

Public Document Pack

SCOTTISH BORDERS COUNCIL

MINUTES of Meeting of the SCOTTISH COUNCIL held in Council Chamber, Council Headquarters, Newtown St. Boswells and via Microsoft Teams on Thursday, 25th May, 2023 at 10.00 am

Present:- Councillors W. McAteer (Convener), J. Anderson, D. Begg, C. Cochrane, J. Cox, L. Douglas, M. Douglas, J. Greenwell, S. Hamilton, E. Jardine, J. Linehan, N. Mackinnon, S. Marshall, D. Moffat, S. Mountford, A. Orr, D. Parker, J. PatonDay, J. Pirone, C. Ramage, N. Richards, E. Robson, M. Rowley, S. Scott, F. Sinclair, E. Small, A. Smart, Steel, R. Tatler, V. Thomson, E. Thornton-Nicol and T. Weatherston

Apologies:- Councillors P. Brown and C. Hamilton

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

1. **CONVENER'S REMARKS.**

- 1.1 The Convener confirmed that the opportunity for members of the public to have their questions answered at Council meetings would commence at the next meeting in June. He outlined the criteria and advised that there would be a limit of 5 questions answered per meeting.
- 1.2 The Convener advised that the Borders Book Festival was due to be held from 15-18 June and paid tribute to the organisers of the event which attracted literary giants and well known personalities. He paid particular tribute to the Late Duchess of Buccleuch, Lady Elizabeth, who had created the Walter Scott Prize which had been awarded since 2009.
- 1.3 The Convener commented on the various community events which had been organised to celebrate the King's Coronation.
- 1.4 The Convener advised that the Jim Clark Rally was due to be held that weekend which coincided with the 60th anniversary of Jim Clark winning his first Formula 1 Championship. He wished both the organisers and competitors well for the event.
- 1.5 The Convener congratulated Hawick RFC for winning both the league and the cup for 2022-23.
- 1.6 The Convener congratulated Julie Forrest from Hawick on her success in winning the Indoor Bowls World Championship Singles in Australia, to add to the many other titles she already held, making her one of the most successful sports people in the Borders.

DECISION

AGREED that congratulations be passed to those concerned.

2. **ORDER OF BUSINESS.**

The Convener varied the order of business as shown on the agenda. He advised Members that the item relating to the Inspection Report on Children at Risk of Harm would now be considered in public. The Inspection report had been embargoed when the agenda had originally been published but was now in the public domain. The Minute reflects the order in which the items were considered at the meeting.

3. **MINUTE**

The Minute of the Meeting held on 27 April 2023 was considered.

DECISION

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

4. **COMMITTEE MINUTES**

The Minutes of the following Committees had been circulated:-

External Services/Providers	7 March 2023
Community Planning Strategic Board	9 March 2023
Audit	13 March 2023
Police, Fire & Rescue and Safer Communities	16 March 2023
Hawick Common Good Fund	21 March 2023
Tweeddale Area Partnership	28 March 2023
Cheviot Area Partnership	29 March 2023
Executive	18 April 2023
Scrutiny & Petitions	20 April 2023

DECISION

APPROVED the Minutes listed above.

DECLARATION OF INTEREST

Councillor Rowley declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct, due to a working relationship with a co-founder of the project, and left the meeting during the discussion.

5. **DESTINATION TWEED PROGRAMME UPDATE**

There had been circulated copies of a report by the Director Infrastructure and Environment on progress with the Destination Tweed Programme, which formed part of the Borderlands Inclusive Growth Deal. The Destination Tweed Programme was a £24.7m capital programme that was part of the Borderlands Inclusive Growth Deal. The Destination Tweed Programme comprised 13 different projects, the most significant of which was the Tweed Trail, which would be a 113-mile long walking and cycling trail from Moffat to Berwick-upon-Tweed. A contribution of £10m from the Deal would help to fund the Tweed Trail. The programme was being led by Tweed Forum on behalf of Scottish Borders Council, Northumberland County Council and Dumfries and Galloway Council. An Outline Business Case was ready to be signed off by the Scottish Government and a draft Full Business Case would shortly thereafter be submitted for Government

consideration, which would then require approval from Council and the Borderlands Partnership Board. Scottish Borders Council intended to take a lead role on the project management and construction of the Tweed Trail, expanding on the work undertaken in 2022/23. This was being formalised via a revision of a Memorandum of Understanding between the Council and Tweed Forum. A governance structure for the programme was being established which included a lead Programme Delivery Board with a series of Working Groups. A Business Engagement Working Group was also being established. Members welcomed this ambitious project which would have great health and economic benefits for the people of the Borders and help attract tourists to the area. The educational and environmental benefits were also highlighted. Members were very happy to support the continuing work and noted that further reports would be brought to Council later in the year.

DECISION

AGREED to:-

- (a) note the information provided on the current position with the Destination Tweed Programme;**
- (b) endorse the Council's project delivery arrangements for the Tweed Trial;**
- (c) note that programme Outline and Full Business Cases would be brought back to Council for approval in 2023 as detailed in the report.**

MEMBER

Councillor Rowley re-joined the meeting.

6. EARLSTON PRIMARY SCHOOL NEW BUILD PROJECT UPDATE

There had been circulated copies of a report by the Director of Infrastructure and Environment providing an update on the progress with the new Earlston Primary School and Health Centre following the procurement stage. The Executive Committee on 16 April 2019 approved that the project to deliver a new primary school in Earlston should proceed to detailed design and procurement stages. Discussions with NHS Borders about a combined Primary School and replacement Health Centre took place. The detailed design and planning stages had been completed for this combined facility during 2021 and 2022. The procurement stage was nearing conclusion and was showing a budget pressure. The report proposed a phased construction beginning with the Primary School, Early Years and Community space. In light of the revised costs of £5.4m for the replacement Health Centre (based on May 2023 prices), a final decision on the affordability, timescales and resultant funding sources needed to be considered fully by the Board of NHS Borders. However, to minimise disruption to the existing primary school; ensure that there was no adverse impact on the school curriculum; minimise build timescales; and avoid further inflationary cost pressures, it was important to proceed with the primary school build at this stage. The design of the building was such that a phased construction could be undertaken. Members agreed that despite the increased costs, which would only rise further if there were delays, it was important that the project proceeded and highlighted the benefit it would have for the whole community in Earlston. Mr Curry answered Members' questions and advised that similar increases were expected across the whole capital programme. Officers would work with the construction team to try to minimise disruption to both the school and the wider community. It was noted that the delivery of the health centre lay with NHS Borders and although they were keen to proceed they were dependent on central funding. Members thanked officers for their work on the project.

DECISION

NOTED:-

- (a) the progress of the project through the statutory planning stage and the completion of the detailed design and procurement stage;**

- (b) the current budget position that was, as a result of the procurement stage, above the budget for both the Primary School and Health Centre elements; and**

- (c) that NHS Borders required to assess the affordability, timescales and funding source for the Health Centre element of the project given the increased costs.**

7. INTEGRATION JOINT BOARD DIRECTIONS APRIL 2023

There had been circulated copies of a report by the Chief Officer Health and Social Care providing an update to the Scottish Borders Council on the Directions issued to the Scottish Borders Council from the Health and Social Care Integration Joint Board in their April 2023 meeting. These Directions related to the Health and Social Care Partnership Annual Budget and the closure of the Gala Resource Centre. The report explained that such Directions were a legal mechanism intended to clarify responsibilities requirements between partners. The primary purpose of Directions was to set a clear framework for the resourcing and operational delivery of the functions that had been delegated to the Integration Joint Board and to clearly convey the decisions made by the Integration Joint Board about any given function. The "Annual Services and Budget Direction 2023" was contained in Appendix 1 to the report. This aligned to the budget offer made by the Scottish Borders Council once the budget was set in February 2023. This related to the annual budget set by the IJB to the Scottish Borders Council and NHS Borders for delegated and hospital 'set aside' services. This included the requirements for oversight of performance, delivery and risk. It also outlined the requirements relating to collaborative and integrated working across the Health and Social Care Partnership. The "Gala Resource Centre" Direction was contained in Appendix 2 to the report. This related to the decision to close the Gala Resource Centre, and develop a service for people with Emotionally Unstable Personality Disorder. Members welcomed the Directions process which was a successful method of keeping them informed.

DECISION

NOTED the Directions issued by the Health and Social Care Integration Joint Board to the Scottish Borders Council.

8. AUDIT COMMITTEE ANNUAL REPORT 2022/2023

There had been circulated copies of a report by the Chair of the Audit Committee submitting the Audit Committee Annual Report 2022/23 to the Council, which presented the Audit Committee's performance in relation to its Terms of Reference and the effectiveness of the Audit Committee in meeting its purpose. The report explained that it was important that the Council's Audit Committee fully complied with best practice guidance on Audit Committees to ensure it could demonstrate its effectiveness as a scrutiny body as a foundation for sound corporate governance for the Council. The CIPFA Audit Committees Practical Guidance for Local Authorities

and Police 2018 Edition (hereinafter referred to as CIPFA Audit Committees Guidance) included the production of an annual report on the performance of the Audit Committee against its remit for submission to the Council. The Audit Committee Annual Report 2022/23 was appended to the report and was designed both to provide assurance to Council and to outline actions to improve its effectiveness. Scottish Borders Council continued to be a lead authority in adopting this best practice. The Audit Committee carried out self-assessments of Compliance with the Good Practice Principles Checklist and Evaluation of Effectiveness Toolkit from the CIPFA Audit Committees Guidance during Development Sessions on 1 and 6 March 2023 facilitated by the Chief Officer Audit & Risk. The outcome of the self-assessments for the Committee was a high degree of compliance against the good practice principles and a medium degree of effectiveness, which was to be expected in the first year of a new Committee membership following the local elections in May 2022. The Committee had four continuing Elected Members, including the Chair, which provided some valuable continuity in knowledge and experience. There were six new Elected Members and two new external members, who were new to local government. The members of the Audit Committee considered its annual report 2022/23 and supporting self-assessment documents at their meeting on 10 May 2023, noting some minor amendments to the supporting self-assessment documents. Councillor Thornton-Nicol, as Chair of the Audit Committee, presented the report and thanked officers for their assistance.

DECISION

AGREED to:-

- (a) **acknowledge the performance of the Audit Committee and its assurance to the Council, as set out in its Annual Report 2022/23 contained in Appendix 1 to the report;**
- (b) **note the improvement actions identified during the self-assessment process to enable its development as a fully effective Audit Committee, as set out in its Annual Report 2022/23 contained in Appendix 1 to the report; and**
- (c) **endorse the Audit Committee recommendation that other Council Committees should carry out an annual evaluation to assess whether they were fulfilling their remits as part of continuous improvement, as set out in its Annual Report 2022/23 contained in Appendix 1 to the report.**

9. REVISION TO PROCUREMENT AND CONTRACT STANDING ORDERS

With reference to paragraph 4 of the Minute of 22 February 2022, there had been circulated copies of a report by the Acting Chief Financial Officer on revisions to the current Procurement and Contract Standing Orders. These had been reviewed and updated to ensure that they remained fit for purpose. Revised Standing Orders were contained in Appendix 1 to the report. The report outlined the 5 areas where changes had been made which included changes to the management structure and the scheme of delegation.

DECISION

AGREED to approve the proposed changes to Procurement & Contract Standing Orders, as contained in Appendix 1 to the report, for implementation from 1 June 2023.

MEMBER

Councillor Jardine left the meeting during consideration of the following item

10. **REVIEW OF SCOTTISH PARLIAMENTARY CONSTITUENCY BOUNDARIES**

10.1 There had been circulated copies of a report by the Chief Executive providing details of the provisional proposals received from Boundaries Scotland for changes to the Scottish Parliament Constituencies and asked Council to consider what, if any, response it would wish to make. As required by legislation, this Second review of Scottish Parliament Boundaries was started in September 2022. In this respect, on 17 May 2023, Boundaries Scotland published its provisional proposals for new constituency boundaries for the Scottish Parliament, and opened a one month public consultation on the proposals, running until the end of Saturday 17 June 2023. The length of the consultation period was fixed in legislation. There were currently two Scottish Parliament constituencies which included the Scottish Borders – the Ettrick, Roxburgh, & Berwickshire County Constituency, comprising Wards 4, 6, 7, 8, 9, 10 and 11 of Scottish Borders Council (total electorate – 56,409); and the Midlothian South, Tweeddale & Lauderdale County Constituency, comprising Wards 1, 2, 3 and 5 of Scottish Borders Council and Wards 1, 4 and part of Ward 6 of Midlothian Council. Boundaries Scotland’s provisional proposals made no changes to the Ettrick, Roxburgh & Berwickshire County Constituency, and a map showing this constituency was attached as Appendix 1. There were however, changes proposed to the current Midlothian South, Tweeddale & Lauderdale County Constituency. This would be replaced by a proposed Clyde Valley & Tweeddale County Constituency, comprising Wards 1, 2, 3 and 5 of Scottish Borders Council and Wards 2 and 3 of South Lanarkshire Council. A map showing the new constituency was attached as Appendix 2. As this was a political matter, no recommendations were provided, but officers had included a number of suggestions. Members may wish to consider whether to suggest moving part of Ward 5 (Oxton, Lauder, Blainslie and Earliston polling districts) from the proposed Clyde Valley & Tweeddale Constituency into the Ettrick, Roxburgh & Berwickshire Constituency. It was also suggested that to better reflect the wider Scottish Borders, the name for the Clyde Valley & Tweeddale Constituency was changed to the Clyde Valley, Tweeddale & Gala Water Constituency. Members needed to decide whether to submit a response to Boundaries Scotland by 17 June 2023.

10.2 Members discussed the proposals and Councillor Sinclair, seconded by Councillor Mackinnon, moved as follows:-

“Council agrees to object to the proposals for the 2023 Review of Scottish Parliamentary constituencies for the Scottish Borders and Midlothian Council areas by Boundaries Scotland. The reasons for this objection are as follows:
Accessibility and connectivity – the current Midlothian South, Tweeddale and Lauderdale constituency is linked through numerous public transport routes. Borders Buses operate up the A7, A68 and A72, linking the Borders to Midlothian. Even travelling by car, options are limited across the proposed new constituency. The current MSP’s constituency office is sited in central Galashiels, which has extensive transport links to the different parts of the constituency, whereas the current MSP for Clydesdale has an office in Lanark where travel to Galashiels would require three separate buses and a journey time of well over two hours, therefore limiting constituents’ access to their MSP.

Geography ensuring equity of representation for all constituents - The proposed new constituency covers a huge geographical area, meaning connections are more difficult and travel time by MSPs to various parts of the constituency would be greatly increased and people therefore less well represented.

Local ties and other inconveniences – NHS services co-ordinate and co-operate currently across Scottish Borders and Lothian, as do other bodies including City Deal, SEStran, South East Improvement Collaborative.

Consistency and Continuity – Tweeddale and the Central Borders have shared a constituency with the South of Midlothian since the establishment of the current Scottish Parliament in 1999, first as Tweeddale, Ettrick and Lauderdale and then in the current Midlothian South, Tweeddale and Lauderdale constituency since 2011.

There has never been a Holyrood constituency which links the Scottish Borders with South Lanarkshire and changing the boundary now would sever the decades-long connection of Midlothian, Tweeddale, Galashiels and Lauderdale in a shared constituency.

An alternative proposal would be to move part of Ward 5 (polling districts 05A, 05B, 05C, and 05D) into the Ettrick, Roxburgh & Berwickshire constituency, bringing the total electorate closer to the quota of 59,902 at a revised total of 59,676 electors. This would leave the rest of the Midlothian South, Tweeddale and Lauderdale constituency with a reduction from 65,033 to 60,488. This would maintain the historic, geographical, connectivity and other benefits and connections between the Scottish Borders and Midlothian and create constituencies with broadly the same number of electors.

The details of the submission to be delegated to the Chief Executive, in consultation with the Members' Sounding Board."

Councillor Sinclair spoke in support of her amendment and expressed her disappointment regarding the length of the consultation period.

10.3 Councillor Parker, seconded by Councillor Tatler, moved the following amendment:-

"That Council agrees to delegate authority to the Chief Executive to make a submission to Boundaries Scotland, in consultation with the Members Sounding Board, where all issues and options will be discussed."

On the basis of Councillor Parker's amendment Councillor Sinclair agreed to withdraw her Motion.

DECISION

AGREED to delegate authority to the Chief Executive to make a submission to Boundaries Scotland, in consultation with the Members Sounding Board, where all issues and options would be discussed.

11. **PRIVATE BUSINESS - ITEM 21**

It was agreed that item 21 on the private business agenda be considered in public as the inspection report was now in the public domain.

12. **CHILDREN AT RISK OF HARM INSPECTION REPORT**

There had been circulated copies of a report by the Director Social Work and Practice providing a summary of the Report of the Joint Inspection of Services for Children and Young People at Risk of Harm in the Scottish Borders, published on 23 May 2023. The report highlighted the findings of the joint inspection conducted by the Care Inspectorate, Education Scotland, Healthcare Improvement Scotland and His Majesty's Inspectorate of Constabulary Scotland which was conducted between November 2022 and April/May 2023. The report identified the strengths of the services as well as areas for further development in relation to children at risk of harm in Scottish Borders. The overall grading of the services in relation to the impact on children and young people had been rated as "good" by the inspection process. Alan Small, Independent Chair of the Public Protection Committee, was present at the meeting and gave a brief overview of his experience since taking up the post in September 2022 and that it was his role to be independent and to challenge. He highlighted the main aspects of the report and while there were always areas that could be improved he paid tribute to the staff involved and noted the positive comments on leadership. The necessary improvement plan would be put in place to deal with the areas identified and he was confident that the requirements of the Care Inspectorate would be met. Members paid tribute to Mr Easingwood and Mr Small for their work in this area and welcomed the report. Mr Easingwood and Mr Small answered Members' questions and confirmed that they needed to get views from all children.

**DECISION
NOTED the report.**

13. **MOTION**

Councillor Tatler, seconded by Councillor Ramage, moved the following Motion as detailed on the agenda:-

“Vaping has been on the rise in recent years as many look towards quitting smoking. This is a good stepping stone to being smoke free, however as vaping has risen in popularity, so has "disposable" vapes. This is creating significant environmental issues:

- As of [2017](#), there were 565 types of e-cigarette devices on the market, 184 of which were disposable or single-use
- Users in the UK are throwing away around [2 disposable vapes every second](#); that's [1.3 million a week](#). The number of discarded vapes accounts for around 10 tonnes of lithium being sent to landfill or waste incinerators each year - enough metal to make batteries for [1,200 electric cars](#)
- ['Zombie' batteries](#) have been found to cause hundreds of fires a year at recycling plants after being thrown away incorrectly (disposable vapes would be classed in this group)
- If littered, these create extremely toxic waste which can be harmful to children, pets, and wildlife as the battery may be damaged and leak chemical

Scottish Borders Council:

1. Acknowledges, with concern, the increasing impact of the sales of single use Nicotine Vaping Products (NVPs) on the health of young people and the environment, and
2. Agrees to instruct the Chief Executive to write to the Scottish and Westminster Governments expressing Scottish Borders Council's support for a proposed ban on single vapes, and to support measures to ban their sale.”

Councillor Tatler also added the following:-

“3. Agrees, in recognition of the issues relating to vaping in school premises and on buses, to recommend that schools include education materials on the impact of vaping and the issues of single use vapes within the curriculum, and that ensuring vaping is not happening in schools remains a high priority across all establishments.”

Councillor Tatler and Councillor Ramage spoke in support of the Motion which was unanimously approved.

**DECISION
AGREED to approve the Motion as detailed above.**

14. **REPRESENTATIVES ON OUTSIDE BODIES**

Councillor S. Hamilton, seconded by Councillor Pirone, moved that Councillor Linehan be appointed to replace Councillor Jardine on Clubsport Ettrick and Lauderdale and this was unanimously approved.

**DECISION
AGREED that Councillor Linehan be appointed as the Council's representative on Clubsport Ettrick and Lauderdale.**

MEMBER

Councillor Mackinnon left the meeting during the following item.

15. **OPEN QUESTIONS**

The questions submitted by Councillors Anderson, Ramage, Sinclair, Begg, Robson, Thomson, S. Hamilton and Mackinnon were answered.

DECISION

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

16. **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

17. **MINUTE**

The private section of the Council Minute of 27 April 2023 was approved

18. **COMMITTEE MINUTES**

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

The meeting concluded at 12.50 pm

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**SCOTTISH BORDERS COUNCIL
25 MAY 2023
APPENDIX I**

OPEN QUESTIONS

Question from Councillor Anderson

To the Executive Member for Community and Business Development

Can the relevant department look at the viability of a project to rejuvenate the old town hall in Eyemouth and its frontage, the former SBC contact office, as part of the next stage application to the UK levelling up funding bid being worked on at the moment?

Response from Councillor S. Hamilton

Eyemouth is one of the four priority towns that have been identified for investment as part of the Borderlands Growth Deal and work is progressing to support the establishment of a Town Team and the development of a place plan. If the development of the old Town Hall is identified as a potential priority project by the community as part of this work, Council Officers and partners would look to support the community to develop a project to examine the viability of rejuvenating the town hall.

There may also be opportunities through the call that is going out for Community priority projects. This is the work that the Council's Economic Development and Communities Teams have been developing to try and make the process of funding simpler for communities and to allow Elected Members and Council Officers to gain a fuller understanding of potential projects that have local community support, to connect those projects to the most suitable available funding stream and help develop a pipeline of projects that we all wish to see throughout the Scottish Borders.

Question from Councillor Ramage

To the Leader

I asked a question in December 2022 about my concern over the delay in the signing of the Feasibility Study for the extension of the Border Railway. I am therefore pleased that this has now been signed by the two Governments.

During the answer it was highlighted that there is also an action to develop a working group with suitable partners and politicians, including the Campaign for Borders Rail and all Hawick Councillors. Can I ask when will this group be set up?

Response from Councillor Jardine

I can advise Councillor Ramage that Council Officers are currently trying to develop the proposed membership of the working group with a view to organising an introductory meeting in August.

Officers will be looking to organise a suitable venue and issue invitations in the near future.

Supplementary

Councillor Ramage asked that all Hawick Councillors be included and Councillor Jardine confirmed this would be the case and that all Councillors would have the opportunity to feed into the Working Group.

Question from Councillor Sinclair

To the Executive Member for Education and Lifelong Learning

How many pupils in a) primary and b) secondary receive music tuition from an instrumental and specialist music tutor?

How many instrumental and specialist music tutors are employed by SBC?

How do these figures compare to pre-pandemic levels?

Response from Councillor L. Douglas

There are currently 292 primary pupils and 548 secondary pupils receiving instrumental music lessons in Scottish Borders.

We have a full time equivalent staff of 9.5 music instructors offering strings, brass, percussion, guitar and woodwind lessons.

Staffing levels have not changed since pre-pandemic and due to the hard work of the service, numbers are nearly the same as pre-pandemic levels of around 900 children and young people.

Supplementary

Councillor Sinclair asked what the Council was doing to encourage further uptake and what links were there with local bands. Councillor Douglas advised that she would obtain this information from officers for Councillor Sinclair.

Question from Councillor Begg

To the Executive Member for Estate Management and Planning

I think we all recognise the need to plant more trees. Can the Executive member responsible explain what protections are in place in Scottish Borders to mitigate the cumulative effects of farms being sold to carbon credit companies and agricultural land being converted wholesale to blanket forestry?

Response from Councillor Mountford

There is no legal provision that enables the Council to prohibit or influence the sale of privately owned farms or agricultural land to carbon credit companies or to any other party for that matter.

The planting of trees does not require planning permission, however, the Council is a statutory consultee on forestry applications to Scottish Forestry. In this respect, the consultation process allows the Council to influence such proposals at different stages of development; firstly at pre-application consultation stage and secondly, at the formal application consultation stage.

The pre- application stage provides a mechanism for the applicant to identify potential issues at an early juncture that need to be addressed in developing a woodland creation scheme at a particular location. The Council's views on the proposal are provided to the applicant and shared with Scottish Forestry.

On receiving an application, Scottish Forestry send a consultation request to the Council. Officers will, as capacity allows, provide a response to the consultation following input from a range of Council services including landscape, roads, ecology, archaeology, flood management, access and planning policy.

As a statutory consultee, the Council are not involved in community consultation on the proposal. Scottish Forestry are the regulator and carry out community consultation directly or require the applicant to do so.

In responding to an application, or providing advice, officers will refer to the policies within the government's Scottish Forestry Strategy, as well as our own Scottish Borders Woodland Strategy (2005) and its update (Technical Advice Note 2012) plus any relevant policies within National Planning Framework 4 and the Local Development Plan.

For information, the Council is developing, in association with Scottish Forestry, a Woodland Creation Framework Supplementary Planning Guidance for two pilot areas within the Scottish Borders (Pilot Area 1 - Ale, Etrick and Yarrow and Pilot Area 2 - Teviot and Hermitage) which aims to encourage more environmentally sensitive woodland and forestry development ensuring " *...the right tree in the right place*". The development principles set out in this document could extend beyond those areas and it is hoped that this advice could provide the model by which significant woodland expansion can be more sensitively rolled out across the Scottish Borders and Scotland as a whole. This advice will be brought before members later this year, once a Strategic Environmental Assessment (SEA) of its provisions is carried out and the document updated accordingly to take account of the SEA's findings.

Any concerns or issues raised by Council officers about a proposal during the pre - application or application consultation stages should be addressed by the applicant and will be taken into consideration by Scottish Forestry, as part of their discussions with applicants and their scheme assessment.

It is important to note that it is only under the provisions of the Environmental Assessment Regulations that statutory consultees have the formal right to object to a proposal. There is no other basis for a formal objection. If refused on this basis the applicant or any third party can apply to the Court of Sessions for judicial review, within 6 weeks of publication of the Scottish Forestry decision.

The consultation process allows issues such as cumulative impacts in a locality to be aired by officers but as there is no meaningful reference to cumulative impacts in the existing Scottish, UK or SBC forestry guidance, it is highly unlikely that potential cumulative impact would trigger an EIA objection to a woodland or forestry application at this time.

Most objections that have been registered to schemes have focussed on biodiversity impact grounds, given habitat and species protection legislation, and this is only likely to happen if concerns cannot be mitigated. Objections to forestry consultations are generally seen by Scottish Forestry to indicate a lack of information or a need to further address issues of concern and they will endeavour to resolve issues through negotiation with both parties, rather than refuse a scheme.

The adoption of the Woodland Creation Framework SPG mentioned already could help to strengthen our negotiation position. This is particularly relevant in the identified pilot areas, which are supported by a landscape capacity study and a spatial assessment tool. The proposed SPG will make reference to cumulative effects and how these might be mitigated.

In conclusion, the ability to prevent forestry proposals on the basis of cumulative impact is limited. Scottish Forestry make the final decision on forestry applications and, as stated already, there is no official recourse to an 'objection' except under EIA legislation. Whilst acknowledging the significant policy drivers for woodland creation and addressing climate change through such planting, Council officers will continue to seek to encourage the most environmentally sensitive forestry and woodland schemes that best fit the Borders landscape. Officers will also endeavour to bring the Woodland Creation Framework SPG before members at the earliest possible date.

Supplementary

Councillor Begg asked Councillor Mountford if he agreed that there needed to be a balance between food and forestry and would he meet with him to discuss this. Councillor Mountford confirmed he would be happy to meet Councillor Begg with relevant officers in attendance.

Question from Councillor Robson

To the Executive Member for Education & Lifelong Learning

How many Borders primary school pupils with diabetes are entitled to free school meals?

Response from Councillor L. Douglas

All children in P1 - P5 are currently entitled to free school meals in line with Scottish Government policy. 11 children in this group have diabetes and are entitled to Free school meals due to their age not their medical condition. A further group of 5 pupils in P6 P7 have diabetes but are not presently entitled to free school meals.

Question from Councillor Thomson

To the Executive Member for Communities & Equalities

This time last year, we put monies aside to help those struggling with the cost of living crisis. Nothing has changed and people are still struggling, so what provision are we making for this financial year?

Response from Councillor Tatler

In response to the current cost of living crisis it was agreed to release underspend from 2021/22 from the Council's reserves to provide £1.2m support to communities during 2022/23. Spend of the funding has continued in to 2023/24 with £376k of the £1.2m being carried forward. Of this balance, £292k is already committed with £84k currently unallocated.

Proposals for the unallocated amount are currently being sought and these will then be brought forward to the Cost of Living Strategic Group that is due to meet on 5th June 2023. This will take into account the additional support that is being provided nationally such as the Cost of Living payments for those on low income benefits and tax credits.

To date the support provided has focussed on the following key areas some of which will continue this year:

- Extending existing arrangements with organisations such as CAB, Changeworks etc., to provide additional resources to assist with referrals, energy advice, money advice, signposting and budgeting
- Providing warm clothing payments to children entitled to either Free School Meals or Clothing Grants
- Increasing the budgets available for the Scottish Welfare Fund, Inclusion Fund and Discretionary Housing Payments, as well as providing additional resources to support & process increased take up of benefits
- Providing a range of support focussed on keeping communities 'warm and well'
- Supporting a range of measures to ensure access to food and essential household items

In addition to the balance of the £1.2m that was approved from the Council's reserves being carried forward into this year (£376k), budget is also being carried forward to provide financial support via the Scottish Welfare Fund (£150k) and Financial Insecurity Fund (£257k). There are also a range of existing budgets and resources that are available to provide support and SBC and partners continue, through the multi-agency response, to

consider how these can best be used to meet the needs of communities. Regular discussions take place at the Anti-Poverty Members Reference Group where suggestions on how we can best support our communities are welcome.

Where appropriate, evaluations and reports are being requested to evidence impact of spend. The 2022/23 Local Child Poverty Annual Progress Report, Anti-Poverty Strategy Progress Report and Cost of Living Funding Report are scheduled to come to Council next month and will provide further details on the support being provided and the impact these measures are having.

Question from Councillor S. Hamilton

To the Executive Member for Communities & Equalities

Given the UK Government has updated the eligibility for the Alternative Fuel Payment and that previously unsuccessful applications are now being automatically reviewed by the relevant Local Authorities, when can applicants in the Borders expect to hear if they have been successful?

Response from Councillor Tatler

The Alternative Fuel Payment applications are made to the UK Government. These are processed and verified as eligible for payment by the Department for Business, Energy & Industrial Strategy via the Salesforce site. Verified applications are then sent to Local Authorities for final checks to be carried out, including address, eligibility & bank account verification.

When the scheme was first announced, the evidence had to confirm that the applicant had purchased at least £200 worth of alternative fuels between September 2022 & March 2023. This limited those eligible for the scheme.

A decision was made by the UK Government in April 2023, to extend the period to cover June 2022 to May 2023. At that time, the Customer Advice & Support team checked all applications that were either on hold or those that had been refused, to identify if they were able to then award payment, based on the changes. No applications were identified for payment at the time.

An issue was identified at the stage before reaching the Local Authority, where applications were being marked as ineligible during the automated verification stage in the Salesforce system. Once the error was identified and rectified, eligible applications were sent to local authorities for processing. The team on receiving these, processed them as a priority and payments were issued to successful applicants.

There are currently no outstanding applications ready to process with 15 applications on hold, waiting on further information from the applicant. A total of 304 applications will have been paid by the end of this week.

Question from Councillor Mackinnon

To the Executive Member for Environment & Transport

In November 2022, in a response to a question regarding the “No Mow May” campaign to promote biodiversity and provide habitat and food sources for pollinators and other wildlife, the Executive Member for Environment and Transport suggested identifying general amenity areas that may be appropriate for a trial as part of the initiative. Were any such areas identified and, if so, what areas have been included to trial this approach this month and how will the success or otherwise of the trial be measured and reported?

Response from Councillor Linehan

No Mow May is a campaign to leave some green spaces untouched to give nature a helping hand in the early season, trying through simple measure to contribute to reversing the dramatic decline in our pollinators [About - No Mow May \(plantlife.org.uk\)](http://plantlife.org.uk) .

Further to the request for the Council to pilot No Mow May sites, a trial was undertaken in Tweeddale West where communities were invited, via their community councils, to nominate Council-managed sites to be piloted for 'No Mow May'.

Three such sites were put forward – two in Skirling and one in Broughton.

These have been left uncut to provide habitat and food for local insects and pollinators. In terms of monitoring, we are gauging customer feedback and initial results. Reporting will be undertaken as part of the Council's statutory biodiversity reporting duties. We also participated in the Plantlife 'No Mow May Movement' national audit.