the award of the 101/102 service contract to Houston's Coaches at a cost of £385,000 per annum for 3 years (with an optional 2 year extension), effective from 1 April 2023; and**
- (b) **increase Scottish Border Council's funding contribution from £35,000 to £128,333.33 per annum and reflect this cost in the annual transport revenue budget from March 2023.**

11. **DEMAND RESPONSIVE TRANSPORT**

There had been circulated copies of a report by the Director Infrastructure and Environment on the progress of the PINGO Berwickshire Demand Responsive Transport (DRT) Trial and proposing an extension of the pilot to 31 March 2024 at a cost of £304,000.00, the funding of which would be subject to consideration as part of the Council's 2023/24 financial planning process. The report explained that in February 2022, Scottish Borders Council allocated £320,000 of funding for a DRT pilot in the Scottish Borders. Berwickshire was identified as the area which would benefit most from the introduction of a DRT pilot and the PINGO DRT service launched in Berwickshire on 2 May 2022 and was delivered by Borders Buses. Scottish Borders Council Officers, with support from the workforce mobility project, continued to work closely with Borders Buses and the routing company to develop the service. It was clear from the data analysis of trips to date that PINGO had enabled many of the key target groups to access transport. The service remained popular amongst all users, particularly under 22s who accounted for 40% of all trips. The PINGO service was widely recognised by other local authorities as being a leading example of how DRT could perform particularly in a rural area. A consultant's report was being prepared for Scottish Borders Council which would detail the economic benefits that had arisen in the Berwickshire area out of the PINGO trial. In order to fully realise the potential that DRT could have in rural areas it was recommended that the Berwickshire PINGO Pilot be extended for a further 12 months. Members were very supportive of the pilot and looked forward to the outcome in the hope that this type of service could be provided in other areas of the Borders. Mr Sharp-Dent advised Members that a public transport network review was being undertaken and the future use of demand responsive transport was being looked at as part of this, along with bus/train connections.

DECISION

AGREED to:-

- (a) **note the progress of the PINGO Berwickshire pilot to date; and**
- (b) **extend the pilot for a further 12 months at a cost of £304,000.00, the funding of which would be subject to consideration as part of the Council's 2023/24 financial planning process.**

12. **OPEN QUESTIONS**

The questions submitted by Councillors Thornton-Nicol, Anderson and Smart were answered.

DECISION

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

13. **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.

SUMMARY OF PRIVATE BUSINESS

14. **Minute**
The private section of the Council Minute of 26 January 2023 was approved.
15. **Committee Minutes**
The private sections of the Committee Minutes as detailed in paragraph 3 of this Minute were approved.
16. **Levelling-Up Funding Outcome**
Members received a presentation on the outcome of the application for Levelling-Up Funding and the next steps in relation to future bids,

The meeting concluded at 1.05 p.m.

SCOTTISH BORDERS COUNCIL
16 FEBRUARY 2023
APPENDIX I

OPEN QUESTIONS

Question from Councillor Thornton-Nicol

To Executive Member for Service Delivery and Transformation

On 16 November 2021, the Executive Committee agreed a recommendation from the Director Resilient Communities to establish a £70,000 Queen's Platinum Jubilee Fund. Can I ask what the final monies awarded were, who approved any spend above the agreed amount, and from where the additional sums, if any, were taken?

Reply from Councillor Rowley

As agreed by the Executive Committee the Fund opened on 5th January 2022 with a closing date of 30th April 2022.

Due to the significant interest and high level of demand from our communities the Fund was oversubscribed resulting in a total amount awarded of **£164,091.72** to 114 community groups. Details of all the awards made are provided on our website [Queen's Platinum Jubilee Fund | Previous Grant Awards | Scottish Borders Council \(scotborders.gov.uk\)](#)

The Director of Resilient Communities and the Director of Finance & Corporate Governance identified additional funding from underspends in the department's budget which the Executive Committee approved, be applied to the Platinum Jubilee fund through financial monitoring reports.

Supplementary

Councillor Thornton-Nicol asked when the evaluation report would be presented to the Executive Committee. Councillor Rowley advised that he could not give a firm date at the moment as the analysis was still being carried out.

Question from Councillor Anderson

To Executive Member for Service Delivery and Transformation

Does Scottish Borders Council perform an internal review on customer relations and specifically for staff who work in sensitive areas? This can sometimes be referred to as a quality assurance statement of intent. How is this logged, and is training offered to front line workers, for instance, ground staff in cemeteries, to ensure they are aware when sensitivity is needed? What policy is in place (if any) to ensure there is good practice in sensitive interactions with the public?

Reply from Councillor Rowley

The Council aims to ensure that all staff in positions where they engage with customers are equipped with the knowledge and skills to provide a high quality of customer experience. To enable this Scottish Borders have a set of 6 Competency Behaviours available to access on the SBC intranet site for all staff of which [Great Service \(sharepoint.com\)](#) is one of these.

Our appraisal system also has a specific section on Great Service where the line manager and member of staff can acknowledge good or improved behaviour is required in relation to customer service. Where improvement is required this will also be noted on the appraisal form under personal development and can include formal or informal training depending on the need. This information is logged in the appraisal system.

These competency behaviours can also be used at any time, when it is recognised that a member of staff is not meeting these standards, and discussed at 1-2-1 meetings with their line manager and agree on improvements or additional training required and then their performance reviewed.

SBLearn, our training platform, holds a number of training and learning material for our staff on a variety of subjects to support their development including numerous customer focused material including:

- Listening to Customers
- Look for customers unique needs
- Social Media and the customer
- Handling complaints
- Difficult conversations
- Handling conflict conversations
- Dealing with difficult telephone calls

We are currently looking at a “soft skills” learning pathway option which will guide staff more directly to some of these keys training and learning materials.

Good customer service is expected in all staff engagements with the public. As explained above this is specified in our competency behaviours and recorded through the appraisal system, as such there is no further policy requirement to ensure good practice in sensitive interactions with the public.

Supplementary

Councillor Anderson asked if staff who were not front-line received training. Councillor Rowley confirmed that all staff were trained to be courteous and polite including those who worked in cemeteries and graveyards. However, if Councillor Anderson had a specific concern he would ask officers to look into that.

Question from Councillor Smart

To the Executive Member for Estate Management and Planning

When is the lift in Hawick Town Hall going to be repaired? Currently it is out of use and therefore the building is not accessible for many people.

Reply from Councillor Mountford

Unfortunately the contractor has experienced delays in lead times for the required parts to carry out the works to the lift at Hawick Town Hall.

The parts are now anticipated to arrive in March 2023 and thereafter the works on site will be scheduled to minimise day-to-day operations of the offices and it is expected that the works will be complete in April.

Alternative arrangements can be made for those accessing the building that would require use of the lift to gain access to the first floor. Should any members of the public require access to the Hawick Town Hall meantime they should contact a member of staff in advance with their requirements and an area on the ground floor could be utilised for the visit.

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SCOTTISH BORDERS COUNCIL

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held in the Council Headquarters, Newtown St. Boswells and via Microsoft Teams on 23 February 2023 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, Steel, R. Tatler, V. Thomson, E. Thornton-Nicol and T. Weatherston

Apology:- Councillor A. Orr.

In Attendance:- Chief Executive, Director Education and Lifelong Learning, Director Infrastructure and Environment, Director Resilient Communities, Director Strategic Commissioning and Partnerships, Chief Officer Health and Social Care, Acting Chief Financial Officer, Acting Chief Corporate Governance Officer, Employee Relations Manager, Clerk to the Council.

1. **ORDER OF BUSINESS**

The Convener varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting.

2. **SCOTTISH BORDERS COUNCIL PLAN**

With reference to paragraph 3 of the Minute of 22 February 2022, there had been circulated copies of a report by the Chief Executive seeking approval of the Scottish Borders Council Plan from April 2023. In February 2022, Council approved the Scottish Borders Council Plan 2022-2023. At the time, it was agreed that the 2022-2023 Plan would serve as template for future years, and that the Plan would be reviewed yearly to ensure that it remained responsive to events and provided the basis for the Council's Performance Management. The Council Plan from April 2023 continued to build on and develop this approach. It was divided into three main sections. First, a 'Strategic Context and Vision' section which, in responding to strategic challenges and opportunities, outlined a long-term vision for the Council. Second, a 'Scottish Borders-Wide Actions' section listed key strategic priorities and outcomes for the Council over the next financial year. The final section comprised a 'Locality Actions' section featuring key actions and priorities in each of the Borders' five Area Partnership localities. The Plan was contained in Appendix A to the report. Members spoke in support of the Plan which outlined the direction the Council wished to take and highlighted that all Members were working together for the benefit of the Borders people. In response to a question on timescales, the Chief Executive confirmed that if actions could be delivered earlier than stated then they would be and that the dates in the Plan were the end dates for delivery.

DECISION

AGREED to approve the Scottish Borders Council Plan from April 2023 as contained in Appendix A to the report.

3. **BUDGET COMMUNICATION STRATEGY 2023/24**

There had been circulated copies of a report by the Acting Chief Financial Officer outlining the steps taken to engage with stakeholders as part of a consultation exercise on the budget. The paper highlighted the budget Communication Strategy used and provided feedback gathered from the recent survey. This feedback had been considered as part of the 2023/24 Financial Planning process. As part of the budget consultation exercise on the Council's

updated Financial Plan, a survey was made available to members of the public on the Council website from late December 2022 to the end of January 2023. Members of the public were asked to complete a new survey and help shape the next Council budget, to be set in February 2023. The survey also provided Borderers with the opportunity to provide feedback on a number of other areas, including public transport, health and social care, and the development of local plans within communities. By the end of January 2023, 866 members of the public had given their views on how they thought resources should be prioritised to address the challenges the Council was facing. A further consultation on the draft Council Plan for 2023/24 had also been undertaken with communities and partner organisations. Members thanked those members of the public who had taken part and highlighted the need to get more people involved next year particularly in both the younger and older age groups. It was suggested that the aim for participation next year should be 2000 responses.

DECISION

AGREED to NOTE:-

- (a) the budget Communication Strategy used; and**
- (b) the feedback provided by respondents to the survey in setting the Council's budget for 2023/24 and subsequent financial years.**

4. LONG TERM FINANCIAL STRATEGY (REVENUE) 2023/24

There had been circulated copies of a report by the Acting Chief Financial Officer providing the Council with a Long Term Revenue Financial Strategy document including detailed financial modelling to supplement the 2023/24 Financial Plan. The Council first adopted a five year planning period for revenue in 2013/14. This strategy now adopted a ten year look forward, aligning the time frame for revenue planning with the ten year period already adopted for planning the capital investment programme. The approach to longer term financial planning was advocated as good practice by Audit Scotland and this approach had allowed the Council to deliver balanced budgets in each year since 2013/14 and to plan effectively for the financial consequences of multi-year transformational change across the Council. Since adopting a longer term planning horizon the Council had successfully delivered £78m of savings on a permanent basis, assisting significantly with financial sustainability. Adopting a consistent 10 year revenue planning horizon would further assist the Council to plan service and strategic change appropriately and ensure the financial implications of the Council Plan were properly considered, affordable and reflected in future budgets. Members supported the 10 year planning model.

DECISION

AGREED to approve the long term financial strategy, as contained in Appendix 1 to the report, to assist revenue financial planning over a 10 year period from 2023/24.

5. FINANCIAL STRATEGY AND RESOURCES 2023/24 – 2027/28

There had been circulated copies of a report by the Acting Chief Financial Officer recommending the financial strategy to be followed by the Council next financial year, confirming resources available to the Council following the publication of the Local Government Finance Settlement and identifying the financial constraints and major risks to be addressed. The report also outlined the process supporting the construction of the draft revenue and capital Financial Plans for 2023/24 as well as draft plans for future years. The Council Management Team had supported Members to set a corporate revenue and capital budget, meeting identified pressures facing the Council. These pressures had arisen from a variety of factors. The principal pressures identified were due to the anticipated continuing constraints on external revenue and capital funding from central government, the unprecedented level of inflationary increases first experienced in 2022/23 and extending in to 2023/24, the ongoing uncertainty around national pay negotiations, and the increasing pressures from demographics, particularly the increasing numbers of older people requiring care services and children requiring to be looked after and accommodated out with the

authority. The budget development process had been conducted to ensure that the Financial Plans of the Council were aligned with its business and people planning objectives and the level of resources available. The report highlighted that total revenue resources of £343.761m were available assuming the Council accepted the 2023/24 settlement offer from Scottish Government. The settlement gave Councils full flexibility to set the Council Tax rate that was appropriate for their local authority area for 2023/24 with no cap on Council Tax increases. The impact of potential variations in the Council Tax were detailed in the report. The benefits, in terms of financial stability and effective change management, derived from adopting a longer term corporate approach to the revenue and capital planning process were widely accepted. This approach had been developed for financial year 2023/24 with a 10 year revenue financial strategy being approved at paragraph 4 above and this brought the long term planning horizon for both revenue and capital in line at 10 years. Financial year 2023/24 represented the first year of the current Administration's revenue 5 year financial plan for the Council. It was anticipated that a longer term approach to financial planning would be continued and estimates would continue to be updated annually as the detail of the financial settlement from Scottish Government became known. Council approved a report on 16 February 2023 to change the statutory accounting treatment for Service Concession Arrangements (SCAs) as set out in Finance Circular 10/2022. This flexibility permitted Councils to undertake internal accounting changes that extend the period over which the principal repayment of the unitary charge could be made over the life of an asset rather than the life of the contract. This resulted in a one-off accounting credit to the Council and ongoing annual savings for a period of time. The 2023/24 budget proposals presented reflected benefits from adopting this change in accounting treatment. The Council approved a revised approach to organisational change under the banner of 'Fit for 2024' when the budget was set for 2019/20 in February 2019. This approach continued to reshape the transformation programme ensuring individual projects were more cross-cutting and focused on joined up business process review. The report also sought approval of the financial strategy for the Council covering the period 2023/24 – 2027/28. The strategy provided the overall framework for the financial management of the Council and covered the revenue budget, capital investment plan, treasury management arrangements and the recommended policy on reserves. A risk based approach had once again been used to set the level of recommended balances to be held in contingency.

**DECISION
AGREED to:-**

- (a) note the estimated revenue resources for 2023/24 to 2027/28;**
- (b) note the estimated capital resources for 2023/24 to 2032/33 and the requirement to adhere to the prudential code for capital borrowing;**
- (c) note the flexibility provided through the LGFS process giving Councils full flexibility to set the Council Tax rate that was appropriate for their local authority area for 2023/24;**
- (d) approve the Financial Strategy, as set out in the report, including the recommendation to maintain unallocated reserves at £8.448m for 2023/24, having considered the risk register highlighted in Appendix 1 to the report; and**
- (e) proceed to consider the proposed Financial Plan for 2023/24.**

6. CAPITAL INVESTMENT STRATEGY 2023/243

There had been circulated copies of a report by the Acting Chief Financial Officer presenting Scottish Borders Council's updated Capital Investment Strategy (CIS) supporting the 2023/24 financial planning process. The requirements of the Prudential Code were updated in December 2017 including the recommendation that Councils publish a Capital Investment Strategy to support their Capital Plan. This strategy therefore supported the strategic investment priorities of Scottish Borders Council through the Capital Plan. The Capital

Investment Strategy was designed to highlight the capital investment priorities and explained how these priorities would assist with the delivery of the Council Plan, which was approved at paragraph 2 above. As such, the CIS was structured to reflect the themes of the Council Plan. The document was to be read in conjunction with the Council's 10 year capital Investment Plan 2023 – 2033 and the Treasury Strategy which provided details of the Council's Prudential Indicators and set out how the Capital Investment plans of the Council would be financed. Members welcomed the report and thanked officers for their input. Ms Douglas answered Members' questions and agreed to provide further information on the timetable for the works to school kitchens relating to the extra funding for free school meals.

DECISION

AGREED to approve the Capital Investment Strategy as part of the suite of 2023/24 budget papers on the Council agenda.

7. TREASURY MANAGEMENT STRATEGY 2023/24

There had been circulated copies of a report by the Acting Chief Financial Officer proposing approval of the Treasury Management Strategy 2023/24. The report explained that the Treasury Management Strategy was the framework which ensured that the Council operated within prudent, affordable limits in compliance with the CIPFA Code. The Strategy for 2023/24, a copy of which was appended to the report, reflected the impact of the Administration's Financial Plans for 2023/24 onwards on the prudential and treasury indicators for the Council. Councillor Thornton-Nicol confirmed that the report had been fully scrutinised by the Audit Committee and was happy to recommend approval.

DECISION

AGREED to:-

- (a) approve the Treasury Management Strategy 2023/24 as set out in Appendix 1 to the report;**
- (b) note that the draft Treasury Management Strategy was considered by Audit Committee on 13 February 2023;**
- (c) review the capital expenditure plans going forward to ensure they remained realistic, affordable and sustainable; and**
- (d) ensure that the revenue consequences of all capital projects be fully reviewed in all investment decisions.**

8. FINANCIAL PLAN INTEGRATED IMPACT ASSESSMENT (IIA)

There had been circulated copies of a report by the Director People, Performance and Change seeking to provide assurance to Members that any potential equality impacts of the proposals contained within the Council's Financial Plan from 2023/23 had been identified and would be managed accordingly. The Council had a legal obligation under the Equality Act 2010, when exercising functions, to have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;**
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;**
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.**

This was known as the Public Sector Equality Duty. Carrying out and considering the findings of an Equality Impact Assessment (EIA) as part of the decision making process was the method of ensuring "due regard" was paid to the effect of the relevant policy or practice

on the Council's obligations under the Public Sector Equality Duty. The Council also had an obligation under the Fairer Scotland Duty to consider how socio- economic inequalities could be reduced through strategic decisions that it made. The Council accordingly subjected prospective policies and practices to assessment through an Integrated Impact Assessment (IIA). This addressed potential impacts, both positive and negative, on the Council's duties under the Equalities and Fairer Scotland legislation. Initial Integrated Impact Assessments on the 2023/24 Financial Plan proposals had been undertaken as an integral part of the revenue and capital budget planning processes in order to fully inform decisions proposed by officers and approved by Members. Some of the revenue proposals had been carried forward from previous years and so had already been subject to an impact assessment. Where that was the case they had been re-assessed where appropriate. The small number which had not been re-assessed could be as the detailed proposals developed. The capital proposals had all been carried forward from previous years and had not been re-assessed. While some of the assessed proposals indicated no impact, it was recommended that any potential impact continue to be monitored, given the nature of the proposals. Those 36 proposals may potentially impact in a positive or negative way on one or more of the Protected Characteristics or Socio- Economic Factors and any potential negative impact would require ongoing management through their implementation stage, in terms of mitigating and alleviating these impacts. Any positive impacts identified at this stage should be maximised during the planning and implementation stage of the proposals. Members welcomed the report and asked that IIAs be brought forward with every committee report in future.

**DECISION
AGREED:-**

- (a) to note the summary outcomes of the 36 Initial Integrated Impact Assessments undertaken in respect of the 2023/24 Financial Plan proposals as detailed in Appendix 1 to the report;**
- (b) that officers undertake further and ongoing Impact Assessment work, as necessary, in respect of those proposals with specific reference to the equality or socio- economic groups on whom there may be a possible impact:**
 - (i) that where there was an identified relevance to the Council's statutory duty and there was a possible positive impact on one or more equality characteristic or socio- economic groups, actions to maximise this impact should be identified and implemented as part of the project planning and delivery of each proposal or project; and**
 - (ii) that where there was an identified relevance to the Council's statutory duty and where there was a possible negative impact on one or more equality characteristic or socio- economic group, actions to mitigate and alleviate this impact should be identified and implemented as part of the project planning and delivery of each proposal or project.**

9. URGENT BUSINESS

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Convener 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.

10. SCOTTISH GOVERNMENT BUDGET ANNOUNCEMENT 2023/24

There had been circulated copies of a briefing paper by the Acting Chief Financial Officer advising that following the approval of the Scottish Government Budget in Parliament on the 21 February 2023, the Council had received a letter from Deputy First Minister (DFM) John Swinney, outlining the implications for Local Government. In recognition of significant budget

challenges faced by Local Government, the DFM announced in Parliament that an additional £100 million would be provided in 2023/24 as a contribution to support Councils to make a meaningful 2023-24 pay offer for non-teaching local government staff, recognising the critical role that those staff played in delivering front line services. COSLA understood that the £100m was the first instalment of the £155m required by Local Government to match the current 5.5% offer to teachers for 2023/24. It was hoped that this additional funding commitment would enable a swift agreement in the Scottish Joint Council (SJC) pay negotiations so that relevant staff received a pay increase in 2023-24 as early as possible. The DFM also confirmed a further £156 million in Scottish Government funding (£33 million for 2022-23, and £123 million for 2023-24) to support the enhanced offer to the SNCT (teachers) pay negotiations for both years. The £100m would provide an additional estimated £2.1m for SBC based on the Councils normal Grant Aided Expenditure share and the £156m would provide an additional £3.1m based on normal teaching staff allocations. These amounts would be grossed up into the budget in the appropriate financial years, in line with the normal process, when the Council received distribution details. Members welcomed the additional funding and noted that with regard to timescale, CoSLA was in negotiations with the Scottish Government.

DECISION

NOTED the position.

11. DRAFT 5 YEAR REVENUE AND 10 YEAR CAPITAL FINANCIAL PLAN

11.1 Councillor Jardine, seconded by Councillor Rowley, moved approval of the following Motion which had been circulated with the agenda:-

“Members this is a budget for the Borders which maintains services and delivers our commitments on major capital projects, despite rising costs. In spite of significantly increased costs, particularly due to average inflation of 10 per cent, budget plans being presented today include a commitment to deliver all capital projects previously announced and protect frontline Scottish Borders Council services. The draft revenue and capital budget proposals have been developed following collaborative work over a number of months by a cross-party group of Councillors. The 866 responses received through the annual budget survey and feedback from Community Conversations this summer have also shaped the plans. Councillors across the Chamber have put aside political differences and have successfully come together to develop this single financial plan for 2023/24. The impact of the rapid rise in inflation and associated costs cannot be overstated, and these hit the Council budget from all angles: catering in schools, energy prices and construction of our capital projects. Despite the financial challenges we will still deliver what was an already ambitious capital investment plan, including new secondary schools in Peebles, Galashiels and Hawick and primary schools in Earlston and Eyemouth. We will deliver care facilities in Tweedbank and Hawick as previously set out, and we will still be able to invest in the regeneration of our town centres and support our communities and the most vulnerable. We are also maintaining our roads maintenance funding and protecting frontline services, where savings would have been felt by all. Given the current financial climate that really is incredibly positive news. The key aspects of our budget for the Borders are:-

- Following feedback from residents the budget proposals protect frontline services, including education, and social work and roads,
- Invest £21.9m over the next three years in the roads network
- Teacher numbers have been protected.
- Early Learning and Childcare partners have been supported with additional funding to pay staff the Real Living Wage
- Three new secondary schools (Peebles, Galashiels and Hawick), two new primary schools (Earlston and Eyemouth) and two care villages (Tweedbank and Hawick) – a total of just over £205m for these projects alone
- Ongoing investment in existing schools, further flood protection works and flood studies, and targeted town centre regeneration works
- Continued investment into the environment and to programmes aimed at helping the Council achieve its Net Zero target

- Protection of funding for third sector and voluntary partners across the region
- Funding for an extension of the Demand Responsive Travel pilot scheme while a regional transport review is carried out (£304k), and funding to sustain the 101/102 bus service in Tweeddale
- Commitment to a feasibility study into fixed CCTV provision in our main town centres (£80k)
- One-off increase of £178k in the Community Enhancement (Small Schemes) Fund to support priority local issues not funded through other budgets. This brings the total budget for this Fund to £378k for 2023/24
- Financial assistance for Live Borders, including postponing previously planned savings, in recognition of current financial challenges such as increased energy costs
- Continued investment into improved outdoor community spaces and play parks (£2.2m over the next three years)
- Additional one-off funding of £100k to enhance existing respite care
- One-off funding of £20k to enhance neurodiversity education and awareness in schools
- Commitment to working with key partners on refreshed sport, library and culture strategies for the region
- Investment into making back office processes more efficient
- Commitment to paying all staff the Real Living Wage, including Modern Apprentices
- Council Tax levels remaining one of the lowest in mainland Scotland

Council is asked to approve the revenue and capital plan budget for 2023/24 shown at item 11 on today's agenda and agree a Council Tax increase of 5% with the following rates applicable per band from 1st April 2023."

Council Tax Band Rates 2023/2024 (at 5% Council Tax Increase with effect from 1 April 2023)

Council Tax Band	Applicable Annual Charge per property £
A	904.07
B	1,054.75
C	1,205.43
D	1,356.11
E	1,781.78
F	2,203.68
G	2,655.72
H	3,322.47

11.2 The Leader presented his Motion and commended the work of the cross-party Budget Working Group which had reached a consensus on the budget this year through collegiate working. He acknowledged that it was not possible to do everything but highlighted the services which were being protected and the main projects planned for the year. Councillors spoke in support of the proposed budget and highlighted individual projects in what was referred to as a people based budget which protected front-line services. Officers were also thanked for their hard work in preparing the budget.

**DECISION
AGREED:-**

- (a) **to approve the Administration's financial plans from 2023/24 for revenue and capital set out in the Motion above and in Appendix 1 to this Minute in the Minute Book;**

- (b) the Council Tax charges to be paid in financial year 2023/24, from 1 April 2023 in respect of all chargeable dwellings in the Scottish Borders for Council Tax Bands A – H, as set out in the table below, with a Band D equivalent of £1,291.53;

Scottish Borders Council Tax applicable Charges from April 1 2023:

Council Tax Band	Applicable Annual Charge Per property £
A	904.07
B	1,054.75
C	1,205.43
D	1,356.11
E	1,781.78
F	2,203.68
G	2,655.72
H	3,322.47

- (c) to approve the Fees and Charges for Council services applicable from 1 April 2023 set out in the papers accompanying the Motion.

The meeting concluded at 11.45 a.m.



Champions Board Annual Report

Report by Director Social Work & Practice (CSWO)

Scottish Borders Council

30 March 2023

1 PURPOSE AND SUMMARY

- 1.1 This report gives members sight of the Scottish Borders Champions Board Annual Report 2022/23.
- 1.2 This report will outline the work that is being carried out to develop a Champions Board approach here in the Scottish Borders whilst also highlighting other work, projects and national policy drivers that support this and contribute to the overall approach.
- 1.3 The report gives the Champions Board the opportunity to feedback and reflect on the work undertaken over the past 12 months, and review our current progress. This document also includes next step plans that outline future developmental potential for the Board, and how we aim to achieve this over the next 6 to 12 months.

2 RECOMMENDATIONS

2.1 I recommend that the Council:-

Endorse the publication of the Scottish Borders Champions Board Annual report 2022/23.

3 NATIONAL AND INTERNATIONAL CONTEXT FOR THE APPROACH

- 3.1** The United Nations Convention on the Right of the Child (UNCRC) is a widely ratified international human rights treaty which was drafted in 1989 and provides forty two substantive rights to all children and young people under the age of 18. (Convention on the Rights of the Child 1989) The UNCRC was ratified by the United Kingdom in 1991.
- 3.2** Article 12 of the UNCRC invokes the right for children and young people to have their views considered when decisions are being made about any issues that involve them.
- 3.3** The Children and Young People (Scotland) Act 2014 placed the UNCRC into a Scottish statute for the first time. It encourages Scottish Ministers and public bodies to consider children's rights and requires them to prepare reports on what they are doing to progress children's rights.
- 3.4** The Scottish Government has furthered plans to incorporate the UNCRC into Scottish Law, with the introduction of the UNCRC (Incorporation) (Scotland) Bill (Scottish Parliament, 2020). This is an important Bill, which - when finally passed - will make all the rights contained within the UNCRC a legally binding requirement in relation to devolved matters.
- 3.5** In 2020 The Promise was published, which fully reinforces incorporation of the UNCRC and article 12 in Scotland. It emphasises the importance of listening to children and young people in both decision-making about their individual lives, and also at a more strategic level within organisations. The Promise is very clear that the voices of children, young people and their families should be at the heart of decision making in Scotland.
- 3.6** Scottish Borders Council is a 'Corporate Parent' under the Children and Young People (Scotland) Act 2014. This places a number of important duties on all employees - including Elected Members - to uphold the rights and safeguard the wellbeing of looked after children, young people and care leaversⁱ.
- 3.7** Part 9 of the 2014 Act places explicit statutory duties and responsibilities on corporate parents (Section 58). These include:
- To be alert to matters which, or which might, adversely affect the wellbeing of looked after children and young people (and those in Continuing Care and Aftercare)
 - To assess the needs of those looked after children and young people for services and support it provides
 - To promote the interests of looked after children and young people
 - To seek to provide looked after children and young people with opportunities to participate in activities designed to promote their wellbeing
 - To work collaboratively with other corporate parents when exercising their corporate parenting responsibilities, where they consider that doing so would safeguard or promote the wellbeing of looked after children and young people.

- 3.8** The development of Champions Boards in Scotland is an approach to participation with care experienced children and young people which has been evolving since 2016. The aim of the approach is to enable children and young people with care experience to have both an individual and collective voice and influence in relation to the services they receive.
- 3.9** Champions Boards across Scotland have different ways of engaging with care experienced children and young people. These include a range of drop-in groups, social activities and events, 1-2-1 meet ups and regular group meetings in a range of different settings, areas or for different ages. In some places young people have their own physical space to call their own through their Board.
- 3.10** 21 Champions Boards received funding from the Life Changes Trust between 2016 and 2022. The Life Changes Trust also funded a national Champions Board network which continues to run and includes the 21 Champions Boards that the Trust funded, as well as eight local authority areas (including Scottish Borders) who have not had a Trust-funded Champions Board, but have Champions Board related activity.
- 3.11** Champions Boards have been flexibly created and developed, taking into account the local context and needs of their young care experienced population. The Champions Board approach has been commended by Scottish Government and national children's rights organisations as a successful approach to creating forums which allow care experienced children and young people *'to have direct, meaningful involvement in all areas of decision making.'*
- 3.12** Care experienced children and young people involved with Champions Boards have shared that they have felt listened to and respected and that they have been able to shape and influence decision making locally.

4 LOCAL BACKGROUND

- 4.1 In 2020 the Corporate Parenting Operations Group tasked two social work practitioners with researching the Champions Board Approach to ascertain whether it could be adapted and developed for participation work with care experienced children and young people in Scottish Borders. The practitioners reviewed national Champions Board evaluation reports, and spoke to the national Champions Board network coordinator and colleagues in other authorities who were embedding the approach.
- 4.2 A paper was presented to the Corporate Parenting Operations Group in November 2020, recommending the implementation of the approach in Scottish Borders. The group supported the recommendations and in Spring/Summer 2021 recruitment was undertaken for a newly created 'Modern Apprentice Lead Young Person Champions Board' post. Funding was also sought via the Corra Foundation to create a Promise Implementation Officer post.

4.3 Cory Paterson and Hannah Hawthorn were appointed respectively to the roles of MA Lead Young Person and The Promise Implementation Officer at Scottish Borders Council, and started working together in September 2021 to develop the approach in Scottish Borders. They are supported by a small team of dedicated colleagues from the Family Placement Team, Wheatlands Children’s House, and the Community Learning and Development team. They also report directly to the Corporate Parenting Operations Group about developments with the work.

5 IMPLICATIONS

5.1 Financial

There are no costs attached to the publication of this report.

5.2 Risk and Mitigations

This report highlights the importance of continuing to develop the Champions Board Approach in Scottish Borders as an important mechanism for ensuring the implementation of article 12 of the UNCRC and keeping the Promise.

5.3 Integrated Impact Assessment

This report concerns updates about the Scottish Borders Champions Board and endorsement of the report does not require an Integrated Impact Assessment at this time.

5.4 Sustainable Development Goals

UN SD Goal	Impact
End poverty in all its forms	N/A
End hunger, achieve food security and improved nutrition and promote sustainable agriculture	N/A
Ensure healthy lives and promote wellbeing for all at all ages	Promoting health and wellbeing (including good mental health) is recognised as an important factor in the Champions Board Approach. Indeed reducing social isolation has been one of the specific benefits of the Champions Board Approach which has been highlighted by young people involved with the project to date.
Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all	Work continues with Education Services to identify and tackle barriers to school attendance brought about through poverty. Our Community Learning and Development Plans provide technical and vocational training programmes, and our Partners also provide various opportunities through local economic development strategies. These actions all help to support vulnerable and marginalized individuals and communities to ensure

	access to education and training to meet their needs.
Ensure access to affordable, reliable, sustainable, and modern energy for all	N/A
Promote sustained, inclusive, and sustainable economic growth, full and productive employment, and decent work for all	Listening and responding to care experienced children and young people's views on productive employment and work for all via the Champions Board approach may support with developing this goal.
Reduce inequalities within and among countries	It is well recognised that care experienced children and young people's voices are often unheard within service design, development, evaluation and monitoring. The Champions Board approach ensures that what matters to care experienced children and young people is heard and placed at the heart of decision making in Scottish Borders.
Make cities and human settlements inclusive, safe resilient and sustainable	Listening and responding to care experienced children and young people's views on their communities via the Champions Board approach may support with developing this goal.

5.5 **Climate Change**

There is no impact on climate change as a result of endorsing the publication of this report.

5.6 **Rural Proofing**

There are no rural proofing implications 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**

There are no changes required to either the Scheme of Administration or the Scheme of Delegation as a result of publishing the Champions Board report.

6 **CONSULTATION**

- 6.1 [insert details of your consultees (see consultation sheet)] You must consult 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 and any comments received will need to be incorporated into the final report.

6.2 Others to be consulted if required are –

- Corporate Equalities and Diversity Officer – for any new or revised policies/strategies to assure Equality Impact Assessment.
- Procurement Officer – if you are buying any goods or services.

Approved by

Stuart C. Easingwood

Director – Social Work & Practice

Author(s)

Name	Designation and Contact Number
Hannah Hawthorn	The Promise Implementation Officer 01896664143

Background Papers:

- Independent Care Review (2020a) *The Promise*. Glasgow: Independent Care Review. Available from: <https://www.carereview.scot/wp-content/uploads/2020/02/The-Promise.pdf> [3rd March 2023]
- Life Changes Trust and Research Scotland (2022) *Evaluation of the Champions Board Approach Full Report* [online]. Available from: <https://www.lifechangestrust.org.uk/sites/default/files/publication/files/Evaluation%20of%20the%20Champions%20Board%20Approach%20Full%20Report%20.pdf> [1st March 2023]
- Scottish Borders Council (2022) *Corporate Parenting Annual Report 2021-22* [online]. Available from: https://www.scotborders.gov.uk/downloads/download/786/welcome_to_the_scottish_borders_guide
- Scottish Government (2021) *Caring for our Children and Young People: An update on Scotland's Corporate Parenting 2018 – 2021*. Edinburgh: Scottish Governemnt. Available from: <https://www.gov.scot/binaries/content/documents/govscot/publications/progress-report/2021/12/caring-children-young-people-update-scotlands-corporate-parenting-2018-21/documents/caring-children-young-people-update-scotlands-corporate-parenting-2018-2021/caring-children-young-people-update-scotlands-corporate-parenting-2018-2021/govscot%3Adocument/caring-children-young-people-update-scotlands-corporate-parenting-2018-2021.pdf>

Previous Minute Reference: [insert last Minute reference (if any)]

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 [insert name, address, telephone number, e-mail]

ⁱ ‘looked after child’ (often shortened to the acronym LAC) and ‘care leaver’ are terminology used in legislation. The Promise and Who Cares? Scotland have reported that many children and young people with care experience can find these terms stigmatising and compounding a sense of being different. As recommended in The Promise, we currently widely use ‘care experienced children and young people’ and ‘children and young people with care experience’ interchangeably as identity definitions, and to signify access to specific rights and entitlements.

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Champions Board Annual Report 2022/23

Scottish Borders Council
By: Cory Paterson



Scottish Borders
Champions Board
#ListenUp



we will
#KeepThePromise

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Champions Board Annual Report Overview

Language Disclaimer: Following a consultation with children and young people as part of the Independent Care Review, it was found that the way we talk about Care Experienced Young People can be stigmatizing, cold and depersonalising. Work has taken place across Scotland by young people to review the language of care, and recommendations have been made. We understand that language constantly evolves and therefore the language used within this report is based on the current recommendations at this time. Please refer to the glossary of terms for more information.

Key Speakers

Cory Paterson (Author)

Lead Young Person for the
Champions Board
Scottish Borders Council

Hannah Hawthorn

The Promise Implementation Officer
Scottish Borders Council

Louise Whitelock

Promise Delivery Partner
The Promise Scotland

Purpose

This report will outline the work that is being carried out to develop a Champions Board approach here in the Scottish Borders whilst also highlighting other work, projects and national policy drivers that support this and contribute to the overall approach. The report gives us the opportunity to feedback and reflect on the work undertaken over the past 12 months, and review our current progress. This document also includes next step plans that outline future developmental potential for the Board, and how we aim to achieve this over the next 6 to 12 months.

Take Away

After reading this report you should have a better understanding of the work that has been undertaken so far, who has been involved, why it is important, and some of our goals and plans moving forward.

Useful Information

This report has been created between November 2022 and January 2023. It contains the most recent information and data as possible.

Alternative Format: This report has been converted into different formats to make it more assessable including PowerPoint format as well as an easy read text only document. These are available on request by emailing champsboard@scotborders.gov.uk.

Introductions

Introduction: Cory



I started my role as the Lead Young Person for The Champions Board in July 2021, with the task of developing and support the running of a Champions Board here in the Scottish Borders. Since then I have taken on a range of different responsibilities within a number of different projects as my role has expanded. Being a care experienced young person myself, I understand how important it is for young people to have a voice and be heard. The decisions we all make as corporate parents can have a massive effect on these young people's lives which is why it is so important to get it right, and also understand the responsibility that brings.

The need for a Champions Board here in the Scottish Borders continues to be highlighted and with the publication of the Promise in February 2020 with its emphasis on 'Voice' as one of its five foundations, we are starting to see a fundamental shift in the way we involve young people in making decisions about their lives. The Champions Board is designed to provide a platform that is flexible, accessible and with young people at the forefront of any decision making. It gives a space for care-experienced young people to come together and voice their views on issues they may have encountered whilst being a looked after young person and also develop stronger relationships with their corporate parents. A focus on developing stronger relationships is key for any participation work so we continue to take time to explore how best we do this.

I look forward to seeing where the Champions Board goes in 2023 alongside the other projects I am involved in.

As well as developing the Champions Board I am fully committed to ensuring we create a positive space where young people feel safe and over time hope the Champions Board will feel like a family. I am committed to tackling the stigma that surrounds Care Experienced Young People.

Cory Paterson

MA Lead Young Person for The Champions Board

Introduction: Hannah



I started my role as the Scottish Borders Promise Implementation Officer at the end of August 2021. I have been working closely with Cory over the past sixteen months to develop a Champions Board approach in Scottish Borders. The Promise is the outcome of the Independent Care review, which centred on listening to care experienced children, young people, families and the workforce, and has made significant recommendations for change. My role involves working alongside multi-agency partners and children, young people and families to ensure we are collectively implementing the priorities of the Promise Plan 2021-24.

Listening to what matters to children, young people and their families needs to be at the heart of decision making in Scottish Borders. Developing a Champions Board is an evidence-based approach to listening to - and meaningfully involving- care experienced children and young people in helping us drive change. It has been a busy sixteen months with lots of learning, listening and reflection. (And that has just been with Cory teaching me how to use twitter!) I am so proud of all the young people who have joined us on the Champions Board journey so far. Their ideas, enthusiasm and commitment to coming along to sessions have really helped us ensure that this is a project for young people by young people.

We have also linked in with the Scottish Champions Board network and met with other Champions Boards over the last sixteen months. The support and advice from other Boards has been invaluable and we have really benefitted from them sharing their experiences of developing their projects. Our work locally has been supported by a small committed team of colleagues from children and families social work, Community Learning and Development, Douglas Ormston and the team at TD1 Youth Hub, and the management committee at the Focus Centre.

At the time of writing, ongoing funding for the Lead Young Person's post after March remains uncertain. This role has been at the heart of developing the Champions Board approach to date. I hope funding can be extended so that the important work Cory has led on can continue, and the ambitious and exciting plans for the development of the Champions Board for 2023 can be realised.

Hannah Hawthorn
Promise Implementation Officer

Statement of Purpose

To provide a platform for care-experienced young people to raise and discuss key issues that have affected them whilst being a looked after young person in the Scottish Borders, and to develop strong relationships with their corporate parents to ensure that together we can improve the care system by tackling and overcoming the issues discussed.



**“Scotland must listen to, and keep listening to, its children... Listening must influence decisions.”
The Promise, p30**



Underlying Principles of the Scottish Borders Champions Board

- **Accessibility:** We will ensure that the Champions Board is accessible to care-experienced children and young people across the region from a diverse range of backgrounds. We will reach out to young people whose voices are often overlooked and adapt to support each young person's individual needs. Recognising that groups are not for everyone, we will try and ensure all voices are represented by using other methods of engagement, e.g. 1-2-1s, surveys etc.
- **Valuing expertise:** when young people with care experience choose to join the Champions Board, their time and expertise should result in fair compensation for their contributions. This will reflect the value of the work they are involved in. We will also ensure that everyone who engages with our work will feel that their opinions matter, that their insights have been acknowledged and that their contributions have been important.
- **Mutual learning:** Young people and corporate parents taking part in Champions Board activities will experience mutual benefits from it; through re-establishing relationships and trust between young people and corporate parents, taking part in activities together, learning from each other's experiences and working together to implement changes for the benefit of care experienced young people across the region.
- **Trauma responsive:** we will bear in mind the challenges that many children and young people have encountered, and will ensure that we behave in a way that provides safety, trust and support, to anyone who comes into contact with us. We will remain open, honest and friendly, and will ensure that anyone taking part is treated with respect and feels valued. We will follow confidentiality protocols when meeting with young people on a 1-2-1 basis and make sure young people joining the Champions Board group are aware of this too. We will provide the necessary support before, during and after participation activities to ensure no excessive distress is caused. We will continue to offer access to opportunities to children and young people even when they have not been able to attend every time.
- **Transparency:** there will be no topic off-bounds for discussion within the Champions Board; however, we will be open and transparent at all times about what decisions may be out-with the control of the group and also their corporate parents. We will provide feedback to young people on what impact their views have had.



We continue to refer back to our five underlying principles to ensure that any decision we make or action we take in developing and running the Champions Board complies with these principles. We aim to deliver a platform that is mindful of young people's individual needs and will continue to learn and adapt.

The five underlying principles are represented in The Scottish Borders Champions Board logo that was designed with the young people who attended the Board in Spring 2022. Each finger represents one of the principles, with the outline of the Borders in the centre bringing it all together.

Champions Board Progress

In 2016 the Life Changes Trust allocated £2 Million of funding to create Champions Boards across Scotland. The Trust invested in 21 Boards as well as a national Network to support them. The Scottish Borders was not one of the 21 local authorities to apply for funding from the Trust, which is why development in Borders is a bit later than in other authorities. The benefits of this however, are that it has given us the opportunity to learn from the other more well-established Boards and adapt that learning for Scottish Borders' approach.

"The Champions Board approach is characterised by genuine relationships being formed between young people, staff, and Corporate Parents. Meals are cooked and eaten together. Trips are taken, songs are written, and employment support is offered. Corporate Parents get to know care experienced young people as individuals with unique needs and aspirations..."

Exert from The Life Changes Trust Champions Boards Learning and Impact Report

Champions Board: Galashiels

The Scottish Borders Champions Board has been based in Galashiels since December 2021. This location was picked based on its centrality and expansive infrastructure, for example The Galashiels transport interchange that links buses to all Border towns. This made Galashiels an ideal starting point for the Board. A venue for the Board was located and plans were put in place to start running a weekly session from a room in TD1 Youth Hub. This would serve as our venue until our move to The Galashiels Focus Centre in May 2022. The young people were fully involved in decisions about this move and also about the frequency of the group sessions.

The group was established for young people aged between 14 to 21 years old in foster care, residential care or supported/independent living. We had four young people attending regularly over the course of the weekly sessions until Summer 2022. Due to the Covid-19 pandemic we had risk assessments in place to allow us to meet in person and despite having to socially distance and wear face masks the young people still attended. (As restrictions eased we relaxed these rules accordingly.)

During the running of the group we discussed many topics, including: The Promise, UNCRC and Corporate Parenting. We found that the young people did not know a lot about these themes despite them playing a big part in the way decisions are made that impact their lives. We saw the weekly sessions become a real support network for the young people, and over time as relationships were built with staff and other Champs, the young people became more confident.

In October 2022 the decision was made to stop running the weekly Wednesday sessions due to a reduction in group attendance. The cause of this was due to various reasons such as; changes in living circumstances, and education/work commitments. As a result we have had to re-evaluate the running of the Champions Board and have come up with a new plan that looks to boost The Champions Board reach and make it more accessible to more Young People across the Scottish Borders. We continue to support some members on a one to one basis.



After Building some key relationships with the young people and exploring the topics listed, we started our first project; Make The Champions Board Our Own.

During the project the young people really shaped how they wanted the Board to run as well as creating a logo and a slogan #ListenUp.



Logo Designed By The Young People on The Scottish Borders Champions Board

Future Development/Next Steps

2023 Proposal

The plan below outlines a range of possible developments and next step for continuing to embed a Champions Board approach here in the Scottish Borders. However due to uncertainty around staffing at the time of writing this report we cannot guarantee that there will be the staff needed to meet the demand.

After running The Champions Board and getting feedback from young people and staff, we have begun to look at next steps for the Board and how we aim to achieve these in 2023. One of our main goals for 2023 is making the Champions Board more accessible to a wider range of care experienced children and young people across the Scottish Borders. Given the rurality of the region we are aware that social isolation is a big issue. Creating opportunities for young people to come together, socialise and have a voice around the things that are important to them is a top priority within the developments proposed throughout this report. Highlighted by the feedback (see page 20)

Champions Connect

Champions Connect is an exciting new group which will provide a platform for care experienced young people supported by the local authority, who live outside the Scottish Borders. The aim of this group is to ensure these young people have a space to voice their views, can be kept up-to-date with the work of the Champions Board and is another way of keeping in touch with the Scottish Borders.

Key Points

- Group to be held online via MS Teams once a month
- For young people aged 16 and over
- Sessions to run for 30 to 40 minutes with a drop-in policy (come for however long you can/want)
- Monthly activity box will be sent out containing useful things plus some goodies
- Sessions to be held slightly later to accommodate young people's jobs/college/uni commitments

*Like with The Champions Board, this may change when young people get involved and shape what they want the group to look like.



**On 5th February
2020, a promise
was made to
Scotland's
infants, children,
young people,
adults and
families.**

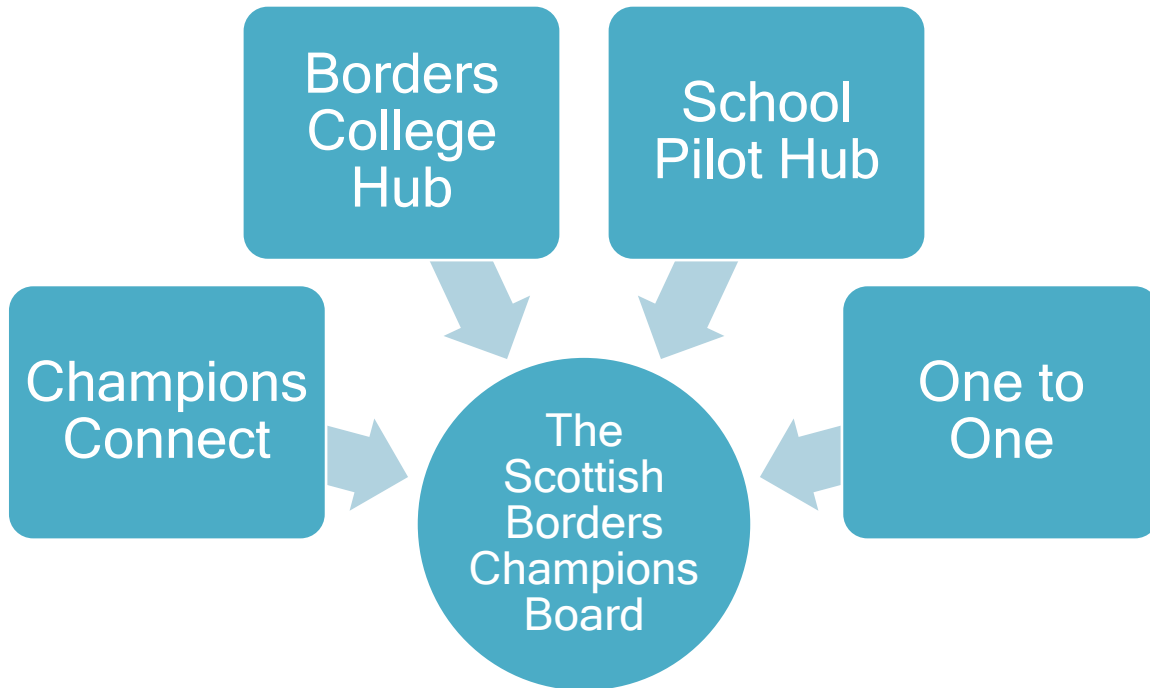
By 2030, it must be kept.



*For more information see page 15

Future Development/Next Steps

Restructuring the Champions Board will be important to ensure sustainability over time. To date we have run a single group once a week in Galashiels. This worked well to begin with and has been a good starting point, allowing us to build relationships with some - young people. The disadvantage of running a single group at one location is that it cannot be accessible to a large number of young people as travel across the Borders on a weekly basis would be too much or off putting. We also found that young people came to the group for different reasons. Some came to socialise and others were more interested in the participation aspect e.g. surveys, group work, developing leadership skills and widening their understanding around certain topics. We tried to balance both aspects as much as we could but recognise that there may be a more effective way of doing this.



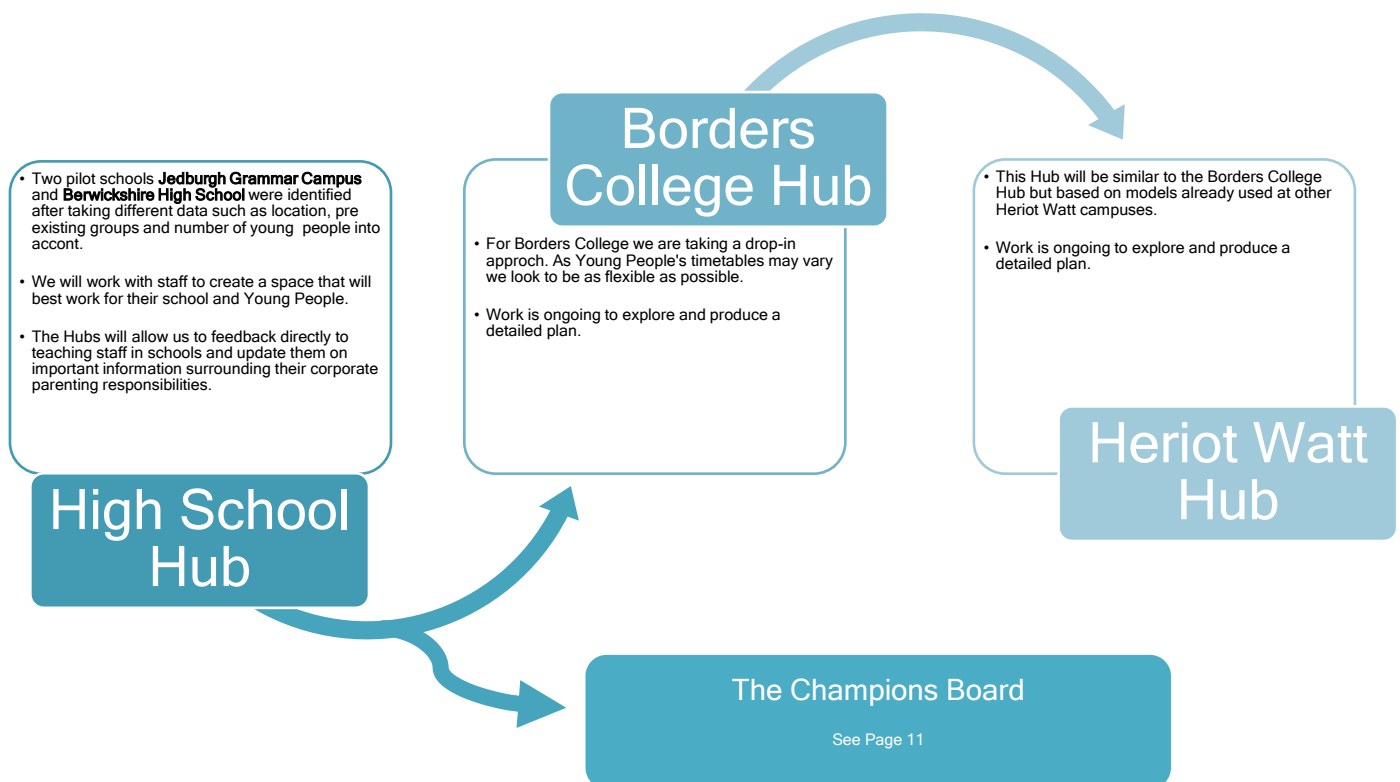
The plan we would look to develop and implement in 2023 would be similar to the one shown in the diagram above. We would have one centralised Champions Board that would meet on a monthly basis to focus on participation work. This would be targeted at young people who want to be involved with more formal participation work. This would be a structured forum where there would be a chairperson, minute taker etc. in line with the Champions Board approach in other areas.

The other groups shown in the diagram would act as feeder groups into the monthly centralised Champions Board. These groups will allow us to focus on other key aspects that are important to running and sustaining a Champions Board such as relationship building and supporting individual needs.

School Pilot

Purpose

The Schools Pilot project looks at setting up Champions Board hubs at various education facilities within the local authority. With accessibility being one of the underlying principles of the Scottish Borders Champions Board, being able to reach out to young people in different parts of the Borders is key. Setting up these hubs in schools will allow us to meet and get to know young people in their own communities, rather than them having to travel to us.



Goals

We also look to create stability and consistency for the young people by offering the hub at Borders College and Heriot Watt University, meaning as they continue their academic journey the Champions Board can remain a supportive network. This ties into the relationship-based practice approach we incorporate within our work. We understand that school often plays a big part in a young person's life and losing all those connections at once when leaving school can have a big impact.

The Promise



In October 2016, after meeting with and listening to care experienced children and young people, Scotland's First Minister announced "an independent, root and branch review of the care system" to look at "the underpinning legislation, practices, culture and ethos".



My name is Louise Whitelock and I am one of 8 Promise Delivery Partners that sit within the support team at The Promise Scotland; each Promise Delivery Partner offers support alongside local authority areas, local planning partnership groups and individual organisations. As the Promise Delivery Partner for the Scottish Borders I am currently working alongside those overseeing the

implementation of The Promise and building relationships that support change throughout the local authority and its partners. In my role in the Scottish Borders I have been working alongside Hannah Hawthorn, The Promise Implementation Officer and Cory Paterson, Lead Young Person Champions Board. The work I have been supporting with Hannah and Cory includes planning, designing and co-delivering workshops for both foster carers and professionals with the aim for this work to inform a wider group effort to deliver the Scottish Borders 2023 Fostering Conference under a Promise lens. I have also been offering other more general support and co-production of Promise related information to support the workforce in their work with care experienced children, young people and families.

Louise Whitelock
Promise Delivery Partner

The Independent Care Review began its work in February 2017 and by November of the same year it was agreed that the Care Review would take up to three years to conclude. The conclusion of the Independent Care Review resulted in the Promise. On Wednesday 5 February 2020, the Independent Care Review published seven reports. The Promise laid out five foundations and over 80 calls to action; the five foundations that underpin the Promise are - voice, family, care, people and scaffolding.

On the same day, in The Scottish Parliament, Nicola Sturgeon pledged to #KeepThePromise - a commitment that received the support of all political parties. The ambition of the Promise - that all of Scotland's children and young people grow up loved, safe, and respected so that they realise their full potential - is a reflection of everything the care review heard.

For Scotland to truly be the best place in the world for children to grow up, it has been recognised that a fundamental shift is required in how decisions are made about children and families.

The Promise 21 - 24

Five Priority Areas

A good childhood

Whole family support

Supporting the workforce

Building capacity



Actions

- Support
- A right to an education
- Relationships
- Brothers and Sisters
- Youth Justice
- Advocacy
- Moving on
- Physical Intervention

- Family Support
- Peer and Community Support
- Service Integration
- Family Therapies



- Planning
- Investment
- Information sharing



- Workforce Values
- Trauma-informed
- Relationships
- Workforce support



- Legislation
- Children's Hearing System
- Inspection and Regulation
- Policy Coherence
- Data Mapping and Collection
- Governance Structures



The Fundamentals



What matters to children and families

Listening

Poverty

Children's Rights

Language

The Promise

As Hannah outlined in the introduction, the development of a Champions Board Approach is a core part of Promise developments in Scottish Borders. 'Voice' is one of the five foundations of the Promise, and 'Listening' and 'What Matters to Children and Families' are two of the fundamentals underpinning all work within the Plan 21-24.

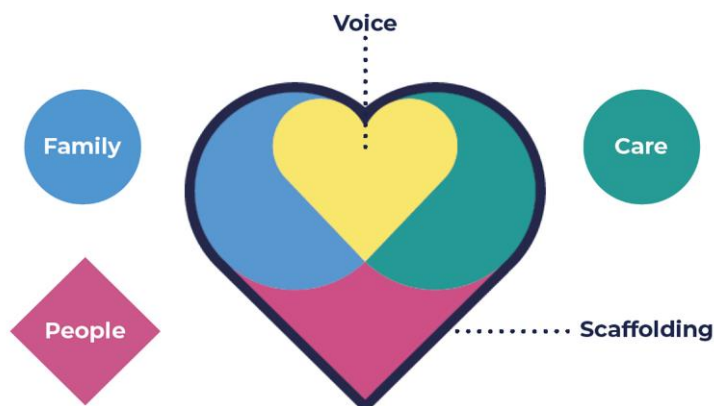
In Scottish Borders we believe these two fundamentals are inextricably linked and therefore must be considered together. In the Summer of 2021 Scottish Borders Council created the modern apprentice Lead Young Person role to develop and embed a Champions Board Approach in Scottish Borders. At this time the Council also secured Corra Foundation funding to create a twelve month Promise Implementation Officer post. The Promise Implementation Officer post has now been made permanent.

Another example of Scottish Borders' commitment to ensuring care experienced children and young people have a voice has been through the introduction in Summer 2021 of the web-based communication app, Mind of My Own (MOMO). This is an app which ensures that children and young people who are receiving a service have the right and ability to express their views independently of a practitioner and/or parent/Guardian.

Work is ongoing to review how best to embed the app and promote its use with young people and professionals going forwards. We have regular meetings with our account manager to review the data and trends.

Work is being undertaken across all the five priority areas under the Plan 21-24 in Scottish Borders. Particular areas of focus to date have included:

- Language and framing, with inputs from Each and Every Child about their Framing toolkit and the creation of a Scottish Borders 'Reframing Our Language' guide;
- Supporting the workforce locally through training and awareness raising about the Promise and Corporate Parenting in partnership with Who Cares? Scotland.
- Revisiting the need for an independent advocacy service for children, young people and families with plans to commission a new service in 2023.
- Working with partners to review and develop the Children's Strategic Partnership Governance Structure ensuring the Promise is the umbrella policy driver for Children's Services.
- Work around Brothers and Sisters through the development of a new project delivered by Children 1st and funded by the Corra Foundation.
- Developing collaborative strategic approaches via a Steering Group for trauma-informed practice.



All this work will continue to be developed in 2023 and an additional key piece of work will involve transformational change to early intervention services, supported by the Whole Family Wellbeing Fund.

Department Links/Partnerships

As part of my role as Lead Young Person and in order to support the overall development of The Champions Board, I link in with different teams in the Council, the NHS and third sector organisations. We identify where we can work together, and how they can link with the Board. A lot of this work is done through the Corporate Parenting Operations Group (see page 24), as well as Champions Board Planning Meetings.



It is important that we work together to deliver the best possible services and to ensure work is not repeated or contradicting the steps we have already put in place. This is extremely important when it comes to the use of language and framing as this can become confusing when different people are using different terms to talk about the same thing.

Community Learning & Development

Currently I am employed by SBC and work within the CLD department. I have regular support and supervision with my line manager and attend CLDs weekly team meeting. Through this I link with all the Community Learning and Development youth workers that are based in schools across the Scottish Borders.

I am working with Pam Rigby and Hannah Hawthorn to link with Borders Additional Needs Group and create a project on children's rights with the young people they support.

Transitions Teams

The Champions Board has worked with the Transitions Team to plan and deliver trips for the young people they work with. More work with the transitions team is planned for 2023. We hope that some of the young people taking part in these activities will link in with The Champions Board in the near future.

Family Placement Team

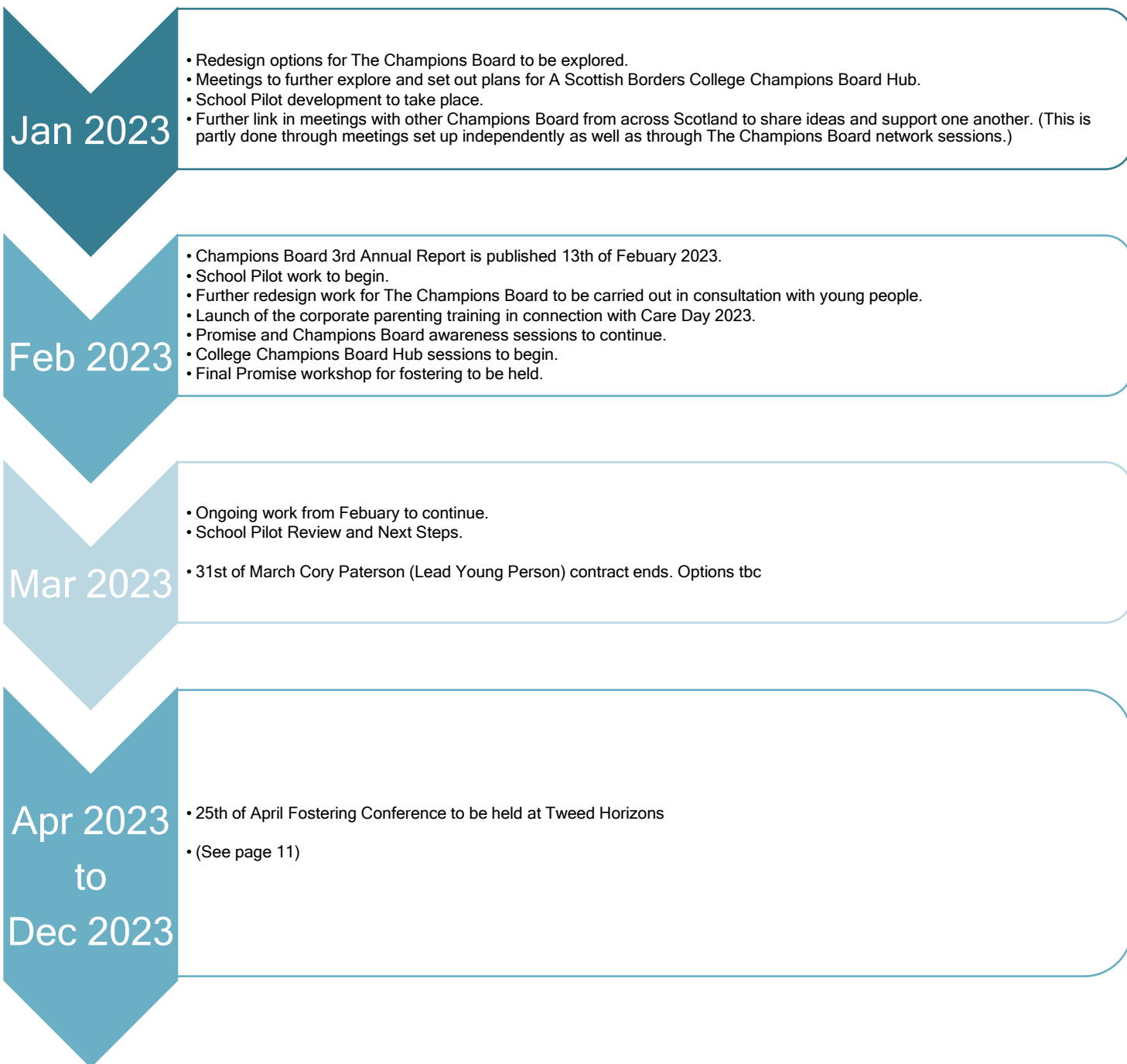
Currently we are working with The Family Placement Team on the fostering conference that will be held in April of this year, and more information will be available soon. We have also been running a series of Promise workshops for foster carers and the team to provide information and answer any questions.

As well as this work I have been linking in with a group of young people in foster care aged 16 and under. This group is usually attended by a younger age range of young people.

I have also helped with the quarterly newsletter that gets send to young people in foster care and attend meetings regarding Mind of My Own (MOMO) an app for young people can send feedback to their social worker.

Time Line

This time line details the plan and current time scale we are working towards.



*This time line show the current direction The Champions Board is moving towards, however is subject to change based on the coming months.

Feedback

Feedback is very important to us and we try to gather as much as possible from the young people we work with. The Champions Board is designed for young people, by young people so it is necessary for us to listen to their thoughts and views, then act and adapt accordingly. Throughout the running of The Board we asked the young people to fill out regular feedback questionnaires, as well as having a suggestions box that the young people could write comments/requests in at the end of every session.

We also want to highlight that the way we measure success so far has not been about numbers and figures, instead we have focused on qualitative achievements made by the young people, which they themselves have found meaningful. This includes looking at individual goals that have a big impact on the young people's day to day health and wellbeing.

For one young person being accepted onto a course of their choice is a success and for another young person speaking in front of a group for the first time can be equally significant. **Keeping this in mind below you will see some statements from two of the young people who have and continue to be involved in the Champions Board:**

"The best thing has been socialising with people and getting to know new people. I have learned to come more out of my comfort zone and try new things. Over the past year it has given me something to do and improved my people skills even more. It has led me to want to do more things within the Champions Board and stopped me from being isolated in my flat. I am hoping for the Champions Board to expand in 2023 and for new people to come along."

"The Champions Board is very important for young people for building confidence. I would like to meet more of my corporate parents in 2023."

Champions Board Member, Age 20

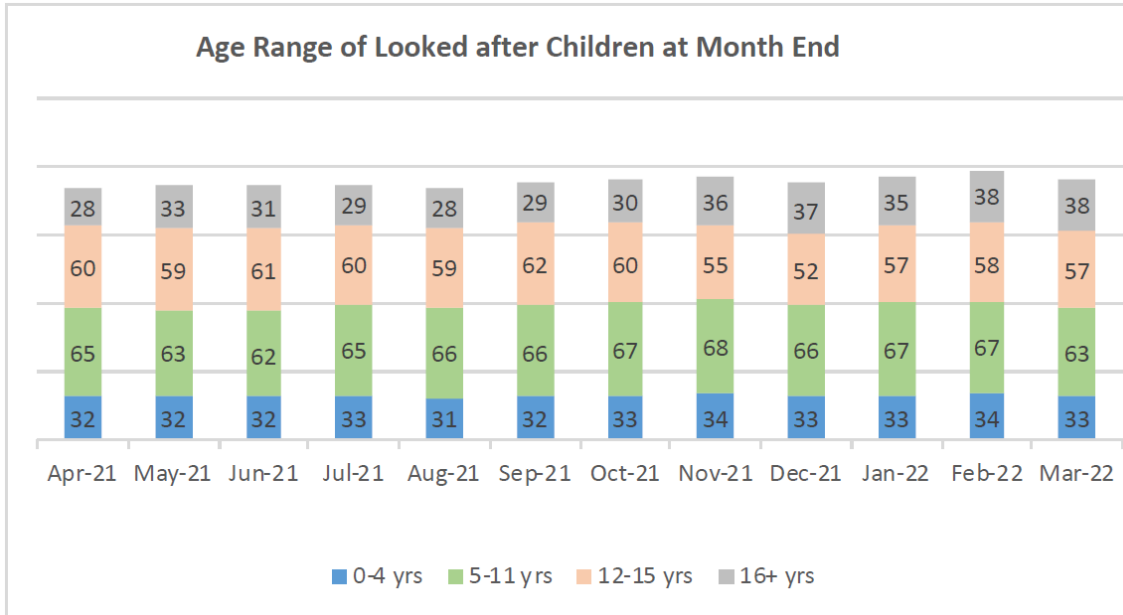
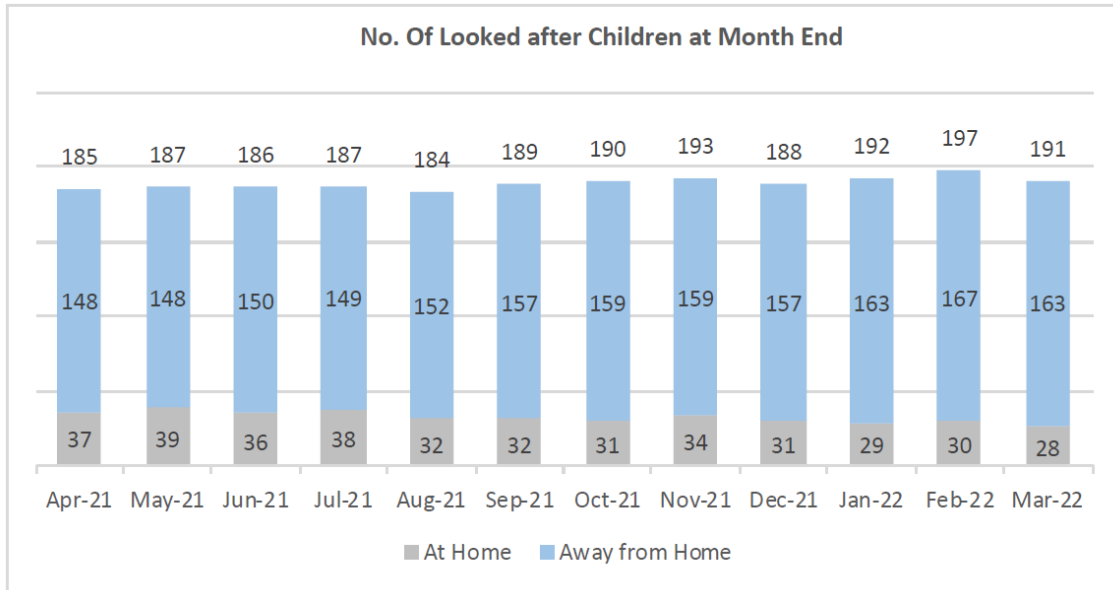
"The best thing about coming to Champs has felt like being involved with something for once. I have tried keeping involved even when I haven't been able to come because of babysitting and work. I have always been a more independent person doing things on my own and working in a team has been new for me and I have learnt new skills. I was a little bit nervous coming along for the first time, but I tried to push that away. I am confident now making contact with the Champs and staff."

"I think it's important to let other young people know about Champs and that it can help you."

Champions Board Member, Age 16

Data/Statistics

The following comparative data details the number of looked after children and placement types between April 2021- Mar 2022.



Social Media

Over the coming months as The Board develops we want to explore utilising more social media platforms to expand our engagement with young people and their families to promote the work we are doing and encourage them to get involved. Social media is a great way to link in with not only young people but other professionals locally and nationally.

- Having an understanding of the unique properties of each social media platform is essential to ensuring we are utilising it to its fullest potential.
- Currently The Scottish Borders Champions Board is on Twitter. We are hoping to have cross platform diversity in the near future, by expanding to Instagram and Facebook and looking at other social media platforms young people are using such as tiktok.

The Champs came up with the hashtag #ListenUp which represents the message they want to share with their corporate parents and the wider community.

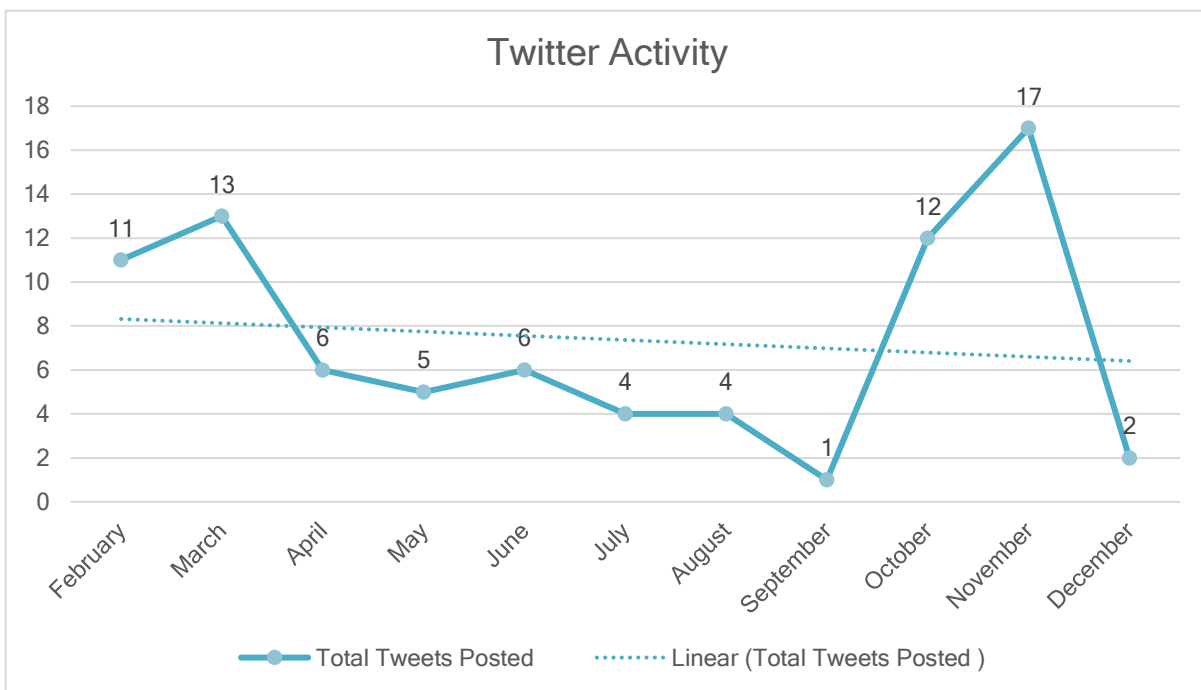
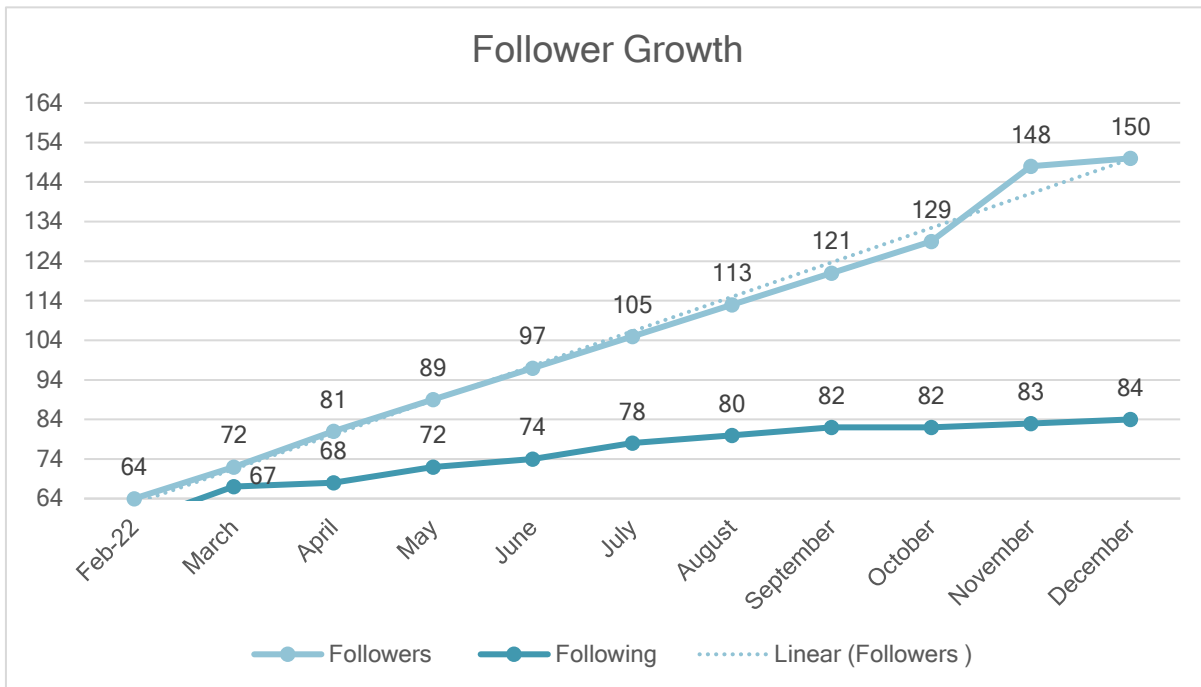
In 2023 we look to become more active on social media and set clear targets to meet. Running and maintaining profiles on social media platforms is time consuming as there are many aspects to take into account. From producing and sharing content, to keeping up-to-date with content shared by others- it is a lot to manage.

In order to keep things current, we need to ensure we are developing at the same rate so as to not fall behind and miss out on important opportunities using social media can create. We also need to be aware of our target audience and the message we want to convey. Our main objective currently is to update users on the work The Champions Board has been doing.



Social Media

Since the last report was published in April 2022 the Champions Board twitter page has seen a steady growth pattern.



@ChampsBoardSB



Corporate Parenting Group

Responsible parents fulfil all those activities associated with bringing up children. These include providing for their basic needs, planning for the future, being a resource to turn to, providing positive experiences, hopes and dreams and acting as advocate and mentor. Their legal responsibilities include taking decisions on where children live, what education they receive and when medical treatment is required. As a corporate parent we need to know that we are making the same decisions for looked after children as we would make for our own children.

Corporate parenting is defined in the Children and Young People (Scotland) Act 2014 and places a number of duties on public sector organisations to uphold the rights and safeguard the wellbeing of looked after children, young people and care leavers. The term refers to an organisation's performance of actions necessary to uphold the rights and secure the wellbeing of a looked after child or care leaver, through which physical, emotional, spiritual, social and educational development is promoted, from infancy through to adulthood.

Statutory duties and responsibilities on corporate parents (Section 58). These include:

- To be alert to matters which, or which might, adversely affect the wellbeing of looked after children and young people (and those in Continuing Care and Aftercare)
- To assess the needs of those looked after children and young people for services and support it provides
- To promote the interests of looked after children and young people
- To seek to provide looked after children and young people with opportunities to participate in activities designed to promote their wellbeing
- Working collaboratively: corporate parents must, in so far as reasonably practicable, collaborate with each other when exercising their corporate parenting responsibilities where they consider that doing so would safeguard or promote the wellbeing of children or young people to whom this Part applies (Section 60).

Other key aspects of corporate parenting duties include the duty to plan and report to the Scottish Government on how corporate parents exercise their responsibilities. The list of who is a corporate parent was expanded under the Act. The Act names 26 public bodies but all 32 local authorities, 14 NHS Scotland Health Boards and 7 National Special Health Boards. All colleges and universities in Scotland are corporate parents in terms of the Act.



Corporate Parenting Group



Corporate Parenting Group

Governance of Corporate Parenting in the Scottish Borders during 2021-22 has continued to be managed through the multi-agency Children and Young People's Leadership Group (chaired and co-ordinated by Scottish Borders Council), which in turn reports to the Community Planning Partnership.

The current governance structure is under review to ensure that it enables strategic leadership, monitoring and development of corporate parenting and The Promise in Scottish Borders. In Scottish Borders we are committed to ensuring that strategic planning is joined up to prevent duplication of work streams, and to ensure a more accountable and streamlined approach to children's services design, development and commissioning.

Guided by the Leadership Group, the Corporate Parenting Operations Group has a key role within the Children's Services planning structure. It ensures that the particular needs of looked after children remain central to the work of other planning groups, including those developing services which work directly with looked after children, those which work with young people in Continuing Care or Aftercare, or those aiming to prevent children and young people becoming looked after. Membership of the group has developed and expanded since the list of Corporate Parents was extended in April 2015.

The Scottish Borders Corporate Parenting Strategy 2021-24 identified the Promise and the Plan 21-24 as providing a clear strategic direction for the development of corporate parenting in the Scottish Borders, and therefore the headings of the priority areas and fundamentals were used for reporting on Scottish Borders' progress with corporate parenting work in 2021-22. (please see references)



Final Remarks



Thank you for taking the time to read our report. We are very excited about the next stages of development for the Champions Board.

If you are interested in finding out more about our work, or are currently working with a young person who you think might be interested in getting involved with the Champions Board please do not hesitate to get in touch with us via the contact details below.

A special thank you to the young people who provided feedback statements for the report. We have enjoyed spending time developing The Board with you and look forward to continuing the work.

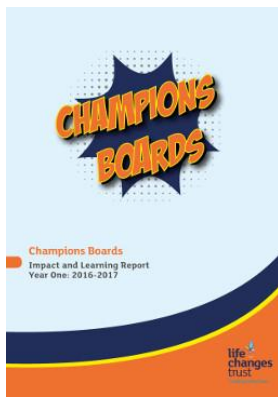
Glossary/reference list

We will try not to use....	We will try to use
Abscond	Run away, go missing, not coming home on time, walked out
Birth or Biological Parents / Natural Parents	First family, First mummy or daddy, Parents, family, mum & dad, tummy mummy
Care Leaver	Care experienced adult
Case/Case Support/Case allocation	Children, young people and families, I support [x] young people, I am lead worker for [x]
Challenging behaviour	In distress, reacting to a situation, unmet need, upset, having trouble coping
Chaotic	There are risks to... There are a lack of protective factors
Child's Plan	Your plan, Next Steps, My plan
Contact	Family time, your plans to see or keeping in touch with family, seeing or meeting up with my/ your Dad/Mum/Grandma/Sister/ Brother etc.
Continuing Care	Stay put, remain, plan for after you are 18
Defiant	Strong-willed, confident in their choices/opinions
Difficult to place	Can't find a home good enough for them; failed by the system
Drop out	Early school leaver
Drug running/involved in a gang	the child/young person is being criminally exploited to distribute drugs; part of a friend group who have been doing illegal things such as...
Dysregulated	Describing context, behaviours and emotions, e.g. Distressed response to [context]
Education	School or college
Foster Carers	We will ask you what you call them – might be; my family, Foster Mum, Foster Dad, People who care about me, my new family, or just their names
Hard to reach	Not approached enough
Holistic health	Overall health, health in general
Intervention	Support, elements of a better life
Incident	Describe the context and behaviours
Issue	Challenges, barriers, things you're not happy about, difficult situation, something they want to change, goals they want to set
Kinship Carers	We will ask you what they should be called – might be; my family, gran, granddad, auntie etc. or use their names
LAC/LAAC	Young people, care experienced young people, use their name, LA should say 'our children'
LAC Review / LAAC Review	Your meeting, your planning meeting, your review, a looked after child review, (Child or young person's name) review
LAC Visit / Statutory Visit	Home Visit, Visit to see you, social work visit
Leaving Care	Moving on, moving house, becoming independent
Making choices (drug/alcohol related)	Unhelpful coping mechanisms, risky coping mechanisms, seeking something, in survival mode
Minutes	Notes, written notes of what was said today, what we agreed today, what was decided today
Moving Placements	Moving to a new house, a new chapter or fresh start
Non-compliant/non-engaging/Hard to reach	We have not been able to engage yet; Services have not yet found the best way to build relationships with them; Support was offered that did not meet the needs of the young person at the time; We need to find a way to build trust; they are not in a place just now to seek support Not ready- <i>look at organisation and family approach here</i>
Offenders, young offenders	Young people in conflict with the law- <i>this term reorients our thinking, to consider the young person's relationship to organisations like the police, and how this may have been damaged.</i>
Pathway Plan	Your future planning; moving on plan; your plans for the future
Peers	Your friends, people your age
Placement	Your home/ your house / where you live
Placement Breakdown / Placement Breakdown Meeting	Things didn't work out with your previous carers, things became a bit difficult and you had to move
Placing themselves at risk	Seeking reassurance elsewhere
Promiscuous	Seeking reassurance/comfort elsewhere
Putting themselves in danger	Seeking reassurance elsewhere
Residents	young people
Respite	Short breaks, short stay, sleepover

Rehab / rehabilitation	Going back to live with your family; Going back home, back to mums/dads/ gran's etc.
Reviewing Officer / Chair	Person who meets with everyone occasionally to make sure you have everything you need to be well cared for
Sanctions	consequences
Siblings	Your brothers or sisters (but sibling may be a good non-gender word), or use their names, important people in your life
Unit	house
Verbally aggressive	They react to [some situations] by shouting and using swear words. They used personal insults including 'xyz' e.g. <i>Lewis started to shout close to my face and clenched his fists. I was unsure why he reacted in this way, his keyworker will explore different ways that we can approach this.</i>
Views	What's important to you, how are you feeling, how do you see things, what you think, what would you like to see happening?
Vulnerable	Unsafe at points With vulnerabilities- <i>this term acknowledges risk but allows that the person is more than the vulnerabilities that they may have.</i>

This glossary comes from the new Scottish Borders Reframing Our Language Guide. We extend our thanks to The Scottish Borders Council Service Development Group for foster carers, children and young people from Edinburgh City, North Lanarkshire and those working with Includem whose work helped shape our new guide.

To obtain a copy of the full guide, please contact Hannah on: hannah.hawthorn@scotborders.gov.uk



[Champions Boards - Evidence and Learning | Life Changes Trust](#)

[Independent Care Review \(2020\) *The Promise*. Glasgow: Independent Care Review. Available at: https://www.carereview.scot/wp-content/uploads/2020/02/The-Promise.pdf \(Accessed: 1st February 2023\)](https://www.carereview.scot/wp-content/uploads/2020/02/The-Promise.pdf)

[Scottish Borders Corporate Parenting Group \(2022\) *The Promise and Corporate Parenting Annual Report*. Newtown St. Boswells: Scottish Borders Council.](#)

[The Promise Scotland \(2021\) *The Plan 21-24*. Edinburgh: The Promise Scotland. Available at: plan-21-24.pdf \(thepromise.scot\) \(Accessed: 2nd February 2023\)](#)

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SCOTTISH BORDERS PUBLIC PROTECTION COMMITTEE ANNUAL REPORT 2021-22

Report by Chief Social Work and Public Protection Officer

SCOTTISH BORDERS COUNCIL

30 March 2023

1 PURPOSE AND SUMMARY

- 1.1 This report summarises the activity of the Public Protection Committee (PPC) and associated Delivery Groups for the year 01 August 2021 – 31 July 2022.**
- 1.2 The Annual Report covers the main activities of the multi-agency Public Protection Committee, highlighting the continuing work being undertaken in the Scottish Borders to meet the Council's statutory duties to protect children and adults at risk of harm.
- 1.3 The Report includes information relating to Child Protection, Adult Support and Protection, Violence Against Women and Girls, Justice Services and PREVENT. It includes statistical information relating to the PPC Performance Indicators and training and development activities.
- 1.3 The Annual Report describes the continuing challenges related to the COVID-19 pandemic and associated restrictions, and the considerable work undertaken by staff and services to meet the needs of the most vulnerable members of our communities.

2 RECOMMENDATIONS

- 2.1 I recommend that the Committee:- note the content of the Public Protection Committee Annual Report 2021-2022**

3 BACKGROUND

- 3.1 Scottish Borders Public Protection Committee is an inter-agency group of senior staff which provides leadership in promoting the continual improvement of services in this area of work. The PPC incorporates the statutory responsibilities of Child Protection Committees and Adult Support and Protection Committees.
- 3.2 This entails ensuring that there is an efficient and effective multi-agency response to reports of harm, abuse or neglect through, for instance, reviewing and revising practice guidelines, providing joint training and reviewing of individual cases – all conducted within a culture of continuous learning. In addition, the PPC has a role to promote the safety of children and adults through raising awareness in communities across the Scottish Borders to support the key role which members of the public play.
- 3.3 The Public Protection Committee reports directly to the Critical Services Oversight Group (CSOG) consisting of Chief Executive (SBC), Chief Executive (NHS Borders) and Divisional Commander Police Scotland (Police).
- 3.4 Members of PPC sit on a variety of national groups, including Child Protection Committees Scotland, Adult Support and Protection Conveners Group and the National Lead Officer's Group. Links with a variety of local strategic and operational groups are maintained, and 3rd sector partners are represented on PPC and through the Delivery Groups.
- 3.5 Members of PPC remain committed to the support and protection of children and adults as the focus of its work. The PPC and associated Delivery Groups met regularly during the year, and much has been achieved through their inter-agency agendas and effective partnership work which is detailed in the report
- 3.6 Towards the end of the prior reporting period (June 2021) the PPC appointed a new Independent Chair, Sue Ross. Ms Ross resigned her position at the end of this reporting period

4 PUBLIC PROTECTION COMMITTEE ANNUAL REPORT

- 4.1 The PPC Annual Report details the work of the PPC and Delivery Groups against the key functions of the Committee:
- 4.2 **Continuous Improvement:** The Report describes a range of audit and improvement work that ensures our local policies and practice are fit for purpose and effective in keeping children and adults safe. Examples of work by our partner agencies, both locally and nationally are highlighted.
- 4.3 **Strategic Planning and Connections:** This section of the Report highlights examples of effective partnership working across statutory and third sector services, on a local and national level.

- 4.4 Public and Professional Information, Engagement and Participation: The Report describes activity to ensure that our workforce and community have the knowledge and skills they require to play their part in keeping adults and children safe. This includes training for our multi-agency workforce, information leaflets for service users and their families and media campaigns and events.
- 4.5 The Appendices to the Report include more detailed statistical information relating to child protection, adult support and protection, violence against women & girls and Justice services, and training provision.
- 4.6 The Report acknowledges two significant challenges that have impacted the work of the Public Protection Committee and associated services: Firstly, the ongoing impact of the Coronavirus pandemic has placed limitations on some areas of work and secondly the Inquiry Report by Andrew G Webster QC into the handling by SBC of assault allegations against a former teacher resulted in the need for a substantial Action Plan to respond to the recommendations therein (this Action Plan is reported to Council separately).

5 IMPLICATIONS

5.1 Financial

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

Or

5.2 Risk and Mitigations

The Annual Report is an important document for monitoring activity and for identifying areas of improvement. The risk of not collating information in this way would be a reduction in the quality of strategic work of the PPC, and subsequent impact on the safety of adults and children in our community.

5.3 Integrated Impact Assessment

Not applicable to this Report.

5.4 Sustainable Development Goals

- a. (3) The Report describes partnership working across statutory and third sector organisations, with the purpose of ensuring adults and children in our community are safe from harm, abuse and neglect.
- b. (5) The Report describes work to reduce the occurrence and impact of violence against women and girls, through our Violence Against Women and Girls partnership and Domestic Abuse Advisory Service.
- c. (16) The work describes the efforts of our Justice Services to reduce violence in our communities.

5.5 Climate Change

There are no significant climate change impacts associated with this report. PPC Business and training activity is carried out online where possible, to reduce travel demands on staff.

5.6 Rural Proofing

~~This section should only be completed if this is a new or amended policy or strategy.~~

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 changes to be made to either the Scheme of Administration or the Scheme of Delegation as a result of this Report.

6 CONSULTATION

- 6.1 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 and any comments received will need to be incorporated into the final report.

Approved by

Stuart C. Easingwood

Director – Social Work & Practice

Author(s)

Name	Designation and Contact Number
Anita Hurding	Child Protection Audit, Learning and Development Officer 01835 824000 Ext 8828

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. Anita Hurding can also give information on other language translations as well as providing additional copies.

Contact us at Anita Hurding, People Department, Scottish Borders Council HQ, Newtown St Boswells, Melrose, TD6 0SA Tel: 01853 824000

committee.publicprotection@scotborders.gov.uk

PUBLIC PROTECTION



SCOTTISH BORDERS

PUBLIC PROTECTION COMMITTEE

ANNUAL REPORT

01 AUGUST 2021 - 31 JULY 2022

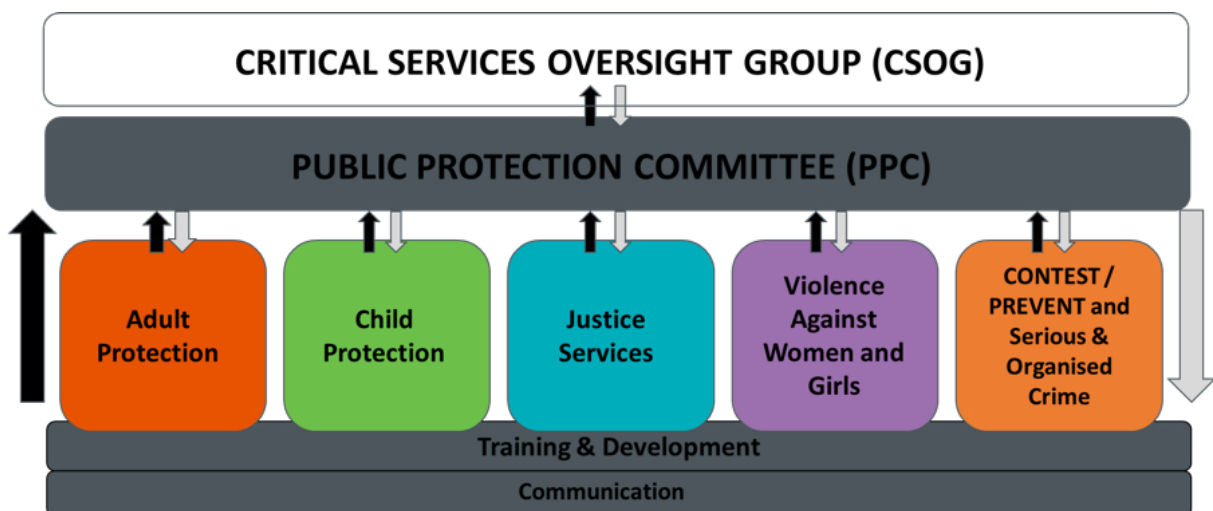
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FORWARD

I am pleased to present the Annual Report for the Public Protection Committee (PPC) for the Scottish Borders for 2021/2022. The Committee draws together the work of key areas of public protection which cut across the work of many statutory, voluntary and independent sector agencies across the Borders. The Committee works to protect the public from harm and abuse, and ensure that victims of abuse receive the help they need to recover, where harm has occurred.

The PPC was established at the start of 2020 and brought together the work of the former statutory Committees of Child Protection and Adult Protection which now operate as Delivery Groups reporting into the Public Protection Committee along with a Training and Development Delivery Group, Violence Against Women and Girls and the Justice Delivery Group. The PPC is an inter-agency group of senior staff, led by an Independent Chair. I have been the Interim Independent Chair of the PPC since August 2022, taking over from Dr Sue Ross the previous incumbent. The Independent Chair role is to provide leadership promoting the safety of children and young people and vulnerable adults, and ensure that services provided are effectively supported and managed. It reports to the Critical Services Oversight Group (CSOG) which is led by the Chief Executives of Scottish Borders Council and NHS Borders, and the Divisional Commander for Police Scotland.



Two major issues have been a backdrop and a challenge for the work of the PPC this reporting year: the continuing impact of the Coronavirus pandemic, and the Inquiry by Andrew G Webster KC into handling allegations of assault against a former teacher. These are explored in more detail on page 6 of this Annual Report. The achievements of those working in public protection services in Scottish Borders through the year should be considered with these in mind.

Despite these challenges and the worsening resource constraints across the public sector that this last year has brought to all agencies across the Borders, the PPC and Delivery Groups have continued to undertake their vital role, finding ways of working, often more “remotely” than in previous years, but continuing to deliver core services to some of the most vulnerable people and those at risk in communities in the Borders and reporting on that work to CSOG, to their respective agencies and to Scottish Government.

There have been some significant achievements which should be celebrated despite the backdrop across public protection agencies described above. The main body of this Report highlights just some of these, themed against the core functions of the PPC. As public protection agencies emerge from the impact of the pandemic, many people in the Borders are starting to experience a worsening economic environment. This brings even more challenges and risks particularly to the most vulnerable in our society, and it is in that context that the work of the PPC, particularly in child protection and adult support and protection, must be viewed going forward into 2022/2023. Its work remains a key part of ensuring the processes and procedures designed to keep people safe are being used effectively and that the complex multi-agency partnership working that is at the heart of public protection, must be supported and understood.

I look forward to working with the services and staff of the Scottish Borders partnership over the coming year, building on the work highlighted in this report. We will continue to strive to achieve our vision that all children and adults at risk in Scottish Borders are supported and protected from harm, and are enabled to live their lives as safely and independently as possible.



Alan Small, Interim Independent Chair, Scottish Borders Public Protection Committee
Chair Child Protection Committees Scotland

A handwritten signature in black ink that reads "Alan Small".

KEY FACTS AND FIGURES

73 Initial and Pre-birth Child Protection Case Conferences were held, with **61 new Child Protection Registrations**.

Parental attendance at Initial Child Protection Case Conferences and Initial Core Group Meetings continues to be **above our target of 75%**.

287 Adult Support and Protection referrals were received in the year which was **an increase of 68 referrals** from the previous year.

There has been consistency throughout the year with **100 %** of ASP Referrals **having a chronology**.

23 children have accessed our **CEDAR group** (children experiencing domestic abuse recovery) providing them and their mothers the opportunity to explore the impact of domestic abuse on their relationship and recover together with peers.

There were **117** referrals to the **Multi-agency Risk Assessment Conference**, a monthly meeting to share information and plan to protect victims of domestic abuse and their children.

98% of Criminal Justice Social Work Reports requested by the court were **submitted within the required timescale**.

14,615 hours of **unpaid work** were imposed as part of Community Payback Orders.

Further information on our Performance Indicators can be found at Appendix 3





SIGNIFICANT CHALLENGES

Two significant challenges have impacted the work of the PPC and services across the public protection landscape.

Firstly there is the impact of the Coronavirus pandemic. The maintenance of critical services through the pandemic and managing the resource constraints Covid infections of staff and service users has been, and continues to be, a challenge. It has placed limitations on some areas of work and required some compromises in the methods of delivery, a key example of this being in the delivery of child and adult protection training. Moving to online delivery of courses continues to reduce travel time and offer flexibility of access to training, however interactive learning needs to be balanced with the technical demands of available tools on participants and trainers. Continuing operational demands have placed limitations on work to engage with the public, develop the PPC website and progress planned improvements to some aspects of data management.

The second major issue influencing the work of the PPC this year has been the Inquiry by Andrew G Webster QC commissioned by Scottish Borders Council into the handling by SBC of assault allegations against a former teacher in one of the Council's primary schools. The report was published in February 2022 and the plan of actions for improvements required by that report has been reported on to the PPC as an interested party. The Council accepted the recommendations of the Independent Report in full and apologised for the failings it identified and the impact on the children and families involved. For the PPC the key recommendations from it are primarily those relating to ensuring the quality of training and learning of staff across all agencies in child protection, and clarity in our policy and procedures with regard to allegations of harm perpetuated by adults working in care and education settings. That work, alongside the work across Edinburgh and the Lothians to develop shared Child Protection Procedures in response to the revision of National Guidelines published in September 2021.

These challenges form a backdrop to the activity and achievements described in the following pages.





CONTINUOUS IMPROVEMENT

A primary function of the PPC is to engage in continuous improvement activity. This includes ensuring that local policies, procedures and guidance are effective in protecting adults and children; and that systematic approaches to self-evaluation are in place, which focus on the lived experience and outcomes for children, families and vulnerable adults, learn from case audits and take learning from local and national inspections and research into account.

2021-22 has seen some work progressing to ensure that our local policies and procedures are fit for purpose and effective in keeping children and adults safe.

A consultation across Police, Social Work, NHS and 3rd sector led to the creation of our first multi-agency Adult Support and Protection Procedures. These include improvements to the process, recording and data collection ensuring that the service user and carers are central to the process, and will be implemented from August 2022. A joint project with Edinburgh, Midlothian and East Lothian is progressing a revision of our Child Protection Procedures in line with the revised National Guidance for Child Protection in Scotland 2021.

Scottish Government and COSLA have provided support for a pilot of the National Referral Mechanism (NRM) Toolkit for First Responders in Scotland in Scottish Borders. The NRM Toolkit was commissioned to improve the formal identification of victims of trafficking and ensure that frontline staff and potential victims are clear on the process and possible outcomes of this national pathway to identification and protection. The Scottish Borders NRM Toolkit implementation pilot aims to evaluate the impact of a structured implementation of the toolkit for First Responder agencies in Scottish Borders by providing a framework linking strategic leadership to frontline practice and protocol development. Training and awareness sessions for first responders and the wider workforce will ensure that all staff are aware of this important initiative.

Information gained through our suite of Performance Indicators, regular programme of case file audits, learning from practice reviews, Initial Case Reviews and staff engagements has highlighted both areas of good practice and improvement opportunities. Detailed information of our performance against key Performance Indicators is contained in Appendix 3. Examples of initiatives arising from self-evaluation activities can be found on the next page.

Social Work, Police, Health and Housing staff attended a series of Multi-agency Public Protection Arrangements MAPPA workshops exploring learning from Case File Audits, Initial Case Review and Significant Incident Review findings. Areas of positive practice identified included consistent multi-agency work and information sharing; clear, proportionate Risk Management Plans with responsive action taken to address changing areas of risk; and appropriate MAPPA oversight. Learning included improvements in practice focussing on embedding the “Think Family” approach.

“...it was useful to hear about the findings as there can be a lot of anxiety surrounding reviews for workers. Hearing about the process is a reminder that the reviews are a positive way to reflect on mistakes and learn from them moving forward.” Workshop delegate

A range of new initiatives support shared understanding and consistent practice across agencies.	
<p>The Child Protection Delivery Group noted a need for a renewed clarity and focus on the use of the Chronology of Significant Events throughout the CP process. This tool provides an overview of the life experiences of a child, leading to more effective and appropriate decision making and planning. A multi-agency working group agreed expectations for the provision of single-agency Chronologies, and awareness raising materials were disseminated to all relevant staff groups.</p>	<p>A practice review focussed on multi-agency roles and responsibilities for identifying and responding to parental vulnerabilities that present risk for unborn babies. Practitioner briefings highlighted the need for exercising professional curiosity, and taking a Think Family approach. A new protocol for midwives and Health Visitors managing non-access visits has been established, and the escalation policy in our Child Protection Procedures has been revised.</p>
<p>A frequently asked question by Care at Home and Care Home managers is how to appropriately respond to allegations of harm made against staff members. A video and fact sheet have been produced, and will be made available to all relevant service providers.</p>	<p>Case file audits and practitioner demand led to the creation of briefing materials to promote collaborative working with parents through use of the Neglect Toolkit to identify and address issues of neglect. A refreshed training session was delivered to 41 practitioners and will be added to our ongoing multi-agency training programme</p>
<p>A successful appeal against the decision of a Child Protection Case Conference led to a renewed focus on ensuring each child in a sibling group has their strengths and needs assessed as a unique individual. All relevant staff were provided with practice guidance on assessment and contributions to CP Case Conferences to support this.</p>	<p>An Initial Case Review led to Sex Offender Policing Unit Risk Management Plans being further enhanced, where there are concerns in relation to Domestic Abuse or if violence has featured in an individual's history. Improvements include the case manager having sight of the Domestic Abuse Risk Assessment and regularly speaking with partners when the managed person is not present.</p>
<p>The success of the Disclosure Scheme Domestic Abuse Scotland (DSDAS) awareness raising sessions for multi-agency practitioners delivered by Police Scotland has increased the number of applications under Power To Tell and resulted in a Scottish Borders specific Decision Making Forum held every four weeks.</p>	<p>A series of short summary flowcharts for key stages of the Child Protection process have been added to our online CP Procedures. These provide multi-agency staff with an overview of the purpose of, and practitioner expectations at Referral, Interagency Referral Discussion and Joint Investigative Interviews stages.</p>

STRATEGIC PLANNING AND CONNECTIONS

PPC has a key role in ensuring its plans reflect robust connections with wider service planning and delivery locally and nationally, and to develop and promote effective interagency working.

Members of PPC and the associated Delivery Groups and Partnerships sit on a number of national groups and committees and bring learning from them to Scottish Borders. Key ongoing links are with Child Protection Committee Scotland, the Adult Support and Protection Conveners' Group and Adult Support and Protection Lead Officers' Group. In this reporting year, a series of 5 Nations ASP Conferences provided additional opportunities for learning from across Scotland and the UK.

“Several hundred people attend these conferences and share the really difficult practice challenges across the 5 nations with some of the leading experts in Adult Protection work in the UK. Despite the legal systems being different, the demands of the work with very vulnerable people are so common, and there is so much common learning we are able to share”.
Independent Chair, PPC

A number of specific areas of practice have been reviewed in collaboration with other local authority areas to progress joint initiatives, or incorporate successes into our local practices. PPC submitted a response to the national Mental Health Law Review, focussed on embedding people's rights further into our ASP services.

Co-location of ASP and CP practitioners from Health, Social Work and Police Scotland in the multi-agency Public Protection Unit (PPU) at Langlee in Galashiels facilitates information sharing and joint assessment and decision making. Strengthening the remit of Adult Protection Officers (APOs) in relation to providing advice and guidance to frontline practitioners and support to Team Leaders has been well received.

“the communication, advice and support underpin our work within Adult protection. I know the team and colleagues view the linked APO as a supportive, constructively critical analyst. Our APO is trusted by myself and others and they represent our conduit into the wider PPU team which is essential for all aspects of the work we encounter” staff member

Bringing together the different perspectives and experience of practitioners from the different agencies at the PPU allows for more robust and comprehensive strategic planning and quality assurance work.

"The development of the PPU led directly to the multi-agency file audits, an area identified as important in monitoring whether our tri-partite approach is being replicated in practice." Staff member

The Care Inspectorate and national Adult Support and Protection Lead Officers' Group highlighted Dundee's model for training Council Officers as an example of good practice. Mid Lothian and East Lothian developed a new training course based on this model. Prospective Council Officers in Scottish Borders will join their colleagues from the Lothians for this training, supplemented by specific procedural training offered by our local Training and Development Officers. By linking resources we are now able to train Council Officers to be more reflective in their practice, whilst increasing their knowledge and experience of working with our most at risk service users. The arrangement will also strengthen working relationships and increase expertise across Local Authorities.

Various national programmes are delivered locally by statutory or third sector services.

Through the National Advocacy Project, Scottish Borders Rape Crisis Centre (SBRCC) provide dedicated specialist advocacy for survivors of sexual violence who have, or are considering reporting, offences to the Police. SBRCC also deliver the National Sexual Violence Prevention programme in partnership with our schools and youth groups. The programme comprises workshops on seven different topics, adapted for four age groups, and places an emphasis on young people's participation and leadership. Since 2014, SBRCC have delivered 982 workshops and reached 10,620 young people.

"I feel that the most important thing I learnt is that you don't have to do anything sexually even if your partner wants to - S3 pupil

In March 2022, Scottish Borders Justice Services moved away from an established partnership with Edinburgh and Lothians, taking on sole responsibility for the local delivery of the Caledonian System, an integrated approach to addressing domestic abuse, combining a court ordered programme for men, and support services for women and children. Both male and female service users have seen benefits from this change. Barriers to programme attendance due to travel have been removed, and there has been a widening of the service's ability to offer support to women, and provide advice to colleagues and services. Scottish Borders has initiated a National Group-worker Peer Group to discuss best practice amongst group-work facilitators across the country.

"The group being in Galashiels enables me to attend. I would not be able to travel to Edinburgh due to my work." Male Service User

"The support given to me by the women's worker has made me feel more confident in my decisions around child contact and telling my children's social worker/children's hearing how I feel and what I need." Service User- Female survivor/victim

In the latter half of 2021, Justice Services carried out a review of Drug Treatment and Testing Order (DTTO) provision in Scottish Borders. Taking learning from Edinburgh, the Ayrshires and Dumfries and Galloway together with focus groups with NHS Borders addiction service providers, an improved and holistic model for DTTO delivery was developed. The service has removed previous constraints that limited treatment pathways to those who were opiate dependent only, widening the ability to address other problematic drug use and related offending. DTTO social work staff have been trained to undertake drug testing and to use the Outcomes Star needs identification tool, and a counselling / support service introduced to offer bridging support to those awaiting allocation to NHS Psychological Services. Early indicators suggest the new service model is enhancing attendance and compliance, and increasing Court confidence for delivery outcomes.

The Scottish Child Interview Model (SCIM) is a new national approach to Joint Investigative Interviews of children. Practitioners from Police and Social Work have been trained in undertaking these interviews, and managing and evaluating the SCIM model. Work to embed this into our practice began in March 2022, with the aim of all Joint Investigative Interviews taking place in line with this model by the end of 2024. Further information on SCIM can be found on the next page.

7. Want to read more?

Visit the National Joint Investigative Interviewing Project for updates on:

- Learning from the test sites
- Insights from interviewers
- Presentations on the model
- Evaluations
- Newsletters

<https://www.cosla.gov.uk/about-cosla/our-teams/children-and-young-people/joint-investigative-interviews-of-child-victims-and-witnesses>

1. What is the Scottish Child Interview Model for joint Investigative interviewing?

- This is a new approach to joint investigative interviewing which is trauma informed and maintains the focus of the needs of the child in the interview to minimise re-traumatisation.
- It also aims to improve the quality of evidence gathered to avoid children having to give evidence in person as part of court or children's hearing processes.

2. Why was there a need for change?

- The National JII Project forms part of the response to recommendations within the Evidence and Procedure Review (2015) which set out the aspiration to remove the need for children to give evidence in court by achieving a position in which the joint investigative interview could be led as 'evidence in Chief'.
- The new model was piloted by four test sites in Scotland to gather learning to inform the national rollout.

6. What does it mean for other professionals around the child?

- It is important that all agencies have an awareness of the model in order to support children and families involved within this process.
- You may also have an important role in the planning of interviews. For example: in relation to sharing information around the child's communication needs, health needs, strengths and coping skills and/or general information about the child's interests (to aid rapport building)

3. Why is adopting this approach so important for our children and young people?

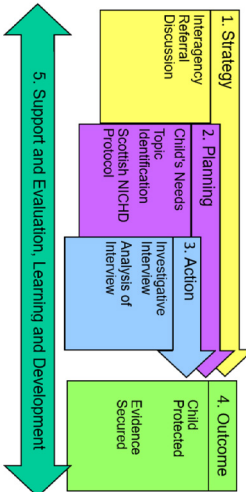
- Interview plans are bespoke and informed by the individual needs of each child.
- Planning is comprehensive and focuses on maximising the child's participation.
- Support for the child before, during and after interview is considered within the comprehensive planning.
- The key outcome is to ensure children are protected from abuse, harm and exploitation.

5. Who will carry out the JII?

- The new model recognises that forensic interviewing of children is a specialist skill.
- Across East Lothian/Midlothian & the Scottish Borders, there are 8 trained staff (4 Social Workers and 4 Police Officers) who have completed an accredited programme consisting of 5 modules.
- The LA where the child resides will retain responsibility for the wider child protection, safe care and support planning around the child.



4. Model structure:



All five components must be implemented for children to experience the intended benefits of the approach.

The Herbert Protocol is a nationally adopted tool to support the location of missing adults. A joint initiative between Police Scotland, NHS Borders and Scottish Borders Council Social Work delivered presentations across forums in statutory and 3rd sector forums to ensure that people working with anyone who has a dementia diagnosis and may be at risk of going missing are aware of and completing the tool. This work was highlighted in a national press release for the national launch of the Herbert Protocol in September 2021.

“The Herbert Protocol form can be completed by a family member/carer and placed within the person’s home or care setting. It ensures all relevant information can be passed quickly to police and will help officers implement a more focused search. It’s a very simple process, but the benefits of doing so could mean a lot – not only to the police but also the family and loved ones of the person reported missing.” DCI, Scottish Borders Public Protection Unit

The complex multi-agency nature of PPC means that some areas of PPC activity are measured and reported against national standards (for example the Child Protection Minimum Dataset, The Equally Safe Quality Standards, and the Adult Protection Annual Return) or through statutory reporting direct to Scottish Government for use in nationally aggregated reports. A significant local report made publically available is the Edinburgh, Lothians and Scottish Borders Multi-Agency Public Protection Arrangements Annual Report. This provides a statistical overview of MAPPAs activity, in addition to activity and partner contribution toward the Management of Risk for offenders assessed as posing a high or very high risk of serious harm to the public. The latest local MAPPAs report can be found at [MAPPAs annual report 2020/21 | Scottish Borders Council \(scotborders.gov.uk\)](https://www.scotborders.gov.uk/mappa-annual-report-2020/21)





PUBLIC AND PROFESSIONAL INFORMATION, ENGAGEMENT AND PARTICIPATION

PPC has a significant role in raising awareness and providing information and advice to the wider community and professionals; ensuring that appropriate, high quality learning and development activities are available to staff and volunteers; and that the views of people who use our services and our practitioners are reflected in our service delivery and plans.

PPC has a number of tools at its disposal to gain the views of practitioners and the adults and children who use our services. These include online surveys, 1-1 interviews and focus groups. Improvements to the way adult's views are captured and recorded through the ASP process and easier access to surveys for parents and children through the use of a strapline in all correspondence including QR codes and a short hyperlink have been introduced over the year. Our Domestic Abuse Advisory Service conducts an exit survey with all service users, details of which can be found in Appendix 4.

To encourage children and young people to express their views and participate in the Child Protection process, SBC have funded a three year trial of the Mind of My Own (MOMO) app. Two versions of the app help children and young people of all age and stage to communicate their views as and when they wish. All social workers were offered training, practice standards were produced and circulated to all staff. Worker booklet and parent/carer booklets were also provided. Newsletters issued in September 21 and January 22 continued the promotion of MOMO. In January 2022 Scottish Borders Council won the Mind of My Own Christmas Campaign as a steady increase in use of the app and statements being submitted by young people.

Pressures on resources have meant that we have not engaged with the public as much, or in as many ways, as we would like. Progress with the PPC website – our planned primary portal for information and awareness raising – has been limited, and it has only been towards the end of the year that we have been able to develop online awareness raising sessions for public groups. PPC has supported local and national campaigns over the year, through SBC and NHS social media and local events. Over the course of the year, we have developed and disseminated a number of information and awareness raising materials for service users and public groups. Some examples can be found at Appendix 7.

#16DaysofAction is a world-wide movement to raise awareness of violence against women and girls. People in the Scottish Borders were asked to play their part through a range of events between 25 November and 10 December 2021. Scottish Borders Rape Crisis Centre coordinated a Reclaim the Night Candlelit Vigil at Heart of Hawick, launched a new support service for women aged 18 and over who have experienced sexual violence and ran a social media campaign throughout the #16DaysofAction. SBC Headquarters was floodlit orange as a demonstration of the commitment to highlight and raise awareness of this issue.

We have made changes directly in response to feedback from service users and front line staff.	
You said...	We did...
You wanted more information about Child Protection investigations.	Created new leaflets for parents, explaining what to expect, including what happens at a Joint Investigative Interview.
You wanted increased engagement in the Annual CP Update session for Education, Early Years and Community Learning and Development staff.	Incorporated opportunities for staff to reflect on how the learning applies to their role and setting, throughout this online session.
Staff and service users wanted leaflets in accessible formats, to promote understanding of our Adult Support and Protection interventions.	Developed New Easy Read leaflets: "Adult Support and Protection, what is harm"; "A guide to Adult Support and Protection Case Conferences" and "Adult at Risk of Harm".
Third sector partners asked for an online method of providing feedback after involvement in Adult Support and Protection processes.	Created an online survey for Adults has been created which has been sent out throughout 3rd sector and statutory services to encourage and support with completion of the survey.
You told us that attending ASP Case conferences was difficult.	Provided guidance for Council Officers to support more effective engagement with Service Users, and updated our guidance for Chairs to include direct contact with Service Users before and after Case Conference to ensure that they were supported to attend.
Staff in gender based violence services requested service support leaflets in Ukrainian and Russian.	Sourced and circulated information leaflets in both languages.

PPC uses a variety of methods to communicate with staff groups across the multi-agency workforce, including newsletters, emails and notices on agency intranets. Each Delivery Group and associated Partnership has a comprehensive Dissemination Strategy, which ensures that information is passed to front line staff.

As part of the Adult Protection Delivery Group improvement plan, a monthly newsletter for Council Officers has been launched. "The Gazette" provides information on developments within Adult Support and Protection in one place, providing an easy way for Council Officers at the centre of the ASP process to keep up to date. The Gazette has included updates on the procedures, books to read and highlights specific documents to support their practice, such as: Keeping Adults Safe & Well Tool, the new Council Officer Re-accreditation process and the multi-agency agreed Second Worker Guidance. Feedback from Council Officers is positive, indicating that most of their questions are answered through The Gazette.

The Joint Learning and Development Strategy and Framework agreed by PPC in 2021 have been disseminated, and will support the identification of appropriate training for staff and volunteers across all organisations. In line with these, staff and volunteers are supported by a range of learning and development opportunities, including training sessions, workshops, 7 minute briefings and self-learning materials.

"Great piece of work by the way – including definitions is really helpful, especially when it feels like people more often than not look blankly when 'competencies' are mentioned" Lead Clinician, NHS Borders re Strategy/Framework

From January 2022, the PPC Training and Quality Assurance team have developed and delivered a suite of new Child Protection and Adult Support and Protection courses. A proportion of this training is delivered as joint "Public Protection" courses, which provide staff with an understanding of common themes and shared responsibilities, promoting the "Think Family" approach and more effective working between children's and adult services. A diagram showing how these new courses align with previous training equivalents can be found on the next page.

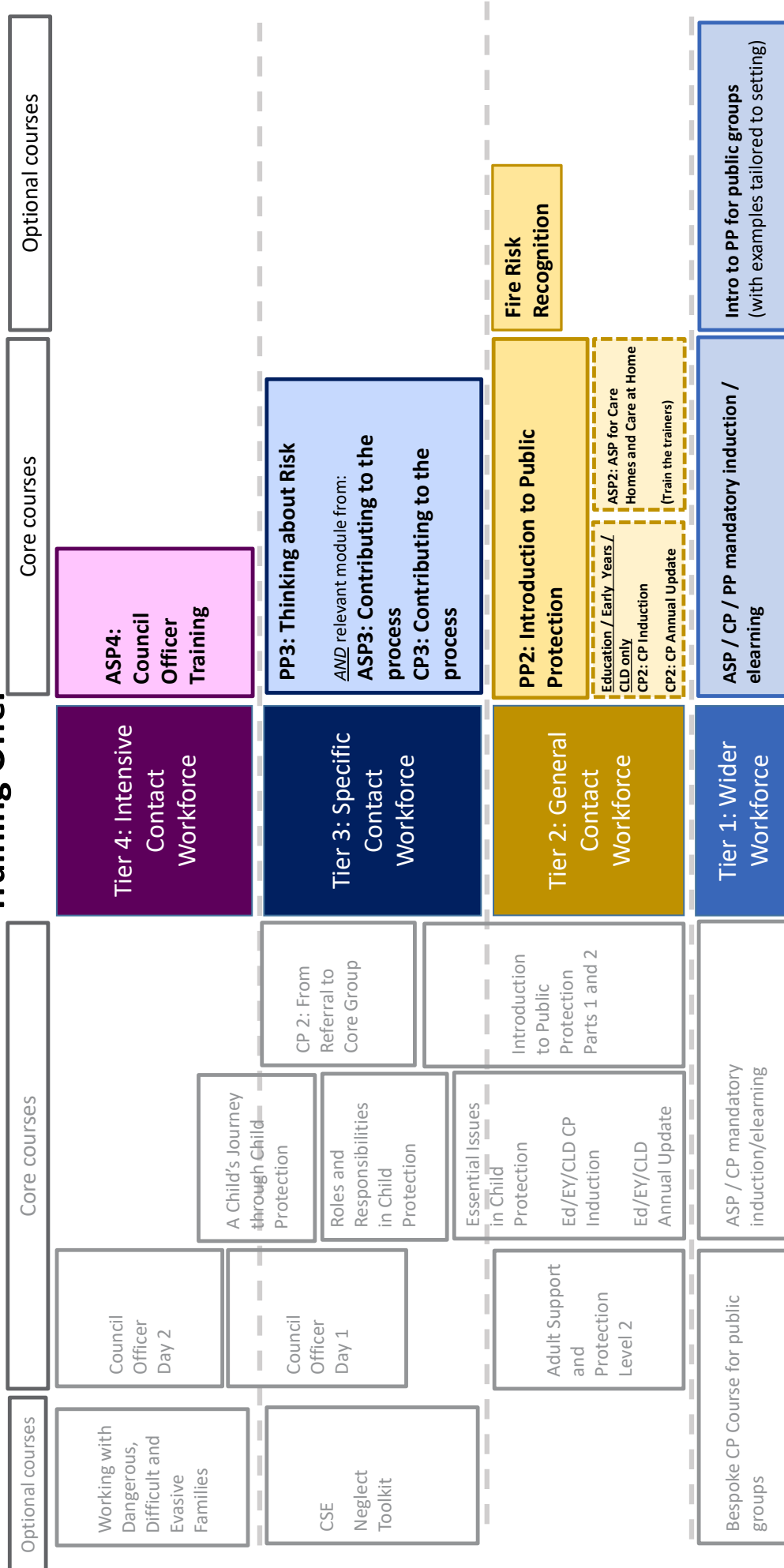
The PPC Training and Quality Assurance Team facilitated additional courses delivered by partner agencies or national trainers, including Working with Self-Neglect and Hoarding delivered by the Adult Support and Protection National Lead Officer and Fire Risk Recognition delivered by Scottish Fire and Rescue.

We have increased our training capacity by developing a Train the Trainers model for some Adult Support and Protection training. This equips managers and senior practitioners in Care Homes and Care at Home to deliver Tier 2 Adult Support and Protection training to their staff. A partnership with Borders Care Learning Network to deliver this course to Personal Assistants and staff in smaller social care organisations further increases the reach of this training opportunity.

"Really useful course that allows providers to deliver training and not have to wait months to have staff appropriately trained to recognise potential harm." Train the Trainers delegate

ASP / CP Multi-agency Training Offer

New Courses from January 2022



Training programmes for the multi-agency workforce were delivered by the Violence Against Women and Girls Partnership This included sessions on domestic abuse risk assessment, basic domestic abuse awareness, responding to sexual violence, trauma informed practice. Over 100 staff from a range of agencies have attended sessions on the Disclosure Scheme Domestic Abuse Scotland (DSDAS). National training events and workshops were also available to staff on Authentic Voices (working with survivors to improve services), Working with Women affected by disability, Commercial Sexual Exploitation and a range of sessions on the impact of COVID on gender based violence.

Scottish Borders Rape Crisis Centre workforce received training to ensure they have the skills and knowledge to increase participation and engagement within diverse intersectional communities. This included training on supporting Black and Minority Ethnic survivors and survivors with learning difficulties.

“We were absolutely blown away by the steps you have clearly taken in the last few months, as described by people on the workshop. We said to them (and meant it!) that it was the best response to access issues we have seen from anyone in the last three years.” Training Provider – Us Too

The Scottish Borders Alcohol and Drugs Partnership continued to deliver its workforce development programme. This included courses delivered by local trainers and partner agencies and facilitation of courses delivered by national groups such as Scottish Drugs Forum, Scottish Families Affected by Drugs and Alcohol and CREW. In 2021-22, developments included extending the Drug Trend Monitoring Group Continuing Professional Development (a relevant update from Police Scotland Drug Expert Witness Unit) events to any interested parties, introducing regular short information sessions to allow staff to familiarise themselves with available services, and work on embedding family inclusive and trauma informed practice approaches across all training provision.

Further information on the range of courses provided, statistical and evaluation information can be found in Appendix 5.





APPENDICES

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APPENDIX 1: ABBREVIATIONS AND ACRONYMS

ADP	Alcohol and Drugs Partnership	MOMO	Mind of My Own
APDG	Adult Protection Delivery Group	MS TEAMS	Microsoft Teams
AP	Adult Protection	NHS	National Health Service
ASP	Adult Support & Protection	NRM	National Referral Mechanism
CEDAR	Children Experiencing Domestic Abuse Recovery	PPC	Public Protection Committee
CLD	Community Learning And Development	PPI	Public Protection Indicators
CP	Child Protection	PPU	Public Protection Unit
CPCC	Child Protection Case Conference	SB	Scottish Borders
CPDG	Child Protection Delivery Group	SBC	Scottish Borders Council
CP/LAC	Child Protection / Looked After Child	SBRCC	Scottish Borders Rape Crisis Centre
CPRO	Child Protection Reviewing Officer	SCIM	Scottish Child Interview Model
CSE	Child Sexual Exploitation	SCR	Significant Case Review
CSOG	Critical Services Oversight Group	SOPU	Sex Offender Prevention Unit
DA	Domestic Abuse	SW	Social Work
DAAS	Domestic Abuse Advisory Service	T&DDG	Training and Development Delivery Group
DG	Delivery Group	VAWG	Violence Against Women and Girls
DTTO	Drug Treatment and Testing Order	VAWP	Violence Against Women Partnership
IRD	Initial Referral Discussion	VYP	Vulnerable Young Person
JSNA	Joint Strategic Needs Assessment		
MAPPA	Multiagency Public Protection Arrangements		

APPENDIX 2:

BUSINESS PLAN 2021-2022

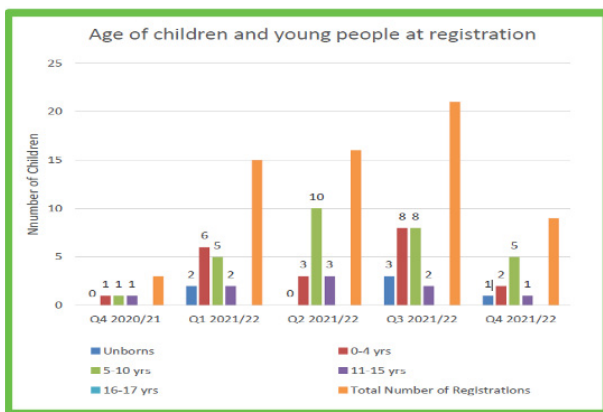
The following is an abridged version of the PPC Business Plan. All actions were continued from 2020-2021.

What needs to be achieved and why?	Measure
<p>1. Vulnerable Young Person's (VYP) protocol We will fully review the VYP protocol in line with local and national developments. As a result of Covid-19 this work was not progressed as planned last year. Although being fit for purpose, in the meantime, there are changes that will improve the process and outcomes</p>	<p>1.4 Findings from the practitioner survey considered and taken into account by CPDG</p> <p>1.1/1.2 Protocol updated and disseminated – evidenced by the dissemination strategy</p>
<p>2 Co-production /establishment of feedback mechanisms for users of the Adult Protection services and their carers. Rationale: We will listen to user and carer voices has been highlighted as a gap by the work on the JSNA for Vulnerable Adults</p>	<p>More views being gathered</p>
<p>3 Review of Domestic Abuse Refuge provision and implementation of recommendations. Rationale: highlighted by VAWP (alongside re-establishment of specialist Courts, but the response from the Procurator Fiscal on the latter indicated no prospect of restoration until the pandemic is over)</p>	<p>3.1 There is an agreed model of safe housing options for families experiencing domestic abuse.</p>
<p>4. Implement new national CP Guidance. We will timeously bring local procedures and practice into line with the final version of the proposed new National CP Guidance</p>	<p>4.9 Findings from the practitioner survey considered and taken into account by CPDG</p> <p>4.5 Communications /Newsletters to be circulated monthly to staff and recorded as per dissemination strategy</p> <p>4.1 – 4.9 Progress made in changing SB CP procedures that is clearly communicated to staff</p> <p>4.8 Links made with adult services to address the support to young people as indicated in the new Guidance</p>
<p>5. The Promise We will remain in contact with the Corporate Parenting Board around the progress of incorporating the Promise in the work of agencies.</p>	<p>5.2 Survey responses considered by CPDG</p> <p>5.4 Development of the new SB CP Procedures</p>
<p>6 Consider Care Inspectorate final Triennial Report on SCRs We will consider and respond to the Care Inspectorate final Triennial Report on SCRs as part of Looking Out/Looking in. The report is expected to be published in May 2021 and we will respond as necessary</p>	<p>6.1 Issues/areas for improvement identified and allocated to delivery groups for action.</p> <p>6.2 Relevant information referred to staff – evidence as per the dissemination strategy</p> <p>6.3 Identified actions being progressed by delivery-group</p>

What needs to be achieved and why?	Measure
<p>7. Involving the voices of those with Lived Experience - children, parents - in the improvement work Children: We will follow up on Always Be Wary co-production with young people work to adapt for primary aged children and the roll out to all to primary schools Parents: We will increase ways to gain the views of parents NB For the duration of the Covid-19 pandemic actively involving young people, parents and those with lived experience in child protection improvement has been put on hold.</p>	<p>7.1 Any actions from the report to be considered with the context of what is realistic being progressed to ensure that all primary school aged children have had the opportunity to use the materials and that it is fit for purpose 7.2/.3 Parents survey numbers to be monitored to evidence whether new approaches have resulted in an increased number of survey completed. Any recommendations from the parent survey report to be actioned by CPDG to optimise gaining the views of parents.</p>
<p>8 Safe & Together programme We will begin to implement the 3 core principles and critical components of the S&T model. We will require Senior commitment to Safe and Together practice implementation.</p>	<p>8.3 Core principles and language of Safe and Together are embedded in policy and practice across all agencies. 8.4 Multi-agency workforce is able to access training 8.5 Evidence of promotion of Safe and Together principles</p>
<p>9 Put in place a programme of Adult Protection audit activity (NB dependent on appointment to the relevant post).</p>	<p>9.1 Audit completed and learning disseminated from all audit activity</p>
<p>10. Review of Public Protection Indicators We will undertake a review of the PPIs with a focus on the most salient indicators and any subsequent new proposals will be considered. This review will follow a period bedding in for the existing indicators to provide a period of data reporting stability, without major changes to measurements, to establish trends.</p>	<p>10.1 Q1 2021-22 (Aug – Oct 2021) PPI reporting amended to reflect the agreed changes based on the review of PPI following the Q4 2020-21 reporting. 10.1 CSOG, PPC, CPDG and APDG minutes acknowledging the agreed changes.</p>
<p>11. To increase the workforce learning and development opportunities available digitally We will increase the workforce learning and development opportunities available digitally in response to continuing COVID-19 restrictions and changing learning and development preferences of our workforce</p>	<p>12.1 Number of people receiving training 3 month post-course evaluation evidences positive impact on practice 12.2 Number of people receiving training 3 month post-course evaluation survey evidences positive impact on practice 12.3 Staff supported in their practice through being able to access relevant information quickly and flexibly</p>
<p>12. Joint Investigative Interview Training (JIIT) Project We will ensure a partnership awareness and commitment in relation to the changes to the JIIT approach and process</p>	<p>13.1 SW/Police identified and JIIT trained 13.2 CPDG are satisfied that partners are JIIT aware with a commitment to participation as needed.</p>
<p>13 We will maintain an oversight of MAPPA</p>	<p>National Guidance</p>
<p>14. We will increase the number of men who undertake and successfully complete the Caledonian Systems Programme. And in doing so will reduce risk of harm to others.</p>	<p>Caledonian Systems programme delivery guidance and national data collection</p>

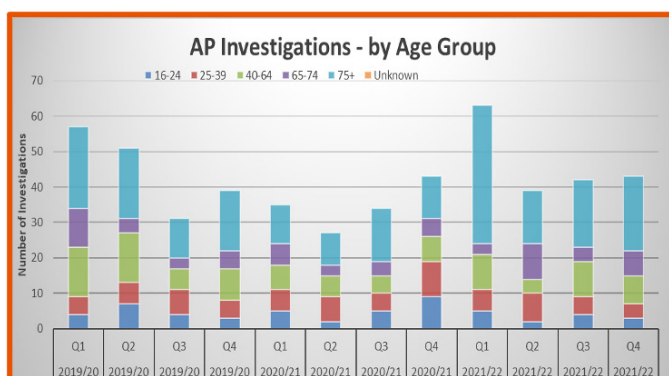
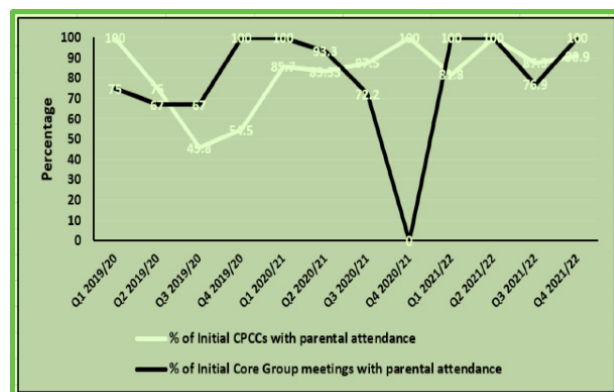
APPENDIX 3: PUBLIC PROTECTION PERFORMANCE INDICATORS

The PPC considers information gathered across a range of agreed Performance Indicators (PPIs), reviewed quarterly by Delivery Groups and the PPC and reported to the Critical Services Oversight Group. PPIs provide insight into how our processes help the people we work with, and inform improvement work. This appendix contains some representative information.



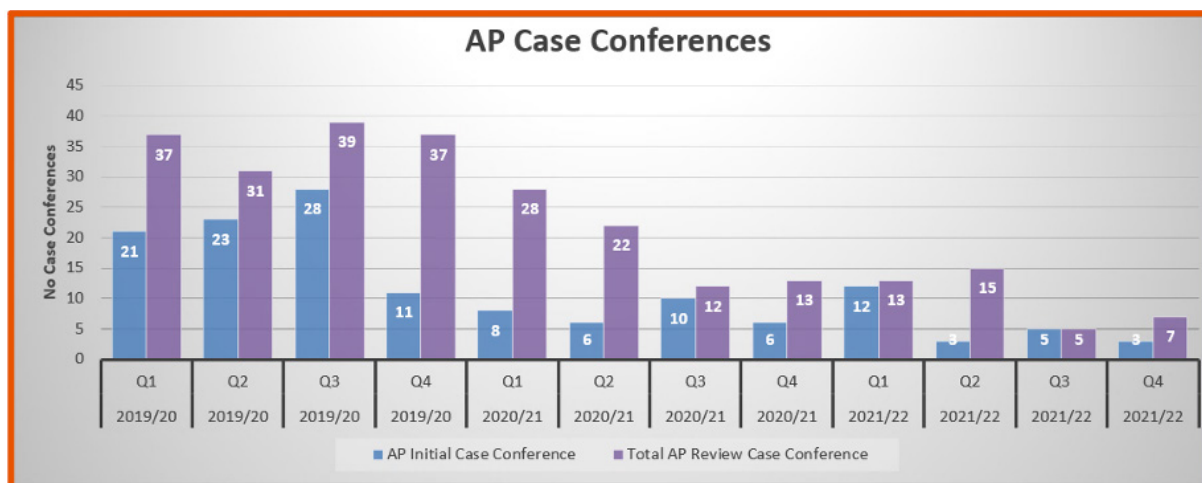
At the beginning of the pandemic there was a reduction in IRD's and consequently a drop in **Child Protection Case Conferences** – which is reflected in Q4 2020/2021. Throughout the pandemic conferences were held remotely with a good level of participation from parents/ carers. The spike in Q3 is due to large sibling groups. At this stage we have never taken any young person over the age of 16yrs to Child Protection Case Conference - in line with local Child Protection Procedures currently in place.

Generally, parental attendance at the initial **Child Protection Core Group** is high. Q4 2020/21, where the graph indicates 0% of initial Core Groups with parental attendance is inaccurate. During that period there was 100% attendance from parents at initial core groups. Holding the initial Core Group remotely (as required throughout the pandemic) is a practice that we will continue with as parents are in favour of this approach. We will hold in person initial core groups if this is the preference of the family.

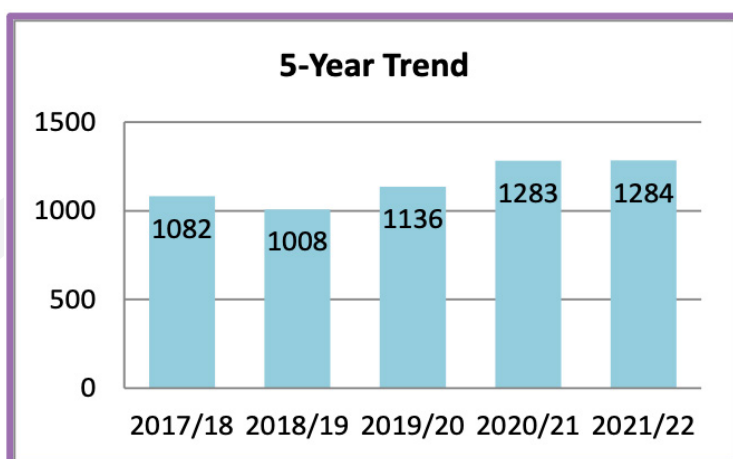
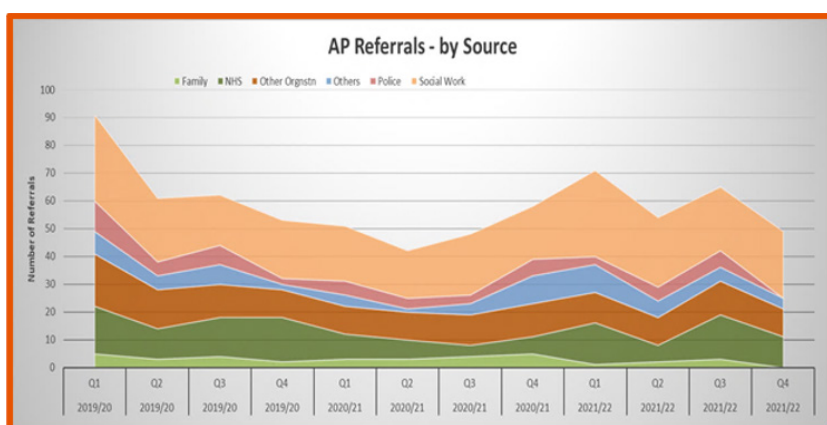


The largest number of **Adult Support and Protection Investigations** are still in relation to Adults over the age of 75. The notable increase in Q1 could be attributed to the country coming out of Covid restrictions and seeing an overall increase in Investigations.

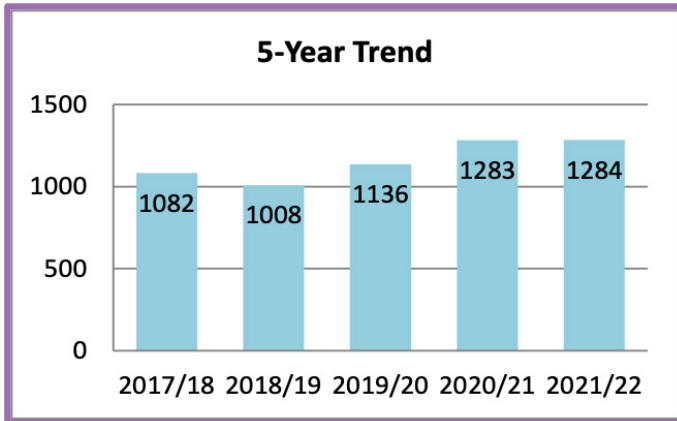
There has been a steady fall in **Adult Support and Protection (ASP) Initial Case Conferences**. This is due to the fluid ASP process and robust Inter-agency Referral Discussions (IRD) that enable an adult support and protection plan to be identified and implemented at an earlier stage. This upholds a key provision of the Adult Support and Protection (Scotland) Act 2007, which requires that any involvement under ASP should be the least restrictive and of benefit to the Adult.



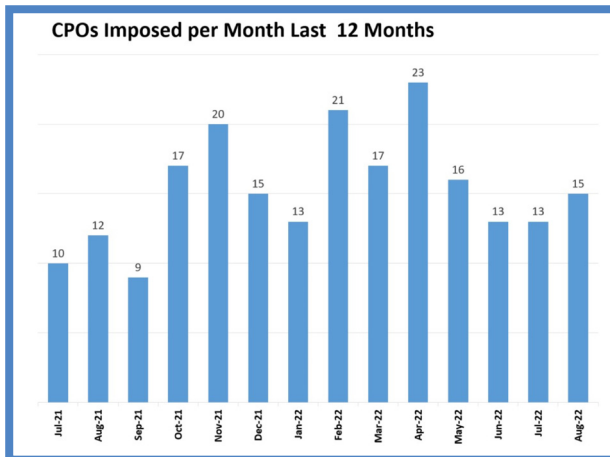
The majority of **Adult Support and Protection referrals** are from Social Work, followed by the NHS. The source of referral has remained reasonably stable throughout the year.



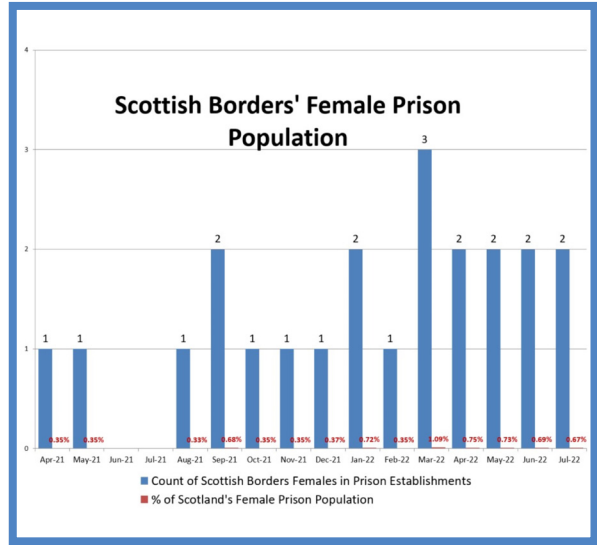
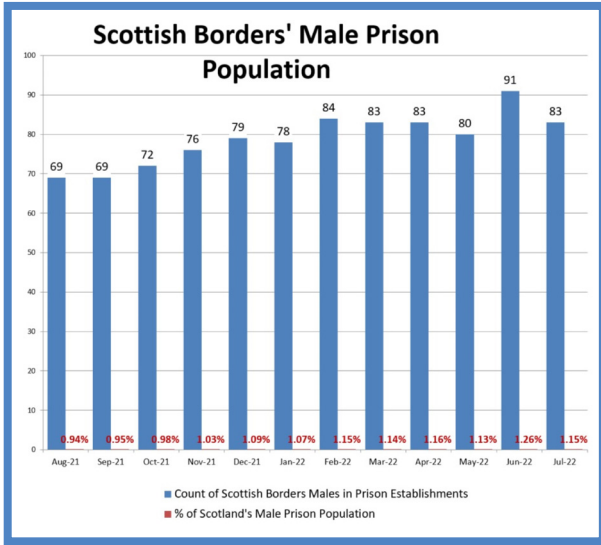
Whilst the 5-year trend shows increasing **numbers of reported incidents of domestic abuse**, there remain concerns that domestic abuse is underreported. Police Scotland and Scottish Borders Council Management Team are provided with regular information about the number of incidents and related referrals to the Domestic Abuse Advisory Service for continued scrutiny.



The number of **high risk domestic abuse cases discussed at Multi-Agency Risk Assessment Conference (MARAC)** has at times exceeded the capacity of the meeting to manage. This has led to consultation and a new model for MARAC meetings that maintains the integrity of the process and ensures that MARAC remains safe and effective.



Community Payback Orders, including those with Supervision and or Unpaid Work and Other Activity, reduced in number due to the court not being in a position to undertake business within usual parameters due to Covid restrictions. As we move forward on our Covid recovery path and as the court resumes business as “usual”, the service has not experienced an anticipated increase in CPO numbers.



While the graphs would appear to indicate an increase in the number of men and women normally residing within Scottish Borders, who are **subject to custody** during the reporting period, the actual number of sentenced individuals has remained relatively steady to previous reporting years. The dominant area of increase is in the remand population, who are awaiting initial presentation at court or a sentencing diet. Going forward, the recent introduction of Bail Supervision and Electronic Monitoring may go some way to reduce the numbers of those placed on remand, while providing offence focused interventions and social integration from a dedicated team of Justice staff.

APPENDIX 4: DOMESTIC ABUSE ADVISORY SERVICE EXIT INTERVIEW ANALYSIS APRIL 2022

Domestic Abuse Advocacy Support Service – How Did We Do?

The DAAS service seek consent from every client to contact them up to three months after they exit the service to learn:

1. Did the service meet their needs?
2. Did the service help them feel safer through reduced risk and safety planning
3. Did the service need to do anything else that might have helped
4. How has their life improved as a result of working with DAAS
5. How did other agencies respond to their situation



Exit interviews are conducted by telephone and take approximately 10 mins to complete

Three attempts are made to conduct the Exit Interview before classing it as Unable to Contact.

Interview data is analysed by the Safer Communities Partnership Analyst.

These results are from the period 1/4/21 to 31/3/22

Quality of life – how has this changed?

After working with DAAS **75%** of clients reported being much happier and **100%** reported being slightly or much happier.

Improvement: Overall?

When reviewing all criteria used to assess the effectiveness of the service **9** clients' situation improved, **4** clients' situation stayed the same and **3** clients' situation slightly worsened.

9 respondents had children

After working with DAAS **89%** of clients reported that their childrens' **wellbeing** was slightly or much improved.

After working with DAAS **89%** of clients reported that their childrens' **safety** was slightly or much improved.

Safety: how much safer did you feel?

After working with DAAS **50%** of clients reported much improved feelings of safety and **90%** reported slight or much improved feelings of safety. This figure is higher than 2020/21.

- **29** clients consented to Exit Interviews 1st April 2021 to 31st March 2022.
- **13** exit interviews were not conducted due to being unable to safely contact the clients or where clients had re-engaged with the service.
- **16** exit interviews in total conducted from 1st April 2021 to 31st March 2022.

Impact on resources?

Prior to working with DAAS **69%** of clients made **1** or more calls to the Police this reduced to **50%** after working with DAAS (a 19 percentage point reduction).

Of the clients surveyed the total number of calls made to the Police was **34** before working with DAAS and this reduced to **11** after working with DAAS.

“*kids are so much happier and my family are so much more aware of what I was going through.*”

Client Exit Interview Quote November 2021

APPENDIX 5: TRAINING PROVISION

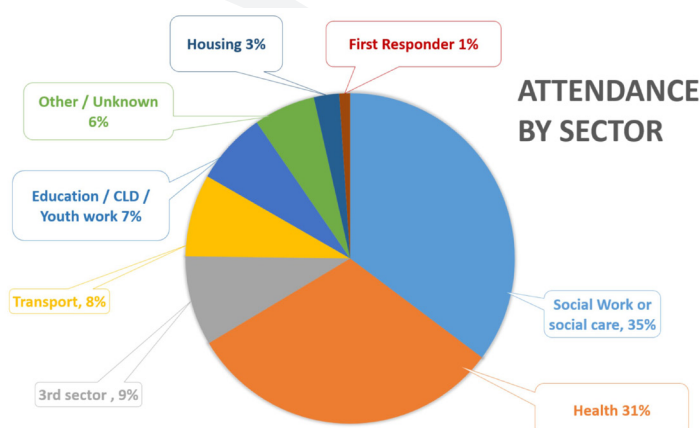
During the reporting year, a new suite of courses was developed in line with our Joint Learning and Development Strategy and Framework. These courses are developed and delivered by the CP and ASP Training and Quality Assurance Team with support from CP/LAC and ASP Nurses. All courses are multi-agency and open to staff and volunteers across all statutory and 3rd sector organisations, unless otherwise indicated.

The information below relates to courses delivered from January 2022, or previous equivalents where noted (see diagram page 17). A copy of the Joint Learning and Development Strategy and Framework can be obtained by contacting committee.publicprotection@scotborders.gov.uk

Tier	Course Name	No of sessions	Total Attendance	% of places filled
1	PP1: Fire Risk Recognition (delivered by Scottish Fire and Rescue) <i>*incomplete information</i>	4	200	54 (27%)
	PP1: Public Protection for Professional Drivers	2	60	18 (30%)
2	PP2: Introduction to Public Protection (or previous equivalent)	16	665	389 (58%)
	ASP2: Adult Support and Protection for Care Home and Care at Home (TRAIN THE TRAINERS)	3	36	23 (64%)
3	PP3: Thinking About Risk	5	150	75 (50%)
	ASP3: Contributing to the process	3	60	22 (36%)
	CP3: Contributing to the process (or previous equivalent)	5	147	83 (56%)
	CP3: Neglect Toolkit	2	50	41 (82%)
4	ASP3: Hoarding and Self-Neglect (delivered by Scottish National ASP Lead Officer)	1	80	74 (82%)
	ASP4: Council Officer Training	2	30	19 (63%)
	ASP4: Council Officer Refresher	2	30	21 (63%)
	total	47	1458	874 (56%)
Single Agency courses for Education, Early Years and CLD staff (including Passenger Transport)				
2	CP2: Child Protection Inductions	8	400	230 (57%)
	CP2: Child Protection Annual Update	9	unlimited	2390

Attendees across our multi-agency training courses come from a range of sectors. Predominantly delegates work in social work or social care roles, but increasing numbers of attendees are from other sectors, as shown on the diagram opposite.

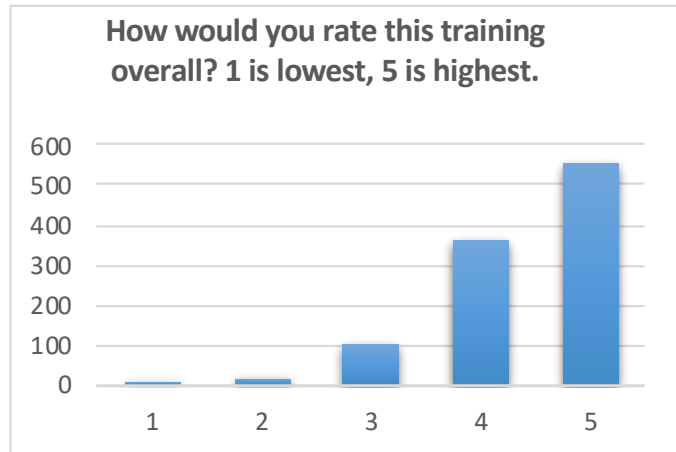
(NB these figures exclude Fire Risk Recognition, as demographic information for this course is incomplete.)



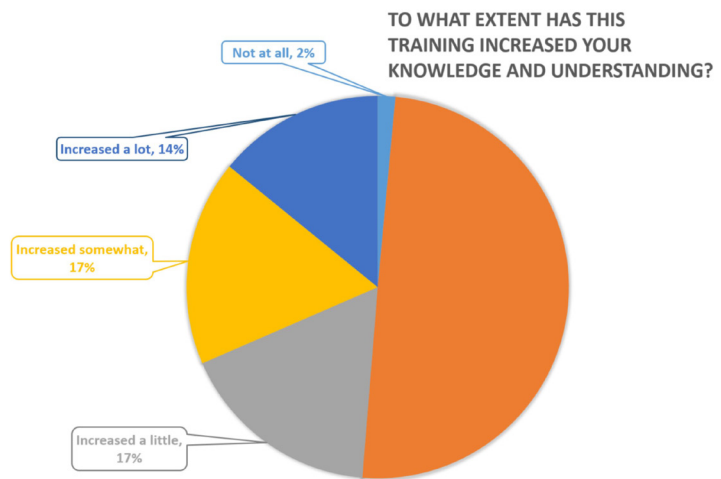
Public Protection, Child Protection and Adult Support and Protection training evaluations

The following information reflects evaluations completed for our courses delivered January to July 2022. Across all multi-agency courses evaluations were returned at a rate of 33%.

Overall, delegates rated our training **4.4** out of **5**.



The majority indicated that the training had refreshed existing knowledge and understanding (potentially reflecting the number of delegates undertaking mandatory repetition of basic training). A substantial proportion indicated that training had increased their knowledge and understanding to some extent.



Evaluation comments

"I am clearer regarding the process and how I may be involved in my job role"

"Having a deeper understanding of what constitutes risk, understanding how personal values could actually influence perceptions of risk."

"Will help me recognise situations that I may not have deemed as significant previously"

"I will think more about where the information has come from and also think more about the evidence I have that positive changes have occurred rather than just being optimistic."

"It was really useful as it refreshed all the different bits of training that I have done over the years and pulled it all together."

Borders Alcohol and Drug Partnership Training courses

Borders Alcohol and Drug Partnership deliver and facilitate a range of training and information sessions, open to all multi-agency partners. The table below indicates the courses offered during the reporting year, and attendance by statutory and voluntary sector staff, and others.

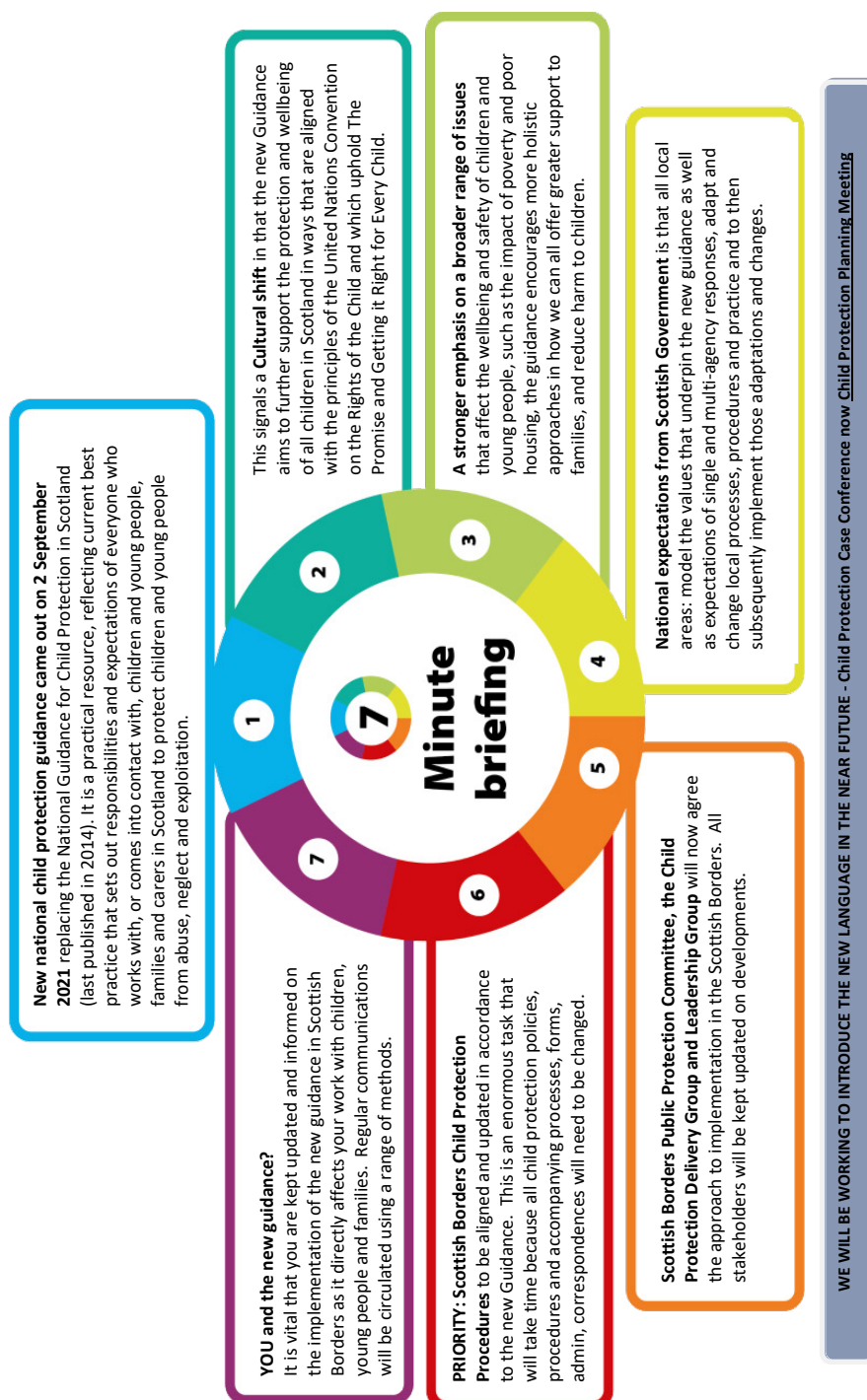
Course name	Statutory services	Voluntary sector	Other
Alcohol Brief Intervention	6	0	
Benzodiazepines and managing emotions	12	11	
Bereaved through Substance Use	1	7	
Drugs and Mental Health	12	0	
Drug Trend Monitoring Group: Cannabis Edibles CPD	20	10	
Drug Trend Monitoring Group: Drugs in Prison CPD	20	4	1
Emerging Drug Trends	21	2	2
Enhanced Core Communication Skills	6	2	
Family Inclusive Practice	7	1	
Introduction to Drug and Alcohol Services	12	0	1
Introduction to Motivational Interviewing	13	8	
Introduction to Trauma	5	0	
Introduction to SUE and Drug Awareness		10	
Total	135	55	4

APPENDIX 6:

7 MINUTE BRIEFING: REVISED NATIONAL GUIDANCE FOR CHILD PROTECTION

NEW National Child Protection Guidance and the Scottish Borders- Sept 2021

New national Child Protection Guidance (Scotland) 2021: Ambition and aspiration is that all children and young people grow up loved, safe and respected. This requires a consistent approach to care and protection. This Guidance is not an end point but an important step in realising this goal. See [Scottish Government Child Protection Website](#)



APPENDIX 7: PUBLIC PARTICIPATION AND ENGAGEMENT MATERIALS

a) Information leaflet for parents/carers whose children are involved in Child Protection investigations



SCOTTISH BORDERS PUBLIC PROTECTION SERVICES

INFORMATION FOR **PARENTS/CARERS** WHOSE CHILDREN ARE INVOLVED IN **CHILD PROTECTION** INVESTIGATIONS

This leaflet is to provide you with information to help understand why social workers, health staff, the police or others are working with you and your family to help keep your child safe. It explains what to expect and what may happen next, as well as who you can contact if you would like to discuss this further, or have any questions.

If you have any questions please contact:

Name & role:

Agency & team:

Contact details including work mobile:

If this person is not available please ask to speak to the following manager:

Out of office hours: If you need to speak to someone urgently, please call 01896 752111.

This leaflet has been put together by Scottish Borders Public Protection Committee / Child Protection Delivery Group – which is made up of representatives from the main statutory and voluntary organisations working in Scottish Borders with the purpose of ensuring that local agencies work well together and with the community to help protect children. Members include: Scottish Borders Council, NHS Borders, Police, Scottish Children’s Reporters Administration and the Voluntary Sector.



Why have social work and others such as the police and health become involved with you and your family?

- If social work, together with the Police, are told by someone that your child may be suffering harm or may be at risk of suffering harm, within or out with the home, the law says that they must look into the matter to make sure that your child is safe. Anyone can contact social work if they are worried and have a concern about a child.
- Everyone has a responsibility to make sure children are safe and well cared for; that they have everything they need to grow and develop, and are protected from harm.

What sort of harm?

- Harm to a child can be physical, emotional, sexual, neglect, child sexual exploitation or any combination of these. Harms happens when a person causes harm or does not act to stop harm.

Who will talk to me about the concern for my child?

- The person who gave you this leaflet will talk to you about the concerns.

What is likely to happen?

- **We will always make sure that the safety and welfare of your child comes first.**
- **Everyone will share relevant information** to get a full picture of what is happening.
- **We will speak to you and your child.** It is important that you and your child are listened to and your views taken into consideration when decisions are made. This can be done informally or formally. For your child a joint interview may take place. A joint interview is where your child is spoken to by a trained social worker and Police officer to get your child's account of events. A joint interview is recorded and often takes place at Eildon View in Galashiels (although can take place anywhere). In most cases you will be asked to give permission before your child is interviewed. It is also important to know that sometimes this does not happen. If your child is interviewed, or any other action taken without your knowledge or consent, this will be fully explained to you.
- **We will speak to anyone else who is relevant** for example other family members, teacher or health visitor/school nurse, and any other person who is significant in your child's life.
- **A doctor may see your child– this will only happen if needed.** A doctor will ask you and your child (age dependant) for consent before a medical examination; although there are certain circumstances when this may not happen.
- **You will be kept up to date about what is happening** - we know this could be a stressful time for you.

What happens next?

- This will depend on the investigation and the assessment that looks at all of the information, including your and your child's views, to highlight any risks, concerns and needs for your child.

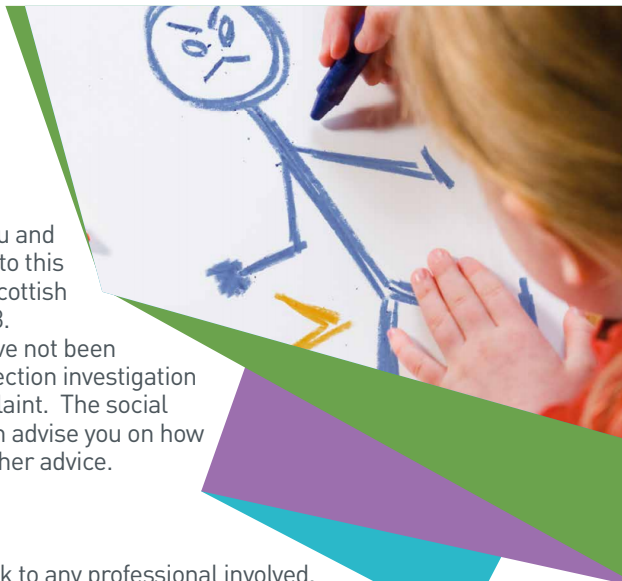


Possible options can include:

- If you are doing everything needed to keep your child safe, and there are no other concerns, then there will be no need for any more involvement or action.
- If you could benefit from some help you will be offered some support. This might be from a social work assistant, a social worker or from health, education or the voluntary sector.
- If we believe that to keep your child safe they need to stay with a family member or a friend we will arrange this in partnership with you.
- If we believe a crime may have been committed Police and Social Work will work together to look into the concerns. Any report about crime will be referred to the Procurator Fiscal who would then decide what action to take in the public interest, including whether to prosecute someone. For more information www.copfs.gov.uk or 0300 020 3000.
- If we believe a plan is needed to protect your child a Child Protection Case Conference/ Planning Meeting will be arranged. This will include you and professionals involved. This meeting is to decide whether a plan is needed to protect your child. This meeting is about everyone working together to support you to ensure your child is safe and has everything they need to grow and develop. Before this meeting you will get more information and you can choose to bring someone to the meeting to support you.
- If we believe there is a need for compulsory measures of supervision a referral will be sent to the Children's Reporter who decides if the child/young person needs to be referred onto a Children's Hearing. This is a legal process for children and young people in Scotland who are either at risk of harm or who have been caught offending. For more information www.scra.gov.uk or 0131 244 4111.
- If we believe that other legal measures are needed to protect your child you will be told about any legal action. For information on solicitors and legal aid contact the Scottish Legal Aid Board (0131 226 7061 or www.slab.org.uk) or the Law Society of Scotland (0131 226 7411 or www.lawscot.org.uk). Both websites have a 'find a solicitor page' where you put in your postcode to list local solicitors.

Where families can get help?

- If you are unclear or have any questions during this time you should discuss this with the social worker or any other professional who knows you or your child.
- If you would like further help or support to care for your child, please speak to someone such as:
 - Health staff (Community or school nurse, General Practitioner)
 - Nursery staff
 - A Teacher
 - A Social Worker



- If you need legal advice on what you and your children rights are in relation to this investigation you can contact the Scottish Child Law Centre on 0131 667 6333.
- If you feel that you or your child have not been treated fairly during this child protection investigation you have the right to make a complaint. The social worker or another professional can advise you on how to do this or who to contact for further advice.

Your views matter

- At any time please provide feedback to any professional involved.
- You and your child will be encouraged to complete online surveys to give us your feedback. Please speak to the social worker or another professional if you would like to complete the surveys with the support of an independent worker. Online surveys include:
 - Following a joint interview (see QR and URL below)
 - If you have further involvement in the Child Protection process

Survey for Parents/Carers
After a Joint Interview
– your views matter

www.scotborders.gov.uk/parentsjii22-23



Survey for Children
After a Joint Interview
– your views matter

www.scotborders.gov.uk/childrensjii22-23



b) Awareness raising leaflet for professional drivers

Child and Adult Exploitation



Children and adults can be exploited. All children and young people – boys and girls – can be exploited. Adults who have a physical or learning disability, dementia, addiction or are elderly are particularly vulnerable to exploitation.

Child Sexual Exploitation: anyone under the age of 18 is encouraged, forced or manipulated into sexual acts in exchange for something eg *alcohol, Drugs, Cigarettes, Money, Food, Mobile Phones, other gifts or affection*

Trafficking: children or adults are brought to (or moved around) a country and made to work or do things that they don't want to do. This could be sexual acts, begging, theft, forced labour.

Criminal exploitation: children or adults are coerced, manipulated or deceived into criminal activity, often through threats of violence, intimidation or financial control. This often involves moving, storing or dealing drugs or weapons, but can include theft or other criminal activity. **"County Lines"** is the Police term for urban gangs exploiting young people into moving drugs from a central location into suburban, rural or coastal towns.

Cuckooing: someone (or a group of people) takes over the home of an adult to use for purposes such as storing or dealing drugs, weapons or stolen goods.

Financial exploitation: taking money or other financial assets from someone without their knowledge or consent. This can include deception, manipulation, coercion or scams and fraud.

Spot the Signs

Drivers are in a unique position to spot activity and changes at a property or neighbourhood. These are some of the things you may notice. There may be other reasons for these, but they indicate possible exploitation.

- Increased activity at a property, particularly late at night or early morning:
 - Increased number of vehicles and/or people at an address
 - Taxis taking multiple people to and from the same address, repeatedly.
- Decline in how cared for a property appears – eg garden becoming neglected
- New or increased signs of drug and alcohol use nearby – eg syringes, empty bottles
- Occupant of a property not being seen for a while
- Older or particularly vulnerable adults being taken to bank/cash machines (particularly if they appear to be being given instructions about money to withdraw)

Some signs of potential Child Sexual Exploitation:

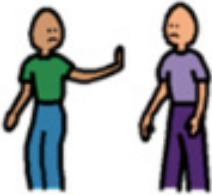
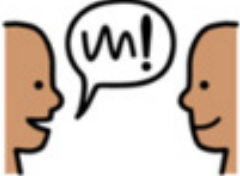
- Young people being taken to hotels, B&Bs, "party houses" or other properties by adults who do not appear to be family members, or visited in hotel rooms by multiple people
- Young people being bought food or drink (or appearing under the influence of alcohol or drugs) by company of older adults
- Young people suddenly having expensive clothes, phones or other items, or multiple phones
- Young people talking about older "boy-friends"
- Young passengers who appear worried, frightened or distressed in the company of older adults
- Young people being taken to A&E or clinics accompanied by an adult who is not a parent

Trust your instinct, if something doesn't seem right to you we want to hear from you. Your information, no matter how small can help build a bigger picture of what is happening for someone.

Information to share: Names, Locations and addresses, Descriptions of people, Car registration plates, make and models of vehicles, Description on suspicious activity

I'm an adult at risk of harm...What happens next?

	<p>A Council Officer is a Social Worker, Nurse, or Occupational Therapist who has had special training.</p>
	<p>The Council Officer will visit you.</p> <p>The Council Officer will show you their council badge.</p> <p>The badge is their identification.</p>
	<p>The Council Officer will tell you why they have come to see you.</p> <p>They will give you a letter to explain this too.</p>
	<p>The Council Officer will want to hear what you think.</p> <p>The Council Officer will ask questions about what has happened.</p>
	<p>The Council Officer might need to see where you live.</p>
	<p>The Council Officer might ask other people in the house questions.</p>
	<p>This is called an investigation.</p>

	<p>The Council Officer might:</p>
	<ul style="list-style-type: none"> • Tell someone to stay away from you
	<ul style="list-style-type: none"> • Tell people close to you how to help you better
	<ul style="list-style-type: none"> • Give you ideas about how to keep yourself safe

WHAT TO DO IF YOU ARE WORRIED ABOUT A CHILD, YOUNG PERSON, OR ADULT AT RISK OF HARM

If you are concerned that a child, young person, or adult may be at risk of harm, has been harmed, or is a risk to others, you must tell someone immediately.

CHILDREN & YOUNG PEOPLE

THE DUTY CHILDREN AND FAMILIES SOCIAL WORK TEAM

01896 662787

ADULTS

SBC CUSTOMER SERVICES

0300 100 1800

FOR ALL CONCERNS OUT OF NORMAL OFFICE HOURS, DO NOT WAIT

SOCIAL WORK EMERGENCY DUTY TEAM

01896 752111

OR IF YOU THINK THE PERSON IS AT RISK OF IMMEDIATE HARM

999

You can get this document on audio CD, in large print, and various other formats by contacting us at the address below. In addition, contact the address below for information on language translations, additional copies, or to arrange for an officer to meet with you to explain any areas of the publication that you would like clarified.

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Scottish Borders Council | Headquarters | Newtown St Boswells
MELROSE | TD6 0SA
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TWEEDBANK EXPANSION – A COMMUNITY FOR THE FUTURE

Report by Director Infrastructure & Environment

SCOTTISH BORDERS COUNCIL

30 March 2023

1. PURPOSE AND SUMMARY

- 1.1. **The purpose of this report is to provide Scottish Borders Council with an update on the Tweedbank project and to reset the project, clearly setting out the desired outcomes of the project and the initial steps that need to be taken to achieve this.**
- 1.2. The report sets out the desired outcomes of the project, mapped to the Council Plan Priorities. It draws attention to key regional and national strategies, including the two growth deals, that underpin the key outcomes and deliverables that the Tweedbank project seeks to achieve and should lever support for the project at a regional and national level.
- 1.3. The report sets out the key deliverables that the project seeks to deliver over the next 15 years providing further explanation summarising work recently undertaken as well as providing analysis on the impact of the current economic climate and market conditions.
- 1.4. The report maps out a delivery plan, setting out a series of proposed actions to build momentum and deliver a project that contributes to our ambitions for the Scottish Borders to be a green, fair and flourishing region. Through contributing to our net zero ambitions, community wealth building, growing the economy, delivering thriving places and tackling poverty and inequality as well as helping to reduce risk and build market confidence.

2. RECOMMENDATIONS

- 2.1. **I recommend that Council:-**
 - a) **Approves the Actions 1 – 6 as detailed in Section 14 of the report.**
 - b) **With reference to the Care Village and associated facilities, and if deemed appropriate following a fully costed appraisal, as detailed in Section 9 of the report, assign delegated powers to the Director Infrastructure & Environment, Acting Chief**





Financial Officer and the Chief Legal Officer to negotiate terms and value of any land transactions.





3. BACKGROUND

- 3.1. In June 2021, Scottish Borders Council approved [Supplementary Planning Guidance \(SPG\): Tweedbank – Vision for Growth and Sustainability, A Community for the Future; and Delivering Development Quality – Design Guide.](#)
- 3.2. The SPG and Design Guide was specifically focused upon the 34 hectare site to the north of Tweedbank, which is allocated in the Council’s adopted Local Development Plan (LDP) 2016 for mixed use development including housing and business use. Together, these documents provide the framework for development.
- 3.3. The development of the SPG and Design Guide was preceded by the development and approval of the [Tweedbank Masterplan \(Spatial Framework\)](#) by Scottish Borders Council in January 2018 which set out the vision for how the site could be developed.
- 3.4. This report to Scottish Borders Council aims to reset the project, clearly setting out the ambitions and outcomes that we are seeking to achieve and the initial steps that need to be taken to achieve this.

4. WHAT ARE WE TRYING TO ACHIEVE?

- 4.1. The overall vision for the 2018 Masterplan and the 2021 SPG and Design Guide is centred on the needs of people. It seeks to deliver new homes, community facilities and business space as an integrated part of Tweedbank that together achieve the following eight outcomes, aligned with Council Plan Priorities:

Outcome 1	 Clean, green future	Contribute towards net zero emissions, reducing energy consumption with a resilient community that can decisively respond to climate change, employing state of the art technology producing renewable energy.
Outcome 2	 Clean, green future	Integrate nature, encouraging and promoting biodiversity and habitats in and around the site, respecting and enhancing the landscape, natural and environmental heritage and topography.
Outcome 3	 Fulfilling our potential	Support opportunities, at all ages, to acquire the knowledge and skills needed to realise their full potential and contribute towards positive outcomes for the region.
Outcome 4	 Strong inclusive economy, transport and infrastructure	Provide high quality business space to stimulate business growth and job creation and employment pathways in high value innovative sectors stimulating inclusive growth.

Outcome 5	 Strong inclusive economy, transport and infrastructure	Well connected and encouraging active travel to support health and wellbeing and contribute towards reducing carbon emissions.
Outcome 6	 Empowered, vibrant communities	Well laid out and integrated with logical linkages to new and existing communities that appeal to residents, business users and visitors supporting the need of the local and wider community.
Outcome 7	 Good health and wellbeing	Create a coherent, inclusive and accessible place with a unique character and sense of place, integral and connected to Tweedbank, sensitive to the setting, which supports wellbeing and enables healthy lifestyles.
Outcome 8	 Working together improving lives	Harness the combined power of local communities, institutions and stakeholders in delivering a sustainable future and an economy that works for everyone.

4.2. Over the next 15 years, it is anticipated that the Tweedbank expansion will deliver:

Infrastructure	Road access into the site with active travel links reusing existing infrastructure where possible and creating new links to existing settlements.
Energy	A heat and energy network with renewable generation that supports phased development.
Homes	Approximately 300-400 homes of varied size and tenure.
Care Facilities	A new 60 bed older people and dementia care village situated and associated complementary facilities.
Community Facilities	An improved community centre, a play park and other complementary community facilities and business enterprises that support and enhance the domestic and business community.
Business	Business and innovation space to support data driven innovation, facilities for key regional industries, local business growth and to support inward investment opportunities.

5. DEVELOPMENT STRATEGY

5.1. The Council obtained Marketing and Development advice from Savills. They undertook an assessment of the SPG alongside an analysis of the housing market and prices in Central Scottish Borders in August 2022. This assessment reached the following conclusions:

- The market will be stable in coming years given the attractive rural area, good connections and a lack of new housing.

- Average house prices will still be relatively low compared to other areas closer to Edinburgh which will still be preferable to volume housebuilders.
 - A phased approach to development that adapts to changes in demand and market conditions is recommended and more desirable to private builders and smaller scale developers.
 - The cost of the infrastructure is expected to be significant recommending an 'Infrastructure First' approach where SBC undertakes these works addressing existing market failure, making sites more viable and desirable for private sector development.
- 5.2. Since the Savills report was prepared, the economic climate has continued to remain uncertain. There has been continued and significant inflationary increases on construction costs, alongside rising interest rates, making borrowing and servicing debt more challenging. Both factors have consequentially impacted the housing market hampering action to accommodate increasing demand for homes across the Scottish Borders and in particular in the Central Borders.
- 5.3. Alongside Savills advice, site soft market testing was undertaken with three established developers in August 2022. They agreed that the Lowood estate was a unique development opportunity but up-front funding and delivery of key infrastructure (access road, power and drainage) is critical to success. They agreed that development should be phased to reflect the market conditions and highlighted a number of opportunities to improve the zoning and delivery of the development. All three developers expressed interest in providing further development advice potentially as a development partner.
- 5.4. It is recognised that to enable development to progress, Scottish Borders Council need to take action with public sector partners to de-risk development by forward investing in key infrastructure. On greenfield development sites, the logistics and costs of enabling infrastructure is a significant factor in development appraisals, typically accounting for 15-25% of the overall development cost.

6. INFRASTRUCTURE

- 6.1. Following the report to [Council in September 2021](#), the design of the Phase 1 access road into the site and through business zones 1 and 2 of the SPG has been developed. A planning application has been submitted and is currently being considered. A range of ecological surveys need to be undertaken and assessed prior to determination of this application. Following consent, it is proposed to proceed to construction later in 2023.
- 6.2. The Phase 1 access road will provide access to 4 of 9 development zones identified within the SPG and will seek to be funded from the City Deal budget.
- 6.3. As development progresses, design of the remaining access road will need to be developed. This will include a bridge connection over the railway to Essenside Drive to provide a strong link with the heart of the established Tweedbank village. The nature and design of the crossing

will be determined as part phasing and programming but may include vehicular access and measures to encourage and support active travel.

- 6.4. At the same time, an appraisal is being undertaken of the utility requirements for the initial development zones to the eastern part of the overall Tweedbank expansion. It is intended that details of utility requirements will be accommodated within the access road construction. There are some capacity issues with the waste water treatment works in Galashiels and discussions are ongoing with Scottish Water.
- 6.5. Officers are establishing a strategic working group with Scottish Power Energy Networks, Scottish Gas Networks and Scottish Water to map out regional priorities and develop a pipeline of collaborative activity to support and enable development at Tweedbank but also more widely across the region.

7. TOWARDS NET ZERO – ENERGY, NATURE AND BIODIVERSITY

- 7.1. Housing accounts for around 13% of Scotland’s total greenhouse gas emissions and around 30% of the country’s total energy consumption. Given this project is being delivered by Scottish Borders Council and acknowledging our leadership role within the region in moving towards net zero by 2045, the Tweedbank expansion should be an exemplar for the future of development in Scottish Borders.
- 7.2. A focused approach to building performance and energy innovation to reduce e carbon emissions and energy consumption will contribute significantly to our ambitions to be a green, fair and flourishing region, achieve our net zero ambitions, and support community wealth building and thriving places.
- 7.3. The Tweedbank project creates the opportunity to develop and implement practical and deliverable innovative technologies and solutions in line with phased delivery of the site adopting the following strategies:
- 7.4. A ‘fabric first’ and lifecycle orientated approach to design where buildings are designed and constructed to be energy efficient with high levels of insulation and airtightness, appropriate ventilation and daylighting strategies. Alongside this with some of the existing buildings on the site there are opportunities to refurbish and retrofit to improve energy performance.
- 7.5. Decarbonised Energy Systems and Renewable Energy to support the transition to a decarbonised energy system to heat and power new buildings, reflecting the national energy strategy, aligned with the Local Heat and Energy Efficiency Strategy, likely through the establishment of a heat and energy network. Alongside this, exploiting opportunities to maximise renewable energy generation for example from geothermal water source heat pumps, hydroelectric power, wastewater, solar photovoltaic panels and battery storage.
- 7.6. Develop and adopt environmentally focused solutions and opportunities:

- Protecting and enhancing established biodiversity, flora, fauna and habitats, including river habitats;
- Protecting mature native tree species, and in line with the SPG areas of compensatory planting where commercial tree species need to be felled to enable development;
- Local community food growing initiatives to contribute to reducing food miles and supporting sustainable, resilient and healthy communities;
- Circular economy potential for material sourcing and re-use; and
- Create opportunities for green, sustainable construction and energy skills and education with potential on-site demonstration for local environmental and construction sectors.

8. MEETING HOUSING NEEDS

- 8.1. Housing has a fundamental impact on the lives of people across the Borders and is a key social and economic enabler; supporting key services, communities and employers and addressing health and income inequalities.
- 8.2. The Convention of the South of Scotland (COSS), chaired by the Deputy First Minister met most recently on 27 February in Dumfries with a particular focus on housing challenges across the South of Scotland Region. The desired outcome was to identify practical ideas for addressing problems and blockages and agree collective action focused outcomes.
- 8.3. The challenges and the effects are being reported more frequently by businesses and communities, these include:
- Lack of suitable homes in the right locations;
 - Lack of homes that are affordable in price or in running costs;
 - Old housing stock with poor energy efficiency and subsequent health and net zero issues;
 - Pressures on homelessness services;
 - A need for greater diversity of housing types and tenures; and
 - Key workers finding it difficult to find homes to enable us to deliver vital services, adding to recruitment challenges for private and public sectors.
- 8.4. Successfully tackling these issues is key to our success and the delivery of good quality homes at Tweedbank provides us with significant opportunity. To unlock economic opportunities in the Scottish Borders it is essential that people are able to find the homes they need, both for those already in the region and to attract new people, helping to tackle the need for more working age people. Matching housing development to economic opportunities is important. Construction, new-build, refurbishment and retrofit, alongside a range of options in property size and tenures contributes across our ambitions to be a green, fair and flourishing region – from our net zero ambitions, through community wealth building, delivering thriving places and tackling poverty and inequality.

9. CARE FACILITIES

- 9.1. In November 2021, Scottish Borders Council approved the [Care Village Development - Tweedbank Outline Business Case](#) that would provide a person-centred approach to support the unique needs, lifestyle and personal preferences for living, care and wellbeing for people living mainly with severe dementia and frailty. It identified a site which would form part of the overall expansion of Tweedbank, complementing the wider development whilst containing an element of community based spaces and functions to ensure the ethos of a village is at the heart of the development.
- 9.2. The Outline Business Case highlighted further opportunities to support additional developments with third sector partners specifically orientated towards complex care. This element of the project is a high priority for the Council and NHS Borders in expanding and improving positive outcomes for older people and those with complex care needs.
- 9.3. Zone 5 of the SPG has been identified as the preferred location for the Care Village development and associated facilities. Some of the services and specialisms that support the Care Village may be provided by external partners. This will be identified by the relevant key service(s) and commissioned accordingly. There is potential that commissioning services through external partners may involve some form of land transaction. This will be determined following consideration of a fully costed appraisal undertaken by the relevant service(s) as part of the commissioning process.
- 9.4. As part of the Care Village a specialist 8 bed unit including respite facilities will also be developed in partnership with Aberlour Childcare Trust.
- 9.5. Design for the care village is ongoing alongside the development of a procurement and delivery plan that seeks to achieve best value to the Council's investment whilst also being sensitive to and coordinated with the needs of service users during and following construction. The Full Business Case will be presented to Council later in 2023. Following this the project can move to construction in 2024 with a possible opening in 2025.
- 9.6. The road access to the Care Village will be provided by extending the length of the Phase 1 access road identified within paragraph 6.1 above. Funding of this additional length of access road is to be taken from the Care Village budget.

10. COMMUNITY FACILITIES

- 10.1. The SPG sets out a vision for a Neighbourhood Centre. It is orientated upon the historic heart of the site containing Lowood House and its surrounding gardens and associated buildings. It intends to be fully integrated into Tweedbank providing services that enable inclusive community interaction and attracts visitors, readily and conveniently accessible from the surrounding areas.

- 10.2. The Council engaged with the existing community in October/ November 2022 by holding a public drop-in event and online survey to ascertain the preferred uses for the Neighbourhood Centre.
- 10.3. 'Support people's well-being' and 'provide more leisure activities (all ages and abilities)' were the two most popular uses chosen out of nine 'what would you like the Neighbourhood Centre to do?' options.
- 10.4. The three top choices for preferred uses were community centre, restaurant and play area. It was found that the existing Community Centre is particularly well-used but is operating at capacity, has limited parking available and there are no opportunities to extend. Café was a strong second choice by responders. Local food production was a strong favourite in respect of attracting visitors and tourists.
- 10.5. Further detailed work is to be carried out which will focus on considering potential uses for the buildings and spaces within the boundaries of the Neighbourhood Centre zone to determine how it can be sensitively developed and delivered.

11. LOWOOD HOUSE

- 11.1. Lowood House is an early nineteenth century country house which has been extended a number of times and requires extensive modernisation. With the exception of the original east wing the house is characterised by small irregular shaped rooms that do not easily lend themselves to redevelopment.
- 11.2. Annual running costs are approximately £20,000 but this assumes that no major repairs are required. A range of options for reuse of the house have been considered:

Conversion to Flats	Scheme designed for eight 2-3 bedroom flats however the gap between cost of conversion and likely sale price exceeds £1m, so this is not a viable development proposition.
Private House Use	Savills advise possible sale price of up to £1m but the limited market for this type of property is slowing. A sale to this type of use would not be recommended as the house is at the heart of development and a sale would result in a loss of control of a key area.
Hotel/ Hospitality Use	Uncertain market conditions and small size of premises will only interest small-scale operators. The high cost of conversion will impact on price. Recent increases in the cost of living, energy costs will also have a negative effect on this market. No guarantee of any real interest in the current market.
Educational Use	SBC worked with Borders College during 2022 to look at the potential for redevelopment as training space for catering and hospitality, however at

	approximately £3 million cost this was not financially viable.
Institutional / Community Use	Savills advise that there is occasionally demand from institutional users or well funded community groups for this type of property however the cost of conversion is likely to have an impact on demand and viability.
Demolition of Part or Whole	Cost estimated at £310,000 (part) or £440,000 (whole). Demolition of the whole house will increase additional land for development and amenity use. Whilst the east wing of the house is attractive and could be retained, the additional cost of modernisation is unlikely to make this a viable option. This is considered the preferred option.

- 11.3. In addition to Lowood House there are eight residential properties on the estate comprising four detached houses, two semi-detached houses and two flats above the old stable block. The ground floor of the old stable block is used for storage and a workshop. Six of the residential properties are currently rented and one is in the process of being let. The lodge house at the end of the drive is undergoing renovation and will be available for let once the works are complete.
- 11.4. The estate has approximately 38 acres of grazing land which is let on an annual grazing lease. The area available for grazing will decrease as areas of land are developed.
- 11.5. Lowood Plant Nursery lease a site on the estate providing plant sales and a garden design service from the site.
- 11.6. Maintenance of the estate is managed by the Council's Estates and Property Maintenance teams supported by the former Estate Caretaker who is a self-employed contractor and lives on site in one of the residential properties.

12. BUSINESS

- 12.1. The Borders Railway Blueprint full business case was developed in 2018 and sought to provide high quality business space to stimulate business growth, inward investment and job creation in high value innovative sectors. This was envisaged to take place over three phases returning a strong benefit cost ratio.
- 12.2. The site at Quarry West, closest to the railway terminus, has now been completed and substantially occupied. CGI, SBC's IT provider has taken occupation of the first floor of this building, and the Council's Inspire Learning team have taken up space on the ground floor to create the Inspire Learning Academy. There remains further space on the ground floor and this is currently being marketed by Ryden on behalf of the Council.

- 12.3. The Quarry East site sale has now been concluded. Currently some enabling works have been undertaken by the developer and a planning application submitted for a 2 storey Class 4 office development.
- 12.4. The former Eildon Mill site has been cleared for several years now and is ready for development. Initial discussions about a potential manufacturing development have not been concluded and are at this stage unlikely. The Council remains focused on finding a developer for this site that would intend to form a building of significance appropriate to its priority location adjacent to the Borders Railway terminus and are currently exploring potential options in data driven innovation with key partners.
- 12.5. No progress has been made with what was referred to as the Ex Tapestry site adjacent to Tweedbank Avenue. There remains considerable challenges with development on this site given the proximity of the underground power cable serving the southern Borders. There are currently no plans to make progress with development on this site.
- 12.6. The SPG identifies two further business development zones over a site area of 1.6 hectares. This was envisaged to be developed for Class 4 Office use.
- 12.7. In 2022, Ryden concluded a report for South of Scotland Enterprise (SOSE) which included an update on the property market and demand for business land at Tweedbank. This report advised that post COVID-19 pandemic there is little demand for office space due to new ways of working. It highlights that there is a market preference for the development of small hybrid Class 4 units of 1,000-2,000ft².
- 12.8. Development of a conceptual first phase of hybrid units to provide 8,000-10,000ft² to test the market is recommended. However, Ryden have advised that site servicing, platforming and development of this first phase of units will need to be public sector funded. This development has the potential to be funded by the City Deal alongside the enabling infrastructure for housing.
- 12.9. An appraisal developing hybrid units on the SPG business development zones has been undertaken. Due to the new access road and to ensure adequate protection of mature native trees, the developable area has reduced to 1.1 hectares which is much lower than the 1.6 hectares allocated. Moreover due to the location of the business development zone and the associated enabling infrastructure works, the cost of delivering hybrid units is high when compared to comparable developments elsewhere in the Central Borders. It should also be noted that the combination of low market rents and high build costs will also impact on the commercial viability. It is recommended that further consideration is given to the location and extent of the business zones within the development.

13. ALIGNMENT WITH REGIONAL & NATIONAL PRIORITIES

- 13.1. There are several key national and regional strategies, including the two growth deals, that underpin the key outcomes and deliverables that the

Tweedbank project seeks to achieve and should lever support for the project at a regional and national level.

- 13.2. National Planning Framework 4 (NPF4), adopted on 13 February 2023 sets out an overarching spatial strategy that seeks to deliver:
 - Sustainable places, where we reduce emissions and restore and better connect biodiversity;
 - Liveable places, where we can all live better, healthier lives; and
 - Productive places, where we have a greener, fairer and more inclusive wellbeing economy.
- 13.3. The National Strategy for Economic Transformation (NSET), 2022 is a 10-year strategy containing priorities towards creating a wellbeing economy focused upon delivering economic prosperity; improving business prospects; and improving business infrastructure.
- 13.4. Housing to 2040 is Scotland's long-term national housing strategy which sets out the twenty-year vision for housing. It is designed to reflect the diversity of people, homes and communities in Scotland where everyone will have a safe, high-quality home that is affordable and meets their needs in the place they want to be.
- 13.5. The Edinburgh and South East Scotland Regional Prosperity Framework (RPF) provides a 20 year vision of key priorities developed around 3 core themes of People, Places, and Planet to support an economy that is resilient, innovative, and flourishing. It is centred around green regeneration; infrastructure; visitor economy and culture; and data driven innovation.
- 13.6. The South of Scotland Regional Economic Strategy seeks to increase the working age population and attract visitors to the region. It is themed around six priorities:
 - Skilled and Ambitious People;
 - Innovative and Enterprising;
 - Rewarding and Fair Work;
 - Cultural and Creative Excellence;
 - Green and Sustainable Economy; and
 - Thriving and Distinct Communities.
- 13.7. The 10 year Borderlands Inclusive Growth Deal focussed on enabling infrastructure; improving places; supporting business, innovation and skills; and encouraging green growth.
- 13.8. The 15 year Edinburgh and South-East Scotland City Region (ESESCR) Deal focusses on Research, Development & Innovation; Integrated Regional Employability & Skills (IRES); Transport; Culture; and Housing.

Scottish Borders Council leads on the following projects:

- Borders Innovation Park - £29M capital;
- Tweedbank Housing;

- IRES Workforce Mobility Project - £2M revenue shared across 6 partners.
 - IRES Disadvantaged families project (links into IRES projects through SBC work on Employability) £170k (ended in Sept 2022).
- 13.9. Scottish local authorities are required to prepare a Local Housing Strategy (LHS) every five years, setting out a vision for the supply, quality and availability of housing in their local area. The LHS is a key strategy document, providing a framework of action, investment and partnership-working to deliver local priorities. The draft Local Housing Strategy sets strategic outcomes and a delivery plan framework for the period 2023 – 2028.
- 13.10. The desired outcomes and aspirations of the Tweedbank project clearly align to aspects of each of the regional and national priorities described within this report. This provides a strong and robust rationale that underpins the case for development as a whole. In addition, this provides an opportunity to pursue funding avenues as they become available to help enable and support the overall development.

14. DELIVERY PLAN & NEXT STEPS

- 14.1. Due to the size, scale and nature of the project, the Council will retain control of the development but it is recognised that this will need dedicated resource focused on delivering the project. It is expected that there will be a phased approach, responsive to market conditions, that maximises opportunities, optimises market interest, and manages risks will be necessary.
- 14.2. **Action 1:** It is proposed that we commence the development of a procurement strategy in order to secure a development partner.
- This is likely to be a two-stage procurement.
 - During the first stage, they would work with the Council through the pre-development period to progress the design and further technical work as well as exploring a range of commercial and delivery options.
 - The first stage is likely to include a detailed access and transport assessment, site investigations, utilities and servicing strategy and will lead to development project plan and phasing strategy, cost plan and finally a revised business case.
 - The revised business case is necessary due to the change in market conditions and to support any future funding bids given the significant funding shortfall. Following approval by Scottish Borders Council, the revised business case will be submitted the Edinburgh & South East Scotland City Region Deal and is likely to seek funding support towards business and housing infrastructure.
 - Following completion of the business case, subject to securing appropriate and affordable funding, and on agreement of both parties, stage two of the development partner procurement would move to a phased development and delivery stage, beginning with the construction of primary roads and services infrastructure as part of the 'Infrastructure First' approach proposed.

- 14.3. The selection of the development partner is a critical path activity which will directly influence the implementation strategies selected for design and delivery of enabling infrastructure and subsequent development. They will work collaboratively and in partnership with the Council, reporting into the project's board.
- 14.4. **Action 2:** In addition, it is proposed that a technical team is procured to progress designs, undertake financial modelling and develop a commercial model and delivery strategy for a heat and energy network, ideally for the entire site that can support phased development.
- 14.5. Where possible, particularly in relation to technical and detailed design, the development partner will be supplemented by the Council's own planning, architectural, engineering, and estates teams as well as SBC Contracts.
- 14.6. The development partner and technical team, described above, will provide the capacity, skills and expertise, addressing gaps within the Council's own team, build momentum and develop a coherent, feasible and viable plan to deliver the vision, reduce risks on the project, build market confidence.
- 14.7. Procurement activity to support **Actions 1 and 2** is a staged process, in line with public sector guidance, and seeks to deliver best value to the public. The first stage is the Prior Information Notice (PIN) that seeks market advice, particularly for complex projects, to help inform the procurement approach, contractual models and documentation. It is expected that this stage will take 6 months to complete.
- 14.8. **Action 3:** It is proposed that there should be flexibility regarding the mix and distribution of uses on each of the SPG's development zones to reflect changing market demands, and the long term nature of the project. Any changes will need to be justified in line with the development principles of the site and these will ultimately be determined and approved through the submission of a planning application(s). This recognises the challenges regarding viability of the business development zones described in paragraph 12.9, as well as the potential overprovision of land allocated for the neighbourhood centre described in paragraph 10.5. Notwithstanding this proposal, the aspiration remains to create an exemplary development which aligns with the fundamental principles of the SPG and the Design Guide and creates a distinctive inclusive sense of place, with a dynamic and active street space and wider environment that is integrated with Tweedbank Village.
- 14.9. **Action 4:** Develop and implement a public relations and communications plan with specific approaches targeted for the different stakeholders, funders, businesses and communities. This will be progressed by the development partner with support from the Council's own communications team.
- 14.10. **Action 5:** On conclusion of the design and receipt of planning consent, progress the construction of the Phase 1 access road and associated infrastructure as the precursor to the development of the Care Village.

Construction is expected to take around 6 months to completed, beginning in Summer 2023.

- 14.11. **Action 6:** Undertake an options appraisal for Community focussed amenity facilities led by the Council’s architectural team.

This will be undertaken during 2023.

15. IMPLICATIONS

15.1. Financial

- a) Most recent estimates for likely costs of delivering the Tweedbank Expansion Project which includes homes, care and community facilities and infrastructure indicate full costs of £108m. The programme relies on significant external investment, the Council is working with partners to look at the most appropriate and effective funding models. Further development of this Programme will require updated financial forecasts to take account of the current market prices.
- b) The table below shows costs incurred to date along with the approved budget within the Capital Investment Plan from 2023/24 as follows:

	Costs to date	23/24	24/25	25/26	26/27	Total
	£'000	£'000	£'000	£'000	£'000	£'000
Expenditure						
Borders Innovation Park	7,526	4,972	6,183	3,186	219	22,086
Care Village Tweedbank	177	6,954	7,308	210	0	14,649
Total Expenditure	7,703	11,926	13,491	3,396	219	36,735
Funding						
External	(4,398)	(3,020)	(6,183)	(3,186)	(219)	(17,006)
SBC	(3,305)	(8,906)	(7,308)	(210)	0	(19,729)
Total Funding	(7,703)	(11,926)	(13,491)	(3,396)	(219)	(36,735)

- c) The proposals outlined in Section 14 of the report will incur costs in terms of development partner and technical team fees and the construction of the phase 1 access road.
- d) At present the scale of costs and the nature of the contract will be determined, alongside funding, during the procurement exercise described and approval sought as per the terms of the scheme of delegation.
- e) The approved budget currently in place for the Tweedbank development are reflected in the Council’s published revenue and capital plans.

- f) The business case will be updated as described within this report and will be reported to Council as further approvals are required.

15.2. **Risk and Mitigations**

- a) There are risks associated with the original delivery programme for the City Region Deal programme of high amenity development associated with Business Zones 1 and 2. This risk has been mitigated by allowing for timing movements within the budget, regular liaison with the City Region Deal Programme Management Office and through progressing the actions outlined within Section 14 of the report.
- b) There is a financial risk associated with the fixed funding principles of the City Region Deal linked to future inflationary pressures and material/construction related indexation. It is proposed to tolerate this risk and report further during the delivery of the overall programme.
- c) There has been a risk associated with the outstanding built and natural quality of the former Lowood Estate. This risk has been mitigated by the approval of the Supplementary Planning Guidance, including the Design Guides, providing for a detailed framework to control future development.
- d) There is a risk associated with the fees associated with actions outlined in Section 14 of the report. This will be mitigated by progressing procurement activity to confirm costs which, along with funding will be reported back to Council.

15.3. **Integrated Impact Assessment**

The actions described in Section 14 of this report will initially lead to the production of further reports leading to the phased development of the site at Tweedbank. As these reports are prepared and individual projects are taken forward Integrated Impact Assessments will be prepared and submitted to Council at the appropriate times to ensure that the long term Tweedbank Development meets the requirements of the Equality and Fairer Scotland duties.

15.4. **Sustainable Development Goals**

As set out in Section 7 of this report, Scottish Borders Council acknowledges our leadership role within the region in moving towards net zero by 2045. The Tweedbank expansion should be an exemplar for the future of development in Scottish Borders. The project and its development should contribute significantly to our ambitions to be a green, fair and flourishing region, achieve our net zero ambitions, and support community wealth building and thriving places. An assessment of contribution towards the outcomes of the 17 UN Sustainable Development Goals will be undertaken as individual projects are taken forward and this will be submitted to Council at the appropriate times to provide evidence and reassurance of this.

15.5. **Climate Change**

As individual projects are taken forward, it is expected that an specific assessment is undertaken to assess embodied carbon emissions during construction and carbon emissions in-use alongside other measurable carbon impacts and benefits relating to the five themes – Resilience, Transport, Nature-based solutions, Energy and Waste – as set out in the Council’s Climate Change Route Map.

15.6. **Rural Proofing**

This report does not affect or amend rural proofing policies.

15.7. **Data Protection Impact Statement**

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

15.8. **Changes to Scheme of Administration or Scheme of Delegation**

There are no changes to the Scheme of Administration or the Scheme of Delegation as a result of the proposals within this report.

16. CONSULTATION

16.1. 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 are being consulted and any comments received will be incorporated into the final report.

16.2. Others to be consulted if required are –

- Procurement Officer – if you are buying any goods or services.

Approved by

Name

John Curry

Title

Director – Infrastructure & Environment

Author(s)

Name	Designation and Contact Number
John Curry	Director – Infrastructure & Environment

Background Papers:

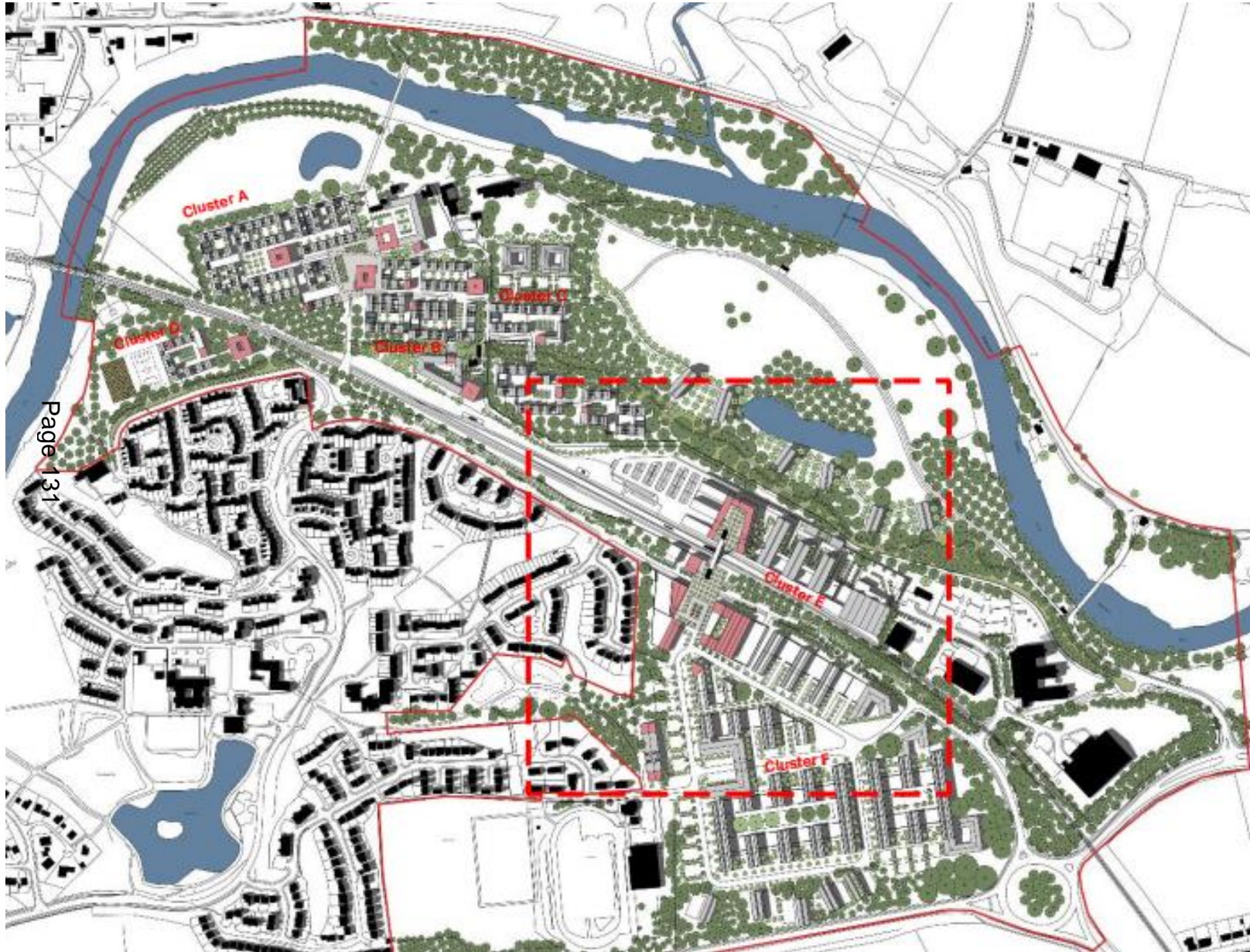
Previous Minute Reference: Council – 25 November 2021, Council – 23 September 2021, Council - 17 June 2021, Council – 31 January 2019, Council – 20 December 2018, Council – 30 November 2017, Council 29 June 2016

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

Contact us at John Curry – john.curry@scotborders.gov.uk

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Tweedbank - 2018 Masterplan



A vision for how the site could be developed









Tweedbank – 2021 Supplementary Planning Guidance & Design Guide



The SPG and Design Guide provide a framework for development.

This report aims to reset the project, setting the outcomes that we are seeking to achieve and the initial steps that need to be taken to achieve this.

Tweedbank – Project Outcomes linked to Council Plan Priorities

1	 Clean, green future	Contribute towards net zero emissions, reducing energy consumption with a resilient community that can decisively respond to climate change, employing state of the art renewable energy.
2	 Clean, green future	Integrate nature, encouraging and promoting biodiversity and habitats in and around the site, respecting and enhancing the landscape, natural and environmental heritage and topography.
3	 Fulfilling our potential	Support opportunities, at all ages, to acquire the knowledge and skills needed to realise their full potential and contribute towards positive outcomes for the region.
4	 Strong inclusive economy, transport and infrastructure	Provide high quality business space to stimulate business growth and job creation and employment pathways in high value innovative sectors stimulating inclusive growth.
Page 133	 Strong inclusive economy, transport and infrastructure	Well connected and encouraging active travel to support health and wellbeing and contribute towards reducing carbon emissions.
	 Empowered, vibrant communities	Well laid out and integrated with logical linkages to new and existing communities that appeal to residents, business users and visitors supporting the need of the local and wider community.
7	 Good health and wellbeing	Create a coherent, inclusive and accessible place with a unique character/ sense of place, integrally connected to Tweedbank, sensitive to the setting, supporting wellbeing and enables healthy lifestyles.
8	 Working together improving lives	Harness the combined power of local communities, institutions and stakeholders in delivering a sustainable future and an economy that works for everyone.

Alignment with Regional/ National Priorities

NPF4	Sustainable, liveable and productive places
NSET	Creating a wellbeing economy
Housing to 2040	Housing to reflect diversity of people
RPF	Resilient, innovative and flourishing people, places and planet
RES	Increase working age population and attract visitors
Borderlands	Enabling infrastructure, improving places, supporting BIS, encouraging green growth
ESESCR	RD&I, IRES, Transport, Culture & Housing

Tweedbank – Deliverables over the next 15 years.

Infrastructure	Road access into the site with active travel links reusing existing infrastructure where possible and creating new links to existing settlements.
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Energy	A heat and energy network with renewable generation that supports phased development.
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To enable development, SBC need to take action with public sector partners to de-risk development by forward investing in key infrastructure.

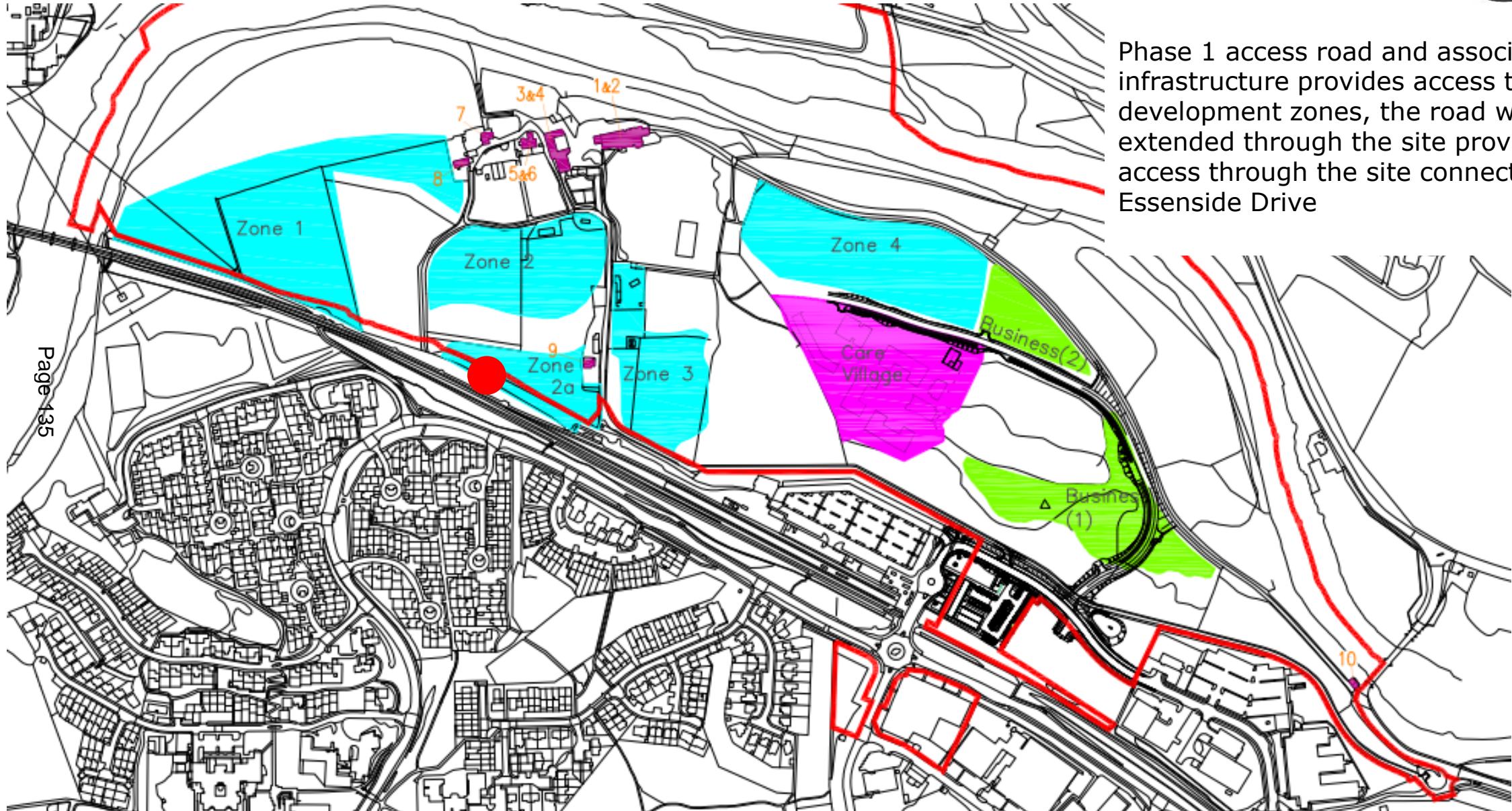
Homes	Approximately 300-400 homes of varied size and tenure.
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Care Facilities	A new 60 bed older people and dementia care village and associated complementary facilities.
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Community Facilities	An improved community centre, a play park and other complementary community facilities and business enterprises that support and enhance the domestic and business community.
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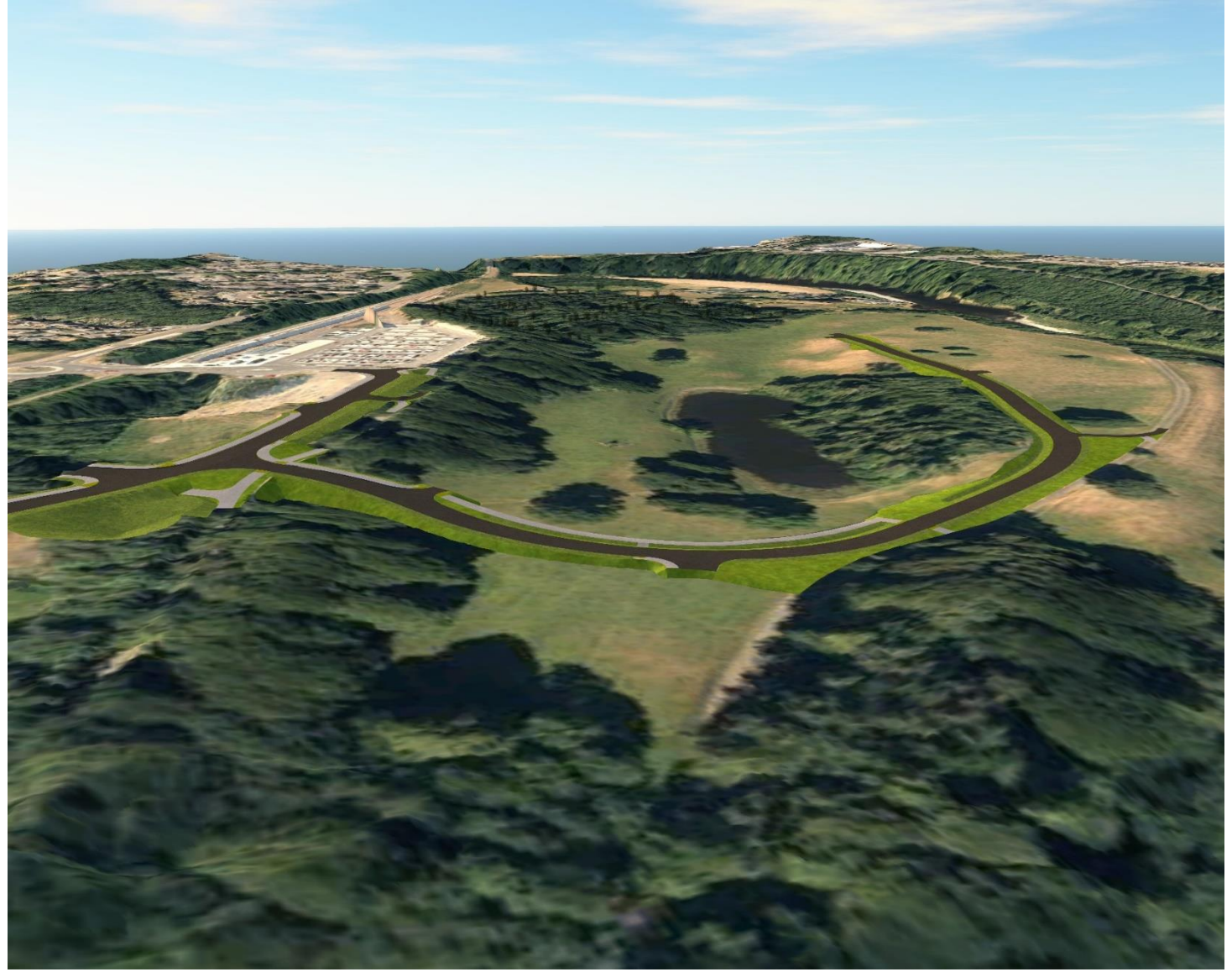
Business	Business and innovation space to support data driven innovation, facilities for key regional industries, local business growth and to support inward investment opportunities.
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Tweedbank - Infrastructure

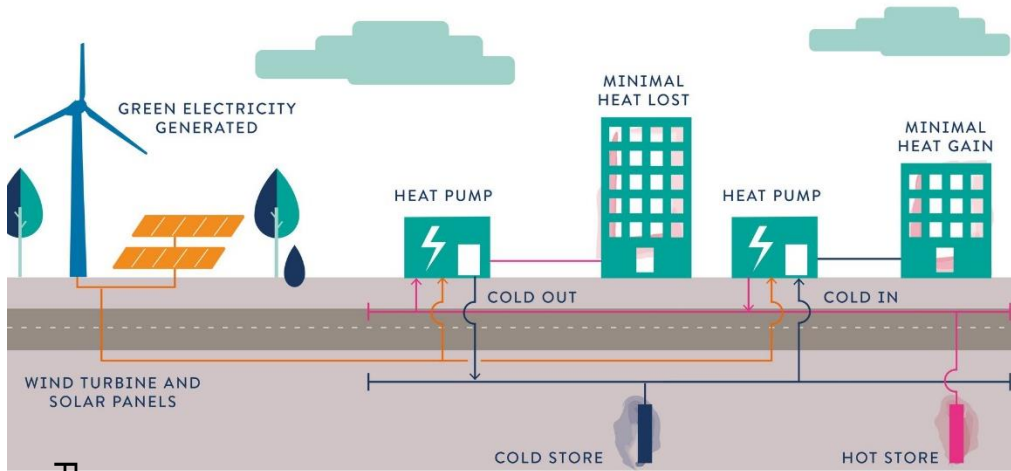


Phase 1 access road and associated infrastructure provides access to 4 development zones, the road will be extended through the site providing access through the site connecting to Essenside Drive

Tweedbank – Infrastructure, Phase 1 Access Road



Tweedbank - Towards Net Zero Strategies to be adopted



Opportunities for green skills development and education

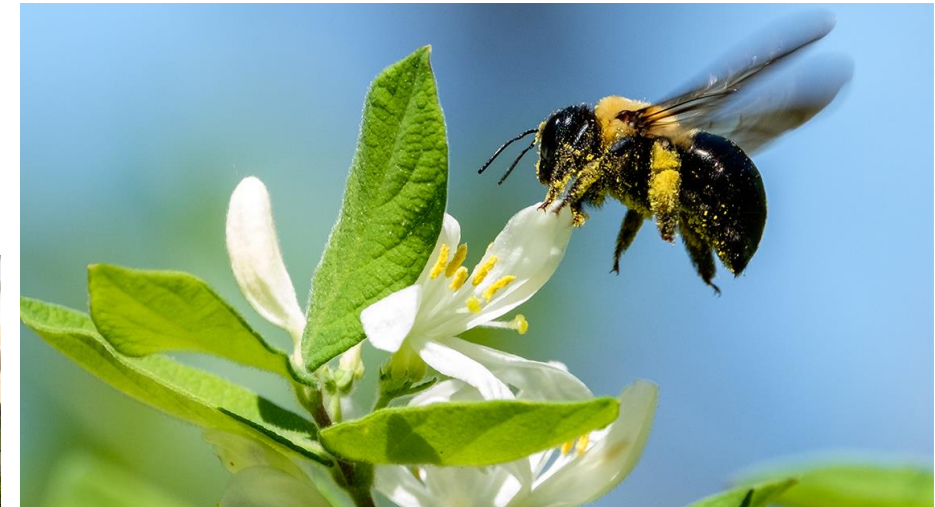
Energy

- Fabric first, lifecycle orientated approach to building design and energy efficiency
- Decarbonised energy systems and renewables for heat and power
- Circular economy, careful materials sourcing and re-use



Nature

- Protecting and supplementing native planting
- Opportunities for community and local food growing



Biodiversity

- Protecting and enhancing biodiversity and habitats

Tweedbank - Meeting Housing Needs



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Housing has a fundamental impact on the lives of people across the Scottish Borders.

It is a key social and economic enabler, supporting key services, communities and employers and addressing health and income inequalities.

We need to address the challenges faced in the housing sector a take a leadership role in enabling delivery of homes that people need and contribute to our ambitions to be a green, fair and flourishing region.

Tweedbank - Care Village



The Outline Business Case for the Tweedbank Care Village Development was approved by Council in November 2021

A Full Business Case is being developed and will come to Council later in 2023 for development zone 5 of the SPG.



The SPG sets out a vision for a neighbourhood centre orientated on the historic heart of the site at Lowood House.

Community engagement in Autumn 2022 highlighted that two most popular outcomes for a neighbourhood centre would 'support people's wellbeing' and 'provide more leisure activities'.

The engagement identified community centre, restaurant and play area at top three preferred uses.



A range of options have been considered for Lowood House – flats, private dwelling, hospitality, education, community or institutional use and demolition.

There a number of other existing buildings and a business operating on the existing estate that SBC are supporting whilst continuing to manage the site.



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Site 1 (Ex Tapestry)

1.32 acres. High voltage cables and gas mains pass through with protected established trees immediately adjacent meaning only 0.3 acres are able to be developed.

Site 2 (Eildon Mill)

1.17 acres, site cleared. 'Statement building' expected.

Site 3 (Quarry East)

Sold. Office to be constructed in 2023. Factory to be constructed 2024. 17 FTE jobs to be created.

Site 4 (Quarry West)

Tweedside Park completed December 2021. CGI lease 1F, Inspire Learning occupy 50% GF. 330sqm office available to let. Potential to build further 1,000sqm on Phase 2 plot.



SPG Business Zones

2022 Ryden Report highlights the change in market demand for business space as a consequence of the pandemic.

This needs in a change in approach regarding the type of business space that is provided.

2018 Borders Railway Blueprint Full Business Case

Key development sites surrounding the Tweedbank Railway Terminus, specifically highlighting Quarry West where the office building has been completed and largely occupied.

Action 1

Develop a procurement strategy to secure a development partner.

Action 2

Procure a technical team to develop proposals for a phased heat and energy network

Action 3

Consider flexibility in the mix and distribution of uses across the site to reflect changing market demands and the long term nature of the project

Action 4

Develop a PR and communications plan targeted at the different stakeholders, funders, businesses and communities

Action 5

Progress construction of Phase 1 access road and associated infrastructure once planning consent is secured

Action 6

Undertake an options appraisal for community focused amenity facilities

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HEADSTONE SAFETY UPDATE

Report by Director Infrastructure & Environment

SCOTTISH BORDERS COUNCIL

30th MARCH 2023

1 PURPOSE AND SUMMARY

- 1.1 This report proposes a review of the Headstone Safety programme and sets out the context, challenges and opportunities identified within the programme.**
- 1.2 Scottish Borders Council manages 155 cemeteries and burial grounds across the region, of which 146 fall under a programme of routine Headstone Safety Inspection. While Government guidance states lairholders are responsible for maintenance and repair of their headstones and memorials, Scottish Borders Council as a Burial Authority has a legal obligation to ensure public safety and, as far as is reasonably practicable, that cemeteries are maintained in a safe condition. This paper sets out a range of proposals following a review of operations including trialling works to re-erect any headstones laid flat.

2 RECOMMENDATIONS

- 2.1 **I recommend that the Committee:-**
 - a) Notes the findings of the initial review into the headstone safety programme**
 - b) Approves the resumption of operations under the current Headstone Safety Inspection Programme**
 - c) Approves a trial scheme at Lennel cemetery to undertake re-erection of headstones that have been laid flat**
 - d) Agrees to receive a further report detailing the findings of this trial**

3 BACKGROUND

- 3.1 Scottish Borders Council manages 155 cemeteries and burial grounds across the region, of which 146 fall under a programme of routine headstone safety inspection. Although lairholders are responsible for the maintenance and repair of their headstones and memorials, Scottish Borders Council as a Burial Authority has legal obligations under the Health and Safety at Work etc. Act 1974 and the Occupiers Liability (Scotland) Act 1960 to ensure, as far as it reasonably practicable, that cemeteries are maintained in a safe condition. Burial authorities have a permanent responsibility for a programme of headstone safety, inspecting and making safe headstones in line with national guidance.
- 3.2 It is recognised that any work progressed within our cemeteries requires to be completed in a sensitive and respectful manner; this remains a priority for all staff.
- 3.3 Headstone safety testing has been ongoing for many years. The most recent programme of inspections has been informed by Government Guidance that was published in 2019. This followed the sad fatality of an eight year old boy in Glasgow in 2015 as a result of being hit by a falling headstone. The current recommended timescale for burial authorities is to undertake a 5 year cycle of headstone safety inspections. In order to achieve this timescale with the scale of headstones/resources within the Scottish Borders, a programme of workflow prioritisation has been deployed, utilising a Red/Amber Green (RAG) system. A programme of testing in all 'Red' high risk cemeteries or parts thereof (based on footfall, number of interments and places of active worship), has been undertaken, aiming to test and make safe within five years. To further accelerate this programme and meet Scottish Government timescales, the Council employed the services of an external contractor for a fixed period to complete testing across the 17 cemeteries classed as 'Red' in September 2018.
- 3.4 This 5 year programme of prioritised testing is nearing completion, with further testing of 'Amber' and 'Green' settings programmed against an extended time period spanning 10 and 20 years respectively. This approach was designed to manage risk in order of priority to ensure safety, working within scale and resource constraints.
- 3.4 Our progress to date is set out as follows;

Headstone Safety Inspection Programme 2018-2023			
Number of headstones under SBC inspection	46,435		
Number tested to date	38,742	No. laid flat to date	1856 (3.9% of total)
Number outstanding	7,693	No. estimated to be laid flat from outstanding inspections	1154*
		Total estimated laid flat:	3010 (6.6% of total)
*this number appears disproportionately high; this is due to the nature of the headstones outstanding			

- 3.5 Standard procedure follows that every headstone is assessed for stability and either a) passes the inspection with no action necessary, b) passes the inspection and is recorded with a deadline for further re-inspection applied based on the condition or c) fails the inspection and measures are taken to make safe in accordance with Government guidance. This programme of assessment and recording informs future phasing of Headstone Safety within the next cycle, targeting those in most urgent need first.
- 3.6 To date, the approach has been to test all headstones regardless of shape or size. Following testing any unsafe headstones are addressed by either socketing (setting into the ground to provide stability), laying flat or cordoning off. With the exception of 123 which were pinned/fixed by an external contractor in 2018/19, in fulfilling its legal duties to make safe Headstones the Council does not routinely undertake repairs to headstones which have been laid flat, due to the resource, budgetary and risk constraints of doing so. Scottish Borders Council only lays flat headstones where they present an immediate risk to public safety and are either too small to be, or would be illegible if, socketed into the ground.
- 3.7 Once laid flat or socketed, headstones can at any time be reinstated by lairholders/families working with their own monumental masons, as has been undertaken by individual families across cemeteries where testing has been carried out.
- 3.8 The laying flat of headstones is only carried out where it is deemed essential to immediate public safety. The laying flat of headstones can be distressing to families and communities. Timely and appropriate communications are critical, and the Council deploys various means of communication as set out at 6.7 below. While it would be desirable to do so, due to the nature of historic record keeping it is unfortunately not currently possible to contact lairholders regarding any headstones that fail the safety testing (a proposed scheme outlined at 6.4 below seeks to address this for modern/future installations)

4 CURRENT SITUATION

- 4.1 Nationally, and locally, the practice of making safe headstones by laying flat has been subject to representations made via elected members. In response to a recent complaint at Lennel cemetery, Coldstream, Scottish Borders Council has paused the current Headstone Safety Inspection Programme and undertaken a review of practices, as set out in this paper.
- 4.2 There has also been a separate petition to Scottish Government concerning the practice of making headstones safe, from a Councillor in Dumfries and Galloway. In response to this there has been a call for evidence from Burial Authorities regarding the practice of contacting lairholders to notify them of headstone testing.
- 4.3 The SPSO has investigated a complaint into Scottish Borders Council's approach to Headstone Safety in recent years and found no fault in our procedures. It is also noted that since the programme began in 2018, during which time 38,742 headstones have been tested and 1856 laid flat, a total of 7 individuals have submitted a formal complaint to the Council.

- 4.4 Headstone testing and managing public safety in burial grounds is a very emotive issue; the Council recognises this and, as for all Burial Authorities, strives to manage risk in burial grounds sensitively and safely.

5 POLICY AND BENCHMARKING

- 5.1 The programme of Headstone Safety Inspections has been ongoing for many years. Through benchmarking with other local authorities and working groups, we continue to monitor and review best practice.

- 5.2 Work undertaken within cemeteries by Local Authorities is informed by the Scottish Government's Guidance, 'Burial Ground Memorial Safety'. The guidance advises that;

"Local authority burial authorities are responsible for ensuring the safety of those visiting and working in their burial grounds. This means that regular memorial inspections should be carried out to achieve this. However, inspecting and taking action to make safe does not confer ownership. This guidance notes that the responsibility for the full and complete repair of memorials remains the duty of the lair owner."

- 5.3 This distinction between works undertaken to ensure public safety and repair of private headstones is key to understanding the role of each party as set out in Government guidance. While the guidance is not definitive, each Local Authority has developed their own approach to headstone safety, based on their individual resources, risks and scale of operations. Benchmarking has highlighted a range of responses. Burial Authorities across Scotland follow similar methodologies to ensure compliance with the guidance. Due to the complexities around risk to private property, liability and resourcing, the majority do not undertake in-house reinstatement of headstones that have been made safe.
- 5.4 Scottish Borders Council notes that better regulation of memorial installation and stonemason industries will be considered as part of the on-going implementation plan for the Burial and Cremation (Scotland) Act 2016. This will seek to address ongoing headstone safety by ensuring installation standards are maintained and incidences of headstones failing safety testing are minimised going forward.
- 5.5 In response to the call for evidence by the Scottish Government, Scottish Borders Council submitted that "subject to funding and clarifications of some legal matters regarding future liabilities" we would be exploring an approach to re-erecting headstones going forward. The following submissions were also made by local authorities which highlight some aspects of the challenges around safety management and re-erection of headstones;

Local Authority	Summary of response
Glasgow City Council	" In terms of moving towards a maintenance and repair model, we would be concerned at the use of public monies to make repairs to privately owned property however, it is likely that the better regulation of the memorial

	<p>installation and stonemason industries would go a considerable distance to reducing the problem in the future. GCC Recognises that this better regulation will be considered as part of the on-going implementation plan for the Burial and Cremation (Scotland) Act 2016.”</p>
East Renfrewshire Council	<p>“Other than the requirement from Council’s to undertake inspections and apply solutions from a health and safety perspective, the Council does not have the resources or public funds available to “restore” headstones. Headstones which have “failed” inspections will have a safety solution applied by the Council only. Said solution being in line with Scottish Government Guidance. Responsibility for Headstones rests with the lair owner and unfortunately with council budgets being under increasing pressures we would not in a position to support a significant number of headstone repairs with a view to restoration.”</p>
East Dunbartonshire Council	<p>“ the Bereavement Team do have a modest budget for Headstone Repairs and have occasionally undertaken repairs if the ownership cannot be confirmed and if the headstone/memorial is deemed as historically significant or relevant to the location.</p>
East Ayrshire Council	<p>The memorial owner is responsible for any repairs to the memorial or to have the memorial re-erected this includes the foundation if not installed by EAC pre 1998. The council started to install memorial foundations in 1998. Prior to 1998 foundations were installed by memorial masons but we have found that many of these are not fit for purpose and require to be replaced. New foundations will be paid for by memorial owners unless the foundation was installed after 1998 and the council has made a charge for the foundation.</p>
Dundee City Council	<p>“..contractual terms are issued by the Council to a proprietor on the purchase of a lair. Council consent is required to erect a memorial which has to be to approved standards and it is the proprietor’s responsibility to ensure any memorial is in a safe condition at all times. A fee is paid to cover 30 years of inspection which is to happen at least once every 5 years. If a memorial fails an inspection, in terms of the contractual conditions the Council contacts the proprietor to request work to be done to make it secure. Further, in terms of the</p>

	contractual conditions the Council may require to take immediate action to ensure the memorial is safe and the Council are entitled to remove such structures as are damaged or dilapidated.”
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- 5.6 The above highlights the complex and sensitive nature of headstone safety management; at the time of writing the Scottish Government petition committee is awaiting further information to complete their consideration of the petition.

6 PROPOSAL

- 6.1 Officers have been reviewing the approach taken through the current programme of headstone safety management. A set of proposed recommendations is set out below for consideration;

1. Develop a new Headstone Safety Policy
2. Devise a refreshed Communications Strategy
3. Explore re-erection of Headstones that have been made safe by laying flat through a pilot study

6.2 **Proposal 1 - New Headstone Safety Policy**

It is proposed that a new Headstone Safety Policy is developed for adoption by Council, setting clearly our service standards, risk management and rationale for future Headstone safety inspections. This gives members, communities and officers a clear, mandated, point of reference against which progress, issues and mitigations can be reported. As well as setting out the cyclical programme of Headstone Safety Testing, proposed actions that will be contained within the Headstone Safety Policy are outlined below.

6.3 Monumental Masons Registration Scheme

It is proposed that the Council will build in new procedures and checks to ensure quality of external workmanship can be improved, for future Headstone safety management and the challenge of future legacy issues around current installations. It is proposed that the Policy includes the development of a Monumental Mason Registration Scheme requiring all new headstones to be pinned in. Enforcement of this would need to be explored further as compliance with pre-existing guidelines is already presenting issues.

6.4 Transfer of Rights Scheme

To ensure lairholder communications can be managed more effectively and where possible reach those most directly in need of information at the right time, it is proposed that the Council will develop a Transfer of Rights scheme to assist in future communications around family lairs and to ensure, where possible, up to date lairholder details are retained.

6.5 Strip foundation installation

In order to address future legacy issues around workmanship of modern installations, it is proposed that, where feasible, to install strip foundations for future headstones, to ensure a consistent approach to new installations being pinned in; the strip foundations would form a consistent basis for this.

6.6 Future Headstone Testing programme

It is proposed that the new Headstone Safety Policy will also consider the future rationale for headstone testing and risk management, balancing risk and resources and deploying these where appropriate. This would consider possible measures such as only testing memorials/headstones that stand over 600mm tall (rather than the current approach of testing every memorial or headstone), an approach that has been identified through benchmarking and professional peer review as a balanced approach to managing risk appropriately. A 'common sense' approach would be deployed, in that small headstones under 600 mm high would not be subjected to a manual inspection unless other factors increase the level of risk (e.g. ground conditions, slopes, width and thickness and overall mass of stone). This may present an opportunity to balance risk and resource while ensuring safety and continued compliance with the guidelines.

6.7 **Proposal 2 – Communications Refresh**

It is recognised that effective and timely communications are critical to the dialogue with communities around headstone safety management, given the emotive subject matter and both the personal and community interest. Due to the nature of lairholder information records, it is not possible in the Scottish Borders to contact those families directly affected by headstone safety measures – family lair records are not updated over time. Primary communication therefore has to be via public promotion, liaison with communities and congregations, and on-site signage (in conjunction with the Transfer of Rights Scheme outlined above, which will seek to enable lairholder communication in the future).

6.8 The programme to date has involved the following communications;

- Member briefings and press advertisements in advance of Inspection works
- Press releases and awareness raising across all communities at the commencement of the programme, including producing leaflets and using signage at Council call centres and buildings where the public came into contact with the Council
- Community Councils and congregations notified of Inspection works in their area
- Signage mounted at cemeteries 28 days in advance of any works explaining the programme
- Updated webpages with Frequently Asked Questions (FAQs) containing details and information to enable lair holders to be able to liaise with the Council should they have any concerns observations or feedback (<https://www.scotborders.gov.uk/headstonetesting>)
- Explanatory videos on YouTube. ([April 2019 update - headstone testing programme - making our cemeteries safe - YouTube](#))
- Social media updates notifying the community of Headstone Safety programme works
- Headstone safety demonstrations on-site – these had been arranged by the department to promote awareness for elected members and community councils, however to date have been poorly attended

6.9 The above measures have sought to promote awareness around the Inspection works. Officers have explored means by which the Council could go even further in community and member outreach work, within the

resource capacity available. To that end we propose a refresh of communications through a comprehensive communications plan which will seek to explain, raise awareness, and support individuals to understand the role of the Headstone Inspection works and how we can help them with any next steps. This would include;

- Community engagement and outreach work in advance of testing works – hosting in-person community sessions at relevant burial grounds/ cemeteries to share information.
- Refresh signage around cemeteries, and leave in-situ for 3 months once any Inspection and remediation works are complete
- Introduce labelling to all headstones laid flat or socketed – explaining sensitively why the Council has had to intervene and directing families/next of kin to support for next steps
- Regular contact with relevant community councils and congregations during Inspection programmes
- Regular updates to press – enhanced media coverage, expressing the sensitive but critical nature of the works, and offering up assistance to those who may wish to arrange their own works to headstones made safe
- Further promotion of safety demonstrations for elected members, aiming to increase attendance
- New video content for web/social media coverage – with relevant member involvement where possible
- Exploration of press coverage both on local radio and newspapers to further raise awareness within groups that may not access online/social media information
- Work with Community Councils to distribute information amongst local groups known to them that may have an interest

6.10 The refreshed Communications Strategy will seek to be focussed on reassuring, informing and building a compassionate dialogue with communities.

6.11 Proposal 3 – Headstone Reinstatement Pilot Study

In considering a programme of re-erecting headstones that have been made safe by laying flat, further analysis is required of the risk, resource and cost implications of carrying out works to permanently make safe any headstones that have been, or will require to be, laid flat.

6.12 In order to develop a better understanding of some of the costs, complexities and mitigations involved, it is proposed to undertake a Headstone Reinstatement Pilot Study at Lennel cemetery to re-erect 81 headstones that have been laid flat. In Lennel Cemetery 717 were tested overall with 94 failures. Of these 13 headstones were socketed and 81 have been laid flat. To date we have been advised that 7 of those laid flat are in the process of being re-erected privately by families using independent reputable monumental masons - as has been done at cemeteries across the region. Any headstones that are socketed into the ground will be left as they are; the repair works will focus only on those headstones that have had to be laid flat to make safe.

6.13 Prior to any works, officers will assess each headstone to ascertain if repair is both appropriate and viable. If a headstone is deemed too fragile to

withstand repair works, or is of designated heritage value, this will be recorded and no further action taken.

6.14 The repair methodology will depend on the nature of each individual headstone failure – headstones can fail at the foundation, the plinth or both. During the works, all elements of a headstone must be pinned - i.e. base to foundation and plinth to headstone base - and in most cases a new concrete foundation will be installed. Once this has cured holes are drilled into it (or into existing plinth if useable). The headstone is then also drilled and rods/pins installed, and cement or resin applied to bind the pins to the stone, which then anchors the stone into the foundation. The same pinning process is applied if the plate is loose and needs to be pinned into the base. There are a number of variables pertaining to the re-erection of headstones due to the complexity and unknown elements of the work, such as age/condition/extent of failure within each individual headstone. Specialist or complex works (e.g. headstones over 2m tall) will require to be outsourced to specialist contractors, at a scale and cost not yet known. There are risk implications pertaining to works to private property, both long and short term which are examined below.

6.15 The Pilot Study will be fully monitored and audited to inform future decision making with data on manpower time, resources and costs involved to undertake re-erection works in-house. A full risk assessment and method statement would be prepared in advance. Appropriate engagement will be carried out with the community.

6.16 Following the pilot there may be further considerations included in any subsequent report to Council regarding future works - such as those highlighted through benchmarking, e.g.;

- Sharing/charging out costs with lairholders (following the Transfer of Rights scheme outlined above) for any future re-erection works
- Incorporating a maintenance fee at the point of lair purchase
- Maintaining a modest annual budget to cover all repair works
- Outsourcing repair works to registered monumental stonemasons

6.17 Once the Pilot Study is completed and full analysis undertaken it is proposed that a further paper is brought back to Council reporting on findings with fully audited costs and projected whole-life budgetary and risk implications.

7 NEXT STEPS

7.1 Officers are seeking authorisation to resume completion of current testing programme deploying the regime set out above to avoid further delay and address most immediate risk. This would be completed by Autumn 2023, allowing for appropriate engagement and a 28 day notice period prior to works at each site. This will enable the Council to address current risk liability, complete the 5 year cycle of inspections and form the basis for a consistent starting point for the next cycle, under a new Headstone Safety Policy. This would be done in conjunction with a first phase of revamped communications, as proposed above.

7.2 Should all three proposals above be taken forward, the following provides an indicative timeline for the next steps;

Date	Action	Rationale
April – Autumn 2023	1. Testing programme: resume completion of current testing programme (to avoid further delay and address most immediate risk), with refreshed signage and communications.	Addresses current risk liability, completes the 5 year cycle of inspections and enables a consistent starting point for the next cycle, under a new policy.
April-June	2. Communications: develop and deliver a new Communications Plan as outlined; Promote pilot as trial study.	Provides clear communication and reassurance to communities around the inspection programme and the forthcoming reinstatement works
Summer 2023	3. Trial Study: commence pilot study trialling in-house repair works at Lennel cemetery.	Enables an informed approach to future policy direction and considerations for new risk assessments, method statements and resourcing implications within Parks & Environment Service.
Autumn 2023	4. Policy Development: develop a Headstone Safety Policy for council approval, embedding findings of Pilot study programme within clear parameters and reporting.	Informed by Action 3 above, enables the Council's new approach to be clearly communicated and ratified by members

8 IMPLICATIONS

8.1 Financial

There are no additional costs associated with the proposals outlined at 6.2 and 6.7, these will be resourced within existing budgets but will need to be managed alongside other priorities within the service. The proposed pilot outlined at 6.11 will be funded from existing budgets within Parks & Environment. Information from this pilot will be used to cost future implications of carrying out works to permanently re-erect any headstones that have been, or will require to be, laid flat.

If the proposals outlined are taken forward there will be longer term financial implications that will also need to be detailed in a further report.

8.2 Risk and Mitigations

The proposals outlines at 6.2 and 6.6 present some risks, particularly around the resource intensive work involved in establishing a Transfer of Rights Scheme and a Monumental Masons Registration Scheme. This will be mitigated against by programming the work in around high priority work within the Burials team, depending on interment levels.

The following risks and mitigation have been identified pertaining to the proposal outlined at 6.11 and any future wholesale shift towards the Council undertaking repair to headstones:

It has to be noted that by undertaking any reinstatement works as referenced at 6.11, SBC is probably accepting additional legal liabilities for itself. Firstly, if those works contain any defect and that results in harm, SBC will be liable for any harm caused. Secondly, if the headstone deteriorates again, there will undoubtedly be a debate as to whether that deterioration is simply caused by the passage of time, or if the works contributed to that deterioration. In effect, therefore, SBC may find itself having to undertake all future repairs (even if it decides at some point not to continue with reinstatement work). Thirdly, it may also find it is under pressure to repair headstones which are not yet dangerous, but where it is considered that works undertaken have contributed to deterioration. These risks would be mitigated by the fact that the first additional liability is certainly insurable, and the others may be. They could be further mitigated by engaging contractors to carry out the work on its behalf and in turn rely on the contractors insurance.

The Council has increasing budget pressures which may be further impacted upon by undertaking these works to private property – there is a risk that this has knock on effects on priority frontline services. There is a risk of increasing unanticipated costs should the Council adopt a wholesale programme of re-erection. While the pilot study will identify the operational costs for a small sample of headstones, there are costs that cannot be fully ascertained in advance pertaining to the level of longer term liability, the scale of specialist reinstatement works that may need to be outsourced, and any future compensation claims for works undertaken privately. Mitigation could include measure such as those identified through benchmarking such as working with lairholders to recoup costs of re-erection following inspection; incorporating a maintenance fee at the point of lair purchase; or identifying recurring revenue budget for re-erection and other costs.

The deployment of staff to undertake additional works such as the headstone re-erection works being considered in this paper will impact on other activities undertaken within the Service, such as burial ground maintenance activities and other operational agile working activities. Similarly due to the unpredictable nature of other priority workloads such as interments, the programming of any headstone re-erection works would need to be flexible to accommodate other higher priority works. This would need to be mitigated against through appropriate resourcing and flexibility in workflow management.

8.3 Integrated Impact Assessment

- (a) 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.

- (b) The IIA indicates that a full IIA is not needed at this stage for the proposals contained in this report. However a full IIA will be undertaken as part of the preparation of any proposed revised Policy and/or any future reinstatement programme, by which time the full detailed nature of same will have been prepared and therefore any IIA implications will be measurable.

8.4 Sustainable Development Goals

The proposals contained in this report are considered as having impact on the Council's commitment to the UN Sustainable Development Goals, in the following regard;

UN SD Goal 11 - Make cities and human settlements inclusive, safe resilient and sustainable	<ul style="list-style-type: none"> • Provide citizens with safe, green public spaces – the management of headstone safety ensures public safety in local churchyards and cemeteries.
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8.5 Climate Change

The proposals contained in this report have been assessed against the Climate Change checklist. They do not contribute to reducing energy use, minimising car journeys, circular economy principles, minimisation of water use, climate resilience or biodiversity protection. In terms of Infrastructure and Land Use they do contribute to the provision of local amenities in the safe management of cemeteries for public access.

8.6 Rural Proofing

A full Rural Proofing assessment will be undertaken as part of any new policy preparation.

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

There are changes required to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals in this report.

9 CONSULTATION

- 9.1 [insert details of your consultees (see consultation sheet)] You must consult 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 and any comments received will need to be incorporated into the final report.

6.2 Others to be consulted if required are –

- Corporate Equalities and Diversity Officer – for any new or revised policies/strategies to assure Equality Impact Assessment.
- Procurement Officer – if you are buying any goods or services.

Approved by

Name **John Curry** **Title** **Director Environment & Infrastructure**

Author(s)

Name	Designation and Contact Number
Craig Blackie	Parks & Environment Manager
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Background Papers: [insert list of background papers used in compiling report]

Previous Minute Reference: [insert last Minute reference (if any)]

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Public Toilets

Report by Director Infrastructure & Environment

SCOTTISH BORDERS COUNCIL

30 March 2023

1 PURPOSE AND SUMMARY

1.1 **This report proposes a strategy for the future provision of Public Toilets in the Scottish Borders.** Scottish Borders Council currently has 27 public toilets open for use, 14 remain closed and will not reopen.

1.2 Five key principles have been developed to inform how the Council propose to support the future delivery of the remaining 27 public toilet facilities.

2 RECOMMENDATIONS

2.1 **I recommend that the Committee:-**

- (a) **Approves the future provision of Public Toilets across the Scottish Borders as detailed in Appendix A.**
- (b) **Agrees to assign delegated powers to the Director Infrastructure & Environment, Acting Chief Financial Officer and the Chief Legal Officer to negotiating the sale/disposal of facilities as part of the strategy.**

3 BACKGROUND

- 3.1 Public toilets are important to society for a range of different reasons: supporting vulnerable people to have confidence to leave their home, supporting our communities to be economically active and welcoming of visitors and supporting our and other mobile workforce welfare needs whilst at work.
- 3.2 However, the provision of public toilets is a discretionary service for Local Authorities and Scottish Borders Council is not legally obligated to provide public toilets.
- 3.3 Scottish Borders Council has 27 operating public toilets distributed across settlements and communities supplementing a range of additional provision in shops, filling stations, pubs, cafes and non-council operated visitor attractions across the Region.
- 3.4 In 2010, around £1m was invested into the public toilet estate but it only benefited a limited number of facilities. The quality of facilities remains generally poor and a proposal over how to improve the quality of the reduced smaller operational toilet estate is required.
- 3.5 In 2017, charged access was introduced with the proceeds being used to support operational services. Payments are made via a coin operated locking mechanism, which has proved problematic in some locations for example Earlston.
- 3.6 In 2018, the Council explored private sector interest in the design, operation and management of its public toilet estate and officers undertook a procurement exercise. Only one bid submission was received, which was £34k more expensive than the Council's in house delivery model and this was not pursued.
- 3.7 In the 2019, a further £50k of financial planned savings were agreed for a new delivery model for public toilet provision from 2020/21.
- 3.8 In 2019/20, the final year pre the current operating model for public toilets being introduced, the net cost of operating public toilets was £332k per annum.
- 3.9 At the start of the COVID pandemic all public toilets were closed. In August 2020, the Council reopened 16 facilities in key locations with an enhanced cleaning regime. A further 11 facilities were reopened from August 2021. In Eyemouth, Jedburgh, Kelso, Galashiels, Melrose, Selkirk, Hawick and Peebles, the Council owns more than one facility and continues to provide one operating facility in each of these towns. All disabled toilets are open.
- 3.10 The current model which includes 2 cleans per day in busy facilities and one clean per day in other facilities, given their rural nature and reduced usage costs £394k per annum.

4 Key Principles for the Council's Continued Support of Public Toilets

- 4.1 The following principles have been developed to inform how the Council continues to support public toilet facilities recognising some of the factors highlighted above:

Key Principle 1 - The condition of public toilets influences visitor and local perception of a community and there is a need to enhance the condition of the 27 facility operational toilet estate. To achieve this a programme of surveys and capital investment is needed.

Key Principle 2 – The Council will maintain the current operational estate including the provision of one Council provided facility per each major existing settlement.

Key Principle 3 - A phased approach to upgrading payment operated locking facilities will be implemented along with a move to accepting contactless payment facilities.

Key Principle 4 - Provisions will continue to be maintained for those who need access for medical reasons and/ or emergency access via the RADAR mechanism.

Key Principle 5 - An appropriate cleaning and inspection regime has to be maintained on a daily basis with cleaning of public toilets undertaken once per day.

5 Proposals

- 5.1 The principles outlined in Section 4 above have informed the proposals outlined at appendix A.
- 5.2 A condition survey will be undertaken for the remaining toilet facilities to inform future refurbishment and upgrade requirements with appropriate provision included in the capital plan 2024/25.
- 5.3 A phased approach to upgrading payment operated locking facilities through the introduction of contactless payment will be implemented as part of future refurbishment plans.
- 5.4 Mapping will be undertaken and made publicly available as part of a coordinated communications strategy to identify and locate all Council operated public toilet facilities and those available through public sector partners officers to raise and agree as part of finalising the report specifically with NHSB, Live Borders, RSLs) and other public access toilet provision (Supermarkets/ chain Cafes etc) across the Scottish Borders to improve awareness and online signposting for residents, tourists and visitors.
- 5.5 The Council will, where this is desired by communities, help to facilitate community-led initiatives to operate new or additional facilities. For the avoidance of doubt this will not extend to grant funding communities to take on redundant facilities.

- 5.6 Where there are 'gaps' in provision, the Council will however consider support it can provide to operate community or business led 'Comfort Schemes' within the constraints of resource and available budget.
- 5.7 To help to sustain the refurbishment of a smaller estate, facilities will to be sold on the open market, transferred to communities as community asset transfers or demolished. This will require a lead in time and the savings and costs associated with this will need to be profiled accordingly. The most appropriate way of repurposing each facility by way of sale (either on the open market or to adjoining owners), community asset transfer or demolition will need to be considered at an individual property level.

6 IMPLICATIONS

6.1 Financial

- (a) It is anticipated the future provision of public toilets as detailed at Appendix A will deliver a net saving in 2023/24 allowing for the permanent delivery of the financial plan saving of £50k.
- (b) Ongoing financial implications will be reviewed as part of the 2024/25 financial planning process including the refurbishment requirements identified from the condition surveys to improve the quality of open facilities.

6.2 Risk and Mitigations

- (a) The savings of £50k required by the financial plan will not be delivered if no decision is made to change the service. Mitigations are the recommendations within this report. More importantly by adopting a smaller more sustainable model the council will ensure it can maintain and service the toilet estate to a higher standard than was previously possible.
- (b) Any changes required to staffing arising from the proposal members opt to adopt, will be managed according to HR policy and procedures relating to redeployment.
- (c) To realise all of the property related savings the facilities will need to be sold on the open market, transferred to communities as community asset transfers or demolished. This will require a lead in time and the savings and costs associated with this will need to be profiled accordingly. The most appropriate way of repurposing each facility by way of sale (either on the open market or to adjoining owners), community asset transfer or demolition will need to be considered at an individual property level. However, the Council has already received two expressions of interest for two facilities and it is anticipated that this will increase if either options are pursued.

6.3 Integrated Impact Assessment

- (a) An Integrated Impact Assessment has been undertaken and is included as an appendix to this paper.

6.4 Sustainable Development Goals

The proposals and recommendations within this report are expecting to have limited impact upon the UN Sustainable Development Goals. However, it is expected that the continued provision of public toilets will contribute to *Goal 3 – Ensure healthy lives and promote wellbeing for all at all ages*, by seeking to provide accessible and inclusive facilities at key locations across the Scottish Borders. As part of the capital investment plan, water usage and consumption will be a consideration, which contributes to *Goal 6 – Ensure availability and sustainable management of water and sanitation for all*. The provision of public toilets supports and enhances the tourism and visitor economy and will contribute to *Goal 8 – Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all*.

6.5 Climate Change

Overall the proposal is expected to positively contribute towards Climate Change by developing a phased investment plan that consider solutions to reduce energy and water usage and demand and the use of renewables that may contribute to reducing CO2 emissions. In addition, the proposals may see reinvestment in existing proposals, reusing and preserving the assets where possible and rationalising surplus assets for community use, for sale or for redevelopment.

6.6 Rural Proofing

There are no rural proofing implications related with the recommendations in this report

6.7 Data Protection Impact Statement

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

6.8 Changes to Scheme of Administration or Scheme of Delegation

The proposal seeks to assign delegated powers to the Director Infrastructure & Environment, Acting Chief Financial Officer and the Chief Legal Officer to negotiating the sale/disposal of facilities as part of the strategy.

7CONSULTATION

- 7.1 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 are being consulted and any comments received will be incorporated into the final report.

Approved by

Name

Title

Author(s)

Name	Designation and Contact Number
John Curry	Director Infrastructure & Environment

Background Papers:

Previous Minute Reference:

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

Contact us at John Curry – john.curry@scotborders.gov.uk

Appendix A - Public Toilets

		2019-20 Financials			
		Last Full Financial Year Pre COVID-19			
Town	Location	Running Costs	Income	Net Cost	Proposal
Burnmouth	Harbour	8,696	0	8,696	Closed
Chirnside	Crosshill	7,620	0	7,620	Open
Cockburnspath	Main street	6,732	0	6,732	Open
Coldingham	Coldingham Sands	15,729	-809	14,920	Open
Coldstream	Court house car park	8,870	-2,821	6,048	Open
Duns	Briery Baulk	12,445	-1,153	11,292	Open
Eyemouth	Harbour (FMA)	10,814	-2,017	8,798	Closed
Eyemouth	Bantry car park	10,037	-2,598	7,439	Open
Greenlaw	The Square	6,920	0	6,920	Open
St Abbs	Harbour	7,782	-1,936	5,846	Open
Jedburgh	Lothian Park	13,327	-5,240	8,087	Closed
Jedburgh	TIC	19,751	-8,596	11,155	Open
Kelso	Shedden Park	9,322	-366	8,957	Open
Kelso	Croft Park	7,103	0	7,103	Closed
Kelso	Woodmarket/Horsemarket	18,148	-6,311	11,837	Open
Morebattle	Main Street	6,304	0	6,304	Open
Newtown St Boswells	Main Street	7,291	0	7,291	Closed
St Boswells	Main Street	7,523	-1,097	6,426	Open
Yetholm	High Street	6,701	0	6,701	Open
Earlston	Bus station	7,447	-1,702	5,744	Open
Gala Transport interchange	Passenger Transport	5,632	-6,517	-884	Open
Galashiels	High Street, car park	18,623	-3,472	15,151	Closed
Galashiels	Bank Street Gardens	12,943	-1,151	11,792	Closed
Lauder	The Avenue	6,610	-1,325	5,285	Open
Melrose	Greenyards	4,179	0	4,179	Closed
Melrose	Abbey Place	10,981	-4,181	6,800	Open
Selkirk	Scotts Place	7,812	0	7,812	Closed
Selkirk	Market Place	10,518	-1,972	8,545	Open
Stow	Galashiels road	9,246	0	9,246	Open
Yarrow Valley	St Marys Loch	6,582	-933	5,649	Closed
Denholm	Dene Road	4,386	0	4,386	Open
Hawick	Howegate	10,513	-360	10,153	Closed
Hawick	Volunteer Park	8,295	-414	7,881	Closed
Hawick	Common Haugh	16,161	-2,452	13,709	Open
Newcastleton	Langholm Street	8,057	-803	7,254	Open
Broughton	King George V Playing Fields	6,348	0	6,348	Open
Innerliethen	Hall Street	11,275	-2,187	9,088	Open
Peebles	School Brae	11,574	-1,420	10,154	Closed
Peebles	Eastgate car park	14,597	-2,527	12,071	Open
Peebles	Kingsmeadows	9,177	-4,293	4,883	Closed
West Linton	Main Street	8,275	0	8,275	Open
	Total	400,348	-68,654	331,694	

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UK SHARED PROSPERITY FUND

Report by Director, Resilient Communities

SCOTTISH BORDERS COUNCIL

30 March 2023

1 PURPOSE AND SUMMARY

- 1.1 The purpose of this report is to provide an update to Members on the UK Shared Prosperity Fund (UKSPF) for the Scottish Borders and to seek agreement from Members on the proposals for delivery of the 2022/23 funding allocation.**
- 1.2 The UK Shared Prosperity Fund (UKSPF) is part of the UK Government's Levelling Up policy agenda. A Prospectus for UKSPF was published in April 2022 setting out three investment priorities - covering Communities and Place, Business Support, and People & Skills, and a separate Multiply programme for improving numeracy for employability purposes. [UK Shared Prosperity Fund: prospectus - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/uk-shared-prosperity-fund-prospectus)
- 1.3 Each local authority in Scotland was provided with an allocation over the financial years 2022/23 – 2024/25 for their administrative areas to be used to meet UKSPF investment priorities and Multiply objectives. The Scottish Borders funding allocation was £4,442,628 for UKSPF and £927,344 for Multiply, and this funding is split approximately 85% revenue and 15% capital.
- 1.4 To access the funding allocation, local authorities were required to submit an investment plan setting out priorities and measurable outcomes to UK Government. The UKSPF plan for Scottish Borders Council was submitted in August 2022, and it was confirmed by UK Government officials on 5th December that the plan has been approved.
- 1.5 Due to the likelihood of underspends at year-end in the 2022/23 allocation, the UK Government has allowed flexibility to move unspent funding into the 2023/24 financial year, based on credible investment plans being submitted through routine end of year reporting.
- 1.6 To avoid any underspends being returned to the Department for Levelling Up, Housing and Communities (DLHUC), it is proposed that a delegation is given to the Director of Resilient Communities and the Acting Chief Financial Officer in consultation with an enhanced Economic Development Elected Members Reference Group to make investment decisions using the 2022/23 allocation. This group will take advice from two advisory groups, namely the Place Partnership and the Local Employability Partnership, to allocate the funding to appropriate projects and programmes in line with the approved investment plan.

2 RECOMMENDATIONS

2.1 It is recommended that Scottish Borders Council:

- a) Notes that the UK Government approved the Council's UK Shared Prosperity Fund investment plan as detailed at paragraph 3.7.**
- b) Agrees to delegate authority to the Director of Resilient Communities and the Acting Chief Financial Officer in consultation with the Economic Development Elected Members Reference Group, the Convener of the Council and the Leader of the Independent Group, to allocate Scottish Borders UK Government Shared Prosperity Funding in line with the approved investment strategy, taking account of the recommendations of two advisory groups as detailed at paragraphs 4.3 and 4.4.**
- c) Agrees that regular progress reports are presented to the Executive Committee.**

3 BACKGROUND

- 3.1 The UK Government published its Levelling Up White Paper in February 2022. This set out its approach to bring greater prosperity to communities across the UK and tackle regional and local inequalities.
- 3.2 The UK Shared Prosperity Fund (UKSPF) is one of the main drivers of the UK Government's Levelling Up policy agenda. For the UK as whole, the UK Government indicated it will commit over £2.6bn of UKSPF funding for local investment by March 2025, which will be allocated to local authorities to replace European Structural Funds.
- 3.3 The UK Government published its UKSPF Prospectus on 13 April 2022. [UK Shared Prosperity Fund: prospectus - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/107111/ukspfp-prospectus-2022.pdf). It indicated that the primary goal of the UKSPF was to build pride in place and increase life chances across the UK, with the following objectives:
- Boost productivity, pay, jobs and living standards, especially in those places where they are lagging;
 - Spread opportunities and improve public services, especially in those places where they are weakest;
 - Restore a sense of community, local pride and belonging, especially in those places where they have been lost; and
 - Empower local leaders and communities, especially in those places lacking local agency.
- 3.4 The UK Government set out that UKSPF investment plans developed by Local Authorities should concentrate on the following priorities:
- Communities and Place, targeted at enabling places to invest and restore their community spaces and relationships and create the foundations for economic development at the neighbourhood level;
 - Supporting Local Business, directed at enabling places to fund interventions that support local businesses to thrive, innovate and grow;
 - People and Skills, focused at helping to reduce the barriers some people face in terms of accessing employment opportunities and supporting them into and within the jobs market; and
 - Multiply, aimed at ensuring more adults achieve maths qualifications /participate in numeracy courses (up to, and including Level 2/ SCQF Level 5), improving labour market outcomes and increasing adult numeracy across the population.
- 3.5 The local investment plans needed to cover a period of three financial years 2022/23 – 2024/25. Funding for investment plans involves a mixture of revenue and capital funding based on an approximate 85%/15% split respectively over the three-year period. The additional Multiply programme is ring-fenced and 100% revenue.
- 3.6 The funding allocation for the Scottish Borders over the three-year period 2022/23 – 2024/25 is £4,442,628 for UKSPF and £927,344 for Multiply. The year on year breakdown of this funding is provided in Table 3.1. The indicative allocations for 2023/24 and 2024/25 will be reviewed on submission of reporting requirements detailing progress on spend and confirmed in annual Grant Determinations.

Table 3.1 – UKSPF Programme of Funding

Scottish Borders	UKSPF General Funding	UKSPF Multiply Funding
2022/23	£539,154	£280,360
2023/24	£1,078,308	£323,492
2024/25	£2,825,166	£323,492
Total	£4,442,628	£927,344

3.7 The Scottish Borders Council investment plan was submitted to UK Government on 12 August 2022, and we received confirmation from UK Government of approval of the plan on 5 December 2022.

3.8 The investment plan has flexibility in the proposed delivery mechanisms for UKSPF, but it is expected there will be an element of competition for grant funding will need to be incorporated into the delivery of the plan. However, this can be complemented by use of in-house delivery and commissioning and procurement options as applicable. Where possible existing partnerships will be engaged to support and develop the delivery of the UKSPF, in line with UKSFP guidance.

4 PROPOSED DELIVERY OF SPF LOCAL INVESTMENT PLAN 2022/23

4.1 The proposed funding allocations for the four key elements of the Scottish Borders Council Investment Plan over the three year period investment period have been provided in Table 4.1 below:

Table 4.1 – Proposed UKSPF Allocations by Investment Priority

Key Elements of SPF Local Investment Plan	2022/23	2023/24	2024/25	Total
Communities and Place	£255,000	£446,746	£1,325,033	£2,026,779
Local Business	£224,154	£375,000	£710,133	£1,309,287
People and Skills	£60,000	£256,562	£790,000	£1,106,562
Multiply	£280,360	£323,492	£323,492	£927,344
Total	£819,514	£1,401,800	£3,148,658	£5,369,972

4.2 Officers have held regular meetings with UK Government officials to discuss UKSPF and the likelihood of limited spend in the current financial year. UK Government has confirmed flexibility is in place to submit an updated plan to UK Government, detailing how the award for 2022/23 will be delivered within the following two-year investment period. This

process will be managed through routine end of year reporting, and officers are liaising with UK Government officials to confirm exact timescales and detailed requirements.

- 4.3 To provide a transparent decision making process, it is proposed that the allocations for Communities and Place and Local Business investments will be considered by a new Place Partnership advisory panel, which will be chaired by the Director of Resilient Communities and include key strategic partners including South of Scotland Enterprise (SOSE), Live Borders, Borders College, Third Sector Interface (TSI), Chamber of Commerce and Regional Social Landlords. As well as making recommendations on UKSPF investments, the intention is that this group could also provide strategic direction and advice in relation to the Place Making agenda.
- 4.4 It is proposed that the allocations for the People and Skills and Multiply themes would be considered by the Local Employability Partnership (LEP), which is chaired by the Chief Officer for Economic Development. This consists of a number of key partners, including Skills Development Scotland, NHS Borders, Department of Work and Pensions and Developing the Young Workforce. It is proposed that the partnership would provide recommendations, advice and direction in relation to the proposed SPF allocations and also consider joint working where appropriate.
- 4.5 To ensure the 2022/23 investment allocation deadline is met and to provide Elected Members oversight of this process, it is proposed that the 2022/23 UKSPF investment decisions are delegated to the Director of Resilient Communities and the Acting Chief Financial Officer in consultation with those members that currently form the Economic Development Members Reference Group being Councillor Jardine, Councillor Scott Hamilton, Councillor Linehan, Councillor Robson, Councillor Thornton-Nicol and Councillor Mountford with the addition of the Convener and the Leader of the Independent Group to provide additional oversight and scrutiny.

5 IMPLICATIONS

5.1 Financial

- a) The funding allocation for the Scottish Borders is £4,442,628 for UKSPF and £927,344 for Multiply;
- b) The proposed funding allocations for the four key elements of the Scottish Borders Council Investment Plan over the three year period 2022/23 – 2024/25 are detailed at 4.1;
- c) The Scottish UKSPF investment plan is fully funded by the UK Government and includes a 4% allocation for administration costs. Any match funding for projects will be provided within existing budget allocations.

5.2 Risk and Mitigations

- a) There is an inflationary risk but these will be factored into any projects included in the investment plan.

- b) There is major reputational risk for the Council if we are not able to deliver on the agreed UKSPF Investment Plan, which could ultimately result in returning funding to UK Government.

5.3 **Integrated Impact Assessment**

Inclusive Growth and Equality matters have been fully considered in the development of the UKSPF Investment Plan, and equality impact assessments will be undertaken on the specific elements of the investment plan if applicable.

5.4 **Sustainable Development Goals (SDGs)**

The UKSPF investment plan takes account of the requirement for sustainable development goals. It has a particular focus on SDG 8 (Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all), and SDG 9 (Build resilient infrastructure, promote inclusive and sustainable industrialisation and foster innovation).

5.5 **Climate Change**

The UKSPF investment plan has been developed to support a Just Transition to Net Zero and it is expected to have positive implications for reducing carbon emissions.

5.6 **Rural Proofing**

The UKSPF investment plan will take account of the needs all areas in the Scottish Borders, including rural areas.

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 will be no changes required to either the Scheme of Administration or the Scheme of Delegation resulting from the proposals set out 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 and the comments received have been incorporated into the final report.

Approved by

Jenni Craig
Director of Resilient Communities

Author(s)

Name	Designation and Contact Number
Graeme Johnstone	Place and Enterprise Manager
Sam Smith	Chief Officer – Economic Development

Background Papers: Scottish Borders Council – June 2022

Previous Minute Reference:

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Enter Contact can also give information on other language translations as well as providing additional copies.
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LOCAL CODE OF CORPORATE GOVERNANCE

Report by Chief Executive

SCOTTISH BORDERS COUNCIL

30 March 2023

1 PURPOSE AND SUMMARY

- 1.1 **This report proposes that the Council approves the updated SBC Local Code of Corporate Governance, on recommendation by the Audit Committee.**
- 1.2 Scottish Borders Council (SBC) is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively.
- 1.3 The SBC Local Code of Corporate Governance, which is consistent with the principles and recommendations of the CIPFA/SOLACE Framework 'Delivering Good Governance in Local Government' and the supporting guidance notes for Scottish authorities (2016), was previously revised and approved by Council on 28 June 2018.
- 1.4 The SBC Local Code of Corporate Governance has been updated by the officer Governance Self-Assessment Working Group, on behalf of the Council Management Team (CMT). The updated SBC Local Code of Corporate Governance (Appendix 1) requires approval by Council to ensure this key document continues to be relevant and complete to reflect the appropriate framework for effective governance of the Council's affairs and facilitate the exercise of its functions to deliver best value.
- 1.5 The Audit Committee had the opportunity to scrutinise the updated Local Code of Corporate Governance for Scottish Borders Council at its meeting on 13 March 2023, and recommended it for Council approval, to assist with the 2022/23 annual assurance process.

2 RECOMMENDATIONS

- 2.1 **I recommend that the Council:**
 - a) **Notes the changes outlined in this report;**
 - b) **Approves the updated Local Code of Corporate Governance (Appendix 1); and**
 - c) **Notes that the updated Local Code will be used for the 2022/23 annual assurance process.**

3 BACKGROUND

- 3.1 Scottish Borders Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively.
- 3.2 The Council's Local Code of Corporate Governance, which is consistent with the principles and recommendations of the CIPFA/SOLACE Framework 'Delivering Good Governance in Local Government' and the supporting guidance notes for Scottish authorities (2016), was previously revised and approved by Council on 28 June 2018, on recommendation by the Audit Committee.
- 3.3 Fundamentally, Corporate Governance is about openness, integrity and accountability. It comprises the systems and processes, and cultures and values by which the authority is directed and controlled and through which it accounts to, engages with and, where appropriate, leads its communities.
- 3.4 The CIPFA/SOLACE Framework urges local authorities to review the effectiveness of their existing governance arrangements against their Local Code, and prepare a governance statement and report compliance on an annual basis.
- 3.5 Part of the Audit Committee's remit is to assess the effectiveness of internal controls, risk management, and governance arrangements in place.

4 REVISIONS TO THE LOCAL CODE OF CORPORATE GOVERNANCE

- 4.1 The officer Governance Self-Assessment Working Group during the 2021/22 Review of Framework concluded that revisions are required to the Local Code of Corporate Governance to ensure it reflects the changing context of Scottish Borders Council and continues to be a value-added tool for members and officers of the Council in the conduct of the Council's affairs.
- 4.2 The annual review 2021/22 conclusion was stated within the draft Annual Governance Statement 2021/22 that was presented to the Audit Committee on 27 June 2022.
- 4.3 The 7 core principles of good governance set out in the CIPFA/SOLACE Framework 'Delivering Good Governance in Local Government' (2016) are:
 - A. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law
 - B. Ensuring openness and comprehensive stakeholder engagement
 - C. Defining outcomes in terms of sustainable economic, social, and environmental benefits
 - D. Determining the interventions necessary to optimise the achievement of the intended outcomes
 - E. Developing the entity's capacity, including the capability of its leadership and the individuals within it
 - F. Managing risks and performance through robust internal control and strong public financial management
 - G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability

- 4.4 The officer Governance Self-Assessment Working Group, on behalf of the Council Management Team (CMT), engaged in the review and update of the SBC Local Code of Corporate Governance during the latter half of 2022, and considered one Local Code principle at a time.
- 4.5 The main changes to the Local Code cover:
- Comprehensive evidence against each of the seven principles of good governance and sub-principles;
 - Reflecting the post-local elections new arrangements e.g. Administration and its priorities, committee structures and functions;
 - Updates to strategies, plans and processes which reflect the current operating environment;
 - Further developments in community and citizen consultation and engagement activities;
 - Enhancements to developing the capacity and capability; and
 - Enhancements arising from audit and inspection findings, and other planned changes.
- 4.6 The updated Local Code of Corporate Governance for Scottish Borders Council (Appendix 1) is presented for approval.
- 4.7 The updated Local Code will be used for the 2022/23 annual assurance process. This process includes the annual self-assessment, the identification of improvement actions that are designed to enhance the internal control environment, and risk management and corporate governance arrangements, and the preparation and publication of an Annual Governance Statement reporting on the review and outcomes. This process not only creates an opportunity for the Council to set out its standards for good governance but also to ensure that its governance arrangements are seen to be sound. This is important as the governance arrangements in public services are closely scrutinised. This is one example of how the Council demonstrates the core principle of good governance "G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability" included within the CIPFA/SOLACE Framework.

5 IMPLICATIONS

5.1 Financial

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

The overall aim of the CIPFA/SOLACE Framework 'Delivering Good Governance in Local Government' (2016), on which Scottish Borders Council's Local Code of Corporate Governance is framed, is to ensure that:

- resources are directed in accordance with agreed policy and according to priorities;
- there is sound and inclusive decision making; and
- there is clear accountability for the use of those resources in order to achieve desired outcomes for service users and communities.

Core principle of good governance "E. Developing the entity's capacity, including the capability of its leadership and the individuals within it" is included within the CIPFA/SOLACE Framework. Workforce and elected

member development are a key part of the good governance framework within the Council's Local Code of Corporate Governance.

This will enable the Council to fulfil its obligations to provide best value service delivery to its citizens.

5.2 **Risk and Mitigations**

The review and update of the Local Code of Corporate Governance will ensure that internal controls, risk management and other governance arrangements reflect the arrangements in place on an evidence-basis. This helps to ensure proper arrangements continue to be in place to meet the responsibilities set out in the CIPFA/SOLACE Framework.

Core principle of good governance "F. Managing risks and performance through robust internal control and strong public financial management" is included within the CIPFA/SOLACE Framework. Scottish Borders Council's evidence of systems, processes and documentation to demonstrate local compliance with this core principle of good governance is set out in its updated Local Code of Corporate Governance.

5.3 **Integrated Impact Assessment**

This is a routine good governance report for assurance purposes, required under the Local Authority Accounts (Scotland) Regulations 2014. This report does not relate to new or amended policy or strategy and as a result an integrated impact assessment is not an applicable consideration.

The application of practices to ensure obligations under the Equalities Act and compliance with the Fairer Scotland Duty is set out in Scottish Borders Council's Local Code of Corporate Governance to demonstrate compliance of core principle of good governance "A. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law" which is included within the CIPFA/SOLACE Framework.

5.4 **Sustainable Development Goals**

The recommendations in this report will not directly impact any of the 17 UN Sustainable Development Goals.

Core principle of good governance "C. Defining outcomes in terms of sustainable economic, social, and environmental benefits" is included within the CIPFA/SOLACE Framework 'Delivering Good Governance in Local Government' (2016). The evidence of Scottish Borders Council's systems, processes and documentation to demonstrate local compliance with this core principle of good governance is set out in its Local Code of Corporate Governance.

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.

Core principle of good governance "D. Determining the interventions necessary to optimise the achievement of the intended outcomes" is included within the CIPFA/SOLACE Framework. Prevention arrangements are a key part of the good governance framework within the Council's Local Code of Corporate Governance.

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.

Core principle of good governance “B. Ensuring openness and comprehensive stakeholder engagement” is included within the CIPFA/SOLACE Framework. Scottish Borders Council’s evidence of systems, processes and documentation on how to work effectively with communities, involve local people at the outset, and consult appropriately to demonstrate local compliance with this core principle of good governance is set out in its Local Code of Corporate Governance.

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 Council Management Team considered the report and appendix on 1 March 2023 to sign-off the updated Local Code of Corporate Governance to ensure their knowledge of its content to support their role in the annual assurance process 2022/23.

6.2 The Acting Chief Financial Officer, Interim Chief Officer Corporate Governance (and Monitoring Officer), Director People, Performance & Change, Clerk to the Council, and Communications team have been consulted on the report and any comments received have been incorporated.

6.3 The Audit Committee considered the report and appendix on 13 March 2023 to scrutinise the updated Local Code of Corporate Governance, and recommended it for approval by Council.

Approved by

Chief Executive

Signature

Author(s)

Name	Designation and Contact Number
Jill Stacey	Chief Officer Audit and Risk Tel 01835 825036

Background Papers: CIPFA/SOLACE framework ‘Delivering Good Governance in Local Government’; Scottish Borders Council Local Code of Corporate Governance

Previous Minute Reference: Scottish Borders Council 28 June 2018

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Scottish Borders Council Local Code of Corporate Governance (revised February 2023)

Scottish Borders Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively.

The Council operates through a governance framework for the conduct of its affairs which brings together an underlying set of legislative requirements, governance principles and management processes. The Council's revised Local Code of Corporate Governance, which is consistent with the principles and requirements of the CIPFA/SOLACE Framework 2016 "Delivering Good Governance in Local Government", will help to ensure proper arrangements continue to be in place to meet the Council's responsibilities.

The concept underpinning the Framework is that it assists local government in taking responsibility for developing and shaping an informed approach to governance, aimed at achieving the highest standards in a measured and proportionate way. The Framework helps authorities individually in reviewing and accounting for their own unique approach. The overall aim is to ensure that:

- resources are directed in accordance with agreed policy and according to priorities
- there is sound and inclusive decision making
- there is clear accountability for the use of those resources in order to achieve desired outcomes for service users and communities.

The environment in which it works local government is increasing in complexity. The Public Bodies (Joint Working) (Scotland) Act 2014 and other legislation have brought about new roles, opportunities and greater flexibility, as well as challenges for authorities.

The development of new structures, such as health and social care partnerships, necessitates the design of governance structures from the bottom up, ensuring that the core principles of good governance covering openness and stakeholder engagement, defining outcomes, monitoring performance and demonstrating effective accountability are integrated and embedded within the new structures and that mechanisms for effective scrutiny are established.

Whether working with other authorities, public sector bodies, the third sector or private sector providers, local authorities must ensure that robust governance arrangements are established at the outset. The 'Framework' defines the seven core principles of good governance, which the Council fully supports, namely:

- A. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law
- B. Ensuring openness and comprehensive stakeholder engagement
- C. Defining outcomes in terms of sustainable economic, social, and environmental benefits
- D. Determining the interventions necessary to optimise the achievement of the intended outcomes
- E. Developing the entity's capacity, including the capability of its leadership and the individuals within it
- F. Managing risks and performance through robust internal control and strong public financial management
- G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability

Scottish Borders Council aims to meet the highest standards of corporate governance to help ensure that it meets its objectives. It will test its structure against these principles by:

- Reviewing its existing governance arrangements against the 'Framework'
- Developing and maintaining an up-to-date Local Code of Governance including arrangements for ensuring its ongoing application and effectiveness
- Preparing a governance statement (Annual Governance Statement) in order to report publicly on the extent to which it complies with its own code on an annual basis, including how it has monitored the effectiveness of its governance arrangements in the year, and on any planned changes for the coming period.

The preparation and publication of an Annual Governance Statement in accordance with the Framework fulfils the statutory requirement for a local authority to conduct a review at least once in each financial year of the effectiveness of its system of internal control and to include a statement reporting on the review with its Statement of Accounts. This process not only creates an opportunity for the Council to set out its standards for good governance but also to ensure that its governance arrangements are seen to be sound. This is important as the governance arrangements in public services are closely scrutinised.

A. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law

Local government organisations are accountable not only for how much they spend, but also for how they use the resources under their stewardship. This includes accountability for outputs, both positive and negative, and for the outcomes they have achieved. In addition, they have an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies. It is essential that, as a whole, they can demonstrate the appropriateness of all their actions and have mechanisms in place to encourage and enforce adherence to ethical values and to respect the rule of law.

A1 Behaving with integrity

	Behaviours and actions that demonstrate good governance	Demonstration of good governance in practice
1	Ensuring members and officers behave with integrity and lead a culture where acting in the public interest is visibly and consistently demonstrated thereby protecting the reputation of the organisation	Standards and obligations are set out in the Councillors' Code of Conduct, covered during Induction process and included in Welcome Pack for continual reference supplemented by ongoing support from Officers. Protocol on Relationships between Political Groups, Elected Members and Officers. Employees' Code of Conduct reflects the values of the Council, incorporates "The Seven Principles of Public Life" identified by the Nolan Committee on Standards in Public Life, and includes Whistleblowing Policy. The Appraisal and Competency Framework in place for employees is based upon the Council's Values and Standards and includes Demonstrating Positive Behaviours, as part of People Plan linked to Council Plan.
2	Ensuring members take the lead in establishing specific standard operating principles or values for the organisation and its staff and that they are communicated and understood. These should build on the Seven Principles of Public Life (the Nolan Principles)	The Council Plan (approved by Council and published on website) sets out the Council's vision, values and standards to guide the way it works and to inform strategies and policies based on priorities.
3	Leading by example and using these standard operating principles or values as a framework for decision making and other actions	Declarations of Interest are set out in the Council's Procedural Standing Orders, which govern the conduct of each Committee meeting. Members Registers of Interest is published on the Council's website.
4	Demonstrating, communicating and embedding the standard operating principles or values through appropriate policies and processes which are reviewed on a regular basis to ensure that they are operating effectively	Counter Fraud Policy and Strategy approved by Council. Councillors' and Employees' Codes of Conduct outline the arrangements for identifying, mitigating and recording conflicts of interest, hospitality and gifts. Declarations of Interest are set out in the Council's Procedural Standing Orders, which govern the conduct of each Committee meeting. Members' Registers of Interest is published on the Council's website. Employees' Code of Conduct includes Whistleblowing Policy. Annual Complaints Reports to relevant committee.

A2 Demonstrating strong commitment to ethical values

	Behaviours and actions that demonstrate good governance	Demonstration of good governance in practice
1	Seeking to establish, monitor and maintain the organisation's ethical standards and performance	Annual Governance Statement is the outcome of self-evaluation of compliance. The Audit Committee has high-level oversight role to ensure the highest standards of probity and public accountability are demonstrated.
2	Underpinning personal behaviour with ethical values and ensuring they permeate all aspects of the organisation's culture and operation	Standards of conduct and behaviour including communication are set out in the Councillor and Employees' Codes of Conduct (embodies Nolan principles). Induction programmes include the above to ensure competency.
3	Developing and maintaining robust policies and procedures	Employees' Code of Conduct reflects the Council's values and "The Seven Principles of Public Life". The Council's values are included within the competency framework for appraisal of all employees.
4	Ensuring that external providers of services on behalf of the organisation are required to act with integrity and in compliance with high ethical standards expected by the organisation	The 'Procurement and Contract Standing Orders' apply to all contracts made by or on behalf of the Council for the procurement of the execution of works, the supply of goods and materials to the Council, and/or for the provision of services. Objectives and values from the Council Plan included within the Sustainable Procurement Charter.

A3 Respecting the rule of law

	Behaviours and actions that demonstrate good governance	Demonstration of good governance in practice
1	Ensuring members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations	Advice and overseeing compliance on legal matters is provided by the Chief Legal Officer (the Monitoring Officer) and the Clerk to the Council as set out in Scheme of Delegation, job descriptions, and protocols.
2	Creating the conditions to ensure that the statutory officers, other key post holders and members are able to fulfil their responsibilities in accordance with legislative and regulatory requirements	The roles and responsibilities of statutory officers (Head of Paid Service, Chief Social Work Officer, s95 Financial Officer, and Monitoring Officer) are set out in their respective job descriptions and associated legislation. Membership of Professional Bodies is required. The Scheme of Delegation sets out powers delegated to specific officers to fulfil their functions.
3	Striving to optimise the use of the full powers available for the benefit of citizens, communities and other stakeholders	The Local Code of Corporate Governance includes Scheme of Administration, Procedural Standing Orders, Scheme of Delegation and Financial Regulations, which reflect the legal requirements placed upon the authority.
4	Dealing with breaches of legal and regulatory provisions effectively.	Advice and overseeing compliance on legal matters is provided by the Chief Legal Officer (the Monitoring Officer) and the advice on procedural matters is provided by the Clerk to the Council as set out in Scheme of Delegation, job descriptions, and protocols. HR policies and procedures ensure compliance with legislation and standards of conduct.
5	Ensuring corruption and misuse of power are dealt with effectively	Counter Fraud Policy and Strategy approved by Council. Integrity Group of Officers with role to improve the Council's resilience to fraud, corruption, theft and crime. Counter Fraud Annual Report presented to Audit Committee, including assurance self-assessment.

B. Ensuring openness and comprehensive stakeholder engagement

Local government is run for the public good; organisations therefore should ensure openness in their activities. Clear, trusted channels of communication and consultation should be used to engage effectively with all groups of stakeholders, such as individual citizens and service users, as well as institutional stakeholders

B1 Openness

	Behaviours and actions that demonstrate good governance	Demonstration of good governance in practice
1	Ensuring an open culture through demonstrating, documenting and communicating the organisation's commitment to openness	The Council Plan (approved by Council and published on website) sets out the Council's vision, values and standards (including "Be fair, equal and open") to guide the way it works and to inform strategies and policies based on priorities.
2	Making decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes. The presumption is for openness. If that is not the case, a justification for the reasoning for keeping a decision confidential should be provided	Calendar of main Council and Committee meetings. Minutes and committee reports published on the Council's website. Council meetings held in public unless there are good reasons for not doing so on the grounds of confidentiality. Committee meetings livestreamed and recordings stored for 180 days.
3	Providing clear reasoning and evidence for decisions in both public records and explanations to stakeholders and being explicit about the criteria, rationale and considerations used. In due course, ensuring that the impact and consequences of those decisions are clear	Committee report templates include Implications section covering Financial, Risk and Mitigations, Integrated Impact Assessment, Sustainable Development Goals, Climate Change, Rural Proofing, Data Protection Impact Statement, and Changes to Schemes of Administration or Delegation. Committee reports published on Council's website 10 calendar days in advance of meetings.
4	Using formal and informal consultation and engagement to determine the most appropriate and effective interventions/ courses of action	The CPP Community Engagement Framework sets out principles for engagement and the Toolkit shares best practice methods and enables engagement activities to be delivered in a consistent, cost effective and transparent manner.

B2 Engaging comprehensively with institutional stakeholders

	Behaviours and actions that demonstrate good governance	Demonstration of good governance in practice
1	Effectively engaging with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully and sustainably	The Scheme of Administration sets out arrangements for and appointments to Community and Partnership bodies, including Community Planning Partnership (CPP), and Other Committees / Boards, including Integration Joint Board.
2	Developing formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively	In addition to B2.1, Elected Members appointed as Representatives on Other Bodies.
3	Ensuring that partnerships are based on: <ul style="list-style-type: none"> • trust; • a shared commitment to change; • a culture that promotes and accepts challenge among partners; and • that the added value of partnership working is explicit 	The Strategic Assessment underpins the strategic vision for the Council and its partners and the commitment to change. The CPP Governance Structure provides forum for challenge, and themes and priorities include sub-groups to support delivery.

B3 Engaging stakeholders effectively, including individual citizens and service users

	Behaviours and actions that demonstrate good governance	Demonstration of good governance in practice
1	Establishing a clear policy on the type of issues that the organisation will meaningfully consult with or involve individual citizens, service users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes	The CPP Community Engagement Framework sets out principles for engagement and the Toolkit shares best practice methods and enables engagement activities to be delivered in a consistent, cost effective and transparent manner.
2	Ensuring that communication methods are effective and that members and officers are clear about their roles with regard to community engagement	As B3.1
3	Encouraging, collecting and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs	The Council seeks community views on a wide range of issues and undertakes regular consultation and engagement with citizens and service users, for example via Citizen Space. The Council has put arrangements in place to comply with key elements of the Community Empowerment Act. The Council fully supports community empowerment and recognises the importance of building community capacity and volunteering as a key factor in building stronger, safer, and supportive communities.
4	Balancing feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity.	The Council seeks feedback from the public through its complaints and comments policy and procedures, responds to the outcomes, as appropriate, and reports the results annually.
5	Taking account of the interests of future generations of tax payers and service users	The Strategic Assessment is the body of evidence which underpins the strategic vision for the Council and its partners. Local Housing Strategy led by Council in collaboration with 4 main Registered Social Landlords sets out framework towards delivering future housing needs. School-Employer partnerships as part of developing the Young Workforce objectives and priorities (The Wood Report).

C. Defining outcomes in terms of sustainable economic, social, and environmental benefits

The long-term nature and impact of many of local government's responsibilities mean that it should define and plan outcomes and that these should be sustainable. Decisions should further the authority's purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from all groups of stakeholders, including citizens, service users, and institutional stakeholders, is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available

C1 Defining outcomes

	Behaviours and actions that demonstrate good governance	Demonstration of good governance in practice
1	Having a clear vision which is an agreed formal statement of the organisation's purpose and intended outcomes containing appropriate performance indicators, which provides the basis for the organisation's overall strategy, planning and other decisions	<p>The Community Planning Partnership (CPP), of which the Council is a partner, has an approved Community Plan as the Local Outcomes Improvement Plan (LOIP), underpinned by 5 Locality Plans.</p> <p>The Community Plan, produced in conjunction with local partners in public services, the private sector, voluntary sector and communities, focuses on themes, includes targets and challenges, and sets out measures for reducing inequality and improving outcomes, thereby setting the context for future service planning for the partners.</p> <p>The Council's vision, strategic objectives and priorities underpinned by the Strategic Assessment are reflected in the approved Council Plan.</p>
2	Specifying the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer	Decision-making reports to Committees outlining any proposals to change policies, strategies and plans include a section on Implications covering Financial, Risk and Mitigations, Integrated Impact Assessment, Sustainable Development Goals, Climate Change, Rural Proofing, Data Protection Impact Statement, and Changes to the Scheme of Administration or Scheme of Delegation.
3	Delivering defined outcomes on a sustainable basis within the resources that will be available	<p>There is an annual Council Plan, approved by full Council, and Performance Indicators (PIs) which are aligned to Council Priorities are monitored through the Executive Committee on a quarterly cycle.</p> <p>The budget development process ensures that the financial plans of the Council, approved by full Council, are aligned with its business and people planning objectives and the level of resources available. The Executive Committee on a quarterly cycle monitors the delivery of the revenue and capital financial plans, including scrutiny of in-year and future-year savings.</p>
4	Identifying and managing risks to the achievement of outcomes	<p>Risk Management Policy and Strategy approved by the Council.</p> <p>Risk management practices embedded in business planning and performance management processes, underpinned by a corporate training programme.</p>
5	Managing service users' expectations effectively with regard to determining priorities and making the best use of the resources available	<p>Budget Communications Strategy sets out the steps taken to engage with stakeholders as part of a consultation exercise on the budget.</p> <p>The Council's Performance Management Framework establishes the mechanism for all services across the Council to ensure the Council meets its legal duty to provide best value to its citizens.</p>

C2 Sustainable economic, social and environmental benefits

	Behaviours and actions that demonstrate good governance	Demonstration of good governance in practice
1	Considering and balancing the combined economic, social and environmental impact of policies, plans and decisions when taking decisions about service provision	<p>The Council committed to implementing the UN Sustainable Development Goals as they relate to local government, recognising the increasing urgency to use resources in ways which does not compromise the quality of life of future generations. Decision-making reports to Committees outlining any proposals to change policies, strategies and plans include an Implications section on Sustainable Development Goals.</p> <p>Asset management planning and capital investment is structured to consider and balance the combined economic, social and environmental impact of policies and plans when taking decisions about service provision. Project Business Cases for Capital Programme include assessment of need and strategic fit. As part of this asset life, as well as social and economic impact, is implicitly considered.</p> <p>Planning processes are in place for revenue and capital expenditure. Social and environmental impact is implicitly considered.</p>
2	Taking a longer-term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between the organisation's intended outcomes and short-term factors such as the political cycle or financial constraints	<p>Various strategies and transformative programmes, including the Digital Strategy and the Corporate Transformation Programme, are in place to respond to the social, economic and demographic challenges facing the Council and still deliver high quality and improved services.</p> <p>The Long Term Financial Strategy, including the 10-year revenue and capital financial plans, provides the framework to refocus the scale and pace of delivery of change and transformation resulting from significant changes to the financial landscape.</p>
3	Determining the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits, through consultation where possible, in order to ensure appropriate trade-offs	Decision-making reports to Committees outlining any proposals to change policies, strategies and plans include an Implications section covering Financial, Risk and Mitigations, Integrated Impact Assessment, Sustainable Development Goals, Climate Change, Rural Proofing, Data Protection Impact Statement, and Changes to Schemes of Administration or Delegation.
4	Ensuring fair access to services	<p>Conducting an Integrated Impact Assessment is a requirement relating to any new or revised proposals such as policy, service or budget change, which affects people (the public or staff).</p> <p>The Integrated Impact Assessment process is a two stage procedure which enables the development or review of projects, policies, strategies, functions and services that meet the demands of Equality legislation and do not discriminate. The process incorporates the requirements to meet the Fairer Scotland Duty. The Equalities Forum to ensure that equalities are properly mainstreamed leads on publication of an annual Equality Mainstreaming Report.</p> <p>Service-specific governance arrangements include Fair access to social care policy and resource panels for children and adults services to ensure consistency.</p> <p>Rural Proofing Policy and Committee reports include section on Rural implications.</p>

D. Determining the interventions necessary to optimise the achievement of the intended outcomes

Local government achieves its intended outcomes by providing a mixture of legal, regulatory, and practical interventions. Determining the right mix of these courses of action is a critically important strategic choice that local government has to make to ensure intended outcomes are achieved. They need robust decision-making mechanisms to ensure that their defined outcomes can be achieved in a way that provides the best trade-off between the various types of resource inputs while still enabling effective and efficient operations. Decisions made need to be reviewed continually to ensure that achievement of outcomes is optimised.

D1 Determining interventions

	Behaviours and actions that demonstrate good governance	Demonstration of good governance in practice
1	Ensuring decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and including the risks associated with those options. Therefore ensuring best value is achieved however services are provided	Decision makers receive detailed information indicating how intended outcomes would be achieved together with the risks, financial and other implications associated with the proposals, by way of the compulsory sections of the Committee report template. Guidance on preparing reports for Committees. Committee reports are published on Council's website 10 days in advance of meeting dates. Officers attend Committee meetings to advise as appropriate.
2	Considering feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people, skills, land and assets and bearing in mind future impacts	In determining how services and other courses of action should be planned and delivered the Council is increasingly engaging with internal and external stakeholders. The Council fosters effective relationships, collaborative working and contractual arrangements with other public, private, and voluntary organisations in delivering services that meet the needs of the local community.

D2 Planning interventions

	Behaviours and actions that demonstrate good governance	Demonstration of good governance in practice
1	Establishing and implementing robust planning and control cycles that cover strategic and operational plans, priorities and targets	Calendar of main Council and Committee meetings. Regular refreshes of key strategic and operational plans, priorities and targets.
2	Engaging with internal and external stakeholders in determining how services and other courses of action should be planned and delivered	As D1.2
3	Considering and monitoring risks facing each partner when working collaboratively including shared risks	Risk Management Policy and Strategy.
4	Ensuring arrangements are flexible and agile so that the mechanisms for delivering outputs can be adapted to changing circumstances	Business, Financial and People Planning processes aligned to Council Plan priorities and outcomes. The Corporate Transformation Programme sets out a far-reaching programme of change to enable the Council to respond to unprecedented social, demographic and economic challenges.

	Behaviours and actions that demonstrate good governance	Demonstration of good governance in practice
5	Establishing appropriate key performance indicators (KPIs) as part of the planning process in order to identify how the performance of services and projects is to be measured	Performance Management Framework approved by Council. Quarterly performance reporting to the Executive Committee of Performance Indicators aligned to the priorities and outcomes in the Council Plan. These reports, published on website, show the progress towards achieving the outcomes in the Council Plan.
6	Ensuring capacity exists to generate the information required to review service quality regularly	Business Intelligence Programme is being developed with a view to delivering improvements to the quality of that data and the quality of management information and management reporting and assurance practices.
7	Preparing budgets in accordance with organisational objectives, strategies and the medium-term financial plan	The budget development process ensures that the financial plans of the Council, approved by full Council, are aligned with its business and people planning objectives and the level of resources available. Project Business Cases for Capital Programme include assessment of need and strategic fit. As part of this asset life, as well as social and economic impact, is implicitly considered.
8	Informing medium and long term resource planning by drawing up realistic estimates of revenue and capital expenditure aimed at developing a sustainable funding strategy	Long Term Financial Strategy and 10-year revenue and capital plans for approval by Council in February each year, aligned to the priorities and outcomes in the Council Plan.

D3 Optimising achievement of intended outcomes

	Behaviours and actions that demonstrate good governance	Demonstration of good governance in practice
1	Ensuring the medium term financial strategy integrates and balances service priorities, affordability and other resource constraints	Long Term Financial Strategy and 10-year revenue and capital plans for approval by Council in February each year, aligned to the priorities and outcomes in the Council Plan.
2	Ensuring the budgeting process is all-inclusive, taking into account the full cost of operations over the medium and longer term	The budget development process ensures that the financial plans of the Council, approved by full Council, are aligned with its business and people planning objectives and the level of resources available.
3	Ensuring the medium-term financial strategy sets the context for ongoing decisions on significant delivery issues or responses to changes in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimising resource usage	Long Term Financial Strategy and 10-year revenue and capital plans for approval by Council in February each year, aligned to the priorities and outcomes in the Council Plan. The Corporate Transformation Programme supports the delivery of the Council's Corporate Priorities and the delivery of the significant savings set out in the Financial Strategy and Plans.
4	Ensuring the achievement of 'social value' through service planning and commissioning <i>(Social Value is technically referred to as Community Benefit in Scotland)</i>	The Council policy 'Adding Value to the Community through Procurement' embedded into the procurement strategy to ensure every procurement is considered for additional opportunities, such as community benefits, that create added value and will be social, economic or environmental benefits. This is achieved through the inclusion of specific clauses within contracts known as 'community benefit clauses'. The Community Benefits are tracked and summarised within the Procurement Annual Report.

E. Developing the entity's capacity, including the capability of its leadership and the individuals within it

Local government needs appropriate structures and leadership, as well as people with the right skills, appropriate qualifications and mind-set, to operate efficiently and effectively and achieve their intended outcomes within the specified periods. A local government organisation must ensure that it has both the capacity to fulfil its own mandate and to make certain that there are policies in place to guarantee that its management has the operational capacity for the organisation as a whole. Because both individuals and the environment in which an authority operates will change over time, there will be a continuous need to develop its capacity as well as the skills and experience of the leadership of individual staff members. Leadership in local government entities is strengthened by the participation of people with many different types of backgrounds, reflecting the structure and diversity of communities.

E1 Developing the entity's capacity

	Behaviours and actions that demonstrate good governance	Demonstration of good governance in practice
1	Reviewing operations, performance and use of assets on a regular basis to ensure their continuing effectiveness	Business, Financial and People Planning processes aligned to Council Plan priorities and outcomes. Regular refreshes of key strategic and operational plans, priorities and targets.
2	Improving resource use through appropriate application of techniques such as benchmarking and other options to determine how the authority's resources are allocated so that outcomes are achieved effectively and efficiently	Performance Management Framework approved by Council. Participation in the Local Government Benchmarking Framework; data submission in August each year.
3	Recognising the benefits of partnerships and collaborative working where added value can be achieved	Options considered where relevant in any decision-making or service review. Strong ties between the Council and the Community Planning Partnership. Effective joint working and collaboration as a legacy of the emergency response.
4	Developing and maintaining an effective workforce plan to enhance the strategic allocation of resources	People Planning process applied across the Council on an ongoing basis.

E2 Developing the capability of the entity's leadership and other individuals

	Behaviours and actions that demonstrate good governance	Demonstration of good governance in practice
1	Developing protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained	Induction Programme for elected members to understand roles, protocols and standards, and included in Welcome Pack for continual reference supplemented by ongoing support from Officers. Protocol on Relationships between Political Groups, Elected Members and Officers.
2	Publishing a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body	The Scheme of Administration, Procedural Standing Orders, Scheme of Delegation and Financial Regulations reflect the powers delegated to specific committees and officers to enable effective and efficient fulfilment of their roles. Reviewed and updated on a regular basis.
3	Ensuring the leader and the chief executive have clearly defined and distinctive leadership roles within a structure, whereby the chief executive leads the authority in implementing strategy and managing the delivery of services and other outputs set by members and each provides a check and a balance for each other's authority	Regular meetings are held between Chief Executive and Leader. The Chief Executive is a Statutory post with job description. Responsibilities delegated to Chief Executive are detailed within the Scheme of Delegation.

	Behaviours and actions that demonstrate good governance	Demonstration of good governance in practice
4	Developing the capabilities of members and senior management to achieve effective shared leadership and to enable the organisation to respond successfully to changing legal and policy demands as well as economic, political and environmental changes and risks by:-	
-	- ensuring members and staff have access to appropriate induction tailored to their role and that ongoing training and development matching individual and organisational requirements is available and encouraged	'Introduction to becoming a Councillor' programme in advance of local elections (best practice) and a comprehensive Induction programme post-local elections. Ongoing training programme (including e-learning, seminars and courses) for all employees and elected members, and briefings for elected members and for employees on key priorities.
-	- ensuring members and officers have the appropriate skills, knowledge, resources and support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis	Identification of training needs for elected members. The Appraisal and Competency Framework in place for all employees, as part of People Plan linked to Council Plan, to set individual goals and development plans, and assess performance. Training provided to elected members and employees in areas of identified need e.g. licensing, planning, employment, pension fund, audit, and data protection.
-	- ensuring personal, organisational and system wide development through shared learning, including lessons learnt from both internal and external governance weaknesses	Reports by external scrutiny and inspection bodies outlining findings and recommendations presented to the relevant Committee, including associated Action Plans for improvement.
5	Ensuring that there are structures in place to encourage public participation	The CPP Community Engagement Framework sets out principles for engagement and the Toolkit shares best practice methods and enables engagement activities to be delivered in a consistent, cost effective and transparent manner. The Community Plan is highly co-produced, and based on extensive public participation. The Council has put arrangements in place to comply with key elements of the Community Empowerment Act. The Council fully supports community empowerment and recognises the importance of building community capacity and volunteering as a key factor in building stronger, safer, and supportive communities.
6	Taking steps to consider the leadership's own effectiveness and ensuring leaders are open to constructive feedback from peer review and inspections	The Appraisal and Competency Framework in place for all employees, as part of People Plan linked to Council Plan, to set individual goals and development plans, and assess performance. This includes leadership characteristics to fulfil roles.
7	Holding staff to account through regular performance reviews which take account of training or development needs	The Appraisal and Competency Framework in place for all employees, as part of People Plan linked to Council Plan, to set individual goals and development plans, and assess performance.
8	Ensuring arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing	Provision of a mix of formal and informal offerings to support the wellness of the Council's employees, ranging from occupational health, HR policies, themed events, training, helplines and other support.

F. Managing risks and performance through robust internal control and strong public financial management

Local government needs to ensure that the organisations and governance structures that it oversees have implemented, and can sustain, an effective performance management system that facilitates effective and efficient delivery of planned services. Risk management and internal control are important and integral parts of a performance management system and crucial to the achievement of outcomes. Risk should be considered and addressed as part of all decision making activities.

A strong system of financial management is essential for the implementation of policies and the achievement of intended outcomes, as it will enforce financial discipline, strategic allocation of resources, efficient service delivery, and accountability.

It is also essential that a culture and structure for scrutiny is in place as a key part of accountable decision making, policy making and review. A positive working culture that accepts, promotes and encourages constructive challenge is critical to successful scrutiny and successful delivery. Importantly, this culture does not happen automatically, it requires repeated public commitment from those in authority.

F1 Managing risk

	Behaviours and actions that demonstrate good governance	Demonstration of good governance in practice
1	Recognising that risk management is an integral part of all activities and must be considered in all aspects of decision making	Risk management practice embedded in business planning and performance management processes. Committee Report templates include a section on Implications covering Risk and Mitigations.
2	Implementing robust and integrated risk management arrangements and ensuring that they are working effectively	Risk Management Policy and Strategy scrutinised by Audit Committee and then approved by the Council. Risk Management Annual Report to enable Audit Committee to evaluate effectiveness of arrangements for managing risk. Regular review of Corporate and Service (strategic and operational) risk registers, programme and project risk registers, and partnership risk registers by relevant risk owners using new Risk Appetite, Capacity and Tolerance Toolkit for Managers.
3	Ensuring that responsibilities for managing individual risks are clearly allocated	Risk Management Policy sets out Roles and Responsibilities to manage risks effectively. Reliance on partners' risk arrangements relating to joint working and collaboration activities.

F2 Managing performance

	Behaviours and actions that demonstrate good governance	Demonstration of good governance in practice
1	Monitoring service delivery effectively including planning, specification, execution and independent post-implementation review	Monitoring and progress reports on the Corporate Transformation Programme, Financial Plans and Performance are presented quarterly to Executive Committee for monitoring and review purposes. Public Performance Reporting published on Council's website.
2	Making decisions based on relevant, clear objective analysis and advice pointing out the implications and risks inherent in the organisation's financial, social and environmental position and outlook	Reports to Committees include a section on implications covering financial, risks and mitigations, equalities, environmental, rural, and governance. Committee reports published 10 calendar days in advance of meeting dates. Guidance on preparing Committee reports.

	Behaviours and actions that demonstrate good governance	Demonstration of good governance in practice
3	<p>Ensuring an effective scrutiny or oversight function is in place which encourages constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the organisation's performance and that of any organisation for which it is responsible (OR, for a committee system)</p> <p>Encouraging effective and constructive challenge and debate on policies and objectives to support balanced and effective decision making</p> <p>Providing members and senior management with regular reports on service delivery plans and on progress towards outcome achievement</p>	<p>The Council's scrutiny arrangements are established through the Scheme of Administration through committee structures and specified remits.</p> <p>The Scrutiny and Petitions Committee's main scrutiny function is for monitoring and reviewing policy decisions, and to also act as a focus for value for money and service quality exercises.</p> <p>The Audit Committee has high-level oversight role to ensure the highest standards of probity and public accountability are demonstrated.</p>
4	<p>Providing members and senior management with regular reports on service delivery plans and on progress towards outcome achievement</p>	<p>Calendar of meetings approved by Council in advance. Timetables for preparation of and consultation on reports to meet publication dates.</p>
5	<p>Ensuring there is consistency between specification stages (such as budgets) and post-implementation reporting (e.g. financial statements)</p>	<p>The Scheme of Administration, Procedural Standing Orders, Scheme of Delegation and Financial Regulations reflect the powers delegated to specific committees and officers to enable effective and efficient fulfilment of their roles. Reviewed and updated on a regular basis.</p>

F3 Robust internal control

	Behaviours and actions that demonstrate good governance	Demonstration of good governance in practice
1	<p>Aligning the risk management strategy and policies on internal control with achieving objectives</p>	<p>Risk Management Policy and Strategy scrutinised by Audit Committee and approved by the Council.</p> <p>Internal Audit Strategy and risk-based annual Plans approved by Audit Committee.</p>
2	<p>Evaluating and monitoring risk management and internal control on a regular basis</p>	<p>Risk Management Annual Report to enable Audit Committee to evaluate effectiveness of managing risk. Regular Internal Audit reports on work, findings and recommendations to Audit Committee.</p>
3	<p>Ensuring effective counter fraud and anti-corruption arrangements are in place</p>	<p>Counter Fraud Policy and Strategy scrutinised by Audit Committee and approved by Council.</p> <p>Integrity Group with role to improve the Council's resilience to fraud, corruption, theft and crime.</p> <p>Counter Fraud Annual Report to Audit Committee, including assurance self-assessment, to enable monitoring of the counter fraud actions and resources to mitigate fraud risks.</p>
4	<p>Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor</p>	<p>Internal Audit Annual Assurance Report used to inform the Annual Governance Statement.</p> <p>Reports to Audit Committee on provision of Internal Audit statutory service and conformance with Public Sector Internal Audit Standards (PSIAS).</p>
5	<p>Ensuring an Audit Committee or equivalent group or function which is independent of the executive and accountable to the governing body:</p> <ul style="list-style-type: none"> - provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment - that its recommendations are listened to and acted upon 	<p>The role of the Audit Committee is to have high-level oversight of internal control, governance and risk management.</p> <p>Independence maintained through separate committee and appointment of external members.</p> <p>Audit Committee Action Tracker to monitor recommendations.</p> <p>Annual self-evaluation of effectiveness of Audit Committee and Annual Report to Council (best practice).</p>

F4 Managing data

	Behaviours and actions that demonstrate good governance	Demonstration of good governance in practice
1	Ensuring effective arrangements are in place for the safe collection, storage, use and sharing of data, including processes to safeguard personal data	Information Management policies and procedures include: Data Protection; Data Sharing; Freedom of Information; Information Management and Records Management (Retention and Disposal). Information Technology Policies and Procedures include: Email & Internet Use Policy; Information Security Policy; Protective Marking Policy. Information Asset Registers overseen by the Information Governance Group. The Records Management Plan agreed by Keeper of Records Scotland. Independent assurance from PSN and Cyber Essentials Plus certifications.
2	Ensuring effective arrangements are in place and operating effectively when sharing data with other bodies	Procedures, guidance and protocol on sharing of information. Conducting a Data Protection Impact Assessment is a requirement relating to any new or revised proposals such as policy, service or budget change. Register of Data Sharing agreements is in place (for PSN & Cyber Essentials Plus Compliance). Periodic Internal Audit reviews covering Information Governance and GDPR.
3	Reviewing and auditing regularly the quality and accuracy of data used in decision making and performance monitoring	Quality and Validation of data used in decision-making and performance reporting is the responsibility of the service area, ultimately the Director. Internal Audit annual reviews on Performance Management framework and indicators.

F5 Strong public financial management

	Behaviours and actions that demonstrate good governance	Demonstration of good governance in practice
1	Ensuring financial management supports both long-term achievement of outcomes and short-term financial and operational performance	Long Term Financial Strategy and 10-year revenue and capital plans for approval by Council in February each year, aligned to the priorities and outcomes in the Council Plan. Financial Strategy provides the overall framework for the financial management of the Council and covers the revenue budget, capital investment plan, treasury management arrangements and the recommended policy on reserves. The Corporate Transformation Programme supports the delivery of the Council's Corporate Priorities and the delivery of the significant savings set out in the Financial Strategy and Plans.
2	Ensuring well-developed financial management is integrated at all levels of planning and control, including management of financial risks and controls	The budget development process ensures that the financial plans of the Council are aligned with the Council's business and people planning objectives and the level of resources available. The Executive Committee on a quarterly cycle monitors the delivery of the revenue and capital financial plans, including scrutiny of in-year and future-year savings. Financial Strategy Risk Register presented at approval stage to Council in February each year.

G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability

Accountability is about ensuring that those making decisions and delivering services are answerable for them. Effective accountability is concerned not only with reporting on actions completed, but also ensuring that stakeholders are able to understand and respond as the organisation plans and carries out its activities in a transparent manner. Both external and internal audit contribute to effective accountability.

G1 Implementing good practice in transparency

	Behaviours and actions that demonstrate good governance	Demonstration of good governance in practice
1	Writing and communicating reports for the public and other stakeholders in an understandable style appropriate to the intended audience and ensuring that they are easy to access and interrogate	Public Performance Reporting published on Council’s website Committee reports published on the modern.gov site for transparency to reflect the decision-making structure within the Council’s Scheme of Administration.
2	Striking a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand	A Committee report template used to ensure published information is written clearly and concisely, having regard to the complexity of the subject matter, with information on the implications of the proposals contained therein.

G2 Implementing good practices in reporting

	Behaviours and actions that demonstrate good governance	Demonstration of good governance in practice
1	Reporting at least annually on performance, value for money and the stewardship of its resources	The Statement of Accounts, incorporating a Management Commentary, provides financial and other performance information regarding the operation of the Council, its wider achievements and areas for development. The Statement of Accounts produced in accordance with statutory guidance and deadlines. External Audit Annual Report provides assurance and key recommended improvements.
2	Ensuring members and senior management own the results	Guidance on preparing Committee reports includes mandatory consultation in advance, and templates incorporate appropriate approvals.
3	Ensuring robust arrangements for assessing the extent to which the principles contained in the Framework have been applied and publishing the results on this assessment including an action plan for improvement and evidence to demonstrate good governance (annual governance statement)	A self-evaluation of compliance with the Governance Framework is undertaken annually. The Annual Governance Statement is the outcome of that process which includes the Governance Framework, the Review of Framework, and Improvement Areas of Governance.
4	Ensuring that the Framework is applied to jointly managed or shared service organisations as appropriate	The annual assurance process and the Annual Governance Statement reflect the assurances received from Directors and other senior management, which covers the Council’s service delivery arrangements reflected in the Group Accounts.
5	Ensuring the performance information that accompanies the financial statements is prepared on a consistent and timely basis and the statements allow for comparison with other similar organisations	The Management Commentary in the Statement of Accounts provides financial and other performance information regarding the operation of the Council, its wider achievements, and areas for development.

G3 Assurance and effective accountability

	Behaviours and actions that demonstrate good governance	Demonstration of good governance in practice
1	Ensuring that recommendations for corrective action made by external audit are acted upon	External Audit reports outlining findings and recommendations (including follow-up progress) presented to the Audit Committee.
2	Ensuring an effective internal audit service with direct access to members is in place which provides assurance with regard to governance arrangements and recommendations are acted upon	Regular reports on Internal Audit performance against plan and compliance with Public Sector Internal Audit Standards presented to the Audit Committee. Chief Audit Executive meets regularly with Chair of the Audit Committee. Compliance with CIPFA's Statement on the Role of the Head of Internal Audit. Regular reports presented to the Audit Committee on Management's progress with implementation of recommendations made by Internal Audit to ensure these are acted upon.
3	Welcoming peer challenge, reviews and inspections from regulatory bodies and implementing recommendations	Reports by external scrutiny and inspection bodies outlining findings and recommendations presented to relevant Committee including associated Action Plans for improvement.
4	Gaining assurance on risks associated with delivering services through third parties and that this is evidenced in the annual governance statement	Risk Management Policy sets out Roles and Responsibilities to manage risks effectively. Reliance on partners' risk arrangements relating to joint working and collaboration activities. The existing governance framework including alternative service delivery arrangements, and assurances on risks, are reflected in the annual assurance process and reported within the Annual Governance Statement.
5	Ensuring that when working in partnership, arrangements for accountability are clear and that the need for wider public accountability has been recognised and met	The Community Planning Partnership and the Health and Social Care Integration Joint Board, which are the most significant joint working and partnership arrangements of which the Council is a partner, have their own Governance Frameworks in place to ensure clarity of roles and responsibilities and to align with the Council's Governance Framework on public accountability.



CHARITABLE DE-REGISTRATION OF SBC COMMON GOOD FUNDS

Report by Acting Chief Financial Officer

SCOTTISH BORDERS COUNCIL

30 March 2023

1 PURPOSE AND SUMMARY

- 1.1 **This report advises Members of the intention by the Office of the Scottish Charity Regulator (OSCR) to remove the SBC Common Good Funds, charity number SC031538, from the Scottish Charity Register (the Register).**
- 1.2 The 12 Common Good Funds (Coldstream, Duns, Eyemouth, Galashiels, Hawick, Innerleithen, Jedburgh, Kelso, Lauder, Melrose, Peebles and Selkirk) are registered with the Office of the Scottish Charity Regulator (OSCR) as 1 registered charity, registration number SC031538.
- 1.3 A letter received from OSCR in December 2022 is attached at Appendix 1. This provides advance notification of the intention to remove the SBC Common Good Funds, registration number SC031538, from the Register, and outlines:
- The reason for the decision
 - The process by which the Charity will be removed from the Register
 - The effect of removal
- 1.4 OSCR has concluded that:
1. Scottish Borders Common Good is not a 'body' with a constitution distinct and separate from the Council that is capable of being entered in the Register
 2. The Charity does not meet the charity test because it does not have purposes that consist only of one or more of the charitable purposes in section 7(2) of the 2005 Act
 3. Because it has been concluded that the Charity does not have wholly charitable purposes an assessment of public benefit has not been carried out
- 1.5 The Council's Chief Legal Officer and Acting Chief Financial Officer agree with OSCR's conclusions that this is the correct approach. Following deregistration, annual accounts will not be prepared, audited and submitted to OSCR. The Common Good funds will instead be consolidated within the Council's statutory accounts. Outturn reports will continue to be presented to Common Good fund Committees setting out the annual income and expenditure associated with each fund and assets they hold on their balances sheet at 31 March each year. Separate records will still be maintained for each Common Good funds and current monitoring arrangements will continue.

2 RECOMMENDATIONS

- 2.1 It is recommended that Scottish Borders Council agrees with the notification from OSCR to remove the SBC Common Good Funds, charity number SC031538, from the Register and therefore resolves not to challenge the OSCR decision.**

3 BACKGROUND

- 3.1 The 12 Common Good Funds (Coldstream, Duns, Eyemouth, Galashiels, Hawick, Innerleithen, Jedburgh, Kelso, Lauder, Melrose, Peebles and Selkirk) are registered with the Office of the Scottish Charity Regulator (OSCR) as 1 registered charity, registration number SC031538.
- 3.2 The original registration was by Borders Regional Council prior to 1995, when charity registration was managed by HM Revenue & Customs. The reasons for this historic decision are not clear and records no longer exist to support the rationale. It was possibly to take advantage of tax benefits available at that time with regards to investment income, particularly in relation to share dividends. These tax benefits are no longer available, and there exists an anomalous position whereby the majority of Common Good Funds controlled by Scottish local authorities are not registered charities but those in the Borders still carry this designation.
- 3.3 There are particular costs associated with the accounting and auditing arrangements for charities, and these could be mitigated were the Funds not registered as a charity. The process for deregistering charities with OSCR has not previously been clear until now.

4 OFFICE OF THE SCOTTISH CHARITY REGULATOR (OSCR)

- 4.1 A letter received from OSCR in December 2022 is attached at Appendix 1. This provides advance notification of the intention to remove the SBC Common Good Funds, registration number SC031538, from the Register, and outlines:
- The reason for the decision
 - The process by which the Charity will be removed from the Register
 - The effect of removal
- 4.2 A charity is a body entered in the Register. OSCR may enter a body in the Register and allow a body to remain in the Register only if it considers that the body meets the charity test as set out in sections 7 and 8 of the Charities and Trustee Investment (Scotland) Act 2005 (the 2005 Act). The charity test comprises the following:
1. Assessment of whether the Charity is a 'body'
 2. Assessment of whether the Charity has only charitable purposes
 3. Assessment of whether the Charity provides public benefit
- 4.3 OSCR has concluded that:
1. Scottish Borders Common Good is not a 'body' with a constitution distinct and separate from the Council that is capable of being entered in the Register
 2. The Charity does not meet the charity test because it does not have purposes that consist only of one or more of the charitable purposes in section 7(2) of the 2005 Act
 3. Because it has been concluded that the Charity does not have wholly charitable purposes an assessment of public benefit has not been carried out

- 4.4 The Council's Chief Legal Officer and Acting Chief Financial Officer agree with OSCR's conclusions that this is the correct approach. The decision to remove the Charity will be made under section 30(1)(b) of the 2005 Act. It is the intention that the removal will take effect from 31 March 2023.
- 4.5 Scottish Borders Council will have a right to request a review of the formal decision during the 21 day period commencing on the date that the formal notice is issued in early March 2023. The procedure for requesting a review will be set out in the formal notice.
- 4.6 Once removed from the Register there will be no duty to account to OSCR and there will be no requirement to provide final accounts for the financial year ending on 31 March 2023.

5 IMPLICATIONS

5.1 Financial

There is an estimated charge of £1,000 for audit costs of the Common Good Fund accounts for 2022/23 which will no longer be applicable. This will be redirected to fund inflationary increases in the Council's external audit fees.

5.2 Risk and Mitigations

Following deregistration, annual accounts will not be prepared, audited and submitted to OSCR. The Common Good funds will instead be consolidated within the Council's statutory accounts. Outturn reports will continue to be presented to Common Good fund Committees setting out the annual income and expenditure associated with each fund and assets they hold on their balances sheet at 31 March each year. Separate records will still be maintained for each Common Good funds and current monitoring arrangements will continue.

5.3 Integrated Impact Assessment

There is no impact or relevance to Equality Duty or the Fairer Scotland Duty for this report.

5.4 Sustainable Development Goals

There are no economic, social or environmental effects arising from the proposals contained in this report.

5.5 Climate Change

There are no effects on climate change arising from the proposals contained in this report.

5.6 Rural Proofing

There are no effects on rural proofing arising 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

There are no changes required to the Scheme of Administration or Scheme of Delegation arising from the proposals contained in this report.

6 CONSULTATION

6.1 The Chief Legal Officer (including as Monitoring Officer), the Chief Officer Audit and Risk, Director (People Performance & Change), the Clerk to the Council and Communications have been consulted and their comments have been incorporated into this final report.

Approved by

Suzy Douglas
Acting Chief Financial Officer

Signature

Author(s)

Suzy Douglas	Acting Chief Financial Officer (X5881)
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Background Papers:

Previous Minute Reference:

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

Contact us at Pension & Investments, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA. Tel: 01835 824000 Fax: 01835 825166
Email: t&cteam@scotborders.gov.uk

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8 December 2022

BY EMAIL ONLY

Treasury Business Partner, Scottish Borders Council

**Scottish Borders Council Common Good Funds SC031538
Advance notice of removal from the Scottish Charity Register**

I am writing to you as the Principal Contact of the Scottish Borders Council Common Good Funds (SC031538) (the Charity) to give you advance notice that the Scottish Charity Regulator (OSCR) intends to remove the Charity from the Scottish Charity Register (the Register). Please bring this letter to the attention of the charity trustees.

This letter explains the reason for our decision, the process by which the Charity will be removed from the Register and the effect of removal. Please treat this as a courtesy letter, to give advance notice of our intention in order that Scottish Borders Council (the Council) can make any preparations it thinks necessary before the removal takes effect. Formal notice of our decision will follow in due course as explained below.

**The reason for our decision
The charity test**

A charity is a body entered in the Register. OSCR may enter a body in the Register and allow a body to remain in the Register only if it considers that the body meets the charity test as set out in [sections 7](#) and [8](#) of the Charities and Trustee Investment (Scotland) Act 2005 (the 2005 Act).

A body meets the charity test if:

1. its purposes consist only of one or more of the charitable purposes listed in section 7(2) of the 2005 Act; and
2. it provides (or, in the case of an applicant provides or intends to provide) public benefit in Scotland or elsewhere

Assessment of whether the Charity is a 'body'



The Charity was entered in the Register on 1 April 2006 under [section 99\(1\)](#) of the 2005 Act; that is, as a body entitled by virtue of section 1(7) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 to refer to itself as a ‘Scottish charity’ immediately prior to the commencement of the 2005 Act.

We have considered whether the Charity is a ‘body’ capable of being entered in the Register.

Common Good generally comprises land and/or other assets historically vested in Scottish burghs and then vested by legislation in successive local authorities. Section 15 of the Local Government etc. (Scotland) Act 1994 (the 1994 Act) provided for the vesting of Common Good property in the newly created unitary authorities themselves. Article 12 and Schedule 2 of the Local Authorities (Property Transfer) (Scotland) Order 1995 provided for the various burgh funds that comprise the Scottish Borders Common Good to be transferred to and vested in Scottish Borders Council with effect from 1 April 1996.

Common Good land and other assets are therefore vested in and owned by the Council itself. The assets of Scottish Borders Common Good are held in trust by the Council but critically this arrangement does not involve the creation of a trust or any other form of body that is separate in identity from the Council. While the financial accounting for Common Good funds is carried out separately from the Council’s main accounts, this is for the improved transparency regarding the use and treatment of the Common Good funds and does not denote a distinct body.

As such, we conclude that Scottish Borders Common Good is not a ‘body’ with a constitution distinct and separate from the Council that is capable of being entered in the Register.

Assessment of whether the Charity has only charitable purposes

We also considered whether the Charity meets the charity test in terms of having only charitable purposes.

Section 15(4) of the 1994 Act provides for any Common Good property vesting in a new unitary authority to be administered, in the case of the Council, ‘having regard to the interests of the inhabitants of the area to which the Common Good formerly related’. We conclude that while the Council may apply the Common Good for charitable purposes, it is not confined to doing so. In having regard to the interests of the inhabitants of the former burghs that comprise the Scottish Borders, the Council may apply the Common Good for any purpose consistent with its functions as a local authority.

As such, we conclude that the Charity does not meet the charity test because it does not have purposes that consist only of one or more of the charitable purposes in section 7(2) of the 2005 Act.

Assessment of whether the Charity provides public benefit

OSCR determines whether a charity provides public benefit by considering the activities it undertakes in furtherance of its charitable purposes. As our [published guidance *Meeting the Charity Test*](#) explains, ‘not everything that is of benefit to the public will be charitable. Public benefit in a charitable sense is only provided by activities which are undertaken to advance an organisation’s charitable purposes’. Because we have concluded that the Charity does not have wholly charitable purposes we have not carried out an assessment of public benefit.

Our duties and powers

OSCR maintains the Register. Where it appears that a charity does not meet the charity test we must, in terms of [section 30\(1\)](#) of the 2005 Act, either:

1. direct the charity to take such steps as we consider necessary for the purposes of meeting the charity test; or
2. remove the charity from the Register

We have taken the decision to remove the Charity from the Register, as opposed to directing it to take steps to meet the charity test, because we have concluded that the Charity is not a ‘body’ and, as such, it should not be in the Register.

The process of removal

The decision to remove the Charity will be made under section 30(1)(b) of the 2005 Act.

We will give formal written notice to the Charity of our decision under [section 72\(2\)\(c\)](#) of the 2005 Act setting out the reason for our decision (as set out above) and advising the Charity of its right to request a review under [section 74](#) of the 2005 Act. Section 30 decisions are reviewable upon written request by the person or body that is the subject of the decision but there is no third party right to make representations.

[Section 73\(2\)](#) of the 2005 Act provides that a decision is of no effect unless the required notice is given and either:

1. the period of 21 days within which OSCR must, on request, review the decision expires without a request being made; or

2. where a review is requested, the review and any subsequent appeal is concluded with the original decision being confirmed.

On the date that OSCR's decision takes effect, the Charity will be removed from the Register. At the same time, we will publish on our website an inquiry report as required by [section 33\(1\)\(a\)\(i\)](#) of the 2005 Act. For the avoidance of doubt, I should explain that the Charity will still be searchable in the Register after the date of removal but only under the 'ceased charities' part of the Register.

It is our intention that the removal will take effect from 31 March 2023 to coincide with the end of the Charity's financial year. We will therefore issue formal notice to the Charity in early March in order to allow for the statutory review period to expire.

Removal from the Register – protection of assets

[Section 19](#) of the 2005 Act provides for the protection of assets held by a body immediately prior to its removal from the Register. Because we have concluded that the Charity is not a 'body', we are of the view that the provisions of section 19 do not apply to it.

The Charity will not be under duty to account to OSCR and we will not monitor the use of its assets once it is removed from the Register. We will also not require the Charity to provide us with final accounts for the financial year ending on 31 March 2023. I include this information only for the sake of completeness and to avoid any doubt.

Effect of removal

Once removed from the Register, the Charity will not be entitled to refer to itself as a 'charity' or to use its former registered charity number. We ask the charity trustees to take steps to ensure that any references to its charitable status are removed from new publications intended for issue after the date of removal and from websites and other digital platforms.

If the Charity has a Tax Reference number we recommend that the trustees contact HMRC to advise them of the removal. Loss of charitable status can in some instances constitute a 'disposal' triggering a liability for Capital Gains Tax. We are advised that local authorities are exempt from Capital Gains Tax under section 271 of the Taxation and Chargeable Gains Act 1992 but the charity trustees may wish to satisfy themselves on this point.

We also recommend that the charity trustees give consideration to the effect of removal upon any relief from non-domestic rates currently enjoyed by the Charity.

Right to review

As explained above, the Charity will have a right to request a review of our formal decision during the 21 day period commencing on the date that our formal notice is issued in March 2023. The procedure for requesting a review will be set out in the formal notice.

In the meantime, if you or the charity trustees have any questions or require clarification of any of the points set out in this letter please do not hesitate to raise them with me.

Yours sincerely

Steve Kent
Policy Manager

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SCHEME OF ADMINISTRATION – EXTERNAL SERVICES/ PROVIDERS MONITORING GROUP

Report by Acting Chief Corporate Governance Officer

SCOTTISH BORDERS COUNCIL

30 March 2023

1 PURPOSE AND SUMMARY

- 1.1 This report proposes a change and an increase to the membership of the External Services/Providers Monitoring Group to include the Executive Member for Community & Culture and one further member.**
- 1.2 The Scheme of Administration regulates, among other things, the constitution and membership of the Committees of Council. Any amendments to the Scheme can only be approved by full Council.
- 1.3 At the moment, the Executive Member for Community & Culture is not a member of the External Services/Providers Monitoring Group, and given that this Group monitors the performance of Live Borders, it is proposed that the membership of the Group is increased by two, specifically the Executive Member for Community & Culture and another member to achieve balance.

2 RECOMMENDATION

- 2.1 **I recommend that the Council agrees:**
 - (a) to amend the Scheme of Administration with regard to the constitution of the External Services/Providers Monitoring Group, to “Nine Elected Members of Scottish Borders Council, including the Executive Member for Service Delivery & Transformation and the Executive Member for Community & Culture.” ; and,**
 - (b) to appoint one other member to the Group.**

3 BACKGROUND

- 3.1 The Scheme of Administration regulates, among other things, the constitution and membership of the Committees of Council. Any amendments to the Scheme can only be approved by full Council.

4 EXTERNAL SERVICES/PROVIDERS MONITORING GROUP

- 4.1 The External Services/Providers Monitoring Group currently comprises seven Elected Members, including the Executive Member for Service Delivery & Transformation who is also the chair of the Group. The functions referred to the Group include the consideration/monitoring of SB Contracts, CGI, Live Borders and the Inspire Academy.
- 4.2 At the moment, the Executive Member for Community & Culture is not a member of the Group, and given that this Group monitors the performance of Live Borders, it is proposed that the membership of the Group is increased by two, specifically the Executive Member for Community & Culture and one further member to provide balance.

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, given the different functions delegated to the External Services/Providers Monitoring Group, having only seven members on this Group puts particular pressure on the membership, therefore adding in two further members, one specifically dealing with Culture, should help mitigate this.

5.3 Integrated Impact Assessment

No IIA has been completed for this report as it is not anticipated that there will be any discrimination against 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. The increase in membership of the Group will have no impact on reducing socio-economic inequalities under the Fairer Scotland Duty.

5.4 Sustainable Development Goals

Increasing the membership of the Group has no impact to the UN Sustainable Development Goals.

5.5 Climate Change

The increase in membership of the Group has no impact on Climate Change. Meetings of the Group are held mainly online via Microsoft Teams.

5.6 Rural Proofing

The increase in membership of the Group will have no greater impact on those living and working in rural areas.

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

The changes required to the Scheme of Administration are contained in the recommendations in this report.

6 CONSULTATION

6.1 The Acting Chief Finance 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 final report.

Approved by

Nuala McKinlay

Acting Chief Corporate Governance Officer

Author(s)

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

Background Papers: Nil

Previous Minute Reference: Nil

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.

Contact us at Jenny Wilkinson, Democratic Services, Council HQ, Newtown St Boswells, Melrose, TD6 0SA. Tel: 01835 825004 Email: jjwilkinson@scotborders.gov.uk

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SCOTTISH BORDERS COUNCIL				
DRAFT CALENDAR OF MEETINGS				
AUGUST 2023 - JULY 2024				
Aug-23	DATE	MONTH	COMMITTEE	TIME
MON (SH)	31	JUL		
TUES (SH)	1	AUG		
WED (SH)	2	AUG		
THUR (SH)	3	AUG		
FRI (SH)	4	AUG		
SAT	5	AUG		
SUN	6	AUG		
MON (SH)	7	AUG	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES (SH)	8	AUG		
WED (SH)	9	AUG		
THUR (SH)	10	AUG		
FRI (SH)	11	AUG		
SAT	12	AUG		
SUN	13	AUG		
MON (SH)	14	AUG	LOCAL REVIEW BODY	10.00 a.m.
MON (SH)	14	AUG	POLICE CAT MEMBER/OFFICER STRATEGIC OVERSIGHT GROUP	2.00 p.m.
TUES (SH)	15	AUG	EXECUTIVE COMMITTEE (FINANCE/PERFORMANCE/TRANSFORMATION)	10.00 a.m.
TUES(SH)	15	AUG	HAWICK CGF SUB-COMMITTEE	4.00 p.m.
WED	16	AUG	CHAMBERS INSTITUTION TRUST	3.00 p.m.
WED	16	AUG	PEEBLES CGF SUB-COMMITTEE	5.00 p.m.
THURS	17	AUG	SCRUTINY & PETITIONS COMMITTEE	10.00 a.m.
FRI	18	AUG	LICENSING BOARD	10.00 a.m.
FRI	18	AUG	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	19	AUG		
SUN	20	AUG		
MON	21	AUG	PENSION INVESTMENT SUB-COMMITTEE	10.00 a.m.
TUES	22	AUG	EXTERNAL SERVICES/PROVIDERS MONITORING GROUP	10.00 a.m.
TUES	22	AUG	WILLIAM HILL TRUST SUB-COMMITTEE	1.30 p.m.
TUES	22	AUG	LAUDER COMMON GOOD FUND SUB-COMMITTEE	2.00 p.m.
TUES	22	AUG	TWEEDDALE AREA PARTNERSHIP	7.00 p.m.
WED	23	AUG		
THURS	24	AUG	COLLEAGUE COMMUNITY	3.30 p.m.
FRI	25	AUG		
SAT	26	AUG		
SUN	27	AUG		
MON	28	AUG		
TUES	29	AUG		
WED	30	AUG	SELKIRK CGF SUB-COMMITTEE	3.00 p.m.
THURS	31	AUG	SCOTTISH BORDERS COUNCIL	10.00 a.m.
THURS	31	AUG	DUNS CGF SUB-COMMITTEE	5.00 p.m.
THURS	31	AUG	BERWICKSHIRE AREA PARTNERSHIP	6.30 p.m.
Sep-23				
FRI	1	SEPT		
SAT	2	SEPT		
SUN	3	SEPT		
MON	4	SEPT	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	5	SEPT		
WED	6	SEPT		
THURS	7	SEPT	COMMUNITY PLANNING STRATEGIC BOARD	2.00 p.m.
THURS	7	SEPT	EILDON AREA PARTNERSHIP	6.00 p.m.
FRI	8	SEPT	POLICE CAT MEMBER/OFFICER STRATEGIC OVERSIGHT GROUP	9.30 a.m.
SAT	9	SEPT		
SUN	10	SEPT		
MON	11	SEPT	LOCAL REVIEW BODY	10.00 a.m.
MON	11	SEPT	JEDBURGH CGF SUB-COMMITTEE	4.30 p.m.
TUES	12	SEPT	EXECUTIVE COMMITTEE (ECONOMIC DEVELOPMENT)	10.00 a.m.
TUES	12	SEPT	MAJOR CONTRACTS GOVERNANCE GROUP	2.00 p.m.
TUES	12	SEPT	KELSO CGF SUB-COMMITTEE	5.15 p.m.

TUES	12	SEPT	TEVIOT & LIDDESDALE AREA PARTNERSHIP	6.30 p.m.
WED	13	SEPT		
THURS	14	SEPT	PENSION FUND COMMITTEE/PENSION BOARD	10.00 a.m.
FRI	15	SEPT		
SAT	16	SEPT		
SUN	17	SEPT		
MON	18	SEPT		
TUES	19	SEPT		
WED	20	SEPT	CHEVIOT AREA PARTNERSHIP	6.30 p.m.
THURS	21	SEPT	GALASHIELS CGF SUB-COMMITTEE	3.00 p.m.
FRI	22	SEPT	LICENSING BOARD	10.00 a.m.
FRI	22	SEPT	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	23	SEPT		
SUN	24	SEPT		
MON	25	SEPT	AUDIT COMMITTEE	10.00 a.m.
TUES	26	SEPT		
WED	27	SEPT	JCG: TEACHERS	2.00 p.m.
THURS	28	SEPT	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	29	SEPT		
SAT	30	SEPT		
Oct-23				
SUN	1	OCT		
MON	2	OCT	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	3	OCT	EXECUTIVE COMMITTEE	10.00 a.m.
WED	4	OCT		
THURS	5	OCT	JCG: STAFF	2.00 p.m.
FRI	6	OCT		
SAT	7	OCT		
SUN	8	OCT		
MON (SH)	9	OCT		
TUES (SH)	10	OCT	POLICE CAT MEMBER/OFFICER STRATEGIC OVERSIGHT GROUP	9:30 a.m.
WED (SH)	11	OCT		
THUR (SH)	12	OCT		
FRI (SH)	13	OCT		
SAT	14	OCT		
SUN	15	OCT		
MON (SH)	16	OCT	LOCAL REVIEW BODY	10.00 a.m.
TUES	17	OCT	LOCAL LICENSING FORUM	4.00 p.m.
WED	18	OCT	CHAMBERS INSTITUTION TRUST	4.00 p.m.
THUR	19	OCT	SCRUTINY & PETITIONS COMMITTEE	10.00 a.m.
FRI	20	OCT	LICENSING BOARD	10.00 a.m.
FRI	20	OCT	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	21	OCT		
SUN	22	OCT		
MON	23	OCT		
TUES	24	OCT	EDUCATION SUB-COMMITTEE	10 a.m.
WED	25	OCT		
THUR	26	OCT	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	27	OCT		
SAT	28	OCT		
SUN	29	OCT		
MON	30	OCT	PENSION INVESTMENT SUB-COMMITTEE	10.00 a.m.
Nov-23				
TUES	31	OCT	TWEEDDALE AREA PARTNERSHIP	7.00 p.m.
WED	1	NOV		
THUR	2	NOV		
FRI	3	NOV		
SAT	4	NOV		
SUN	5	NOV		
MON	6	NOV	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	7	NOV	TEVIOT & LIDDESDALE AREA PARTNERSHIP	6.30 p.m.
WED	8	NOV		
THUR	9	NOV	INNERLEITHEN COMMON GOOD FUND SUB-COMMITTEE	3.00 p.m.
FRI	10	NOV	POLICE CAT MEMBER/OFFICER STRATEGIC OVERSIGHT GROUP	9:30 a.m.
SAT	11	NOV		
SUN	12	NOV		

MON	13	NOV	AUDIT COMMITTEE	10.00 a.m.
MON	13	NOV	JEDBURGH CGF SUB-COMMITTEE	4.30 p.m.
			EXECUTIVE COMMITTEE	
TUES	14	NOV	(FINANCE/PERFORMANCE/TRANSFORMATION)	10.00 a.m.
TUES	14	NOV	KELSO CGF SUB- COMMITTEE	5.15 p.m.
WED	15	NOV		
THUR	16	NOV	COMMUNITY PLANNING STRATEGIC BOARD	2.00 p.m.
THUR	16	NOV	EILDON AREA PARTNERSHIP	6.00 p.m.
FRI	17	NOV	LICENSING BOARD	10.00 a.m.
FRI	17	NOV	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	18	NOV		
SUN	19	NOV		
MON	20	NOV	LOCAL REVIEW BODY	10.00 a.m.
TUES	21	NOV	HAWICK COMMON GOOD FUND SUB-CTEE	4.00 p.m.
WED	22	NOV	PEEBLES CGF SUB-COMMITTEE	5.00 p.m.
WED	22	NOV	CHEVIOT AREA PARTNERSHIP	6.30 p.m.
THUR	23	NOV	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	24	NOV		
SAT	25	NOV		
SUN	26	NOV		
MON (SH)	27	NOV	ST ANDREWS DAY HOLIDAY	
TUES	28	NOV	EXTERNAL SERVICES/PROVIDERS MONITORING GROUP	10.00 a.m.
TUES	28	NOV	JOINT MEETING LICENSING BOARD/LLF	4.00 p.m.
WED	29	NOV	SELKIRK CGF SUB-COMMITTEE	3.00 p.m.
THURS	30	NOV	COLLEAGUE COMMUNITY	3.30 p.m.
THUR	30	NOV	BERWICKSHIRE AREA PARTNERSHIP	6.30 p.m.
Dec-23				
FRI	1	DEC		
SAT	2	DEC		
SUN	3	DEC		
MON	4	DEC	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	5	DEC	EXECUTIVE COMMITTEE (ECONOMIC DEVELOPMENT)	10.00 a.m.
WED	6	DEC		
THUR	7	DEC	SCRUTINY & PETITIONS COMMITTEE	10.00 a.m.
THUR	7	DEC	GALASHIELS CGF SUB-COMMITTEE	3.00 p.m.
FRI	8	DEC	POLICE CAT MEMBER/OFFICER STRATEGIC OVERSIGHT GROUP	2.00 p.m.
SAT	9	DEC		
SUN	10	DEC		
MON	11	DEC		
TUES	12	DEC	PENSION FUND COMMITTEE/PENSION BOARD	10.00 a.m.
TUES	12	DEC	WILLIAM HILL TRUST SUB-COMMITTEE	1.30 p.m.
TUES	12	DEC	LAUDER COMMON GOOD FUND SUB-COMMITTEE	2.00 p.m.
WED	13	DEC	POLICE, FIRE & RESCUE AND SAFER COMMUNITIES BOARD	9.30 a.m.
WED	13	DEC	CHAMBERS INSTITUTION TRUST	4.00 p.m.
THUR	14	DEC	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	15	DEC	LICENSING BOARD	10.00 a.m.
FRI	15	DEC	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	16	DEC		
SUN	17	DEC		
MON	18	DEC	LOCAL REVIEW BODY	10.00 a.m.
TUES	19	DEC		
WED	20	DEC		
THUR	21	DEC		
FRI (SH)	22	DEC		
SAT	23	DEC		
SUN	24	DEC		
MON (SH)	25	DEC	PUBLIC HOLIDAY	
TUES (SH)	26	DEC	PUBLIC HOLIDAY	
WED (SH)	27	DEC	OFFICE CLOSED	
THUR (SH)	28	DEC	OFFICE CLOSED	
FRI (SH)	29	DEC	OFFICE CLOSED	
SAT	30	DEC		
SUN	31	DEC		
Jan-24				
MON (SH)	1	JAN	OFFICE CLOSED	
TUES (SH)	2	JAN	OFFICE CLOSED	
WED (SH)	3	JAN		

THUR (SH)	4	JAN		
FRI (SH)	5	JAN		
SAT	6	JAN		
SUN	7	JAN		
MON	8	JAN	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	9	JAN	POLICE CAT MEMBER/OFFICER STRATEGIC OVERSIGHT GROUP	9.30 a.m.
WED	10	JAN		
THUR	11	JAN		
FRI	12	JAN	POLICE CAT MEMBER/OFFICER STRATEGIC OVERSIGHT GROUP	9.30 a.m.
SAT	13	JAN		
SUN	14	JAN		
MON	15	JAN		
TUES	16	JAN	EXECUTIVE COMMITTEE	10.00 a.m.
WED	17	JAN		
THUR	18	JAN	STANDARDS COMMITTEE	10:00 a.m.
FRI	19	JAN		
SAT	20	JAN		
SUN	21	JAN		
MON	22	JAN	LOCAL REVIEW BODY	10.00 a.m.
TUES	23	JAN	EDUCATION SUB-COMMITTEE	10.00 a.m.
TUES	23	JAN	LOCAL LICENSING FORUM	4.00 p.m.
WED	24	JAN	JCG: STAFF	2.00 p.m.
THUR	25	JAN	SCOTTISH BORDERS COUNCIL	10.00 a.m.
THUR	25	JAN	EILDON AREA PARTNERSHIP	6.00 p.m.
FRI	26	JAN	LICENSING BOARD	10.00 a.m.
FRI	26	JAN	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	27	JAN		
SUN	28	JAN		
MON	29	JAN	JEDBURGH CGF SUB-COMMITTEE	4.30 p.m.
TUES	30	JAN	KELSO CGF SUB-COMMITTEE	5.15 p.m.
WED	31	JAN	CHEVIOT AREA PARTNERSHIP	6.30 p.m.
Feb-24				
THUR	1	FEB		
FRI	2	FEB		
SAT	3	FEB		
SUN	4	FEB		
MON	5	FEB	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	6	FEB	EXTERNAL SERVICES/PROVIDERS MONITORING GROUP	10.00 a.m.
TUES	6	FEB	TWEEDDALE AREA PARTNERSHIP	7.00 p.m.
WED	7	FEB		
THUR	8	FEB	BERWICKSHIRE AREA PARTNERSHIP	6.30 p.m.
FRI	9	FEB		
SAT	10	FEB		
SUN	11	FEB		
MON (SH)	12	FEB	AUDIT COMMITTEE	10 a.m.
			EXECUTIVE COMMITTEE	
TUES	13	FEB	(FINANCE/PERFORMANCE/TRANSFORMATION)	10.00 a.m.
TUES	13	FEB	POLICE CAT MEMBER/OFFICER STRATEGIC OVERSIGHT GROUP	2.00 p.m.
WED	14	FEB	SELKIRK CGF SUB-COMMITTEE	3.00 p.m.
THUR	15	FEB		
FRI	16	FEB		
SAT	17	FEB		
SUN	18	FEB		
MON (SH)	19	FEB	LOCAL REVIEW BODY	10.00 a.m.
TUES	20	FEB	LAUDER COMMON GOOD FUND SUB-COMMITTEE	2.00 p.m.
TUES	20	FEB	TEVIOT & LIDDESDALE AREA PARTNERSHIP	6.30 p.m.
WED	21	FEB	JCG: TEACHERS	2.00 p.m.
WED	21	FEB	CHAMBERS INSTITUTION TRUST	3.00 p.m.
THUR	22	FEB	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	23	FEB	LICENSING BOARD	10.00 a.m.
FRI	23	FEB	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	24	FEB		
SUN	25	FEB		
MON	26	FEB	PENSION FUND INVESTMENT & PERFORMANCE SUB	10.00 a.m.
TUES	27	FEB		
WED	28	FEB	PEEBLES COMMON GOOD FUND SUB-COMMITTEE	5.00 p.m.

THUR	29	FEB	SCOTTISH BORDERS COUNCIL (BUDGET)	10.00 a.m.
Mar-24				
FRI	1	MAR		
SAT	2	MAR		
SUN	3	MAR		
MON	4	MAR	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	5	MAR	EXERNAL SERVICES/PROVIDERS MONITORING GROUP	2.00 p.m.
WED	6	MAR		
THUR	7	MAR	PENSION FUND COMMITTEE/PENSION BOARD	10.00 a.m.
THUR	7	MAR	COMMUNITY PLANNING STRATEGIC BOARD	2.00 p.m.
FRI	8	MAR		
SAT	9	MAR		
SUN	10	MAR		
MON	11	MAR	AUDIT COMMITTEE	10.00 a.m.
TUES	12	MAR	EXECUTIVE COMMITTEE	10.00 a.m.
TUES	12	MAR	POLICE CAT MEMBER/OFFICER STRATEGIC OVERSIGHT GROUP	2.00 p.m.
WED	13	MAR		
THUR	14	MAR	COLLEAGUE COMMUNITY	3.30 pm
FRI	15	MAR		
SAT	16	MAR		
SUN	17	MAR		
MON	18	MAR	LOCAL REVIEW BODY	10.00 a.m.
TUES	19	MAR	LOCAL LICENSING FORUM	4.00 p.m.
TUES	19	MAR	HAWICK COMMON GOOD FUND SUB-CTEE	4.00 p.m.
WED	20	MAR		
THUR	21	MAR	SCRUTINY AND PETITIONS COMMITTEE	10.00 a.m.
THUR	21	MAR	GALASHIELS CGF SUB-COMMITTEE	3.00 p.m.
THUR	21	MAR	EILDON AREA PARTNERSHIP	6.00 p.m.
FRI	22	MAR	LICENSING BOARD	10.00 a.m.
FRI	22	MAR	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	23	MAR		
SUN	24	MAR		
MON	25	MAR	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	26	MAR	TWEEDDALE AREA PARTNERSHIP	7.00 p.m.
WED	27	MAR	CHEVIOT AREA PARTNERSHIP	6.30 p.m.
THUR	28	MAR	SCOTTISH BORDERS COUNCIL	10.00 a.m.
THUR	28	MAR	BERWICKSHIRE AREA PARTNERSHIP	6.30 p.m.
FRI	29	MAR		
SAT	30	MAR		
SUN	31	MAR		
Apr-24				
MON(SH)	1	APR		
TUES(SH)	2	APR		
WED(SH)	3	APR		
THUR(SH)	4	APR		
FRI(SH)	5	APR		
SAT	6	APR		
SUN	7	APR		
MON (SH)	8	APR		
TUES (SH)	9	APR	POLICE CAT MEMBER/OFFICER STRATEGIC OVERSIGHT GROUP	9.30 a.m.
WED (SH)	10	APR		
THUR (SH)	11	APR		
FRI (SH)	12	APR		
SAT	13	APR		
SUN	14	APR		
MON	15	APR	LOCAL REVIEW BODY	10.00 a.m.
TUES	16	APR	EXECUTIVE COMMITTEE (ECONOMIC DEVELOPMENT)	10.00 a.m.
TUES	16	APR	TEVIOT & LIDDESDALE AREA PARTNERSHIP	6.30 p.m.
WED	17	APR	CHAMBERS INSTITUTION TRUST	4.00 p.m.
THUR	18	APR		
FRI	19	APR		
SAT	20	APR		
SUN	21	APR		
MON	22	APR	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	23	APR	EDUCATION SUB-COMMITTEE	10.00 a.m.
WED	24	APR		

THUR	25	APR	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	26	APR	LICENSING BOARD	10.00 a.m.
FRI	26	APR	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	27	APR		
SUN	28	APR		
MON	29	APR	AUDIT COMMITTEE	10.00 a.m.
TUES	30	APR		
WED	1	MAY		
THUR	2	MAY		
FRI	3	MAY		
SAT	4	MAY		
SUN	5	MAY		
MON (SH)	6	MAY	MAY DAY HOLIDAY	
TUES (SH)	7	MAY		
WED	8	MAY		
THUR	9	MAY		
FRI	10	MAY	POLICE CAT MEMBER/OFFICER STRATEGIC OVERSIGHT GROUP	9.30 a.m.
SAT	11	MAY		
SUN	12	MAY		
MON	13	MAY	LOCAL REVIEW BODY	10.00 a.m.
TUES	14	MAY	EXECUTIVE COMMITTEE	10.00 a.m.
WED	15	MAY		
THUR	16	MAY		
FRI	17	MAY		
SAT	18	MAY		
SUN	19	MAY		
MON	20	MAY		
TUES	21	MAY	EXTERNAL SERVICES/PROVIDERS MONITORING GROUP	10.00 a.m.
TUES	21	MAY	HAWICK COMMON GOOD FUND SUB-CTEE	4.00 p.m.
WED	22	MAY		
THUR	23	MAY	SCRUTINY AND PETITIONS COMMITTEE	10.00 a.m.
THUR	23	MAY	INNERLEITHEN COMMON GOOD FUND SUB-CTEE	3.00 p.m.
FRI	24	MAY	LICENSING BOARD	10.00 a.m.
FRI	24	MAY	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	25	MAY		
SUN	26	MAY		
MON	27	MAY	DUNS COMMON GOOD FUND	10.00 a.m.
MON	27	MAY	JEDBURGH CGF SUB-COMMITTEE	4.30 p.m.
TUES	28	MAY	EXTERNAL SERVICES/PROVIDERS MONITORING GROUP	2.00 p.m.
WED	29	MAY	JCG: TEACHERS	2.00 p.m.
WED	29	MAY	CHEVIOT AREA PARTNERSHIP	6.30 p.m.
THUR	30	MAY	SCOTTISH BORDERS COUNCIL	10.00 a.m.
THUR	30	MAY	BERWICKSHIRE AREA PARTNERSHIP	6.30 p.m.
FRI	31	MAY		
SAT	1	JUN		
SUN	2	JUN		
MON	3	JUN	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	4	JUN	LOCAL LICENSING FORUM	4.00 p.m.
TUES	4	JUN	TEVIOT & LIDDESDALE AREA PARTNERSHIP	6.30 p.m.
WED	5	JUN	POLICE, FIRE & RESCUE AND SAFER COMMUNITIES BOARD	9.30 am
WED	5	JUN	JCG: STAFF	2.00 p.m.
WED	5	JUN	SELKIRK CGF SUB-COMMITTEE	3.00 p.m.
THUR	6	JUN	COMMUNITY PLANNING STRATEGIC BOARD	2.00 p.m.
FRI	7	JUN	POLICE CAT MEMBER/OFFICER STRATEGIC OVERSIGHT GROU	9.30 a.m.
SAT	8	JUN		
SUN	9	JUN		
MON	10	JUN	EYEMOUTH COMMON GOOD FUND	10.00 a.m.
TUES	11	JUN	EXECUTIVE COMMITTEE (FINANCE/PERFORMANCE/TRANSFORMATION)	10.00 a.m.
TUES	11	JUN	TWEEDDALE AREA PARTNERSHIP	7.00 p.m.
WED	12	JUN	SUSTAINABLE DEVELOPMENT COMMITTEE	10.00 a.m.
WED	12	JUN	PEEBLES COMMON GOOD FUND SUB-COMMITTEE	5.00 p.m.
THUR	13	JUN	COLLEAGUE COMMUNITY	3.30 p.m.
THUR	13	JUN	GALASHIELS CGF SUB-COMMITTEE	3.00 p.m.
THUR	13	JUN	EILDON AREA PARTNERSHIP	6.00 p.m.
FRI	14	JUN		

SAT	15	JUN		
SUN	16	JUN		
MON	17	JUN	LOCAL REVIEW BODY	10.00 a.m.
TUES	18	JUN	EDUCATION SUB-COMMITTEE	10.00 a.m.
TUES	18	JUN	WILLIAM HILL TRUST SUB-COMMITTEE	1.30 p.m.
TUES	18	JUN	LAUDER COMMON GOOD FUND SUB-COMMITTEE	2.00 p.m.
TUES	18	JUN	MELROSE COMMON GOOD FUND	3.30 p.m.
WED	19	JUN	CHAMBERS INSTITUTION TRUST	4.00 p.m.
THUR	20	JUN	PENSION FUND COMMITTEE/PENSION BOARD	10.00 a.m.
FRI	21	JUN	LICENSING BOARD	10.00 a.m.
FRI	21	JUN	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	22	JUN		
SUN	23	JUN		
MON	24	JUN	PENSION FUND INVESTMENT & PERFORMANCE SUB	10.00 a.m.
TUES	25	JUN	AUDIT COMMITTEE	10:00 a.m.
TUES	25	JUN	KELSO COMMON GOOD FUND	5.15 p.m.
WED	26	JUN	COLDSTREAM COMMON GOOD FUND SUB-COMMITTEE	10.00 a.m.
THUR	27	JUN	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	28	JUN		
SAT	29	JUN		
SUN	30	JUN		
Jul-24				
MON (SH)	1	JUL	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES (SH)	2	JUL		
WED (SH)	3	JUL		
THUR (SH)	4	JUL		
FRI (SH)	5	JUL		
SAT	6	JUL		
SUN	7	JUL		
MON (SH)	8	JUL		
TUES (SH)	9	JUL	POLICE CAT MEMBER/OFFICER STRATEGIC OVERSIGHT GROUP	9.30 a.m.
WED (SH)	10	JUL		
THUR (SH)	11	JUL		
FRI (SH)	12	JUL		
SAT	13	JUL		
SUN	14	JUL		
MON (SH)	15	JUL	LOCAL REVIEW BODY	10.00 a.m.
TUES (SH)	16	JUL		
WED (SH)	17	JUL		
THUR (SH)	18	JUL		
FRI (SH)	19	JUL	LICENSING BOARD	10.00 a.m.
FRI (SH)	19	JUL	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	20	JUL		
SUN	21	JUL		
MON (SH)	22	JUL		
TUES (SH)	23	JUL		
WED (SH)	24	JUL		
THUR (SH)	25	JUL		
FRI (SH)	26	JUL		
SAT	27	JUL		
SUN	28	JUL		
MON (SH)	29	JUL		
TUES (SH)	30	JUL		
WED (SH)	31	JUL		
(SH) School Holiday				

Committee order as per Scheme of Administration

Meeting		Day	Date	Time
Scottish Borders Council		Thursday	31-Aug-23	10.00 am
		Thursday	28-Sep-23	10.00 am
		Thursday	26-Oct-23	10.00 am
		Thursday	23-Nov-23	10.00 am
		Thursday	14-Dec-23	10.00 am
		Thursday	25-Jan-24	10.00 am
		Thursday	22-Feb-24	10.00 am
	Budget meeting	Thursday	29-Feb-24	10.00 am
		Thursday	28-Mar-24	10.00 am
		Thursday	25-Apr-24	10.00 am
		Thursday	30-May-24	10.00 am
	Thursday	27-Jun-24	10.00 am	
Coldstream Common Good Fund		Wednesday	26-Jun-24	10.00 am
Duns Common Good Fund		Monday	27-May-24	10.00 am
Eyemouth Common Good Fund		Monday	10-Jun-24	10.00 am
Galashiels Common Good Fund Sub-Ctee		Thursday	21-Sep-23	3.00 pm
		Thursday	07-Dec-23	3.00 pm
		Thursday	21-Mar-24	3.00 pm
		Thursday	13-Jun-24	3.00 pm
Hawick Common Good Fund Sub-Ctee		Tuesday	15-Aug-23	4.00 pm
		Tuesday	21-Nov-23	4.00 pm
		Tuesday	19-Mar-24	4.00 pm
		Tuesday	21-May-24	4.00 pm
Innerleithen Common Good Fund		Thursday	17-Aug-23	3.00 pm
		Thursday	09-Nov-23	3.00 pm
		Thursday	23-May-24	3.00 pm
Jedburgh Common Good Fund Sub-Ctee		Monday	11-Sep-23	4.30 pm
		Monday	13-Nov-23	4.30 pm
		Monday	29-Jan-24	4.30 pm
		Monday	27-May-24	4.30 pm
Kelso Common Good Fund Sub-Ctee		Tuesday	12-Sep-23	5.15 p.m.
		Tuesday	14-Nov-23	5.15 p.m.
		Tuesday	30-Jan-24	5.15 p.m.
		Tuesday	25-Jun-24	5.15 p.m.
Lauder Common Good Fund Sub-Ctee		Tuesday	22-Aug-23	2.00 pm
		Tuesday	12-Dec-23	2.00 pm
		Tuesday	20-Feb-24	2.00 pm
		Tuesday	18-Jun-24	2.00 pm
Melrose Common Good Fund		Tuesday	18-Jun-24	3.30 pm
Peebles Common Good Fund Sub-Ctee		Wednesday	16-Aug-23	5.00 pm
		Wednesday	22-Nov-23	5.00 pm
		Wednesday	28-Feb-24	5.00 pm
		Wednesday	12-Jun-24	5.00 pm
Selkirk Common Good Fund Sub-Ctee		Wednesday	30-Aug-23	3.00 pm
		Wednesday	29-Nov-23	3.00 pm
		Wednesday	14-Feb-24	3.00 pm
		Wednesday	05-Jun-24	3.00 pm
William Hill Trust Sub-Committee		Tuesday	22-Aug-23	1.30 pm
		Tuesday	12-Dec-23	1.30 pm
		Tuesday	18-Jun-24	1.30 pm
External Services/Providers Monitoring Group		Tuesday	22-Aug-23	10.00 am
		Tuesday	28-Nov-23	10.00 am
		Tuesday	07-Feb-24	10.00 am
		Tuesday	21-May-24	10.00 am
Executive Committee	Finance, etc	Tuesday	15-Aug-23	10.00 am
	Ec Dev	Tuesday	12-Sep-23	10.00 am
		Tuesday	03-Oct-23	10.00 am
	Finance, etc	Tuesday	14-Nov-23	10.00 am
	Ec Dev	Tuesday	05-Dec-23	10.00 am
		Tuesday	16-Jan-24	10.00 am
	Finance etc	Tuesday	13-Feb-24	10.00 am
		Tuesday	12-Mar-24	10.00 am
	Ec Dev	Tuesday	16-Apr-24	10.00 am
		Tuesday	14-May-24	10.00 am
	Finance etc	Tuesday	11-Jun-24	10.00 am
Administration Policy Working Group		Tuesday	15-Aug-23	12 noon
	Online only	Tuesday	29-Aug-23	10.00 am
		Tuesday	12-Sep-23	12 noon
	Online only	Tuesday	26-Sep-23	10.00 am
		Tuesday	03-Oct-23	12 noon
	Online only	Tuesday	17-Oct-23	10.00 am
	Online only	Tuesday	31-Oct-23	10.00 am
		Tuesday	14-Nov-23	12 noon
		Tuesday	05-Dec-23	12 noon
		Tuesday	16-Jan-24	12 noon
	Online only	Tuesday	30-Jan-24	10.00 am
		Tuesday	13-Feb-24	12 noon
	Online only	Tuesday	27-Feb-24	10.00 am
		Tuesday	12-Mar-24	12 noon
	Online only	Tuesday	26-Mar-24	10.00 am
		Tuesday	16-Apr-24	12 noon
	Online only	Tuesday	30-Apr-24	10.00 am
		Tuesday	14-May-24	12 noon
	Online only	Tuesday	28-May-24	10.00 am
		Tuesday	11-Jun-24	12 noon

Education Sub-Committee	Tuesday	24-Oct-23	10.00 am
	Tuesday	23-Jan-24	10.00 am
	Tuesday	23-Apr-24	10.00 am
	Tuesday	18-Jun-24	10.00 am
Audit Committee	Monday	18-Sep-23	10.00 am
	Monday	13-Nov-23	10.00 am
	Monday	15-Jan-24	10.00 am
	Monday	11-Mar-24	10.00 am
	Monday	29-Apr-24	10.00 am
	Tuesday	25-Jun-24	10.00 am
Scrutiny & Petitions Committee	Thursday	17-Aug-23	10.00 am
	Thursday	19-Oct-23	10.00 am
	Thursday	07-Dec-23	10.00 am
	Thursday	21-Mar-24	10.00 am
	Thursday	23-May-24	10.00 am
Civic Government Licensing Committee	Friday	18-Aug-23	11.00 am
	Friday	22-Sep-23	11.00 am
	Friday	20-Oct-23	11.00 am
	Friday	17-Nov-23	11.00 am
	Friday	15-Dec-23	11.00 am
	Friday	26-Jan-24	11.00 am
	Friday	23-Feb-24	11.00 am
	Friday	29-Mar-24	11.00 am
	Friday	26-Apr-24	11.00 am
	Friday	24-May-24	11.00 am
	Friday	21-Jun-24	11.00 am
Friday	19-Jul-24	11.00 am	
Licensing Board	Friday	18-Aug-23	10.00 am
	Friday	22-Sep-23	10.00 am
	Friday	20-Oct-23	10.00 am
	Friday	17-Nov-23	10.00 am
	Friday	15-Dec-23	10.00 am
	Friday	26-Jan-24	10.00 am
	Friday	23-Feb-24	10.00 am
	Friday	29-Mar-24	10.00 am
	Friday	26-Apr-24	10.00 am
	Friday	24-May-24	10.00 am
	Friday	21-Jun-24	10.00 am
	Friday	19-Jul-24	10.00 am
	Pension Fund Committee Followed by Pension Fund Board	Thursday	14-Sep-23
Tuesday		12-Dec-23	10.00 am
Thursday		07-Mar-24	10.00 am
Thursday		20-Jun-24	10.00 am
Pension Fund Investment Performance Sub-Committee	Monday	21-Aug-23	10.00 am
	Monday	30-Oct-23	10.00 am
	Monday	26-Feb-24	10.00 am
	Monday	24-Jun-24	10.00 am
Planning & Building Standards Committee	Monday	07-Aug-23	10.00 am
	Monday	04-Sep-23	10.00 am
	Monday	02-Oct-23	10.00 am
	Monday	06-Nov-23	10.00 am
	Monday	04-Dec-23	10.00 am
	Monday	08-Jan-23	10.00 am
	Monday	05-Feb-24	10.00 am
	Monday	04-Mar-24	10.00 am
	Monday	25-Mar-24	10.00 am
	Monday	22-Apr-24	10.00 am
	Monday	03-Jun-24	10.00 am
	Monday	01-Jul-24	10.00 am
	Local Review Body	Monday	14-Aug-23
Monday		11-Sep-23	10.00 am
Monday		16-Oct-23	10.00 am
Monday		20-Nov-23	10.00 am
Monday		18-Dec-23	10.00 am
Monday		22-Jan-24	10.00 am
Monday		19-Feb-24	10.00 am
Monday		18-Mar-24	10.00 am
Monday		15-Apr-24	10.00 am
Monday		13-May-24	10.00 am
Monday		17-Jun-24	10.00 am
Monday		15-Jul-24	10.00 am
JCG: Staff		Thursday	05-Oct-23
	Wednesday	24-Jan-24	2.00 pm
	Wednesday	05-Jun-24	2.00 pm
JCG: Teachers	Wednesday	01-Nov-23	2.00 pm
	Wednesday	21-Feb-24	2.00 pm
	Wednesday	29-May-24	2.00 pm
Colleague Community	Thursday	24-Aug-23	3.30 pm
	Thursday	30-Nov-23	3.30 pm
	Thursday	14-Mar-24	3.30 pm
	Thursday	13-Jun-24	3.30 pm
Standards	Thursday	18-Jan-24	10.00 am
Police, Fire & Rescue, Safer Communities Board	Wednesday	13-Dec-23	9.30 am
	Wednesday	05-Jun-24	9.30 am
Community Planning Strategic Board	Thursday	07-Sep-23	2.00 pm
	Thursday	16-Nov-23	2.00 pm
	Thursday	07-Mar-24	2.00 pm

	Thursday	06-Jun-24	2.00 pm
Berwickshire Area Partnership	Thursday	31-Aug-23	6.30 pm
	Thursday	30-Nov-23	6.30 pm
	Thursday	08-Feb-24	6.30 pm
	Thursday	28-Mar-24	6.30 pm
	Thursday	30-May-24	6.30 pm
Cheviot Area Partnership	Wednesday	20-Sep-23	6.30 pm
	Wednesday	22-Nov-23	6.30 pm
	Wednesday	31-Jan-24	6.30 pm
	Wednesday	27-Mar-24	6.30 pm
	Wednesday	29-May-24	6.30 pm
Eildon Area Partnership	Thursday	07-Sep-23	6.00 pm
	Thursday	16-Nov-23	6.00 pm
	Thursday	25-Jan-24	6.00 pm
	Thursday	21-Mar-24	6.00 pm
	Thursday	13-Jun-24	6.00 pm
Teviot & Liddesdale Area Partnership	Tuesday	12-Sep-23	6.30 pm
	Tuesday	07-Nov-23	6.30 pm
	Tuesday	20-Feb-24	6.30 pm
	Tuesday	16-Apr-24	6.30 pm
	Tuesday	04-Jun-24	6.30 pm
Tweeddale Area Partnership	Tuesday	22-Aug-23	7.00 pm
	Tuesday	31-Oct-23	7.00 pm
	Tuesday	06-Feb-24	7.00 pm
	Tuesday	26-Mar-24	7.00 pm
	Tuesday	11-Jun-24	7.00 pm
Local Licensing Forum	Tuesday	17-Oct-23	4.00 pm
	Tuesday	23-Jan-24	4.00 pm
	Tuesday	19-Mar-24	4.00 pm
	Tuesday	04-Jun-24	4.00 pm
Licensing Board/Local Licensing Forum Joint Meeting	Tuesday	28-Nov-23	4.00 pm
Police Community Action Team Member Officer Oversight Group	Monday	14-Aug-23	2.00 pm
	Friday	08-Sep-23	9.30 am
	Tuesday	10-Oct-23	9.30 am
	Friday	10-Nov-23	9.30 am
	Friday	08-Dec-23	2.00 pm
	Friday	12-Jan-24	9.30 am
	Tuesday	13-Feb-24	2.00 pm
	Tuesday	12-Mar-24	2.00 pm
	Tuesday	09-Apr-24	9.30 am
	Friday	10-May-24	9.30 am
	Friday	07-Jun-24	9.30 am
	Tuesday	09-Jul-24	9.30 am
Chambers Institution Trust	Wednesday	16-Aug-23	3.00 pm
	Wednesday	13-Sep-23	3.00 pm
	Wednesday	18-Oct-23	4.00 pm
	Wednesday	15-Nov-23	3.00 pm
	Wednesday	13-Dec-23	4.00 pm
	Wednesday	17-Jan-24	4.00 pm
	Wednesday	21-Feb-24	3.00 pm
	Wednesday	17-Apr-24	4.00 pm
	Wednesday	22-May-24	3.00 pm
	Wednesday	19-Jun-24	4.00 pm



LIVE BORDERS – FINANCIAL SUPPORT AND JOINT STRATEGIC REVIEW PROPOSAL

Report by Director - Resilient Communities

SCOTTISH BORDERS COUNCIL

30 March 2023

1 PURPOSE AND SUMMARY

- 1.1 This report sets out a proposal to provide financial support of £550,000 within the current 2022/23 financial year to assist Live Borders with the significant financial pressures resulting from energy inflation, cost of living crisis and the slower return to pre-pandemic levels of visitor attendance and participation. It also proposes a joint Council/Live Borders Strategic Review to strengthen and improve partnership arrangements and ensure that, through engagement with communities and service users, services are re-established on a sustainable footing and aligned with the needs of customers and communities.**
- 1.2 The report sets out the challenging financial pressures that face Live Borders as a result of the recent extraordinary rise in energy costs, reduced footfall and associated income reductions as a result of the cost of living crisis and the protracted recovery from the pandemic.
- 1.3 The report notes that in addition to these pressures other challenges include putting measures and products in place to deal with the rapid changes to the way services are consumed and accessed by customers and the drive for Net Zero by 2045.
- 1.4 The report proposes short term-financial support of £550K within the current financial year (2022/23) to enable Live Borders to address these challenges.
- 1.5 Recognising that these pressures continue into the medium and long term, the report also proposes that the Council and Live Borders undertake a wide-reaching review of its current partnership, funding and service delivery arrangements to ensure the Trust is sustainable in the long term and meeting the needs of communities and service users.

- 1.6 Given these ongoing challenges, coupled with the significant expansion of the scope and scale of services provided by Live Borders in recent years the report recognises the need to renew and update the governance arrangements set out in the 2016 Service Provision Agreement (SPA).
- 1.7 The proposed review will build on the joint SBC/Live Borders Service Redesign proposals agreed by Council in June 2021. The aim is to complete the review by end of October this year with the outcome informing the 2024/25 service and budget planning process. To enable this, the report proposes that external consultants with suitable experience and expertise are engaged to support the delivery and timely completion of the review.
- 1.8 It is proposed that a Joint Steering Group, based on the existing SBC/Live Borders Member/Trustee Group – and with additional representatives from both organisations will oversee the delivery of the review and its outcomes. The group will be supported by a working group comprising officials from both organisations enabling the appropriate professional input as the review progresses.

2 RECOMMENDATIONS

2.1 I recommend that Council:-

- (a) Agrees to provide financial support to Live Borders within the current financial year (2022/23) of £550,000 from the Recovery Fund to assist with the significant financial pressures faced by the Trust as a result of energy inflation, the cost of living crisis and ongoing the recovery from the Pandemic.**
- (b) Agrees to a joint Council/Live Borders strategic review – as set out in Section 5 and Appendix 2 of the report – with the aim of strengthening and improving partnership and service delivery arrangements and ensuring that the services delivered by Live Borders, on behalf of SBC under the terms of the SPA, are sustainable in the long term and meet the current and future needs of Borders residents.**
- (c) Agrees to deploy funding of up to £50,000 from the Recovery Fund to enable the external facilitation of the review. This will allow appropriate additional external expertise and capacity to be sourced to assist with the completion of the review by the end of October 2023, thereby ensuring that the findings are able to inform the 2024/25 planning process.**
- (d) Notes the continuing financial pressures facing Live Borders in 2023/24 may require further financial assistance to be provided to ensure the financial stability of the Trust.**

- (e) Agrees that a Joint Steering Group based on the existing SBC/Live Borders Member/Trustees Group oversees the delivery of the Strategic Review as per paragraph 5.6 below and further agrees additional SBC representation on the Group from the Convener and a representative of the SNP Group.**

3 BACKGROUND

- 3.1 In partnership, Scottish Borders Council and Live Borders are responsible for delivering a broad range of valued Culture, Sport and Leisure and Community services in towns and communities across the Scottish Borders. (See Appendix 1)
- 3.2 The Live Borders Trust arrangements were originally established in 2003 (with the formation of Borders Sports and Leisure Trust). The services delivered have been expanded over the years, including the addition of Cultural and Community services in 2016, community sports provision at a number of high school campuses and the addition of the Great Tapestry of Scotland in 2020. Over the same period, the economic and social environment in which we operate has also changed significantly, particularly over the last few years with the pandemic, the cost of living crisis, energy crises and the drive for Net Zero by 2045.
- 3.3 These challenges come on the back of pre-existing challenges in the form of changing patterns of customer behaviour and changes to the way people consume and access services. As a result, the Partnership faces a number of challenges and opportunities with some difficult decisions that need to be made over a relatively short timescale.

4 FINANCIAL PRESSURES

- 4.1 Within the current financial year (2022/23), financial pressures have had a significant impact on the operating models of all three leisure trusts in the Borders – including Berwickshire Recreation Educational Sports Trust (BREST) and Jedburgh Leisure Facilities Trust (JLFT), which operate the single sites of Duns Swimming Pool and the Jedburgh swimming pool respectively. At the December and January Council meetings one-off financial assistance of £127,000 each for BREST and JLFT was agreed in recognition of these pressures and the need to modernise. Live Borders with 60+ facilities, including 6 swimming pools – is particularly exposed to both the steep rise in energy costs and the fall in income from reduced participation.
- 4.2 Discussions have been held with representatives from Live Borders and it is proposed that financial assistance of £550,000 for the 2022/23 financial year be made from the Recovery Fund. This figure is based on:
 - i. £330,000 to support increased and unforeseen pressures on energy costs; and
 - ii. In accordance with the existing agreement between Live Borders and SBC, £220,000 to support the Great Tapestry of Scotland’s operational deficit arising from increased energy costs and lower than targeted visitor numbers.
- 4.3 In setting its budget for 2023/24, Council has agreed to remove the £246,000 planned reduction in the management fee for the 2023/24 financial year. The Council will continue to work with Live Borders during 2023/24 to determine any further financial support requirements to enable Live Borders to operate while the joint review is undertaken and

any associated recommendations/improvement actions are implemented and efficiencies realised.

5 REVIEW OF CURRENT ARRANGEMENTS

- 5.1 It is recognised that the challenges outlined above will continue and that there is a need to jointly review and improve both our partnership and service delivery arrangements to ensure that they are sustainable in the long term and meet the needs of Borders service users. The proposed scope of the joint strategic review is outlined below and detailed in Appendix 2 and includes:
- i. Reviewing and developing our shared strategic vision.
 - ii. Reviewing the scope and range of services provided through the partnership.
 - iii. Reviewing how, and where, services are delivered by progressing work on Service Redesign as set out in a joint report to Council in June 2021.
 - iv. Reviewing our joint working arrangements.
 - v. Updating and agreeing our Service Provision Agreement in line with the above.
 - vi. Undertaking building energy surveys of Live Borders Swimming Pools and facilities.
- 5.2 A key part of this review is taking forward the Service Redesign work agreed by Council in June 2021 as set out in a joint Council/Live Borders report. This work set out principles and options for engagement with communities and service users around the following areas of services:
- i. Library Services
 - ii. Museums & Galleries Services
 - iii. Sports facilities
 - iv. Public Halls
 - v. Community Centres
 - vi. SBC Customer Access & Registrars (including library contact services and services co-located with those of Live Borders)
- 5.3 The engagement will establish how these services can be redesigned to ensure a sustainable future aligned with community and user needs.
- 5.4 The review needs to be largely completed by the end of October to feed into the 2024/25 financial planning process.
- 5.5 To enable the review to be progressed, and to provide the necessary experience, expertise, capacity and objectivity, it is proposed that external support is commissioned. To enable this, the report seeks one-off funding of up to £50,000 from the Recovery Fund to enable this.
- 5.6 It is proposed that a Joint Steering Group will oversee the delivery of the Strategic Review in line with the brief. The Group will comprise the existing SBC/Live Borders Member/Trustee Groupⁱ with additional of two additional Member/Trustee representatives from each org as follows:

- a) SBC – the Convener and representative from the SNP Group
- b) Live Borders – Chair of the Audit Committee and Chair of the Finance Committee.

5.7 The Steering Group will be supported by a Working Group comprising officials from both organisations bringing to bear the necessary professional input as the review progresses.

6 IMPLICATIONS

6.1 Financial

6.1.1 The report proposes:

- a) £550,000 additional funding is provided to Live Borders from the Recovery fund within the current financial year (2022/23) as detailed in paragraph 4.2 above.
- b) Funding of up to £50,000 from will be allocated from the Recovery Fund in the next financial year (2023/24) for external support to support and enable the proposed review of current arrangements as set out in 5.5 above.

6.1.2 Recognising the continuing financial pressures:

- a) Council has agreed to remove the planned reduction in management fee for 2023/24, providing further support to the trust of £246,000.
- b) The proposed review of current arrangements will include a review of the short-term funding requirements to ensure ongoing financial sustainability in the coming financial year (2023/24) while the review is progressed and recommendations are implemented.

6.2 Risk and Mitigations

- a) Without undertaking the proposed review of current arrangements, and finding new and sustainable models of service delivery, there is a risk that provision of services will need to be reduced.
- b) There is a risk that, without additional financial assistance over the next financial year – while the review is progressed – actions will need to be taken to reduce operating costs. As a consequence, the provision of services (for example, hours of opening) may need to be reduced during the course of the review.

6.3 Integrated Impact Assessment

- (a) An IIA checklist has been completed – it is not anticipated that the proposals recommended will of themselves 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. However, support to Live Borders and the proposed review will assist local residents, both those who identify as belonging to an equality group and those who do not, to continue accessing high quality culture, leisure and recreation facilities and service across the Borders.

- (b) The proposed review of current arrangements will develop and expand upon the IIA.

6.4 **Sustainable Development Goals**

The proposed review includes measures to enable the Trust to improve its carbon footprint which ties in with UN SD Goal 7 (Ensure access to affordable, reliable, sustainable and modern energy for all). This includes work to undertake energy efficiency surveys of facilities to identify actions to reduce consumption and costs as well as opportunities to reduce the overall property foot print of the joint estate.

6.5 **Climate Change**

This proposal will help minimise energy use across the joint estate and assist the Borders to reduce its carbon footprint. Further work with the two other Leisure trusts to de-carbonise their operations through reduced energy usage will provide further benefits.

6.6 **Rural Proofing**

These proposals will have a positive effect on Borders communities and ensure high quality culture, leisure and recreation services for the future.

6.7 **Data Protection Impact Statement**

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

6.8 **Changes to Scheme of Administration or Scheme of Delegation**

No changes are required to either the Scheme of Administration or Scheme of Delegation as a result of the proposals in this report.

8 **CONSULTATION**

- 8.1 The Acting Chief Financial Officer, the Acting Chief Corporate Governance 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 included in the report.

Approved by

Jenni Craig

Director Resilient Communities

Author(s)

Name	Designation and Contact Number
James Lamb	Portfolio Manager

Background Papers: Nil

Previous Minute Reference: Nil

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

Contact us at Jenni Craig, Scottish Borders Council, Council Headquarters, Newtown St. Boswells, Melrose, TD6 0SA. Tel. 01835 825013 Email: jcraig@scotborders.gov.uk

Appendix 1

Live Borders Service areas delivered and locations

Library Services

Creative Communities

Swimming Pools

Leisure Centres

Jim Clark Museum

Active Communities

Town Halls

Heart of Hawick

Museums & Galleries

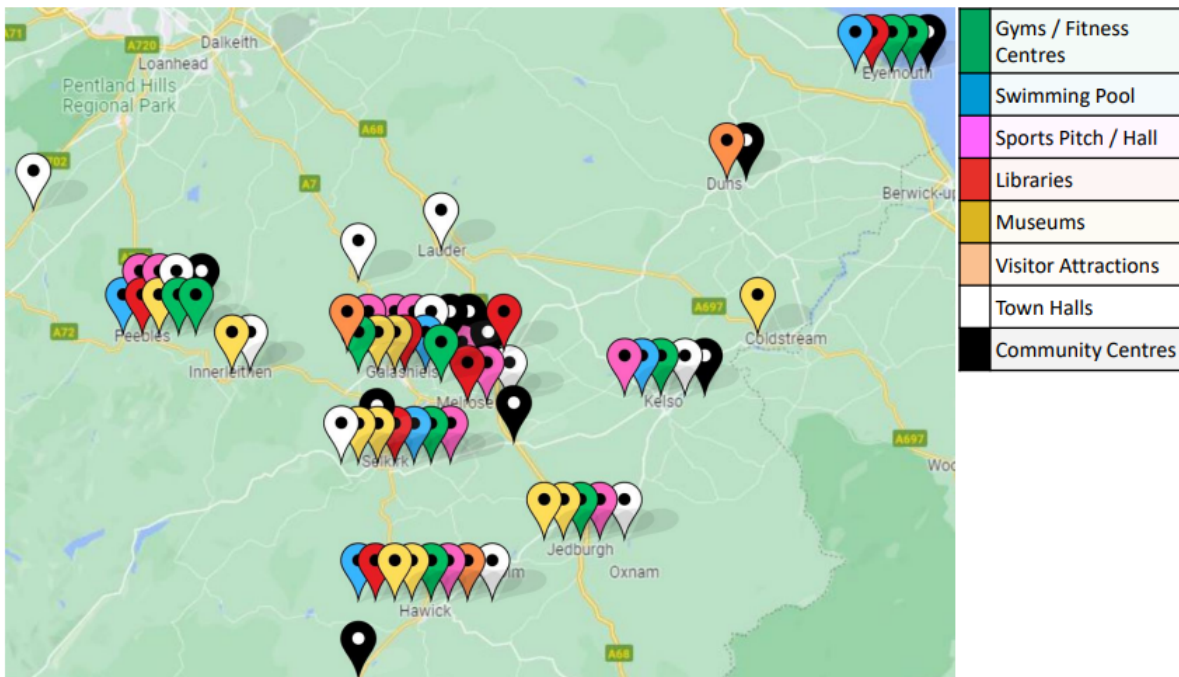
Sports Development & Events

Community Centres

Health Development / Management

Great Tapestry of Scotland

Archives



Proposed Review Brief

In partnership, Scottish Borders Council and Live Borders are responsible for delivering a broad range of valued Culture, Sport and Leisure and Community services in towns and communities across the Scottish Borders.

The Leisure Trust arrangements were established in 2003 and the services delivered have been expanded over the years, including the addition of Cultural and Community services in 2016 and the addition of the Great Tapestry of Scotland in 2020. Over the same period, the economic and social environment in which we operate has also changed significantly, particularly over the last few years with the pandemic, the cost of living, energy crises and the drive for Net Zero by 2045. As a result, the Partnership faces a number of challenges and opportunities with some difficult decisions that need to be addressed over an abrupt timescale. Work areas include:

- **Strategy** – We need to reappraise our strategic vision for the services we provide and develop a coherent, sustainable, brief and shared vision for our services covering the next 5 -10 years in terms of Culture, Libraries, Sport & Physical Activity and Communities. Implicit in this is the need to ensure that these strategies are aligned with local need, with related local, regional and national strategies and with the economic context.
- **Service Redesign** –We can no longer sustain the delivery of services as they are currently configured – particularly from an ageing estate – and we need to work collaboratively with service users, communities and other stakeholders to redesign sustainable services that align with community needs. As part of the review we need to consider whether the mix of services is appropriate, whether there is unhelpful internal competition between facilities/services or inconsistencies with how other facilities, not included in the scope of the Trust, are treated. A joint report on options for future service delivery was presented to Council in June 2021 and this now needs to be revisited, aligned with strategic vision and progressed.
- **Governance and Service Provision Agreements**– our collective governance (client and contractor) arrangements have evolved over time and need to be reviewed and revised to ensure that they are fit for purpose and meet the needs of all stakeholders. In particular, the main Service Provision Agreement was drafted in 2016 and needs to be updated and aligned to a shared vision and future service delivery arrangements.
- **Performance Information and Communication Flows** – Linked to the above there is a need to review current performance information to ensure that governance groups are able to monitor the Service Provision Agreement, follow decision making, ensure that services are aligned with community needs, fit with the council plan and administration policy which also enables the promotion of positive news and helps to address potential miss-perceptions.
- **Opportunities for achieving energy savings, maximising income and reducing cost** – related to the Service Redesign heading above, exploring opportunities to reduce energy costs and contribution to net zero targets and to improve income generation – including external funding opportunities – and reducing expenditure, including possible sharing of support services where this makes sense for both parties.
- **Opportunities to learn from best practice** – recognising that our challenges and opportunities are not unique and that there is scope to learn from experience elsewhere.

We aim to have revised Service Provision Agreement in place by October 2023 ahead of the next round of financial planning for the 24/25 budget.

ⁱ SBC/Live Borders Member/Trustee Group comprises, Cllrs Euan Jardine (Leader & Chair of the Group), Mark Rowley (Exec. Member for Service Delivery & Transformation) and Julie Pirone (Exec. Member for Communities & Culture and Emergency Planning), David Robertson (SBC CEO), Jenni Craig (Service Dir. Resilient Communities), Suzy Douglas (Acting Chief Financial Officer), Alison Moore (LB Chair), Ross Gardiner (LB Vice Chair) Ewan Jackson (LBs CEO) and Laura Steven (LB Chief Operating Officer).

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