

Public Document Pack



SCOTTISH BORDERS COUNCIL THURSDAY, 27 APRIL, 2023

A BLENDED MEETING of the SCOTTISH BORDERS COUNCIL will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST. BOSWELLS and VIA MICROSOFT TEAMS on THURSDAY, 27 APRIL, 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,
18 April 2023

BUSINESS		
1.	Convener's Remarks.	
2.	Apologies for Absence.	
3.	Order of Business.	
4.	Declarations of Interest.	
5.	Minute (Pages 5 - 22) Consider Minute of Scottish Borders Council held on 30 March 2023 for approval and signing by the Convener. (Copy attached.)	2 mins
6.	Committee Minutes Consider Minutes of the following Committees:- (a) Cheviot Area Partnership 1 February 2023 (b) Berwickshire Area Partnership 9 February 2023 (c) Local Review Body 20 February 2023 (d) Peebles Common Good Fund 28 February 2023 (e) Peebles Common Good Fund 7 March 2023 (f) Innerleithen Common Good Fund 8 March 2023 (g) Pension Fund 9 March 2023 (h) Pension Board 9 March 2023 (i) Chambers Institution Trust 15 March 2023 (j) Local Review Body 20 March 2023 (k) Peebles Common Good Fund 22 March 2023	5 mins

	(l) Eildon Area Partnership (m) Planning and Building Standards (Please see separate Supplement containing the public Committee Minutes.)	23 March 2023 27 March 2023	
7.	Community Wealth Building Consultation (Pages 23 - 46) Consider draft response to Scottish Government consultation by Director Resilient Communities. (Copy attached.)		20 mins
8.	Teviot Day Centre Update presentation by Chief Officer Health & Social Care Partnership.		15 mins
9.	Children and Young People's Planning Partnership (Pages 47 - 62) Consider report by Director Social Work and Practice. (Copy attached.)		10 mins
10.	Representative on Outside Body Consider appointment of replacement for Councillor Rowley as the Council's representative on Southfield Community Centre Committee.		5 mins
11.	Open Questions		15 mins
12.	Any Other Items Previously Circulated		
13.	Any Other Items Which the Convener Decides Are Urgent		
14.	Private Business Before proceeding with the private business, the following motion should be approved:- "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."		
15.	Committee Minutes Consider private Sections of the Minutes of the following Committees:- (a) Pension Fund - 21 March 2023 (b) Peebles Common Good Fund - 22 March 2023 (Please see separate Supplement containing private Committee Minutes.)		2 mins
16.	Recruitment to Director Posts (Pages 63 - 66) Consider report by Director People and Performance. (Copy attached.)		10 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
email lmcgeoch@scotborders.gov.uk

This page is intentionally left blank

SCOTTISH BORDERS COUNCIL

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held in Council Headquarters, Newtown St. Boswells and via Microsoft Teams on 30 March 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, 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, E. Thornton-Nicol, T. Weatherston

Apologies:- Councillors S. Marshall, V. Thomson.

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

1. **CONVENER'S REMARKS**

The Convener congratulated:-

- (a) Humza Yousaf on his appointment as First Minister for Scotland;
- (b) Prince Edward, Earl of Wessex, being conferred the title of Duke of Edinburgh by King Charles;
- (c) the Councils Road Safety Team, comprising Philippa Gilhooley, Gary Haldane, Sam Elliot, Ashley Semple, Karen McGrath and Ronan McKean, on their recent success at the Chartered Institute of Highways and Transportation Awards. There were over 200 entries and the Team was shortlisted in 2 categories relating to the introduction of 20 mph zones across the Council area. They were commended in the "CIHT Research Initiative of the Year" Award and won the "CIHT Road Safety Award. 2022". The Team were present at the meeting and the Convener re-presented their trophy;
- (d) those who had achieved success at the National Cross Country Running Championships in Falkirk on 25 February, namely Scout Adkin of Moorfoot Runners who won the women's race, Sara Green from Gala Harriers who finished fourth and Zoe Pflug also from Gala Harriers who had finished fifth;
- (e) Alastair Walker from Teviotdale Harriers who won the men's 65 age race at the British Cross Country Championships;
- (f) Borders athlete Guy Learmonth who had finished 5th in the 800 metres at the European Indoor Athletic Championships;
- (g) Stacey Downie from West Linton who had won silver in the Women's 35 400 metres at the World Masters Indoor Championships;
- (h) Gala Fairydean Rovers on winning the East of Scotland Cup on 25 March by defeating Linlithgow Rose;

- (i) Hawick RFC on winning the Premier League title after being unbeaten for the whole season; and
- (j) Stuart Hogg on winning his 100th cap for Scotland. He had announced his plans to retire after the World Cup later this year and the Convener commented on him being a great role model and ambassador for the Borders and wished him well for the future.

DECISION

AGREED that congratulations be passed to all those concerned.

2. MINUTES

The Minutes of the Meetings held on 16 and 23 February 2023 were considered.

DECISION

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

3. COMMITTEE MINUTES

3.1 The Minutes of the following Committees had been circulated:-

Chambers Institution Trust	25 January 2023
Local Review Body	23 January 2023
Civic Government Licensing	27 January 2023
Jedburgh Common Good Fund	30 January 2023
Kelso Common Good Fund	31 January 2023
Planning & Building Standards	6 February 2023
Tweeddale Area Partnership	7 February 2023
Audit	13 February 2023
Executive	14 February 2023
Teviot & Liddesdale Area Partnership	21 February 2023
Chambers Institution Trust	22 February 2023
Civic Government Licensing	24 February 2023
Galashiels Common Good Fund	2 March 2023
Planning & Building Standards	6 March 2023
Executive	14 March 2023

3.2 With reference to paragraph 8.4 of the Minute of the Teviot and Liddesdale Area Partnership of 21 February 2023, Councillor Smart advised that she was the seconder of the Motion and not Councillor Scott.

DECISION

APPROVED the Minutes listed above subject to the amendment of the Teviot and Liddesdale Area Partnership Minute to change Councillor Scott to Councillor Smart in paragraph 8.4

4. CHAMPIONS BOARD ANNUAL REPORT

4.1 There had been circulated copies of a report by the Director of Social Work and Practice containing the Scottish Borders Champions Board Annual Report 2022/23. The report detailed the various statutory obligations placed on the Council in their role as Corporate Parent. The development of Champions Boards in Scotland was an approach to participation with care experienced children and young people which had been evolving since 2016. The aim of the approach was 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 received. 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 co-ordinator 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. 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 were 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 reported directly to the Corporate Parenting Operations Group about developments with the work. The Convener welcomed Cory Paterson to the meeting and he gave a presentation explaining the benefits of the Champions Board which gave care experienced young people a platform to express their views. He also advised that 2 hubs set up in the High Schools in Duns and Jedburgh had helped membership as it was difficult for people to travel to meetings in Galashiels. A further hub was to be set up in Hawick High School. Members thanked Cory for his presentation and were pleased to note that he was about to take up the post of Promise Project Worker for the Council.

DECISION

AGREED to endorse the publication of the Scottish Borders Champions Board Annual report 2022/23.

5. **SCOTTISH BORDERS PUBLIC PROTECTION COMMITTEE ANNUAL REPORT 2021/22**
There had been circulated copies of a report by the Director Social Work and Practice in his role as Chief Social Work and Public Protection Officer summarising the activity of the Public Protection Committee (PPC) and associated Delivery Groups for the year 01 August 2021 – 31 July 2022. The Annual Report covered 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. The Report also included information relating to Child Protection, Adult Support and Protection, Violence Against Women and Girls, Justice Services and PREVENT together with statistical information relating to the PPC Performance Indicators and training and development activities. 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 were also highlighted. The Director advised that the Independent Chair would normally present the report but he was unable to attend. Members welcomed the report and noted the increasing challenges being faced.

DECISION

NOTED the content of the Public Protection Committee Annual Report 2021-2022.

6. **TWEEDBANK EXPANSION – A COMMUNITY OF THE FUTURE**
With reference to paragraph 7 of the Minute of 25 November 2021, there had been circulated copies of a report by the Director Infrastructure and Environment providing 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 needed to be taken to achieve this. The report set out the desired outcomes of the project, mapped to the Council Plan Priorities. It drew attention to key regional and national strategies, including the two growth deals that underpinned the key outcomes and deliverables that the Tweedbank project sought to achieve and would lever support for the project at a regional and national level. Details were provided regarding the key deliverables that the project sought 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. The delivery plan was mapped out, setting out a series of proposed actions to build momentum and deliver a project that contributed to the ambitions for the Scottish Borders to be a green, fair and flourishing

region. This would involve through contributing to 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. Members welcomed the report and highlighted that this was an exciting once in a life time opportunity. The importance of identifying a development partner and procuring a technical team to produce designs was highlighted. Mr Curry answered Members' questions and the concerns with regard to the future of Lowood House. It was noted that there would be further reports as the project developed. Councillor Mountford moved as an additional recommendation that officers bring a report to the Executive Committee outlining all of the options for the future of Lowood House and this was unanimously agreed.

**DECISION
AGREED:-**

- (a) to approve Actions 1 – 6 as detailed in the report;**
- (b) that with reference to the Care Village and associated facilities, and if deemed appropriate following a fully costed appraisal as detailed in the report, to 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; and**
- (c) that a report on all of the options for the future of Lowood House be presented to the Executive Committee.**

7. HEADSTONE SAFETY UPDATE

There had been circulated copies of a report by the Director of Infrastructure and Environment proposing a review of the Headstone Safety programme and setting out the context, challenges and opportunities identified within the programme. The report explained that Scottish Borders Council managed 155 cemeteries and burial grounds across the region, of which 146 fell under a programme of routine Headstone Safety Inspection. While Government guidance stated lair holders were responsible for maintenance and repair of their headstones and memorials, Scottish Borders Council as a Burial Authority had a legal obligation to ensure public safety and, as far as was reasonably practicable, that cemeteries were maintained in a safe condition. The report set out a range of proposals following a review of operations including trialling works to re-erect any headstones laid flat. The report detailed the progress made under the 2018-2023 Inspection Regime with 38,742 checked so far out of a total of 46,435. During this time 1856 headstones had been laid flat due to safety concerns. However, this process was an emotive one and representations had been made via Elected Members to review this practice. The proposed approach was to develop a new Headstone Safety Policy, devise a refreshed Communications Strategy and explore re-erection of Headstones that had been made safe by laying flat through a pilot study. It was further suggested that a Headstone Reinstatement Pilot Study be undertaken at Lennel Cemetery to re-erect 81 headstones that had been laid flat. Members were supportive of the proposals and highlighted the importance of communication. Mr Curry reminded Members that they were welcome to observe the staff carrying out safety checks. Councillor Anderson moved that an additional recommendation be added "to ensure all work in cemeteries should be carried out with utmost respect while conducting works required, ensuring a culture of respectfulness was nurtured throughout the process" and this was unanimously agreed.

**DECISION
AGREED to:-**

- (a) note the findings of the initial review into the headstone safety programme;**
- (b) approve the resumption of operations under the current Headstone Safety Inspection Programme;**

- (c) **approve a trial scheme at Lennel cemetery to undertake re-erection of headstones that had been laid flat;**
- (d) **to receive a further report detailing the findings of this trial; and**
- (e) **to ensure all work in cemeteries should be carried out with utmost respect while conducting works required, ensuring a culture of respectfulness was nurtured throughout the process.**

8. **PUBLIC TOILET PROVISION**

There had been circulated copies of a report by the Director of Infrastructure and Environment proposing a strategy for the future provision of Public Toilets in the Scottish Borders. Scottish Borders Council currently had 27 public toilets open for use and 14 which remained closed and would not reopen. Five key principles had been developed to inform how the Council proposed to support the future delivery of the remaining 27 public toilet facilities and these were:-

- The condition of public toilets influenced visitor and local perception of a community and there was a need to enhance the condition of the 27 facility operational toilet estate. To achieve this a programme of surveys and capital investment was needed.
- The Council would maintain the current operational estate including the provision of one Council provided facility per each major existing settlement.
- A phased approach to upgrading payment operated locking facilities would be implemented along with a move to accepting contactless payment facilities.
- Provisions would continue to be maintained for those who needed access for medical reasons and/ or emergency access via the RADAR mechanism.
- An appropriate cleaning and inspection regime had to be maintained on a daily basis with cleaning of public toilets undertaken once per day.

The Appendix to the report listed the proposed toilets. Councillor Mountford, as Executive Member for the service, highlighted the opportunities for communities to take over facilities and provided further clarification in respect of future provision which included the likely continuation of the facility at Kingsmeadows in Peebles by the Common Good Fund as it was located on land owned by them. Support for the toilets at St. Marys Loch was being withdrawn by the Council but the landowner was to keep them open. Members discussed the proposals in detail and highlighted the importance of good signage for visitors to all public facilities. The situation at Burnmouth was raised and it was agreed that an additional recommendation be added to reconsider the closure in consultation with the local Community and Ward Councillors. Councillor Sinclair suggested that further consultation and information was required before a final decision could be taken.

Vote

Councillor Mountford, seconded by Councillor Small, moved approval of the recommendations contained in the report with the addition regarding Burnmouth.

Councillor Sinclair, seconded by Councillor Orr, moved as an amendment that the recommendations in the report be replaced as follows:-

- (a) Public consultation should be undertaken before any permanent change in service provision was agreed;
- (b) To ask officers to undertake consultation with communities on the future of toilet provision across the Scottish Borders; and

- (c) To ask officers to bring forward a report outlining the rationale for continuation or closure of each public toilet facility – to include public feedback, condition survey and any enhancement costs, projected usage, and alternative local provision.

On a show of hands Members voted as follows:-

Motion - 23 votes
Amendment - 9 votes

The Motion was accordingly carried.

DECISION

DECIDED:-

- (a) to approve the future provision of Public Toilets across the Scottish Borders as detailed in the Appendix to the report;
- (b) to assign delegated powers to the Director Infrastructure & Environment, Acting Chief Financial Officer and the Chief Legal Officer to negotiate the sale/disposal of facilities as part of the strategy; and
- (c) that further discussions regarding the future of provision at Burnmouth be held with the community and local Ward Members.

9. UK SHARED PROSPERITY FUND

There had been circulated copies of a report by the Director Resilient Communities providing an update on the UK Shared Prosperity Fund (UKSPF) for the Scottish Borders and seeking agreement on the proposals for delivery of the 2022/23 funding allocation. The report explained that the UKSPF was 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. 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 was split approximately 85% revenue and 15% capital. 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 2022 that the plan had been approved. Due to the likelihood of underspends at year-end in the 2022/23 allocation, the UK Government had 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. To avoid any underspends being returned to the Department for Levelling Up, Housing and Communities (DLHUC), it was proposed that delegation was to be 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 would 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. Members agreed to support this proposal.

DECISION

AGREED:-

- (a) to note that the UK Government approved the Council's UK Shared Prosperity Fund investment plan as detailed in the report;

- (b) 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 in the report; and**
- (c) that regular progress reports would be presented to the Executive Committee.**

10. INDEPENDENT INQUIRY ACTION PLAN UPDATE

With reference to paragraph 10 of the Minute of 15 December 2023, there had been circulated copies of a report by the Chief Executive providing the fourth formal update from the Inquiry Review Group which was established to progress the work identified following the independent investigation into the Council's handling of concerns raised about a former Scottish Borders Council employee. The report brought forward 6 remaining reporting templates relating to a number of actions and sought approval to consider these actions as complete. The report also sought approval that the action plan be considered complete, with any ongoing actions being required to progress as continuous improvement with delegated authority for the monitoring and approval of such actions being granted to the Chief Executive. A communications plan which outlined how the conclusion of actions and next steps would be communicated to stakeholders was contained in Appendix 2 to the report. Given the progress that had been made it was proposed that this would be the final formal update provided to Council and that consequently the action group which had overseen delivery of the action plan to date would cease to meet. The Chief Executive presented the report and thanked the relevant officers and Councillors L. Douglas and C. Hamilton for their work on ensuring that the Council's approach to Child Protection was as effective as it could be. Councillor Douglas and Councillor Hamilton also paid tribute to the officers involved.

**DECISION
AGREED:-**

- (a) to approve the action templates contained in Appendix 1 to the report as being complete;**
- (b) to approve the proposed plan in Appendix 2 to the report for communication with stakeholders (Action 3c);**
- (c) that the Inquiry Action Plan Group would cease to meet and that any ongoing actions contained in the plan progress as continuous improvement; and**
- (d) that the Chief Executive assume delegated authority to monitor and approve any actions deemed to be ongoing.**

11. SBC LOCAL CODE OF CORPORATE GOVERNANCE

There had been circulated copies of a report by the Chief Executive proposing approval of the updated SBC Local Code of Corporate Governance, on recommendation by the Audit Committee. The report explained that Scottish Borders Council (SBC) was responsible for ensuring that its business was conducted in accordance with the law and proper standards, and that public money was safeguarded and properly accounted for, and used economically, efficiently and effectively. The SBC Local Code of Corporate Governance, which was 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. The SBC Local Code of Corporate Governance had 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, contained in Appendix 1 to the report, required approval by Council to ensure this key document continued 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. 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.

**DECISION
AGREED to:-**

- (a) note the changes outlined in the report;**
- (b) approve the updated Local Code of Corporate Governance, as contained in Appendix 1 to the report; and**
- (c) note that the updated Local Code would be used for the 2022/23 annual assurance process.**

12. CHARITABLE DE-REGISTRATION OF SBC COMMON GOOD FUNDS

There had been circulated copies of a report by the Acting Chief Financial Officer advising 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). The report explained that the 12 Common Good Funds (Coldstream, Duns, Eyemouth, Galashiels, Hawick, Innerleithen, Jedburgh, Kelso, Lauder, Melrose, Peebles and Selkirk) were registered with the Office of the Scottish Charity Regulator (OSCR) as 1 registered charity, registration number SC031538. A letter received from OSCR in December 2022, a copy of which was appended to the report, provided advance notification of the intention to remove the SBC Common Good Funds, registration number SC031538, from the Register, and outlined the reason for the decision, the process by which the Charity would be removed from the Register, and the effect of removal. OSCR had concluded that Scottish Borders Common Good was not a 'body' with a constitution distinct and separate from the Council that was capable of being entered in the Register. The Charity did not meet the charity test because it did not have purposes that consisted only of one or more of the charitable purposes in section 7(2) of the 2005 Act. Because it had been concluded that the Charity did not have wholly charitable purposes an assessment of public benefit had not been carried out. The Council's Chief Legal Officer and Acting Chief Financial Officer agreed with OSCR's conclusions that this was the correct approach. Following deregistration, annual accounts would not be prepared, audited and submitted to OSCR. The Common Good funds would instead be consolidated within the Council's statutory accounts. Outturn reports would continue to be presented to Common Good fund Committees setting out the annual income and expenditure associated with each fund and assets they held on their balances sheet at 31 March each year. Separate records would still be maintained for each Common Good fund and current monitoring arrangements would continue. Members accepted the position and received reassurance that this did not impact the non-domestic rates position for Common Good properties.

DECISION

AGREED with the notification from OSCR to remove the SBC Common Good Funds, charity number SC031538, from the Register and therefore resolved not to challenge the OSCR decision.

13. SCHEME OF ADMINISTRATION – EXTERNAL SERVICES/PROVIDERS MONITORING GROUP

There had been circulated copies of a report by the Acting Chief Corporate Governance Officer proposing 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. The Scheme of Administration regulated, among other things, the constitution and membership of the Committees of Council. Any amendments to the Scheme could only be approved by full Council. At the moment, the Executive Member for Community & Culture was not a member of the External Services/Providers Monitoring

Group, and given that this Group monitored the performance of Live Borders, it was proposed that the membership of the Group was increased by two, specifically the Executive Member for Community & Culture and another member to achieve balance. Members supported this change and Councillor Tatler, seconded by Councillor Ramage, moved that Councillor Anderson be appointed as the other Member.

DECISION

AGREED to:-

- (a) **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 Councillor Anderson as the other member to the Group.**

14. CALENDAR OF MEETINGS

There had been circulated copies of the draft Calendar of Meetings for the period August 2023 to July 2024. The Clerk to the Council advised that the meeting times for the Galashiels Common Good Fund Sub- Committee were to be changed from 3 p.m. to 4 p.m. She requested that Members delegate powers to each Committee to make any amendments to their meeting dates and times as required during the year.

DECISION

AGREED to approve the Calendar of Meetings as amended and to delegate powers to each Committee to make amendments to their own meetings if required during the year.

15. MOTION

Councillor Steel, seconded by Councillor Weatherston, moved the following Motion as detailed on the agenda:-

“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.”

Councillor Steel and Councillor Weatherston spoke in support of the Motion which was unanimously approved.

DECISION

AGREED to approve the Motion as detailed above.

16. REPRESENTATIVES ON OUTSIDE BODIES – LIVE BORDERS

It was noted that Councillor Brown had resigned her position from the Board of Live Borders so the resulting vacancy required to be filled. Councillor Moffat, seconded by Councillor Thornton-Nicol, moved that Councillor PatonDay be appointed and this was unanimously agreed.

DECISION

AGREED that Councillor PatonDay be appointed to the Board of Live Borders.

DECLARATIONS OF INTEREST

Councillors PatonDay, Richards, Thornton-Nicol and Weatherston declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the meeting during the discussion.

17. **LIVE BORDERS – FINANCIAL SUPPORT AND STRATEGIC REVIEW PROPOSAL**

With reference to paragraph 9 of the Minute of 15 December 2022, there had been circulated copies of a report by the Director Resilient Communities setting 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 proposed a joint Council/Live Borders Strategic Review to strengthen and improve partnership arrangements and ensure that, through engagement with communities and service users, services were re-established on a sustainable footing and aligned with the needs of customers and communities. The report detailed the challenging financial pressures that faced 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. In addition to these pressures other challenges included putting measures and products in place to deal with the rapid changes to the way services were consumed and accessed by customers and the drive for Net Zero by 2045. Short term-financial support of £550K was proposed within the current financial year (2022/23) to enable Live Borders to address these challenges. Recognising that these pressures continued into the medium and long term, the report also proposed that the Council and Live Borders undertake a wide-reaching review of its current partnership, funding and service delivery arrangements to ensure the Trust was sustainable in the long term and meeting the needs of communities and service users. 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 recognised the need to renew and update the governance arrangements set out in the 2016 Service Provision Agreement (SPA). The proposed review would build on the joint SBC/Live Borders Service Redesign proposals agreed by Council in June 2021. The aim was 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, it was proposed that external consultants with suitable experience and expertise were engaged to support the delivery and timely completion of the review. It was also proposed that a Joint Steering Group, based on the existing SBC/Live Borders Member/Trustee Group – and with additional representatives from both organisations - would oversee the delivery of the review and its outcomes. The group would be supported by a working group comprising officials from both organisations enabling the appropriate professional input as the review progressed. Members supported the approach of focussing on the future and the need for service redesign.

DECISION

AGREED:-

- (a) **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) **to a joint Council/Live Borders strategic review, as set out in 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, were sustainable in the long term and met the current and future needs of Borders residents;**
- (c) **to deploy funding of up to £50,000 from the Recovery Fund to enable the external facilitation of the review. This would 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 were able to inform the 2024/25 planning process;**
- (d) **to note the continuing financial pressures facing Live Borders in 2023/24 might require further financial assistance to be provided to ensure the financial stability of the Trust; and**

- (e) that a Joint Steering Group based on the existing SBC/Live Borders Member/Trustees Group, as well as the Convener and a representative from the SNP Group, oversee the delivery of the Strategic Review as detailed in the report and that Councillor Thornton-Nicol would provide the name of the additional SNP representative to the Clerk to the Council after the meeting.

MEMBERS

Councillors PatonDay, Richards, Thornton-Nicol and Weatherston returned to the meeting.

18. **OPEN QUESTIONS**

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

DECISION

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

19. **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

20. **Minute**

The private section of the Council Minute of 16 February 2023 was approved.

21. **Committee Minutes**

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

The meeting concluded at 1.45 p.m.

SCOTTISH BORDERS COUNCIL
30 MARCH 2023
APPENDIX I

OPEN QUESTIONS

Questions from Councillor Begg

To the Executive Member for Environment and Transport

1. We strongly support effective systems that encourage re-use and recycling. This includes support for re-use hubs and doorstep recycling. In this respect:
 - (a) What are the financial consequences for the council with the potential loss of aluminium and steel recycling from our doorstep recycling system?
 - (b) How much additional benefit do we estimate the Deposit Return Scheme (DRS) will make to recycling rates in the Scottish Borders?
 - (c) Do we have any impact assessment of the DRS on the producers and retailers affected in the Scottish Borders?
 - (d) What plans are there to support re-use systems as an alternative to recycling?

Response from Councillor Linehan

- (a) In 2019, Zero Waste Scotland undertook a financial assessment of the Deposit Return Scheme, which identified a potential saving to the Council of £244,658.00 per annum against service baseline costs at that time. The majority of this saving came from the additional material removed from the general waste bin, which would have otherwise not been captured.

However it is important to recognise that these figures will have changed since 2019 as the Council has awarded a new residual waste contract and kerbside recycling contract.

- (b) More recent modelling of the Council's kerbside collection service indicates that the Council's recycling performance will reduce by around 0.1% as a result of the Deposit Return Scheme.
- (c) The Council is not have details regarding the impact on producers and retailers, other than to say that they will have been required to register with the scheme. Circularity Scotland as the Scheme Administrator may have more details in this regard.

It is worth noting that there is likely to be a financial impact on school catering and this is currently being assessed by officers.

The Council already supports a number of Re-Use schemes including, Homebasics, Just Cycle, Garden Tools Recycling Project and Hawick Men's Sheds via its Community Recycling Centres and various Service Level Agreements. Re-Use and the circular economy is also outlined in the Council's climate change plan as an area that requires further action/development. In response to that Officers are currently considering what additional support it can provide to an increasing number of organisations that are keen to pursue re-use opportunities. The aim is to be able to provide advice to kick start these operations and get them on to a sustainable footing.

2. The Scottish Borders website details what can and cannot be recycled. It has a 'top tips section' which states that we should 'recycle more effectively by washing, squashing and replacing lids of containers'. At a number of meetings people have been adamant that lids should be put in the Blue bin separately from their containers. Can the Executive member clarify whether the Scottish Borders recycling team want 'caps on or off' with particular reference to milk cartons?

Response from Councillor Linehan

I can confirm that the Council's website has recently been updated and the advice to wash, squash and replace lids of plastic bottles is accurate and that this applies to milk cartons as well.

Questions from Councillor Robson

1. To the Executive Member for Estate Management and Planning

What steps are being taken to advise businesses of the necessity of obtaining planning permission when altering the structure or appearance of buildings in conservation areas?

Response from Councillor Mountford

You raise a valid point about the need for anyone – and not just businesses – to check whether permission is required for work in Conservation Areas: It is worth noting that not all works will require formal permission. Much of that guidance and advice (as well as the consequences of not having permission) exists on our website but that does, I accept, require someone to search it out.

There is an argument that this is every property owner's responsibility to check before carrying out work without the need for prompting by the Council but we can certainly look again at how we remind people of that responsibility.

As you know, we are currently reviewing our Conservation Area Management Plans which will address the issues to consider before carrying out work, including the need for permission. This review will allow us the opportunity for some additional publicity around work carried out in Conservation Areas more generally, including on where to find advice.

The Council's Development Management Service actively encourages pre-application discussions with our customers on proposed developments prior to the submission of planning and listed building consent applications. That also extends to queries about the need for permission.

Experienced agents acting on behalf of building owners also have a role to play and should be sufficiently familiar with the processes to know when to raise the need for permission as a query.

The Council's Heritage and Design Team provides specialist advice on proposed alterations for all building owners, including businesses within conservation areas to encourage work that preserves or enhances the character of the conservation area.

Having said all of that, it is equally important to say that any work is undertaken at the owner's own risk and may need to be restored in the event that it is considered unacceptable.

We therefore always recommend that guidance or advice is sought before embarking on works or submitting planning or related application.

2. To the Executive Member for Service Delivery and Transformation

What preparations are in hand to facilitate the introduction of voter identification at forthcoming elections in the Borders; what plans are there to inform the public of this new requirement; whether there are costs to the Council in this regard, and if so, what estimate is available as to that additional cost?

Response from Councillor Rowley

The Electoral Registration Officer (ERO) is responsible for the issue of a Voter Authority Certificate (Voter ID) to electors who make an identity document application in terms of The Voter Identification Regulations 2022. It should be noted that these Regulations only apply to UK Parliamentary Elections.

Preparation

ERO staff have received training in respect of the processing of Voter Authority Certificate applications through the ERO Portal which has been designed and developed by UK Government at no cost to the ERO. The ERO Portal went live on 16 January 2023.

Senior ERO staff have attended various seminars/briefings held by UK Government, Association of Electoral Administrators and the Electoral Commission.

Awareness

The Electoral Commission commenced an awareness campaign in January which was aimed for the upcoming elections in England.

The ERO's Engagement Officer will work with SBC Communications and various stakeholders to raise awareness locally.

Costs

Funding has been provided to the ERO from UK Government with the option of submitting a Justification Led Bid if additional costs are borne. The funding is based on projected demand and time taken to process an application. The impact on the ERO will not be known until the next UK election.

Supplementary

Councillor Robson asked if the ERO could provide Members with simple text on the subject that they could use to get the message out. Councillor Rowley advised he would be happy to do that but closer to a UK Government election, when it would be most relevant.

3. To the Executive Member for Communities and Equalities

What proposals are there regarding the future use, change of use, or decommissioning of the housing in Maxmill Park, Kelso?

Response from Councillor Tatler

The council are currently actively looking to identify alternative accommodation options to allow us to discontinue the use of Maxmill Park as temporary homeless accommodation. Due to significant demand for the provision of statutory temporary accommodation to homeless households and the corresponding lack of alternative options across the social housing landscape at present, this is proving challenging. The current use of the provision in Maxmill Park is minimal, however we recognise that the homeless service may be required to utilise these properties again should demand for this accommodation increase.

At present there has been no decision on the future use of the site and how this is utilised or disposed of by the council. Further investigations are expected to identify alternative uses, or a means to dispose of this site from council ownership once we have alternative options for meeting our statutory duty under homeless legislation.

Supplementary

Councillor Robson asked if local Ward Members could be kept updated and Councillor Tatler confirmed he was sure this could be done.

Questions from Councillor Ramage

To the Executive Member for Education and Lifelong Learning

1. I was contacted, by a parent, about her concern over inappropriate content that pupils were able to access while using their iPads. I understand that filtering is constantly updated by CGI and the National Cyber Security Centre, but I only realised recently that Apple Classroom, an app which allows teachers in the classroom to see what apps/ website pupils are using in class, was not working for a number of months.

- Why was Apple Classroom not performing as expected and for how long?

- There are many parents across our area who need reassurance that all problems have been addressed and assurances that these problems do not happen again. Do you not agree?
- It has also been highlighted, by teachers that the use of iPads has doubled their workload as separate work has to be produced for pupils who are absent. Many teachers are in fact missing lunch and eating it in the car at the end of the day because of the heavier workload that technology has brought about. Surely this needs to be addressed?

Lastly it has been brought to my attention that pupils are expected to write on their iPads (a basic life skill that should be taught in schools) with their finger. Writing with a stylus or Apple Pencil, (costing £80) is not a natural way to learn to write as you have to constantly lift your hand plus only benefits those that can afford to buy a stylus. How will the Education Department address this?

Response from Councillor L. Douglas

The Council is confident that it has appropriate web filtering protection in place in all our schools and we are not aware of any incidences where pupils have been able to access content that is not appropriate to the age and stage of the pupil over the SBC IT network monitored by CGI. This network is subject to the strongest filtering controls. If Councillor Ramage can, however, provide specific examples where she believes our firewalls and content filtering has been bypassed and inappropriate content viewed in schools or on our devices, by pupils, then we will be happy to fully investigate the matter with CGI as a matter of the utmost concern.

• **Why was Apple Classroom not performing as expected and for how long?**

Apple Classroom is performing as expected in our schools. There was, however, a period of around 18 months when this was not the case for the following reasons

- An update to the Apple Classroom app resulted in a change to the way staff joined the app meaning caching servers in the schools needed technical work to be undertaken
 - Unfortunately we were not aware of this update in advance of it happening
 - All Inspire users had to change the domain name for their Apple ID as there was a clash with the corporate Apple domain. This was a large piece of work to plan a move for
 - This was an issue which was not unique to Scottish Borders, for example Glasgow and Edinburgh City Councils had the same problems.
 - Following the technical work, unfortunately the app was still not working as expected and the Inspire Team spent a significant length of time testing out scenarios and feeding this back to CGI to ensure that the platform was robust and appropriate support was in place before asking staff to use it again
 - Apple Classroom has however been working effectively for a number of months now, for the avoidance of doubt Apple Classroom is not the mechanism by which web filtering is undertaken and IT security contained.
- **There are many parents across our area who need reassurance that all problems have been addressed and assurances that these problems do not happen again. Do you not agree?**

Yes. From time to time problems may be encountered with the complex deployment and operation of IT. Parents should always contact their school in the first instance if they have a concern or need reassurance.

- **It has also been highlighted, by teachers that the use of iPads has doubled their workload as separate work has to be produced for pupils who are absent. Many teachers are in fact missing lunch and eating it in the car at the end of the day**

because of the heavier workload that technology has brought about. Surely this needs to be addressed?

The premise of this question needs to be verified.

Technology is a strong enabler to workload reduction and in particular for students who are absent, because they can still access their learning online at home through Glow or Showbie on their iPad, the need for staff to provide different learning or provide catch up materials following a pupil absence should be reduced.

The Inspire Team are available to support staff to ensure most effective use of technology to reduce workload. There is an extensive programme of professional learning available and the team are happy to be contacted to support individual or whole school bespoke packages where this is requested.

The intention behind the deployment of iPads is to enhance the education experience and to reduce teachers workload.

Lastly it has been brought to my attention that pupils are expected to write on their iPads (a basic life skill that should be taught in schools) with their finger. Writing with a stylus or Apple Pencil, (costing £80) is not a natural way to learn to write as you have to constantly lift your hand plus only benefits those that can afford to buy a stylus. How will the Education Department address this?

There is no expectation that pupils have to supply their own stylus. Schools have bought a variety of stylus' for use in class.

Handwriting is still taught as a skill at the appropriate stages in primary school using traditional tools and with the opportunity to practise on the iPad as a complimentary option.

We have been trialling a new handwriting app which will be rolled out. Use of this app has demonstrated an improvement in writing skills which are easily transferred from the iPad onto paper and could be a core tool in supporting closing the poverty related attainment gap. We are happy to share the pilot impact report.

As a result of this app being added, we are looking to support schools in purchasing a class set or more of high quality stylus that is good value for money and is very close to replicating the feel of a normal pencil

Supplementary

Councillor Ramage had been advised that teachers could not download the upgrade and asked that this be checked. Councillor Douglas asked Councillor Ramage to provide her with details of the actual instances where this had happened so that could be investigated.

2. What percentage of school staff have been absent in 2022 because of work related stress? How many AM3 forms have been completed in the last year? (Absent management forms)

Response from Councillor L. Douglas

Percentage absence for teachers with Anxiety, Stress, Depression & Mental Health Illness absence for 2021 (01/04/2021 – 31/03/22) = 0.78%

Percentage absence for teachers with Anxiety, Stress, Depression & Mental Health Illness absence for 2022 (01/04/2022 – 20/03/23) = 0.82%

The AM3 (Stress Management Report Form) is in place to enable employees to confidentially report work related and non work related incidents.

14 teachers have submitted AM3 forms in 2021

13 teachers have submitted forms in 2022

Question from Councillor Anderson

To Executive Member for Education and Lifelong Learning

What is being done to promote positive behaviour in all our schools and if pupil behaviour towards our staff and other pupils is considered to be unacceptable, what actions are available to the Head Teacher and pastoral staff to deal with such issues?

Response from Councillor L. Douglas

The Inclusion Framework details the actions required to ensure the ongoing development of inclusive practices in all Learning Establishments within Scottish Borders Council. This framework reflects national policy and legislation and sets expectations relating to:

- The promotion of positive relationships and behaviour.
- Ensuring schools deliver inclusive practice through effective learning and teaching and maintain positive learning environments for all children and young people.
- Providing targeted support within local communities to meet the needs of our most vulnerable children, young people and families.
- Ensuring that exclusion is only ever used as a last resort and provide guidance to schools to ensure appropriate support is in place for the child or young person so that they are able to re-engage in education.

The Inclusion and Wellbeing Service provide advice, support and training as well as direct interventions in circumstances where pupil behaviours are cause for concern and all headteachers have access to this resource. Ensuring positive behaviour requires effective partnership working with parents and other agencies to meet the wider needs of our young people. This may include provision for meeting mental health needs or provision of suitable environments to allow a reset of behaviours. A specific example of this would be where a young person may be “hosted” in an alternative school for a period of time supported by a youth worker.

Exclusion is a last resort which can be effectively implemented in order to provide a short period of time for planning additional provision or support for a young person to return to school.

Following a Collaborative Improvement Exercise earlier this session, an action plan was created to ensure that all possible measures to support school in ensuring positive behaviour are implemented, as part of which, and following reviews of our policies on Respectful Relationships and Responsible Use of Mobile Technology are being presented to the next meeting of The Education Sub Committee.

Supplementary

Councillor Anderson asked for reassurance that smaller schools were not asked to deal with serious issues where they did not have the space. Councillor Douglas advised that Headteachers should contact officers in these instances and asked if Councillor Anderson could provide her with specific details.

This page is intentionally left blank



REPORT ON THE RESPONSE TO THE SCOTTISH GOVERNMENT'S CONSULTATION ON COMMUNITY WEALTH BUILDING

Report by the Director - Resilient Communities

SCOTTISH BORDERS COUNCIL

27 April 2023

1 PURPOSE AND SUMMARY

- 1.1 The purpose of this report is to seek approval for a response to the Scottish Government's Consultation on Community Wealth Building.**
- 1.2 The Scottish Government's consultation on Community Wealth Building (CWB) opened on 31 January 2023 and closes on 9 May 2023. The consultation provides the opportunity to express views on the creation of a statutory duty related to Community Wealth Building, as well as on potential legislative and non-legislative developments which could facilitate the creation of community wealth in Scotland.
- 1.3 The Council's response highlights support for CWB as a strategic objective. It notes however that the Council would not support the creation of statutory duty pertaining to CWB due to a lack of commensurate funding supporting said duty and a multiplicity of other such statutory obligations. The Council also makes a number of suggestions which could improve the creation of CWB, notably calling for a simplified policy landscape, the publication of further non-statutory guidance on CWB, and assistance to enable suppliers to access public sector contracts.

2 RECOMMENDATIONS

- 2.1 I recommend that the Council approves the response as set out in Appendix 1 to the Scottish Government's consultation on Community Wealth Building.**

3 BACKGROUND

3.1 The Scottish Government, in its 2021 Programme for Government, committed to introducing a bill related to Community Wealth Building within the current parliamentary term¹. Community Wealth Building (CWB) is “a people-centred approach to local economic development, which redirects wealth back into the local economy, and places control and benefits into the hands of local people”². As such, from a strategic standpoint, it aims at the creation of a wellbeing economy at the local level, via anchor institutions such as local authorities, and other public sector partners.

CWB relies on five core principles:

- **Spending:** Maximising community benefits through procurement and commissioning, developing good enterprises, fair work and shorter supply chains.
- **Inclusive Ownership:** Developing more local and social enterprises which generate community wealth, including social enterprises, employee owned firms and cooperatives.
- **Workforce:** Increasing fair work and developing local labour markets that support the wellbeing of communities.
- **Finance:** Ensuring that flows of investment and financial institutions work for local people, communities and businesses.
- **Land and Property:** Growing social, ecological, financial and economic value that local communities gain from land and property assets.

4 COMMUNITY WEALTH BUILDING WITHIN SBC AND REGIONAL PARTNERS

4.1 Community Wealth Building is a key part of SBC’s economic strategy. Notably the Council plan from April 23 outlines the Council’s commitment to ‘Strengthen opportunities to support local supply chains and ‘Community Wealth Building’.

4.2 Activity is already taking place within SBC and partner organisations to that effect, across most pillars of CWB:

- **Spending:** SBC has committed, to support our local market and economy in its 2018-2023, in its sustainable procurement strategy. As part of the Strategy, SBC aimed at growing the Council’s local supply base to increase the proportion of Council Spend within the area. For example, the Council ran a local butcher meat pilot project, which resulted in sourcing all fresh meat for 2 secondary schools and one primary school for 10 weeks from 2 local butchers. Following initial success, the pilot was extended for 9 months and all secondary schools. This progressive procurement project has supported local employment, while progressing sustainability and helping to keep wealth within the Scottish borders community.

¹ Scottish Parliament Official Report – Session 6, Meeting of the Parliament (Hybrid), Wednesday 25 May 2022, p. 24. T. Arthur (MSP), available at: [Official Report \(parliament.scot\)](https://www.parliament.scot).

² [Community wealth building - Cities and regions - gov.scot \(www.gov.scot\)](https://www.gov.scot)

- **Workforce:** The Council is committed to encouraging the adoption of Fair Work Practices. For example, when relevant, suppliers bidding for public contracts should adopt fair working practices, specifically: appropriate channels for effective voice, investment in workforce development, no inappropriate use of zero hours contracts, action to tackle the gender pay gap and create a more diverse and inclusive workplace, providing fair pay for worker, offer flexible and family friendly working practices for all workers, oppose the use of fire and rehire practices. Moreover, as an accredited real living wage employer the Council is committed to encouraging the wider adoption of the real living wage.
- **Inclusive ownership:** The Council has explored avenues to develop more local and social enterprises. For example, it has worked in partnership with the Ettrick and Yarrow Community Development Company, leading to a community led buy-out of a farm standing near the Kirkhope steadings in the Ettrick and Yarrow valleys. This project aims at creating affordable housing and also bringing in business which will help to maintain the economy in the valleys.
- **Land and Property:** Scottish Borders Council supports communities to take on land and buildings in their area. This responds to the local needs and aspirations through leases and purchases putting control of such assets in the hands of the community. Scottish Borders Council currently has 26 leases to village hall committees and a further 16 leases to other community groups.

4.3 At the Regional Level, SBC, with other City Region Partners, has commissioned the Centre for Local Economic Strategies (CLES) to develop a framework to embed community wealth building within City Deal projects. This framework would form an integral part of future City Region projects and aim to drive stronger social value standards across all ESES projects and to develop potential indicators to assess success under the framework and assess impact.

4.4 Similarly, at the South of Scotland Level, the Regional Economic Strategy commits to using community wealth building '*as a tool for delivering an inclusive economy that centres on wellbeing.*' As a result, CLES has provided a 'Roadmap to Decarbonisation' to retrofit social housing stock in the South of Scotland. CLES' report, as presented at the REP in December, outlines the economic and job creation potential which could be achieved by retrofitting social housing stock and the potential community benefits which could flow from such a programme.

5 SBC'S RESPONSE TO THE CONSULTATION

5.1 SBC's draft response to the consultation is attached at appendix 1. The consultation focuses on legislative changes which would introduce a new statutory duty bearing on public sector bodies to embed CWB within their practice. It gives a number of options outlining how this would be done, and asks respondent to indicate their preference and suggest potential legislative changes which would support CWB as a strategic outcome.

- 5.2 Whilst SBC is committed to CWB, as outlined above, the current draft response advocates against the creation of a new statutory duty to that end, in line with COSLA's Environment and Economy Board. This is justified by three main reasons:
1. By its very nature CWB, as an approach, ought to be place-based and provide flexibility to anchor organisations in the way it is implemented. This runs counter to the centralised statutory approach arising from the proposals within the consultation.
 2. A multiplicity of new duties have recently been created by Scottish Government or are being contemplated, applying public bodies in general, and local authorities in particular, leading to the obligation to draft several strategic documents, for example: the Good Food Nation Act, the Sustainable procurement duty, Review of the Community, the review of the community Empowerment Act or the Land Reform Bill.
 3. The combination of this multiplicity of duties, combined with a limited funding envelope leads to a significant demand on Councils. These demands have an opportunity in that the time and resources dedicated to compliance cannot be directed to the pursuit of other work streams.
- 5.3 For these reasons, SBC's draft response also argues that a consolidation or simplification of the policy landscape is essential in order to deliver value for money when it comes to community wealth building.
- 5.4 Beyond these points, SBC also suggests minor legislative and non-legislative changes which would further enable local authorities and anchor institutions to reap the benefits represented by CWB. Notably, the Council calls for the adoption of non-statutory guidance, the simplification of the funding landscape for communities, and facilitating access to Scotland Excel Framework for suppliers delivering to the public sector.

6 IMPLICATIONS

6.1 Financial

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

6.2 Risk and Mitigations

While the creation of a new statutory duty related to CWB could lead to risks for the Council, this report limits itself to recommending the adoption of a response the consultation issued by Scottish Government. As such, no such risk can be identified at present date.

6.3 Integrated Impact Assessment

An integrated impact assessment has been conducted. The findings indicate that while Community Wealth Building is of relevance to the Equality Act and the Fairer Scotland Duty, a full assessment does not need to be undertaken. This is because this report limits itself to examining the Council's draft response to the consultation. If legislative changes impose further obligations on the Council, IIAs will have to be conducted as SBC discharges said obligations.

6.4 Sustainable Development Goals

As with the IIA, CWB is relevant to the sustainable development goals, in particular Goal 1 (No Poverty), 8 (Decent Work and Economic Growth), 9 (industry innovation and infrastructure), 10 (reduced inequalities), 11 (sustainable cities and communities), 13 (climate action), 15 (life on land) and 17 (partnerships for the goals). However, this report limits itself to SBC's consultation response, and thus has no impact on the UNSDGs.

6.5 Climate Change

The recommendations contained within this report do not impact climate change, as they are limited to SBC's response to the CWB consultation. As noted above, CWB is of relevance to climate change and can be a key tool in delivering a just transition to net-zero. However, the draft response does not have such an effect.

6.6 Rural Proofing

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

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

There are no changes to be made to the Administration or Scheme of Delegation.

7 CONSULTATION

- 7.1 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 any comments received have been incorporated into the final report.

Approved by

Jenni Craig
Director – Resilient Communities

Author(s)

Name	Designation and Contact Number
Sam Smith	Chief Officer – Economic Development - +441835825612
Alexandre Belle	Corporate Policy Advisor - 01835 82400 Ext. 5820

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. Sam Smith/Alexandre Belle can also give information on other language translations as well as providing additional copies.

Contact us at:

Sam Smith, Scottish Borders Council - Council Headquarters, Newtown St Boswells TD6 0SA, 01835 82400 5820, Samantha.Smith1@scotborders.gov.uk

Alexandre Belle, Alexandre Belle, Scottish Borders Council - Council Headquarters, Newtown St Boswells TD6 0SA, 01835 82400 5820, Alexandre.Belle@scotborders.gov.uk.



Building Community Wealth in Scotland

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:
<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

Scottish Borders Council

Phone number

Address

Postcode

Email Address

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (without name)
 Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
 No

Questionnaire

Question 1a

We are proposing a duty to advance Community Wealth Building, which form do you think this duty should take:

- Option A
- Option B
- Option C
- Other
- No Duty

Please provide a reason for your answer. In your answer please include views on:

- which bodies should be covered by the proposals
- how to best ensure accountability for implementation to the Scottish Parliament
- how to best ensure the involvement of local communities, business and the third sector in the implementation of the duty

As highlighted by the consultation, Community Wealth Building (CWB) entails a paradigm change in the delivery of economic development across Scotland. Scottish Borders Council (SBC) is fully committed to the CWB as a strategic outcome, and as a way to develop a wellbeing economy amongst the Region. It recently committed, in its Council Plan to “Support opportunities to support local supply chains and ‘Community Wealth Building’”. Similarly, the South of Scotland Regional Economic Strategy promotes a commitment to “Supporting Community Wealth Building and Growing Regional Supply Chains”. A range of activities has been undertaken by the Council, and other anchor institutions within the Borders across all five pillars of CWB.

However, in line with COSLA Environment and Economy Board, SBC would argue against the creation of an additional statutory duty bearing upon Local Authorities without the provision of additional resources to deliver against said duties. The reasons the Council takes this view are as follows:

- Local authorities and other public bodies generally are already committed to progressing CWB objectives. Indeed, the consultation document is replete with examples of these activities, many of them supported by Scottish Government. As noted, SBC is seeking to progress commitments to CWB organisationally and in collaboration with partners in the Scottish Borders, the wider South of Scotland, and through the Edinburgh and South-East Scotland City Region Regional Prosperity Framework Delivery Plan.
- Local authorities and other public bodies are already subject to a range of related duties pursuant, for example, to the Community Empowerment (Scotland) Act 2015, the sustainable procurement duty and the Good Food Nation (Scotland) Act. Accepting that we anticipate a broadly-framed general duty, it might be added that there is something faintly paradoxical about national government seeking to instruct CWB approaches, which, by their nature, are locally-engendered.
- Accordingly, we take the view that the objective of Scottish Government should be to support and guide the development of CWB across the country, but do not consider that the imposition of a duty is critical to the development or delivery of CWB approaches. Indeed, we have some concern that the institution of a duty deflects from the task in hand, which is surely to secure CWB outcomes rather than ‘duty compliance’. Scottish Government would be better involved in formulating guidance, promoting good practice and assessing and improving the relationship between the mesh of related duties in this space, which already apply to councils and other public bodies.

This multiplicity of duties, tied together with the a currently rapidly changing policy landscape and limited capacity and funding for local government is key in understanding SBC’s position regarding the creation of a CWB duty. The aggregate result of these duties, changes, and their implementations has a considerable impact on local authorities, especially smaller LAs such as Scottish Borders Council. As noted below, consolidating these changes and building upon existing work streams would be key in ensuring that the outcomes sought by Scottish Government while providing best value across the public sector. It could also more easily build upon regional approach, in line with the recommendations issued following the Regional Policy Review.

Instead of adding an additional statutory duty bearing on local authorities, a potential legislative avenue for Community Wealth Building could be an extension of the statutory power ‘Advance Well-Being’ enshrined in s. 20 of the Local Government in Scotland Act (2003). As was noted in consultations on the Local Governance Review, this power is currently under-utilised, by local authorities due to a particularly restrictive interpretation in case-law. However, were it to be reviewed, its general nature may provide a basis to enable further action on CWB by local authorities.

At the same time, we acknowledge that the Programme for Government 2021-22 and NSET commit the Scottish Government to CWB legislation. The latter states that Scottish Government is committed to introducing '*Community Wealth Building legislation that builds on the successes and learnings of all of the Scottish Government community wealth building local and regional pilot areas in urban and rural Scotland.*'

The development of a CWB strategy and action plan, and their subsequent implementation, as entailed by option B, would constitute a sizeable commitment for local authorities and their community planning partners. This commitment would have to be delivered in a particularly challenging financial context, owed in part to inflation and to a limited budgetary envelope for local authorities.

As such, if appropriate resources are not provided to deliver against the new statutory duties there is a risk that LAs would be unable to effectively deliver on commitments arising from the new statutory obligations. Moreover, the development of new strategic frameworks for community wealth building in collaboration with partners has an opportunity cost in that resources committed cannot, by definition, be directed towards the work already taking place in order to implement CWB.

If Scottish Government decides to implement a statutory duty to support CWB objectives, option A would be SBC's favoured approach. Embedding CWB within prescribed bodies corporate plans and strategies would build upon already existing work streams and provide more flexibility to public sector bodies, in line with the place-based nature of CWB. It would also enable local authorities to build upon their existing engagement strategies and place-making programmes, thus ensuring that communities are brought in council's CWB approaches. Placing the duty on all prescribed public sector bodies also guarantees that CWB will be considered by a broader range of anchor organisations, thus better supporting the creation of a wellbeing economy. However, further assessment of the direct resource requirement for delivery would need to be undertaken. This should be a matter of further dialogue with COSLA and councils.

Question 1b

One way Scottish Government could support the implementation of the proposed Community Wealth Building duty is to provide statutory or non-statutory guidance. Would this be helpful to partners in meeting the proposed duty?

- Yes
 No
 Don't Know

Please provide a reason for your answer. In your answer please include views on:

- areas in which it would be helpful for this guidance to focus on, e.g. areas to consider when implementing the five pillars, links to further support materials

- whether the guidance should be statutory or non-statutory

Further guidance outlining good practice on community wealth building would be welcome. At the moment, the landscape is fairly cluttered, as recognised by the consultation. National guidance and a way to share knowledge at the national level between anchor organisations may enable public sector partners to have a greater impact. In order to guarantee the place-based nature of CWB, this guidance should, however, remain non-statutory.

Question 2a

Are there other non-legislative measures that you believe are required to accelerate the implementation of the Community Wealth Building approach in Scotland?

- Yes
 No
 Don't Know

There are two main challenges to furthering the CWB agenda:

1. Limited capacity: more inclusive procurement practices which benefit local communities and reduce supply chains can often create additional costs for public sector bodies. Delivering outcomes on this front within limited budgetary envelopes will be challenging for local authorities and public sector bodies if additional funding streams supporting these policy aims are not provided. It should be noted that economic development is not a statutory duty for councils, and as such, with other non-statutory services, has had to shoulder a broader percentage of the cuts required by the lack of local government funding. The same applies to the workforce pillar of CWB, with salaries representing the largest proportion of local authority budgets. As such, provision of additional capacity would be one of the key enablers for advancing CWB at a local level.
2. Simplifying the policy landscape: Scottish Government is currently reviewing several legislative and policy areas related to community wealth building, chiefly via the Regional Policy Review and via the review of the Community Empowerment act, but also through SG's Land Reform bill. These developments provide a key opportunity to consolidate the legislative framework underpinning community wealth build and community empowerment, which would greatly simplify LA's role in this context.

Please provide a reason for your answer.

Question 2b

Are there specific actions required to advance delivery of the items contained within the Shared Policy Programme outlined on page 11 of the consultation paper?

- 'working within and developing procurement practices to support local economies, including Small and Medium sized Enterprises (SMEs) and micro-businesses, and improved access to training and labour markets for disadvantaged communities and individuals.
- encouraging public kitchens, including school canteens, to source more food produced by local businesses and organic producers.
- where possible, to base public sector capital and revenue funding decisions on targeted social, economic and environmental outcomes'

- Yes
 No

Don't Know

Please provide a reason for your answer.

Building capacity within SMEs and micro-businesses is essential in order to strengthen local supply chains enabling anchor institutions to tap into local businesses as part of their procurement programmes. At the moment, increased resilience within local supply chains, especially in rural LAs, is a key enabler to deliver the programme outlined above. In particular, further support and guidance to SMEs and micros is key in ensuring access to public sector contracts. A potential way of doing this would be supplier development programme run sessions for suppliers to support and encourage them onto national frameworks such as Scotland Excel. In general, more needs to be done, whether from a regulatory standpoint or not, so that the process of accessing public sector contracts does not act as a deterrent for smaller businesses.

In order to deliver on the second point, a key action would be to provide further education, information, and training in school canteens and other public kitchens on local supply and the importance of product traceability in that context.

Regarding the third point, focus could be put on the reduction of road miles amongst public sector supply chains. This would be key in delivering against Scotland net-zero ambitions while supporting local suppliers.

Question 3

Are there ways in which the law could be changed to advance the spending pillar of Community Wealth Building?

Yes

No

Don't Know

Please provide a reason for your answer. In your response you may wish to consider the stakeholder suggestions outlined in the consultation paper which have arisen from early engagement.

Currently, section 25 of the Procurement Reform (Scotland) act 2014, mandates the use of community benefit requirements for contracts over a value of £4m. Lowering this threshold would likely increase the use of community benefit clauses, leading to positive outcomes from a CWB standpoint. This would, however, have to be considered in more details as such a reform may have a disproportionate impact on procurement services within public sector bodies. However, it appears that at the moment, common practice amongst councils is to consider community benefits for contracts over £50,000, meaning that the legislation is out of step with current developments. Further non-statutory guidance would also be welcome on what community benefits should entail. It appears at the moment that practice varies amongst the public sector. While this variance can be positive in that it allows for a more place-based and flexible approach, it can also be a source of frustration and confusion for suppliers as different organisations will have different expectations.

Moreover, beyond legislative changes, building up capacity within private sector SMEs is key in unlocking the potential of the spending pillar. Currently, despite willingness to extend contracts to local enterprises, SBC has found challenges in a lack of resilience and capacity amongst local supply chains.

Question 4

Employment law is reserved to the UK Parliament. Are there other devolved areas where the law could be changed to advance the workforce pillar of Community Wealth Building?

- Yes
- No
- Don't Know

Please provide a reason for your answer. In your response you may wish to consider the stakeholder suggestions outlined in the consultation paper which have arisen from early engagement. You may also wish to consider areas that the Scottish Government could work with the UK Government on if you have proposals regarding changes to the law which remain reserved to the UK Parliament. We will cross-reference to responses received as part of the Fair Work Nation consultation which was held in 2021.

As the consultation paper notes, employment law is currently a reserved matter. As such, there is limited scope for legislative changes in advancing the employment pillar of CWB.

From a non-statutory standpoint, further encouraging the adoption of a real living wage across anchor organisations and the private sector would provide a clear avenue to realise the benefits of the employment pillar. SBC has been a living wage employer since 2011 and has sought to encourage its adoption across the region. It should, however, be noted that this may have budgetary implications on other public sector bodies.

Question 5

Are there ways in which the law could be changed which are not already covered in the proposals for the Land Reform Bill to advance the land and property pillar of Community Wealth Building?

- Yes
- No
- Don't Know

Please provide a reason for your answer. In your response you may wish to consider the stakeholder suggestions outlined in the consultation paper which have arisen from early engagement.

There appears to be a mismatch between the general approach which is outlined in NPF4, and the realities of delivery'. In particular, the 'Infrastructure First' principle which is promoted in NPF4 is a good aspiration and can be articulated at the plan-stage, however, there can be a fairly lengthy time frame from the plan-led approach until delivery, and many of the parameters change, not least finance and the economy within that time frame.

Furthermore, the developer contribution process is complex in relation to infrastructure and other matters such as biodiversity offsetting and archaeology contributions, eventually leading to delays in terms of delivery. As such, there might be value in simplifying the process overall, in order to unlock CWB benefits by encouraging developments which benefit local communities.

Question 6

Are there ways in which the law could be changed to advance the inclusive ownership pillar of Community Wealth Building?

- Yes
- No
- Don't Know

Please provide a reason for your answer. In your response you may wish to consider the stakeholder suggestions outlined in the consultation paper which have arisen from early engagement. You may also wish to consider areas that the Scottish Government could work with the UK Government on if you have proposals regarding changes to the law which remain reserved to the UK Parliament.

As noted in the paper, one of the key challenges when it comes to the inclusive ownership pillar of CWB is capacity within local communities. The Community Empowerment Act and other legislation which enables communities to acquire assets, already provides communities with a fairly broad right to request asset transfer directs this right against an extensive list of relevant authorities. It is unclear to SBC whether any legislative changes would increase communities' capacity to manage and own assets, or would facilitate the process of asset transfers.

In general, however, the current process for community asset transfers, within and outwith the CEA is fairly cumbersome both for local authorities and communities, and streamlining it may be beneficial to incentivise acquisition of assets by community groups.

Question 7

Are there ways in which the law could be changed to advance the finance pillar of Community Wealth Building?

- Yes
- No
- Don't Know

Please provide a reason for your answer. In your response you may wish to consider the stakeholder suggestions outlined in the consultation paper which have arisen from early engagement. You may also wish to consider areas that the Scottish Government could work with the UK Government on if you have proposals regarding changes to the law which remain reserved to the UK Parliament.

Access to finance by community groups, social enterprises and other CWB related projects is currently challenging. There is a multiplicity of actors providing finance across the public sector, from the enterprise agencies to the Scottish National Investment Bank with the addition of multiple other funding streams across Scotland and the UK.

Simplifying this landscape, and providing additional to finance for smaller community projects would be key in progressing the finance pillar. In particular, reducing the amount and complexity of applications for funding which need to be completed by community groups in order to access funding would be key in enabling them to access financing. Currently, the administrative burden engendered by funding applications can be problematic for smaller groups which therefore fail or struggle to access public funding.

This page is intentionally left blank

Integrated Impact Assessment (IIA)

Stage 1 Scoping and Assessing for Relevance

Section 1 Details of the Proposal

A. Title of Proposal:	Response to the Scottish Government's Consultation on Community Wealth Building.
B. What is it?	A new Policy/Strategy/Practice <input checked="" type="checkbox"/> A revised Policy/Strategy/Practice <input type="checkbox"/>
C. Description of the proposal: (Set out a clear understanding of the purpose of the proposal being developed or reviewed (what are the aims, objectives and intended outcomes, including the context within which it will operate))	This proposal details SBC's response to a consultation from Scottish Government on Community Wealth Building (CWB). It notes the Council's support for CWB as a strategic approach but opposes the creation of a new statutory duty on CWB due to budgetary and capacity constraints. It also makes a number of suggestions, on statutory and non-statutory developments to facilitate the implementation of CWB in Scotland.
D. Service Area: Department:	Council-Wide.
E. Lead Officer: (Name and job title)	Sam Smith – Chief Officer Economic Development
F. Other Officers/Partners involved: (List names, job titles and organisations)	Alexandre Belle – Corporate Policy Advisor - SBC. Michael Cook - Senior Policy Advisor - SBC.

	Isla Wightman – Sustainability Officer - SBC
G. Date(s) IIA completed:	12/04/2023

Section 2 Will there be any impacts as a result of the relationship between this proposal and other policies?

No <i>(please delete as applicable)</i>
If yes, - please state here:

Section 3 Legislative Requirements

3.1 Relevance to the Equality Duty:	
Do you believe your proposal has any relevance under the Equality Act 2010? No <i>(If you believe that your proposal may have some relevance – however small please indicate yes. If there is no effect, please enter “No” and go to Section 3.2.)</i>	
Equality Duty	Reasoning:
A. Elimination of discrimination (both direct & indirect), victimisation and harassment. <i>(Will the proposal discriminate? Or help eliminate discrimination?)</i>	
B. Promotion of equality of opportunity? <i>(Will your proposal help or hinder the Council with this)</i>	

C. Foster good relations?

(Will your proposal help to foster or encourage good relations between those who have different equality characteristics?)

3.2 Which groups of people do you think will be or potentially could be, impacted by the implementation of this proposal? (You should consider employees, clients, customers / service users, and any other relevant groups)

Please tick below as appropriate, outlining any potential impacts on the undernoted equality groups this proposal may have and how you know this.

	Impact			Please explain the potential impacts and how you know this
	No Impact	Positive Impact	Negative Impact	
Age Older or younger people or a specific age grouping	X			While CWB as a strategic approach is of relevance to people across several age groups, the current proposal limits itself to the adoption of a response the SG's consultation on the topic. As such, it appears to have no impact on people with this protected characteristic.
Disability e.g. Effects on people with mental, physical, sensory impairment, learning disability, visible/invisible, progressive or recurring	X			While CWB as a strategic approach is of relevance to people with disabilities, the current proposal limits itself to the adoption of a response the SG's consultation on the topic. As such, it appears to have no impact on people with this protected characteristic.
Gender Reassignment/ Gender Identity anybody whose gender identity or gender expression is different to the sex assigned to them at birth	X			While CWB as a strategic approach is of relevance to people whose gender identity or gender expression is different to the sex assigned to them at birth, the current proposal limits itself to the adoption of a response the SG's consultation

				on the topic. As such, it appears to have no impact on people with this protected characteristic.
Marriage or Civil Partnership people who are married or in a civil partnership	X			While CWB as a strategic approach is of relevance to people who are married or in a civil partnership, the current proposal limits itself to the adoption of a response the SG's consultation on the topic. As such, it appears to have no impact on people with this protected characteristic.
Pregnancy and Maternity (refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth),	X			While CWB as a strategic approach is of relevance to people who are pregnant or in maternity, the current proposal limits itself to the adoption of a response the SG's consultation on the topic. As such, it appears to have no impact on people with this protected characteristic.
Race Groups: including colour, nationality, ethnic origins, including minorities (e.g. gypsy travellers, refugees, migrants and asylum seekers)	X			While CWB as a strategic approach is of relevance to people across different race groups, the current proposal limits itself to the adoption of a response the SG's consultation on the topic. As such, it appears to have no impact on people with this protected characteristic.
Religion or Belief: different beliefs, customs (including atheists and those with no aligned belief)	X			While CWB as a strategic approach is of relevance to people across different religions or beliefs, the current proposal limits itself to the adoption of a response the SG's consultation on the topic. As such, it appears to have no impact on people with this protected characteristic.
Sex women and men (girls and boys)	X			While CWB as a strategic approach is of relevance to people across all sexes, the current proposal limits itself to the adoption of a response the SG's consultation on the topic. As such, it

				appears to have no impact on people with this protected characteristic.
Sexual Orientation , e.g. Lesbian, Gay, Bisexual, Heterosexual	X			While CWB as a strategic approach is of relevance to people across all sexual orientations, the current proposal limits itself to the adoption of a response the SG's consultation on the topic. As such, it appears to have no impact on people with this protected characteristic.
<p>3.3 Fairer Scotland Duty</p> <p>This duty places a legal responsibility on Scottish Borders Council (SBC) to actively consider (give due regard) to how we can reduce inequalities of outcome caused by socioeconomic disadvantage when making <u>strategic</u> decisions.</p> <p>The duty is set at a strategic level - these are the key, high level decisions that SBC will take. This would normally include strategy documents, decisions about setting priorities, allocating resources and commissioning services.</p>				
<p>Is the proposal strategic?</p> <p>No (<i>please delete as applicable</i>)</p> <p>If No go to Section 4</p>				
<p>If yes, please indicate any potential impact on the undernoted groups this proposal may have and how you know this:</p>				
	Impact			State here how you know this
	No Impact	Positive Impact	Negative Impact	
Low and/or No Wealth – enough money to meet basic living costs and pay bills but have no				

savings to deal with any unexpected spends and no provision for the future.				
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure and hobbies				
Area Deprivation – where you live (e.g. rural areas), where you work (e.g. accessibility of transport)				
Socio-economic Background – social class i.e. parents’ education, employment and income				
Looked after and accommodated children and young people				
Carers paid and unpaid including family members				
Homelessness				
Addictions and substance use				
Those involved within the criminal justice system				

3.4 Armed Forces Covenant Duty (*Education and Housing/ Homelessness proposals only*)

This duty places a legal responsibility on Scottish Borders Council (SBC) to actively consider (give due regard) to the three matters listed below in Education and Housing/ Homelessness matters.

This relates to current and former armed forces personnel (regular or reserve) and their families.

Is the Armed Forces Covenant Duty applicable?

No

If "Yes", please complete below

Covenant Duty	How this has been considered and any specific provision made:
The unique obligations of, and sacrifices made by, the armed forces;	
The principle that it is desirable to remove disadvantages arising for Service people from membership, or former membership, of the armed forces;	
The principle that special provision for Service people may be justified by the effects on such people of membership, or former membership, of the armed forces.	

Section 4 Full Integrated Impact Assessment Required

Select No if you have answered “No” to all of Sections 3.1 – 3.3.

No *(please delete as applicable)*

If yes, please proceed to Stage 2 and complete a full Integrated Impact Assessment

If a full impact assessment is not required briefly explain why there are no effects and provide justification for the decision.

As noted above, this proposal limits itself to agreeing a response by Scottish Borders Council to a consultation from Scottish Government on Community Wealth Building. As such, it does not have a direct or indirect impact.

Page 46

Signed by Lead Officer:	Sam Smith
Designation:	Chief Officer Economic Development
Date:	14 April 2023
Counter Signature Director:	
Date:	



Children and Young People's Planning Partnership Group

Report by Director Social Work & Practice

Scottish Borders Council

27 April 2023

1 PURPOSE AND SUMMARY

- 1.1 This report seeks Council approval to the inclusion of an Elected Member onto the Children and Young People's Planning Partnership (CYPPP).**
- 1.2 The implementation of the new CYPPP offers a unique opportunity to reset the way we support and work with children, young people and families in Scottish Borders. It also allows us to reconsider and develop our practice as a multi-agency partnership, including strategic monitoring and evaluation of Corporate Parenting responsibilities.
- 1.3 Of significance is that we will be ensuring that we empower the voices of those with lived experience to be at the heart of everything we do.
- 1.4 In order to ensure that we have appropriate membership and engagement on delivering the Promise and our Strategic Corporate Parenting agenda, it is essential that an Elected Member from Scottish Borders Council attends and supports the development of the CYPPP.
- 1.5 Governance and accountability for the CYPPP has been agreed by the Strategic Community Planning Partnership and will align under this structure.

2 RECOMMENDATIONS

- 2.1 I recommend that the Council approves the inclusion of the Council's Executive member for Developing Our Children & Young People onto the newly formed Children and Young People's Planning Partnership (CYPPP).**

3 BACKGROUND

- 3.1 There are three key policy drivers that underpin the development of the new CYPPP: The Promise and The Plan 21-24, The Integrated Children and Young People's Plan 2023 – 2026, and The Scottish Borders Community Plan.
- 3.2 The purpose of the CYPPP is to provide a multi-agency strategic forum for the development of all services to children, young people and families in Scottish Borders. It will incorporate a focus on delivering the Promise as well as oversight of Strategic Corporate Parenting.
- 3.3 The recommendations in The Promise reach beyond care experienced children and young people – it needs to be our umbrella policy driver for all children, young people and their families. Keeping The Promise is not just for the children's workforce – we need to 'think family' and also remember young people might leave care but care doesn't always leave them. There must be more universal & intensive support for families who are struggling, whatever issues they face, and there must be access to that support in the communities where they live.
- 3.4 The Five Fundamentals of The Promise should underpin all our work - from our Chief Executives to our frontline workers, support staff and volunteers. We need to work together, be bold, brave and ambitious; we need to review how we currently spend money on children, young people & their families in Scottish Borders; and obtain their support to do it differently.
- 3.5 Core membership of the CYPPP consists of the following representatives:
 - Chair – Strategic Lead for The Promise, Stuart Easingwood (Chairing- no vote)
 - 2 -3 Child/Young person representatives
 - 1 SBC Councillor, (proposed Executive member for Developing Our Children & Young People)
 - 1 NHS Board Member, TBC
 - Director of Education & Lifelong Learning, Scottish Border Council, Lesley Munro
 - The Chief Officer from Youth Borders
 - NHS Borders Strategic Lead, Sarah Horan
 - Locality Reporter Manager, SCRA, Sara Law
 - Local Area Commander, Police Scotland, Vinnie Fisher

4 Elected member representative

- 4.1 In previous forums, there was little/no Elected Member representation at the strategic planning stage. We are proposing to change this as identified in the core membership highlighted in paragraph 3.5 above.
- 4.2 Having an Elected member representative on this forum will ensure and enhance the strategic linkage between service delivery and political leadership. The inclusion of an Elected Member at strategic level will also demonstrate Scottish Borders Council's commitment to working

collaboratively with multi-agency partners to improve outcomes for the children, young people and families we serve.

5 IMPLICATIONS

5.1 Financial

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

5.2 Risk and Mitigations

There is a risk that if a Member of Scottish Borders Council is not adopted onto the CYPPP strategic board, we lose the opportunity to have Elected Member involvement in the strategic planning forum for services to children, young people and families. This is particularly important at a time of significant pressure for our communities and by having an Elected Member attending this forum we would significantly enhance the Council's connection to our drive to keep The Promise and demonstrate our commitment to Corporate Parenting for our care experienced children and young people.

5.3 Integrated Impact Assessment

An initial IIA check has been completed and it was not deemed necessary to progress with a full Integrated Impact Assessment.

5.4 Sustainable Development Goals

By having Elected Member representation at this strategic group it will contribute to ensuring healthy lives and promoting wellbeing for all at all ages by encouraging community involvement and working with partners in the multi-agency forum. It will also ensure inclusive and equitable quality education and promote lifelong learning opportunities for all, linked to the Promise's commitment to a right to education for children and young people. In addition, it will help reduce inequalities by working collaboratively to tackle poverty.

5.5 Climate Change

There are no implications for climate change in this proposal.

5.6 Rural Proofing

There are no implications for rural proofing in this proposal.

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

No changes are required to either the Scheme of Administration or Scheme of Delegation.

6 CONSULTATION

- 6.1 *The Acting Chief Finance Officer, the Acting Chief Corporate Governance Officer/Monitoring 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 need to be incorporated into the final report.

Approved by

Stuart Easingwood

Director Social Work & Practice

Author(s)

Name	Designation and Contact Number
Stuart C. Easingwood	Director Social Work & Practice

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. Lorna McDermott can also give information on other language translations as well as providing additional copies.

Contact us at Lorna McDermott, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA. Tel: 01835 824000 Email: lmcdermott@scotborders.gov.uk

Integrated Impact Assessment (IIA)

Part 1 Scoping

1 Details of the Proposal

Title of Proposal:	Children and Young People's Planning Partnership
What is it?	A new Policy/Strategy/Practice <input type="checkbox"/> No A revised Policy/Strategy/Practice <input type="checkbox"/> No
Description of the proposal: (Set out a clear understanding of the purpose of the proposal being developed or reviewed (what are the aims, objectives and intended outcomes, including the context within which it will operate).	<p>The proposal is to seek Council approval for the inclusion of an elected member onto the Children and Young People's Planning Partnership (CYPPP).</p> <p>The implementation of the new CYPPP offers a unique opportunity to reset the way we support and work with children, young people and families in Scottish Borders. It also allows us to reconsider and develop our practice as a multi-agency partnership, including strategic monitoring and evaluation of Corporate Parenting responsibilities.</p> <p>Elected member involvement is crucial to demonstrate the Council's commitment to these agenda's.</p>
Service Area: Department:	Social Work & Practice

Lead Officer: (Name and job title)	Stuart C. Easingwood – Director Social Work & Practice
Other Officers/Partners involved: (List names, job titles and organisations)	None
Date(s) IIA completed:	11/04/2023

2 Will there be any cumulative impacts as a result of the relationship between this proposal and other policies?

No <i>(please delete as applicable)</i>
If yes, - please state here:

3 Legislative Requirements

3.1 Relevance to the Equality Duty:
Do you believe your proposal has any relevance under the Equality Act 2010? <i>(If you believe that your proposal may have some relevance – however small please indicate yes. If there is no effect, please enter “No” and go to Section 3.2.)</i>

Equality Duty	Reasoning:
Elimination of discrimination (both direct & indirect), victimisation and harassment. <i>(Will the proposal discriminate? Or help eliminate discrimination?)</i>	N/A
Promotion of equality of opportunity? <i>(Will your proposal help or hinder the Council with this)</i>	N/A
Foster good relations? <i>(Will your proposal help or hinder the council s relationships with those who have equality characteristics?)</i>	The inclusion of an elected member in the Children and Young People's Planning Partnership Strategic Board will enhance the Council's relationships with children and young people who are care experienced.

3.2 Which groups of people do you think will be or potentially could be, impacted by the implementation of this proposal? (You should consider employees, clients, customers / service users, and any other relevant groups)				
Please tick below as appropriate, outlining any potential impacts on the undernoted equality groups this proposal may have and how you know this.				
	Impact			Please explain the potential impacts and how you know this
	No Impact	Positive Impact	Negative Impact	
Age Older or younger people or a specific age grouping		X		Positive impact on children and young people to have an elected member involved in strategic decision making about services that impact on them.
Disability e.g. Effects on people with mental, physical, sensory impairment, learning disability, visible/invisible, progressive or recurring		X		As above in the context of children, young people and family services.
Gender Reassignment/ Gender Identity anybody whose gender identity or gender expression is different to the sex assigned to them at birth	X			

Marriage or Civil Partnership people who are married or in a civil partnership	X			
Pregnancy and Maternity (refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth),	X			
Race Groups: including colour, nationality, ethnic origins, including minorities (e.g. gypsy travellers, refugees, migrants and asylum seekers)	X			
Religion or Belief: different beliefs, customs (including atheists and those with no aligned belief)	X			
Sex women and men (girls and boys)	X			
Sexual Orientation , e.g. Lesbian, Gay, Bisexual, Heterosexual	X			
<p>3.3 Fairer Scotland Duty</p> <p>This duty places a legal responsibility on Scottish Borders Council (SBC) to actively consider (give due regard) to how we can reduce inequalities of outcome caused by socioeconomic disadvantage when making <u>strategic</u> decisions.</p> <p>The duty is set at a strategic level - these are the key, high level decisions that SBC will take. This would normally include strategy documents, decisions about setting priorities, allocating resources and commissioning services.</p>				
<p>Is the proposal strategic?</p> <p>Yes</p>				

If yes, please indicate any potential impact on the undernoted groups this proposal may have and how you know this:				
	Impact			State here how you know this
	No Impact	Positive Impact	Negative Impact	
Low and/or No Wealth – enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future.		X		Having an elected member on this forum will enhance the Council's profile in relation to services to children, young people and families.
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure and hobbies		X		As above
Area Deprivation – where you live (e.g. rural areas), where you work (e.g. accessibility of transport)		X		As above
Socio-economic Background – social class i.e. parents' education, employment and income		X		As above
Looked after and accommodated children and young people		X		As above
Carers paid and unpaid including family members		X		As above
Homelessness		X		As above
Addictions and substance use		X		As above
Those involved within the criminal justice system		X		As above

4 Full Integrated Impact Assessment Required


Select No if you have answered “No” to all of Sections 3.1 – 3.3.

No

If a full impact assessment is not required briefly explain why there are no effects and provide justification for the decision.

I do not believe that a full Integrated Impact Assessment is required in this case as we are seeking Council agreement for an elected member (specifically the executive member for Developing Our Children & Young People) to join the Children and Young People’s Planning Partnership as a voting member alongside a wider multi-agency group of people who are looking to improve outcomes for this group.

Page 56

Signed by Lead Officer:	
Designation:	Director Social Work & Practice
Date:	
Counter Signature Director	
Date:	11/04/2023

Part 2 Full Integrated Impact Assessment

5 Data and Information

What evidence has been used to inform this proposal?

(Information can include, for example, surveys, databases, focus groups, in-depth interviews, pilot projects, reviews of complaints made, user feedback, academic publications and consultants' reports).

Please state your answer here

Describe any gaps in the available evidence,-then record this within the improvement plan together with all of the actions you are taking in relation to this (e.g. new research, further analysis, and when this is planned)

Please state your answer here

6 Consultation and Involvement

Which groups are involved in this process and describe their involvement

Please state your answer here

Describe any planned involvement saying when this will take place and who is responsible for managing the process

Please state your answer here

Describe the results of any involvement and how you have taken this into account.

Please state your answer here

What have you learned from the evidence you have and the involvement undertaken? Does the initial assessment remain valid?

What new (if any) impacts have become evident?

(Describe the conclusion(s) you have reached from the evidence, and state where the information can be found.)

Please state your answer here

7 Mitigating Actions and Recommendations

Consider whether:

Could you modify the proposal to eliminate discrimination or reduce any identified negative impacts?
(If necessary, consider other ways in which you could meet the aims and objectives of the proposal.)

Could you modify the proposal to increase equality and, if relevant, reduce poverty and socioeconomic disadvantage?

Describe any modifications which you can make without further delay (e.g. easy, few resource implications)

Mitigation Please summarise all mitigations for approval by the decision makers who will approve your proposal			
Equality Characteristic/Socio economic factor	Mitigation	Resource Implications (financial, people, health, property etc)	Approved Yes/No

8 Recommendation and Reasoning *(select which applies)*

- Implement proposal with no amendments
- Implement proposal taking account of mitigating actions (as outlined above)
- Reject proposal due to disproportionate impact on equality, poverty, health and Socio-economic disadvantage

Reason for recommendation:

Signed by Lead Officer:

Designation:

Date:

Counter Signature Director

Date:

Office Use Only (not for publication)

This assessment should be presented to those making a decision about the progression of your proposal.

If it is agreed that your proposal will progress, you must send an electronic copy to corporate communications to publish on the webpage within 3 weeks of the decision.

Complete the below two sections. For your records, please keep a copy of this Integrated Impact Assessment form.

Action Plan (complete if required)

Actioner Name:	Action Date:
What is the issue?	
What action will be taken?	
Progress against the action:	
Action completed:	Date completed:

Page 61

Monitoring and Review

State how the implementation and impact of the proposal will be monitored, including implementation of any amendments? For example what type of monitoring will there be? How frequent?

Please state your answer here

What are the practical arrangements for monitoring? For example who will put this in place? When will it start?

Please state your answer here

When is the proposal due for review?

Please state your answer here

Who is responsible for ensuring that this happens?

Please state your answer here

Document is Restricted

This page is intentionally left blank