

# Public Document Pack



**SCOTTISH BORDERS COUNCIL  
THURSDAY, 26 OCTOBER, 2023**

A MEETING of the SCOTTISH BORDERS COUNCIL will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST. BOSWELLS AND VIA MICROSOFT TEAMS on THURSDAY, 26 OCTOBER, 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,  
16 October 2023

| <b>BUSINESS</b> |  |        |
|-----------------|--|--------|
| 1.              | <b>Convener's Remarks.</b>   |        |
| 2.              | <b>Apologies for Absence.</b>  |        |
| 3.              | <b>Order of Business.</b>  |        |
| 4.              | <b>Declarations of Interest.</b>   |        |
| 5.              | <b>Minute (Pages 5 - 18)</b><br><br>Consider Minute of Scottish Borders Council held on 28 September 2023 for approval and signing by the Convener. (Copy attached.)   | 2 mins |
| 6.              | <b>Committee Minutes</b><br><br>Consider Minutes of the following Committees:-<br><br>(a) Pension Fund 8 August 2023<br>(b) Local Review Body 14 August 2023<br>(c) Peebles Common Good Fund 23 August 2023<br>(d) Eildon Area Partnership 7 September 2023<br>(e) Peebles Common Good Fund 11 September 2023<br>(f) Jedburgh Common Good Fund 11 September 2023<br>(g) Executive 12 September 2023<br>(h) Teviot & Liddesdale Area Partnership 12 September 2023<br>(i) Galashiels Common Good Fund 21 September 2023 | 5 mins |

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|     | <p>(j) Civic Government Licensing 22 September 2023<br/> (k) Pension Fund 22 September 2023<br/> (l) Pension Board 22 September 2023<br/> (m) Executive 3 October 2023</p> <p>(Please see separate Supplement containing the public Committee Minutes.)</p>  |         |
| 7.  | <p><b>Borders Railway - Establishment of Cross-Party Working Group</b> (Pages 19 - 24)</p> <p>Consider report by Director Resilient Communities. (Copy attached.)</p>  | 20 mins |
| 8.  | <p><b>Members Training and Development Policy</b> (Pages 25 - 42)</p> <p>Consider report by Director Corporate Governance. (Copy attached.)</p>  | 15 mins |
| 9.  | <p><b>Review of Polling Districts, Polling Places and Polling Stations</b> (Pages 43 - 50)</p> <p>Consider report by Director Corporate Governance, (Copy attached,)</p>   | 15 mins |
| 10. | <p><b>Motion by Councillor Robson</b></p> <p>Consider Motion from Councillor Robson in the following terms:-</p> <p>“That the Council commends the efforts of Rotarians world-wide to support the eradication of polio, in particular appreciates the contribution made by Rotary Borderlands (Passport Group) thereto, notes the dramatic success in cutting the numbers of those who are newly infected by 99%, but recognises the need for constant vigilance to ensure the disease does not recur and therefore welcomes the joint working locally between Rotarians and the Council’s Education Department in explaining the pain and suffering polio brings and the on-going work to end this threat to human health.”</p>   | 5 mins  |
| 11. | <p><b>Motion by Councillor Pirone</b></p> <p>Consider Motion by Councillor Pirone in following terms:-</p> <p>“This council recognises the impact that "real term cuts" announced by Police Scotland could have on our communities across the Scottish Borders. Fifty million pounds of savings have to be found by our police force this year. We have around 147 officers across the Scottish Borders. It has become apparent that we need to accept this without additional support in the foreseeable future.</p> <p>Still, we acknowledge that our hard-pressed officers do their best in challenging circumstances they are presented with now and in the future. We note, of course, that this council continues with plans to protect our communities with CCTV, which will help our officers. This council also notes that nationally, the police have had to accelerate the disposal of a further 30 police buildings, which could impact our communities.</p> <p>This council directs our leader to urgently draft a letter to the Scottish Government, conveying concerns about the current police numbers and how these cuts will impact the Scottish Borders. We urge the Scottish Government to assess police resources and consider alternative community safety strategies without solely relying on the council for additional support.”</p> | 5 mins  |
| 12. | <p><b>Motion by Councillor Pirone</b></p>  | 5 mins  |

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|     | <p>Consider Motion by Councillor Pirone on the following terms:-</p> <p>“Scottish Borders Council recognises the importance of addressing anti-social behaviour among our young people in our communities and that we value positive youth engagement. We acknowledge the need for a safe environment that promotes the growth of our young residents. We therefore ask the Chief Executive to bring a report to Council detailing what the Council is currently doing to address anti-social behaviour among our young people and if there is more we can do within the Scottish Borders in partnership with others.”</p>  |         |
| 13. | <b>Open Questions by Councillors</b>  | 15 mins |
| 14. | <p><b>Open Question from Member of the Public</b></p> <p>Consider question to the Executive Member for Estate Management and Planning from Mr Bell, Tweeddale East Ward:-</p> <p>“Notwithstanding an overwhelming workload on our planning staff:-</p> <p>Whilst wind-farm applications decided under the Electricity Act S36 are administered by the Energy Consents Unit [ECU], the relevant Planning Authority is a significant consultee.</p> <p>As normal practice, other Planning Authorities report on all known external consultee responses, including from members of the public; helping Councillors decide based on best evidence.</p> <p>SBC don't put public representations to such applications on the SBC website — indeed officers on occasion asserted that “.. <i>third party representations are submitted direct to the ECU and it is for them to account for these matters. You will be aware that we have received a number of representations in relation to this application and I would remind members not to allow these representations to influence your decision making today.</i>”</p> <p>By not taking into account important external consultee responses, our Councillors are potentially not appraised of the full picture of the representations; an approach that is certainly not “best practice” compared with other Planning Authorities.</p> <p>When will Scottish Borders Council adopt best practice in respect of S36 applications?”</p> | 5 mins  |
| 15. | <b>Any Other Items Previously Circulated</b>  |         |
| 16. | <b>Any Other Items Which the Convener Decides Are Urgent</b>  |         |
| 17. | <p><b>Private Business</b></p> <p>Before proceeding with the private business, the following motion should be approved:-</p> <p>“That under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 7A to the aforementioned Act.”</p>  |         |
| 18. | <b>Committee Minutes</b>  | 1 mins  |

|     |  |         |
|-----|--|---------|
|     | <p>Consider private Sections of the Minutes of the following Committees:-</p> <p>(a) Pension Fund Committee 8 August 2023<br/> (b) Peebles Common Good Fund 23 August 2023<br/> (c) Peebles Common Good Fund 11 September 2023<br/> (d) Executive 12 September 2023<br/> (e) Galashiels Common Good Fund 21 September 2023<br/> (f) Civic Government Licensing 22 September 2023<br/> (g) Pension Fund Committee 22 September 2023</p> <p>(Please see separate Supplement containing private Committee Minutes.)</p> |         |
| 19. | <p><b>Toilet Provision in West Linton</b> (Pages 51 - 56)</p> <p>Consider report by Director Infrastructure and Environment. (copy attached.)</p>  | 15 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.**

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Please direct any enquiries to Louise McGeoch Tel 01835 825005  
email [lmcgeoch@scotborders.gov.uk](mailto:lmcgeoch@scotborders.gov.uk)

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**SCOTTISH BORDERS COUNCIL**

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held in Council Headquarters, Newtown St. Boswells and Via Microsoft Teams on 28 September 2023 at 10.00 a.m.

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

Apologies:- Councillors N. Richards, T. Weatherston.

In Attendance:- Chief Executive, Director Corporate Governance, Director Education & Lifelong Learning, Director Finance & Procurement, Director Infrastructure & Environment, Director Resilient Communities, Director Social Work & Practice, Director Strategic Commissioning & Partnerships, Chief Officer Health & Social Care, Clerk to the Council.

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**1. CONVENER'S REMARKS**

- 1.1 The Convener congratulated the following:-
- (a) the Eyemouth Enhancement Group for winning awards at the recent Beautiful Scotland event held at the Botanic Gardens in Edinburgh;
  - (b) the team who organised the Council's Greener Gateway awards held at the Inspire Building in Tweedbank and the communities who had won awards; and
  - (c) the Katherine Elliot Centre in Hawick which was celebrating its 50<sup>th</sup> birthday.
- 1.2 The Convener advised that this was the Director of Social Work & Practice, Stuart Easingwood's last day with the Council before he took up a new job in South Tyneside. He had been with the Council for 17 years and would be a great loss to the Council. The Convener thanked him for his incredible service and wished him well for the future. He presented Mr Easingwood with a Border Reiver Statue. Mr Easingwood responded by saying that it had been a privilege and a pleasure to lead the Social Work Service in the Scottish Borders.

**DECISION**

**AGREED that congratulations be passed to all concerned.**

**2. MINUTE**

The Minute of the Meeting held on 31 August 2023 was considered.

**DECISION**

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

**3. COMMITTEE MINUTES**

The Minutes of the following Committees had been circulated:-

|   |              |
|---|--------------|
| Berwickshire Area Partnership               | 1 June 2023  |
| Community Planning Strategic Board          | 8 June 2023  |
| Police, Fire & Rescue and Safer Communities | 28 June 2023 |

Chambers Institution Trust  
Planning & Building Standards  
Executive  
Scrutiny & Petitions  
Planning & Building Standards

2 August 2023  
7 August 2023  
15 August 2023  
17 August 2023  
4 September 2023

## **DECISION**

**APPROVED the Minutes listed above.**

### **4. SCOTTISH BORDERS COUNCIL FINAL REPORTS AND ACCOUNTS 2022/23**

There had been circulated copies of a report by Audit Scotland, the Council's Auditors, together with a report by the Director of Finance and Procurement, a copy of the Annual Accounts 2022/23 and associated papers. The audit appointment of Audit Scotland for Scottish Borders Council (SBC) accounts included the requirement to provide an auditor's report for the Council. 2022/23 represented the first year of the new Audit Scotland team undertaking the External Audit of the Council's Annual Accounts with the process now completed. Audit Scotland had prepared both the Annual Audit Report and a Best Value thematic report, copies of which had also been circulated, and had provided an unqualified independent audit opinion. The Annual Audit Report summarised Audit Scotland's conclusions, including an unqualified audit opinion, concurrence with management's accounting treatment and judgements and positive conclusions in respect of financial management, financial sustainability, vision, leadership and governance and use of resources to improve outcomes. Audit Scotland had identified a number of recommendations across 3 reports as follows:

- Scottish Borders Council annual report - four recommendations for improvement requiring action were identified along with two follow-up to prior year recommendations.
- Scottish Borders Council Best Value thematic review - six recommendations for improvement requiring action were identified.
- Scottish Borders Council Pension Fund - four recommendations for improvement requiring action were identified along with one follow-up to prior year recommendation.

All recommendations had been accepted by management and would be enacted within the agreed timescales. As required under the Local Authority Accounts (Scotland) Regulations 2014, the audited Annual Accounts for Scottish Borders Council, SBC Pension Fund, Bridge Homes LLP, Lowood Tweedbank Ltd and SB Inspires LLP were presented to the Audit Committee on the 25<sup>th</sup> September prior to Council consideration and signature. Members were asked to note that following the agreement to remove SBC Common Good Funds from the Scottish Charity Register on 31<sup>st</sup> March 2023 no annual accounts had been prepared, audited or submitted to OSCR. The Common Good Funds had instead been consolidated within the Council's statutory accounts. Trusts did not have the same annual accounts statutory deadline as the Council and Pension Fund. In addition, the Trusts were presented to Members in their role as Trustees rather than as full Council and this would be done for 2022/23 via correspondence. Audit Scotland would provide a letter to Councillors as Trustees at the completion of the audit, in advance of the reporting deadline of 31 December 2023. Bridge Homes LLP, Lowood Tweedbank Ltd and SB Inspires accounts had been prepared in accordance with the special provisions applicable to companies subject to the small companies regime. For financial year 2022/23 the companies were entitled to exemption under section 477 of the Companies Act 2006 which meant their accounts did not require to be audited. Mrs Douglas advised that there was no mention of RAAC within these accounts but it would be included in the 2023/24 Accounts. To date schools had been checked and no RAAC had been found. Checks were now being carried out on other Council owned buildings. Councillor Thornton-Nicol as Chair of the Audit Committee advised that the accounts had been considered by the Audit Committee and also that the Audit Scotland Team had been impressed. The Audit Committee were therefore happy to support the recommendation in the report. Councillor Parker as Chair of the Pension Fund Committee advised that the Council Fund was one of the best performers and also commended the accounts. Members thanked Mrs Douglas and her teams.

## **DECISION**

**AGREED to approve the following accounts:-**

- (a) the Scottish Borders Council's audited Annual Accounts for the year to 31 March 2023;**
- (b) the Scottish Borders Council's Pension Fund audited Annual Accounts for the year to 31 March 2023;**
- (c) the Bridge Homes LLP audited Annual Accounts for the year to 31 March 2023;**
- (d) Lowood Tweedbank Ltd Annual Accounts for the year to 31 March 2023; and**
- (e) SB Inspires LLP Annual Accounts for the year to 31 March 2023.**

### **5. ANNUAL TREASURY MANAGEMENT REPORT 2022/23**

There had been circulated copies of a report by the Director Finance and Procurement presenting the annual treasury management activities undertaken during the 2023/23 financial year. The CIPFA Code of Practice on Treasury Management in the Public Services (the Code) required an annual report on treasury management to be submitted to Council following the end of each financial year. The report highlighted the Council's treasury activity undertaken in the year ended 31 March 2023 and the performance of the Treasury function. Appendix 1 to the report contained the annual report of treasury management activities for 2022/23 and provided an analysis of performance against targets set in relation to Prudential and Treasury Management Indicators. The performance comparisons reported were based on the revised indicators agreed as part of the mid-year report approved on 12 December 2022. The Appendix also showed the Council's borrowing requirement to fund the capital investment undertaken during 2022/23, how much the Council actually borrowed against the sums budgeted, and the level of external debt within approved limits. During the year the Council had again, where possible, deferred borrowing using surplus cash rather than undertaking new borrowing. Treasury management activity for the year had been undertaken in compliance with approved policy and the Code. The Council remained under-borrowed against its Capital Financing Requirement (CFR) at 31 March 2023.

## **DECISION**

**NOTED that treasury management activity in the year to 31 March 2023 was carried out in compliance with the approved Treasury Management Strategy and Policy as detailed in the report and in Appendix 1 to the report.**

### **6. TWEEDBANK DEVELOPMENT**

The Director Infrastructure and Environment gave a brief presentation on progress with the 6 actions in respect of the development of Tweedbank which included the development of a procurement strategy for a development partner, the development of a heat and energy network, mapping the ideal mix of uses across the site, development of a PR and Comms Plan in partnership with SOSE, the construction of the Phase 1 access road and community engagement around the options for community amenity. Mr Curry advised that Government funding of £50k had been received to carry out a feasibility study for the heat and energy network and this was already underway. More details with regard to progress would be reported to Members in due course.

## **DECISION**

**NOTED the update.**

### **7. CARE VILLAGE DEVELOPMENT - TWEEDBANK**

With reference to paragraph 7 of the Minute of 25 November 2023, there had been circulated copies of a report by the Director Strategic Commissioning and Partnerships providing an update on the progress with the Tweedbank Care Village development following the Stage 3 Costing report. The report explained that on 19 March 2020, Council agreed the allocation of

£22.679M for “new residential care provision” for Tweedbank and Hawick within the Draft Revenue & Capital Investment Plan (Revenue 2021/22 - 2025/26, Capital 2021/22-2030/31) thus allowing £11.339M per facility. However, since the capital budget was agreed in March 2020 there had been a significant financial impact on the project due to high inflation. In November 2021, Council agreed the recommendation set out in the OBC for Tweedbank Care Village to Approve that both Waverley Care Home (24 beds) and Garden View Intermediate Care Home (25 beds) operated by SBC were decommissioned and closed to secure revenue funding to provide for the Tweedbank Care Village. At that time there was an estimated cost for the facility of £14.3m. In February 2023, as part of the financial planning process, an additional sum was agreed by Council to help fund the two care villages, giving an overall budget to build Tweedbank of £14.694M. Later in February 2023 the stage 3 cost plan was received from External Cost Advisors showing an estimated projected cost of £21m. Despite significant value engineering, following the stage 3 cost report, the indicative build cost for Tweedbank was now estimated to be £19.3m giving a budget pressure of approximately £4.6m. In light of the estimated cost to build the Tweedbank Care Village, it would not be possible to deliver the build that was envisaged by Council in 2020 within the current agreed capital budget. It was recommended that to minimise the ongoing impact of inflation, and for this important strategic project to progress, the project proceed to the procurement phase and an agreed contract cost obtained. Members welcomed the progress to date and the public consultation which had been carried out. Members also noted the continuing inflation pressure on the budget. Councillor Parker proposed that recommendation (c) be amended to include consultation with Councillors Jardine, Rowley and himself and this was accepted.

#### **DECISION**

#### **AGREED to:-**

- (a) note the progress of the project in proceeding through the stage 3 design phase;**
- (b) note the continuing impact of inflation on the project budget and to mitigate this agree the project proceed to the procurement phase to obtain an agreed contract cost, with a further report brought back to Council following the procurement stage, which would include a procured cost; and**
- (c) delegate authority to the Director Infrastructure & Environment in conjunction with the Director of Finance and Procurement and in consultation with the Leader, the Executive Member for Health and Wellbeing and the Executive Member for Service Delivery and Transformation, to proceed through planning, detailed design and procurement process.**

#### **8. CLOSE CIRCUIT TELEVISION AND TOWN CENTRE WIFI OPTIONS**

There had been circulated copies of a report by the Director Strategic Commissioning and Partnerships setting out potential options, benefits and future opportunities available to Scottish Borders for investment in Council Public Space CCTV and Town Centre Wi-Fi; and seeking Council agreement to proceed with a 3<sup>rd</sup> party provider with a scheme for seven towns. The report provided details of proposals presented to Council by CGI for both Public Space CCTV and Town Centre Wi-Fi, as well as facilitating a discussion on other options for consideration. As well as providing information around the benefits and financial implications for the proposals, the report described the wider opportunities presented by modern CCTV systems coupled with Town Centre WIFI provision. Members welcomed the report and discussed the proposals in detail. Members commented on the importance of CCTV for communities and highlighted the good work by both the Selkirk and Newcastleton Communities in funding and providing their own systems. It was noted that a project in Hawick was also well advanced and it was suggested that it might be suitable as a pilot for other areas. It was agreed that officers meet with those project organisers. Members also asked that the CCTV and Town Wifi options be dealt with separately. The Chief Executive confirmed that when the fully costed business case was brought back for consideration the costs would be shown for each element. There was a difference of opinion regarding how best to take the matter forward and a vote was taken as follows:-



## VOTE

Councillor Rowley, seconded by Councillor Pirone, moved approval of the recommendations as contained in the report.

Councillor M. Douglas, seconded by Councillor Orr, moved as an amendment that the recommendations in the report be amended as follows:-

*“That Scottish Borders Council:*

- (a) recognises the benefits of town centre CCTV and wi-fi systems;*
- (b) agrees to a principle of investment and modernisation to reflect community priorities;*
- (c) notes with concern the high indicative ROM costs, and determines to ensure that best value is achieved;*
- (d) agrees in principle to proceed with a seven town CCTV and town centre Wi-Fi solutions, subject to receiving a fully defined proposal, costed business case and funding arrangements coming back to a subsequent Council meeting for final approval;*
- (e) agrees to examine whether the CCTV network in Selkirk, which provided an eight camera, cloud-based system for £30,000, provides a comparable alternative delivery solution having regard to the quality, security and costs associated with the system; and*
- (f) agrees that consultation is undertaken with other towns and communities to determine views, practicalities and priorities for potential future CCTV and Town Centre Wi-Fi investment opportunities.”*

*On a show of hands Members voted as follows:-*

|                  |          |                 |
|------------------|----------|-----------------|
| <i>Motion</i>    | <i>-</i> | <i>18 votes</i> |
| <i>Amendment</i> | <i>-</i> | <i>10 votes</i> |

*The Motion was accordingly carried.*

## **DECISION**

### **DECIDED:-**

- (a) to accept the report as an Outline Business Case with a range of background issues, benefits and future considerations relating to CCTV and Town Centre Wi-Fi for the Scottish Borders;**
- (b) to note the options submitted by CGI, including outline financial implications;**
- (c) that the current SBC policy around CCTV systems move to a principle of investment and modernisation to reflect community priorities;**
- (d) in principle to proceed, with a seven town CCTV and town centre Wi-Fi solution; subject to receiving a fully defined proposal, costed business case and funding arrangements coming back to a subsequent Council meeting for final approval; and**
- (e) that consultation was undertaken with other towns and communities to determine views, practicalities and priorities for potential future CCTV and Town Centre Wi-Fi investment opportunities.**

## **MEMBERS**

Councillors Anderson and Moffat left the meeting.

### **9. SCOTTISH BORDERS CHAMPIONS BOARD SCHOOL PILOT REVIEW**

There had been circulated copies of a report by the Director of Social Work and Practice on the Scottish Borders Champions Board School Pilot Review which was published in August 2023. Mr Easingwood apologised that the report had been titled incorrectly and should read as detailed above. The report outlined details of the Champions Board Hub pilot projects that had been developed at Jedburgh Grammar Campus and Berwickshire High School in the Spring and Summer terms. The report also evaluated the work undertaken in schools, incorporating feedback from the young people involved in the pilot and school staff supporting the project. The next steps for the Scottish Borders Champions Board approach were also outlined. Members welcomed the expansion of the Hub model to all schools and Borders College and paid tribute to the work of Cory Paterson and Hannah Hawthorn in taking this forward.

## **DECISION**

**AGREED to endorse the publication of the Scottish Borders Champions Board School Pilot review and the next steps as outlined in the report.**

### **10. ANNUAL REPORT OF THE CHIEF SOCIAL WORK OFFICER 2022/23**

There had been circulated copies of a report by the Director of Social Work and Practice on the Chief Social Work Officer (CSWO) annual report on the work undertaken on behalf of the Council by the CSWO in this statutory role for 2022/23, a copy of which was appended to the report. The report provided Council with an account of the decisions taken by the CSWO in the statutory areas of Fostering and Adoption, Child Protection, Secure Orders, Adult Protection, Adults with Incapacity, Mental Health and Justice. The report also gave an overview of regulation and inspection, workforce issues and social policy themes over the year April 2022 to March 2023, and highlighted some of the key challenges for that year. It was noted that this year the Office of the Chief Social Work Advisor to Scottish Government had sent out a new format for this year's report and the report conformed to that format. Mr Easingwood presented his report and introduced John Fyfe and Gwyneth Lennox who would be covering his post until a successor had been appointed. He commented on the challenges faced during the year which had seen a growing demand for service in all areas. Members highlighted that early intervention was key and noted the increase in both more complex cases and needs. Mr Easingwood answered Members' questions including the work being done to support the wellbeing of staff and the difficulties in recruiting foster carers, which was a national issue. Members thanked Mr Easingwood and his staff for their hard work during difficult circumstances.

## **DECISION**

**AGREED to approve the Report of the Chief Social Work Officer as attached to the covering report.**

### **11. CHILDREN'S RIGHTS**

There had been circulated copies of a report by the Director Education and Lifelong Learning advising on what initiatives Scottish Borders Council had implemented in the past 3 years (2020-23), and the measures planned over the next 3 years (2023-26) to further the rights of children and young people living in the Scottish Borders. Part 1 of The Children and Young People (Scotland) Act 2014 required Public Authorities to report 'as soon as practicable' after the end of each three-year period on the steps they had taken to secure better or further effect the requirements of the United Nations Convention on the Rights of the Child (UNCRC). Scottish Borders Council had prepared a joint report with NHS Borders to comply with the requirement of the Act a copy of which was appended to the report. The Act required that the Children's Rights Report was published on the local authority website. The report was split into two parts. Part one set out actions implemented within the past 3 years, namely from 2020 to 2023. Part two comprised an Action Plan of the measures being taken

forward covering the period 2023 until 2026. Members highlighted the importance of embedding these rights in all work with children.

#### **DECISION**

#### **AGREED to approve:-**

- (a) the Children's Rights Report for 2020-23; and**
- (b) the Action Plan for 2023-26.**

#### **12. LOCAL DEVELOPMENT PLAN - EXAMINATION REPORT**

With reference to paragraph 6 of the Minute of the meeting held on 10 March 2022, there had been circulated copies of a report by the Director Infrastructure and Environment presenting the modifications arising from the Examination Report on the Scottish Borders Proposed Local Development Plan (the Plan) and seeking Council agreement to the proposed modifications, and to take forward the Plan as amended to formal adoption. The report explained that the Council had received the Examination Report on the Proposed Local Development Plan (the Plan). The Examination Report proposed a number of modifications to the Plan and the full Report is available to view at [www.scotborders.gov.uk/ldp2](http://www.scotborders.gov.uk/ldp2). A summary table setting out all the modifications contained within the Examination Report was contained in Appendix A to the report. For ease of reference, an indexation table had been produced for each chapter, policy and settlement, indicating where the Reporters' conclusions and recommendations could be viewed within the Examination Report contained in Appendix B to the report. Officers were content with the conclusions and recommendations contained within the Examination Report. The Council was therefore recommended to agree the Reporter's modifications in full, and to proceed towards formal adoption of the Plan. Further to the appendices which were attached to the report, there were also a number of background documents. The full [Examination Report](http://www.scotborders.gov.uk/ldp2), updated Environmental Report and updated Habitats Regulations Assessment could all be viewed at [www.scotborders.gov.uk/ldp2](http://www.scotborders.gov.uk/ldp2). The updated Integrated Impact Assessment could be viewed at <https://www.scotborders.gov.uk/LDP2023>. Members welcomed the report and the changes which had been made. Tribute was paid to Charles Johnston and his successor Debbie Armstrong for their hard work on the Plan.

#### **DECISION**

#### **AGREED:-**

- (a) the modifications made to the Proposed Local Development Plan, as contained in Appendix A to the report, any subsequent consequential changes and minor typo/drafting changes;**
- (b) to take forward the Local Development Plan, as contained in Appendix C to the report, as amended by the agreed modifications, to formal adoption;**
- (c) to adopt the Local Development Plan, unless directions by Scottish Ministers resulted in significant changes to the Plan; and**
- (d) to note the updates to the Environmental Report, Habitats Regulations Assessment and Integrated Impact Assessment.**

#### **13. PENSION FUND COMMITTEE MEMBERSHIP**

There had been circulated copies of a report by the Director Corporate Governance proposing changes to the membership of the Pension Fund Committee. The report explained that the Council's Scheme of Administration regulated the constitution and membership of the Committees of the Council and any amendments, apart from minor ones, required to be approved by Council. The Pension Fund Committee dealt with all matters relating to the Council's role as the Administering Authority for the Scottish Borders Council Pension Fund. In the current Scheme, the constitution of the Pension Fund Committee

included the Convener. The Convener had indicated that due to pressure of other work he was unable to give as much attention to the work of the Pension Fund Committee as he would like and had resigned from this appointment. A change was therefore required to the constitution of that Committee, removing the Convener and it was proposed that he be replaced by “one other Elected Member”. Council was therefore being asked to approve the change to the Scheme of Administration and appoint another Elected Member to the Pension Fund Committee. Councillor Mountford, seconded by Councillor Pirone, moved that Councillor L. Douglas be appointed and this was unanimously accepted.

**DECISION  
AGREED:-**

- (a) to amend the constitution of the Pension Fund Committee in the Scheme of Administration by removing the Convener and adding in “one other Elected Member”; and
- (b) to appoint Councillor L. Douglas to the Pension Fund Committee in place of the Convener.

**14. COMMITTEE MEMBERSHIP/REPRESENTATIVES ON OUTSIDE BODIES**

This item was withdrawn from the agenda.

**DECISION  
NOTED.**

**15. MOTION**

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

“Despite living in one of the wealthiest countries in the world, around 90% of low-income households receiving Universal Credit are going without essentials, driving more and more people into hardship and through the doors of food banks. Scottish Borders Council believes that this is wrong.

Everyone’s circumstances can change. Losing your job, needing to care for a sick family member, breaking up with your partner – these are things that can happen to any of us.

Our social security system should offer adequate support to anyone in need of help, but right now it’s not based on an objective assessment of what things cost and isn’t even providing enough to cover life’s essentials.

Scottish Borders Council calls on all UK political party leaders to support the introduction of an Essentials Guarantee within Universal Credit to ensure that the basic rate at least covers life’s essentials, such as food and bills, and can never be pulled below that level.”

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

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

**MEMBER**

Councillor Robson left the meeting.

**16. OPEN QUESTIONS FROM COUNCILLORS**

The questions submitted by Councillors Anderson and Thomson were answered.

**DECISION**

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

**MEMBERS**

Councillors Marshall and Parker left the meeting.

**17. OPEN QUESTION FROM MEMBER OF THE PUBLIC**

The following question was submitted by Mr Horsburgh from Kelso:-

“What proposals are there regarding the future use, change of use, or decommissioning of the housing in Maxmill Park, Kelso? I believe that this question has been asked to Council in March and would like to know of an update.”

Councillor Tatler, Executive Member for Communities and Equalities, gave the following answer:-

“Senior Council officials have recently held a strategic planning meeting about the future use of Maxmill Park.

As a result, officers are currently pulling together an options analysis for the future use of the Maxmill site which includes actively looking to identify alternative accommodation options to allow us to discontinue the use of this provision as temporary homeless accommodation.

Due to significant demand for statutory temporary accommodation to homeless households and the corresponding lack of alternative options across the social housing landscape in the Borders at present, this is proving challenging.

The current use of the provision in Maxmill Park is being kept to a minimum; however, we recognise that the homeless service may be required to utilise these properties until alternatives can be identified recognising the high level of demand for temporary homeless accommodation and the Council’s statutory responsibilities.

At present there has been no decision on the future use of the site, as this will have to be subject to the options analysis which is due soon and a report to elected members. The Council has to identify alternative options for meeting our statutory duty under homeless legislation prior to any alternative future for the site being finally determined. In the interim, work to refurbish the former caretakers bungalow and bring this back to habitable condition following major water leak damage has been commissioned.”

**DECISION**

**NOTED the reply.**

**18. URGENT BUSINESS**

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Convener was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to make an early decision.

**19. MEMBERSHIP OF THE EDUCATION SUB-COMMITTEE**

It was noted that Councillor Robson had resigned from the Education Sub-Committee. Councillor Tatler, seconded by Councillor Cochrane, moved that Councillor Ramage be appointed in his place and this was unanimously agreed.

**DECISION**

**AGREED that Councillor Ramage be appointed to the Education Sub-Committee.**

**20. 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**

21. **Minute**

The private section of the Council Minute of 31 August 2023 was approved.

22. **Committee Minutes**

The private sections of the Committee Minutes as detailed in paragraph 4 of this Minute were approved.

*The meeting concluded at 2.00 p.m.*

**SCOTTISH BORDERS COUNCIL**  
**28 SEPTEMBER 2023**  
**APPENDIX I**

**Questions from Councillor Anderson (Asked by Councillor Tatler in the absence of Councillor Anderson)**

**1. To the Executive Member for Estate Management and Planning**

The toilets at Eyemouth's old High School Hall have been closed for two years. With the Annual pantomime taking place, once again no toilets exist for the 100s of guests attending the pantomime. The portaloos previously provided do not provide adequate facilities for elderly and disabled people. When will the toilets in Eyemouth's Old High School Hall be fixed and will it be in time for this year's pantomime as promised last year?

**Reply from Councillor Mountford**

The Council needs to be reducing its property footprint to ensure this can be sustained moving forward. There are consequently no plans to renovate and reopen the former Eyemouth High School hall toilets. These are closed and in a dilapidated condition that would require a significant capital investment to bring to a standard suitable for use. If the pantomime organising committee would like to obtain prices from local firms for portaloos hire, the Council will see what we can do to assist with these costs.

**Supplementary**

Councillor Tatler asked if a discount for use of the hall had been offered. Councillor Mountford was not aware but would check with officers.

**2. To the Executive Member for Roads Development and Maintenance**

What is being done to ensure staff digging graves use crawler boards to reduce damage to the grass in our cemeteries, by Heavy tracked vehicles.

Why have the crawler boards for the tracked vehicles not been used as appropriate, and does SBC recognise the trauma caused to my constituents by heavy tracked vehicles defacing the graves of their loved ones? Will a formal apology be given to those families who have repeatedly suffered this upset?

**Reply from Councillor Greenwell**

Every endeavour is made to try and minimise ground damage when carrying out excavations and backfilling of graves, particularly on ground that is already wet and saturated, including the use of ground protection boards. This is an active cemetery site, and as with any excavation works, there are always risks of ground disturbance. In Eyemouth Cemetery, additional mitigating measures were undertaken for recent internments in this location such as removing sections of fence to enable direct access, with the aim of minimising ground disturbance across the site. However it would appear on this occasion to not have been entirely successful and officers will investigate further. Officers are happy to speak with and apologise to any families affected for any distress caused.

**Supplementary**

Councillor Tatler advised this was not the first occasion this had happened and asked for assurances that the graves would not be desecrated for a fourth time. Councillor Greenwell did take this on board but urged Councillor Anderson to get in touch with Carol Cooke, Parks & Environment Manager, who was doing a lot of work engaging with communities and perhaps a site visit could be arranged.

**Question from Councillor Thomson**

**To the Leader**

Can you please advise what the purpose and intent of the Community Conversation sessions are. Also, could you provide an estimated cost for these sessions.

### Reply from Councillor Jardine

Thank you for your question. At the start of the current administration I set out our intention to try to engage more effectively with local communities over their priorities and concerns. Last year we ran a series of engagement sessions in 11 communities and gathered feedback from local people on issues that are important to them and their views on the performance of the Council. This was reported to members, in full, in December 2022 following analysis of the feedback. This feedback was used to inform decisions around the Council's budget. The exercise was broadly welcomed by communities and subsequently has been repeated this year with meetings taking place in a further 9 communities. Once again the feedback will be collated at the conclusion of the sessions and be submitted to Council. Any issues identified by communities with resource implications can be considered as part of the budget process. As members will be aware, Officers of the Council operate in a flexible way, as such there have been no costs associated with Officer time in attending these meetings, Council venues have been used and any costs will have been limited to travel, catering and advertising materials. These costs are not known at this juncture but are likely to be minimal and in any event are estimated to be no more than £2000. Any costs will be met by the communications and marketing budget in the Council.

### Supplementary

Councillor Thomson would like to understand how this related to a recent response from the Chief Executive to West Linton Community Council that consultation on the sale of the public toilets would not be meaningful as the decision had already been taken. Therefore, why are we spending money holding engagement events with communities while not giving communities the opportunity to engage. Councillor Jardine advised there was an opportunity for representatives from West Linton to attend the recent community conversation engagement session in Peebles and there had been active engagement with the community on these toilets. He urged people from West Linton to get in touch with himself, the Portfolio holder or the Chief Executive to try to move things along. However, we are looking at different ways of engaging, such as the Community Conversations, but we are not changing our direction in any way and remain open to engagement.





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## **BORDERS RAILWAY – ESTABLISHMENT OF A CROSS-PARTY WORKING GROUP**

**Report by Director of Resilient Communities**

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### **SCOTTISH BORDERS COUNCIL**

**26 October 2023**

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#### **1 PURPOSE AND SUMMARY**

- 1.1 To summarise progress with the development of the business case for the reinstatement of the Borders Railway between Tweedbank and Carlisle.
- 1.2 To agree the establishment of a Cross-party Working Group to oversee this work in line with the £10m funding commitment detailed in the Borderlands Inclusive Growth Deal.

#### **2 RECOMMENDATIONS**

**2.1 I recommend that Council:**

**(a) Notes the progress made by the Borderlands Partnership to agree the process for developing the business case for the Borders Railway extension project;**

**(b) Notes the agreement made with UK and Scottish Governments to draw down the £10m commitment at key stages to fund this business case development work via the Borderlands deal;**

**(c) Approves the membership and remit of a Cross-party Working Group to oversee this work, based on the previous governance model which successfully oversaw the Borders Railway Edinburgh to Tweedbank business case development, as outlined in paragraph 4.4 and 4.5.**

### 3 BACKGROUND

- 3.1 The Borderlands Inclusive Growth Deal signed in 2021 committed £10 million (£5m each from the UK and Scottish Governments) for the development of proposals for the extension of the Borders Railway from Tweedbank to Carlisle. This proposal has the full support of the five Borderlands Partner Local Authorities.
- 3.2 The Deal brings £450m of fresh investment into the Borderlands region, with an integrated programme to help the region, people, places, and businesses fulfil their potential. Improving connectivity, both across the Borderlands region and into the region is vital for the success of the Deal and our rural communities.
- 3.3 In October 2021 the Borderlands Partnership produced a prospectus setting out further supporting evidence to support the strategic and economic case for the initiation of the rail feasibility work ([Summary - Appendix 1](#)), set against six strategic objectives as noted below:

| Objective |  |  |
|-----------|--|--|
| SO1       | Economic Development                   | To help enable and/or accelerate planned economic investment in the Borderlands Growth Deal  |
| SO2       | Access to Opportunity                  | Enhance access to current and future services and opportunities, particularly those at risk of rural isolation   |
| SO3       | Levelling Up                           | Address and reverse the recent adverse economic and social outcomes experienced in the main centres  |
| SO4       | User Experience                        | Provide a step change in the connectivity available to residents, businesses, and visitors   |
| SO5       | Place-making                           | Promote the Borderlands as a place to live, work, and visit, maximising the opportunities from complementary investment in the main centres                                  |
| SO6       | Environmental Protection & Enhancement | Reduce adverse environmental and social impacts of transportation, positively contributing to net zero targets, and the protection of natural and built environmental assets |

- 3.4 Given the cross-border scheme, the drawdown of funding to progress the Business Case work was dependent on the agreement of both the UK and Scottish Governments with specific reference to the Department for Transport (DfT) and Transport Scotland (TS).

### 4 MOVING FORWARD

- 4.1 Agreement has been reached with both Governments, DfT and TS that the next step is to progress the Strategic Business Case for the project, and that the £10 million Deal commitment can be used to fully fund this work. Agreement has also been reached that the £10 million can be used to fund a Senior Project Manager, appointed by Scottish Borders Council on behalf of the Borderlands Partnership as Lead

Partner for the project, to oversee the development of the business case and coordinate the team of internal and external professionals who will deliver this work. This will include initially preparing a full project plan for completing the Full Business Case for the project, including associated feasibility studies, drawing on the £10 million Growth Deal investment. Key elements of this work will include:

- Data Survey and Analysis
- Market Demand
- Base Option Identification
- Socio-Economic Impacts
- Option Development and Appraisal
- Impact Assessment

- 4.2 A Job Description and request for an initial drawdown of £200k to fund the Senior Project Manager role was submitted to UK and Scottish Governments in August 2023. Once approved, the appointment process will start immediately.
- 4.3 In parallel, agreement was reached to set up a Reference Group of key stakeholders to support the Business Case development process, chaired by the Leader of Scottish Borders Council, with representatives from Cumberland County Council, Dumfries and Galloway Council, Transport Scotland, Department for Transport, Scottish Government, UK Government, MPs, MSPs, local Councillors and the Campaign for Borders Rail. The key purpose of the Reference Group is to ensure open and transparent information sharing and communication. The Reference Group had its first meeting in August 2023, and will meet initially on a six-monthly basis.
- 4.4 To support this work moving forward, and based on the previous governance model which oversaw the first phase of the Borders Railway feasibility work and business case development to successful completion, it is proposed to set up an internal Cross-party Working Group to oversee this work. It is proposed that the membership of this working group includes representatives of each of the political groups of the Council, to ensure there is full visibility and oversight of this complex and high-profile project.
- 4.5 It is proposed that the Cross-party Working Group is made up of 4 members of the Administration and 3 members of the Opposition (2 SNP and 1 Liberal Democrat). The Group will be chaired by the Executive Member for Community and Business Development. The Cross-party Working Group will feed into the Reference Group, and the Borderlands Partnership Board.

## **5 IMPLICATIONS**

### **5.1 Financial**

The costs attached to the recommendations contained in this report are covered by the £10 million commitment detailed within the Borderlands Inclusive Growth Deal, which is fully funded by the UK and Scottish Governments (£5 million each).

Agreement has been reached to fund a Senior Project Manager from the £10m funding commitment to oversee the development of the business case for the extension of the Borders Railway and coordinate the team of internal and external professionals who will deliver this work. This Senior Project Manager will be appointed by Scottish Borders Council as Lead Partner for the project on behalf of the Borderlands Partnership. A Job Description and funding request of £200k has been submitted to UK and Scottish Governments for this role. As soon as this funding is approved, the appointment will be made.

It is suggested that the next step following the appointment of the Senior Project Manager will be the establishment of a dedicated Project Support Team, cash flowed upfront by the Council and the costs fully recovered from the £10m funding provided by UK and Scottish Governments via the Borderlands Deal.

### **5.2 Risk and Mitigations**

The establishment of a Cross-party Working Group to oversee the delivery of the business case for the extension of the Borders Railway from Tweedbank to Carlisle aims to de-risk the project by ensuring there is full visibility and oversight of this complex and high-profile project.

### **5.3 Integrated Impact Assessment**

A full Integrated Impact Assessment will be completed at the appropriate stage in the business case process, which will follow UK Government HM Treasury Green Book guidance and Department for Transport (DfT) and Transport Scotland (TS) Transport Appraisal guidance.

### **5.4 Sustainable Development Goals**

The business case for the extension of the Borders Railway will demonstrate the wide ranging expected benefits of the project aligned to the UN SDGs, particularly including Goal 8 – Decent Work and Economic Growth, Goal 9 – Industry, Innovation and Infrastructure, Goal 10 – Reducing Inequalities, Goal 11 – Sustainable Cities and Communities, and Goal 13 – Climate Action.

### **5.5 Climate Change**

A full Climate Impact Assessment will be completed as part of the business case.

#### 5.6 Rural Proofing

This report does not relate to new or amended policy or strategy proposals so Rural Proofing is not required, but the Borders Railway extension from Tweedbank to Carlisle would improve transport connectivity and create transformational economic, social and environmental impacts for a significant rural area of the south of Scotland and north of England.

#### 5.7 Data Protection Impact Statement

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

#### 5.8 Changes to Scheme of Administration or Scheme of Delegation

The setting up of the Cross-party Working Group will require Council approval.

## 6 CONSULTATION

- 6.1 The Director (Finance & Corporate Governance), the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Director (People Performance & Change), the Clerk to the Council and Corporate Communications have been consulted and comments incorporated into this report.

### Approved by

**Name**

**Title**

#### Author(s)

| Name      | Designation and Contact Number                     |
|-----------|--|
| Sam Smith | Chief Officer – Economic Development, 01835 825612 |

#### Background Papers:

Executive Committee – Economic Development Briefing Note – 12<sup>th</sup> September 2023;

Executive Committee – Update on the Borderlands Inclusive Growth Deal and the Edinburgh and South East Scotland City Region Deal – 18<sup>th</sup> April 2023.

**Previous Minute Reference:** n/a

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## **TRAINING AND DEVELOPMENT POLICY FOR ELECTED MEMBERS**

**Report by Director Corporate Governance**

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### **SCOTTISH BORDERS COUNCIL**

**26 October 2023**

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#### **1 PURPOSE AND SUMMARY**

- 1.1 This report seeks approval for a Training and Development Policy for Elected Members, to support them in acquiring the skills and knowledge necessary to perform their wide-ranging roles and responsibilities as Elected Members.**
- 1.2 Learning and development has a key role to play in ensuring all Elected Members have the necessary knowledge and skills to be highly effective and serve the Council and the Borders' communities to the best of their ability. Following on from the Induction Programme (May to November 2022), and in order to ensure support for all Elected Members to acquire or hone the skills and knowledge necessary to be highly effective and serve the Council and the Borders' communities to the best of their abilities, a Training and Development Policy has now been developed. This is detailed in Appendix 1 to this report.
- 1.3 The CPD Framework for Elected Members in Scottish Local Government has been developed by the Improvement Service and it is intended that this Framework, which covers 7 roles of Elected Members, will be used as the basis for developing a Personal Development Plan for each Elected Member. The key stages in developing the CPD Framework for Elected Members are:
  - (a) completion of an online survey which involves self-assessment against a range of suggested skills/behaviours;
  - (b) to hold an individual meeting with Officers to develop a Personal Development Plan;
  - (c) access to the Improvement Service CPD Framework Development Programme containing a range of development resources and other internal and external training and development opportunities; and
  - (d) an individual annual CPD Framework review meeting to discuss progress.

## **2 RECOMMENDATIONS**

**2.1 I recommend that Scottish Borders Council agrees:-**

- (a) to approve the Elected Members' Training and Development Policy detailed in Appendix 1 to this report; and**
- (b) that the outcomes from the Members' skills survey be used as a starting point to inform their future Personal Development Plans and training and development needs.**

### **3 BACKGROUND**

- 3.1 Learning and development has a key role to play in ensuring all Elected Members have the necessary knowledge and skills to be highly effective and serve the Council and the Borders' communities to the best of their ability. This could take the form of gaining new skills or refreshing existing skills and improving performance.
- 3.2 Following the election in May 2022, all Elected Members were invited to attend an Induction Programme, which ran in 3 phases: May 2022 (8 sessions); June 2022 (5 sessions) and Autumn 2022 (12 sessions). This is particularly important for newly Elected Members as it allows them to gain an understanding of not only the Services of the Council, but their roles within the organisation. From September 2022 (and continuing on from that time) online monthly briefing sessions are also held for all Members to keep them updated with what is happening within the Council and also in the wider Scottish Borders.
- 3.3 Now that the newly Elected Members have had the opportunity to become embedded in their roles as decision makers and have that understanding and knowledge of Council services, it is proposed that a more formal training and development programme is put in place to ensure they are supported appropriately. As such, a proposed Training and Development Policy has been drafted to provide some parameters for future support.

### **4 ELECTED MEMBERS TRAINING AND DEVELOPMENT POLICY**

- 4.1 In order to ensure support for all Elected Members to acquire or hone the skills and knowledge necessary to be highly effective and serve the Council and the Borders' communities to the best of their abilities, a Training and Development Policy has now been developed. This is detailed in Appendix 1 to this report.
- 4.2 The purpose of the Policy is to address the skills and knowledge required for modern Member practice; to ensure that all Members build knowledge and skills to help them in their current and future roles; to ensure that all Members take personal responsibility for taking up learning and development opportunities; and to acknowledge that the role of, and demands on, an Elected Member will continue to evolve. The scope of the Policy includes equality of opportunity for appropriate learning and development to be made available to all Elected Members, addressing individual Members' needs.
- 4.3 It is important to emphasise that the training development plan for Members will be individually shaped to meet their needs, and to take into account their individual circumstances. The plans will be confidential and will not be monitored by, nor reported to, other elected members. While the programme is not mandatory, if Council adopts the policy, it should be seen as best practice and therefore highly recommended.
- 4.4 It should also be noted that training provided to Members on specific Council committees e.g. Audit, Pension Fund, etc. is out-with the scope of this Policy.

- 4.g The CPD Framework for Elected Members in Scottish Local Government has been developed by the Improvement Service and it is intended that this Framework, which covers 7 roles of Elected Members, will be used as the basis for developing a Personal Development Plan for each Elected Member. The key stages in developing the CPD Framework for Elected Members are:
- (a) completion of an online survey which involves self-assessment against a range of suggested skills/behaviours;
  - (b) to hold an individual meeting with Officers to develop a Personal Development Plan;
  - (c) access to the Improvement Service CPD Framework Development Programme containing a range of development resources and other internal and external training and development opportunities; and
  - (d) an individual annual CPD Framework review meeting to discuss progress. This should include a review of how well the process has worked for the elected Member.

## **5 IMPLICATIONS**

### **5.1 Financial**

There are no costs associated with the Training and Development Policy itself, and any costs associated with actual training and development opportunities for Elected Members will be contained within the current budget.

### **5.2 Risk and Mitigations**

There is a reputational risk to the Council if it does not provide sufficient training and development support to Elected Members to ensure they are able to fulfil their roles. It is anticipated that adopting this Policy will help mitigate that risk.

### **5.3 Integrated Impact Assessment**

An Integrated Impact Assessment has been carried out and is attached as Appendix 2. As the Policy applies equally to all Elected Members it is therefore anticipated that there are no adverse equality issues. The Policy aims to ensure equality of access to learning and development opportunities in suitable formats for individual Members.

### **5.4 Sustainable Development Goals**

Adopting the Protocol will not have any direct impact on the UN Sustainable Development Goals.

### **5.5 Climate Change**

Adopting the Protocol will not have any direct impact on climate change. Where possible and appropriate, training and development sessions will be offered online to minimise travel.

### **5.6 Rural Proofing**

There is no specific impact on the rural area from the proposals contained in this report.

### 5.7 **Data Protection Impact Statement**

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

### 5.8 **Changes to Scheme of Administration or Scheme of Delegation**

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

## 6 **CONSULTATION**

6.1 The Director (Finance & Procurement), the Chief Officer Audit and Risk, the Director (People Performance & Change), and Corporate Communications have been consulted and any comments received have been incorporated into the report.

### **Approved by**

**Nuala McKinlay**

**Director Corporate Governance**

### **Author(s)**

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

**Background Papers:** Nil

**Previous Minute Reference:** Nil

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## **Draft Training and Development Policy for Elected Members**

1. Scottish Borders Council recognises the crucial role of Elected Members in setting the overall policy of the Council and ensuring the effectiveness of its overall governance arrangements. This role is integral to achieving the strategic goals, vision and values of the Council.

Learning and development has a key role to play in ensuring all Elected Members have the necessary knowledge and skills to be highly effective and serve the Council and the Borders' communities to the best of their ability. This could take the form of gaining new skills or refreshing existing skills and improving performance.

While those Members who are aligned to a political group may receive support and guidance from within that group, the Council aims to support all Elected Members to acquire the skills and knowledge necessary to perform their wide-ranging responsibilities to the best of their ability and to be efficient and effective in their role as a Councillor. It is recognised that Elected Members often have a range of interests out with the Council and the training offered under this policy may also be of assistance in developing their wider careers. The policy seeks to maximise the potential of every Elected Member.

### **2. Introduction**

The purpose of this Policy is:

- (a) to address the skills and knowledge required for modern Member practice;
- (b) to ensure that all Members, new and experienced, build knowledge and skills to help them in their current roles and prepare them for future roles;
- (c) that all Members take personal responsibility for engaging and participating in learning and development opportunities; and
- (d) to reflect that the role of and demands on an Elected Member will continue to evolve in line with societal, public sector and technology changes.

By regularly evaluating Member development, this will ensure that it continually evolves to meet individual and Council needs and deliver on Council objectives. The Policy aims to ensure equality of access to learning and development opportunity, the achievement of Best Value in all learning and development activities, and to outline the support available to Elected Members.

### **3. Scope**

Scottish Borders Council is committed to equality of opportunity for all Elected Members and this will be reflected by systematic and planned development of training opportunities for all Members according to their development needs.

Appropriate learning and development opportunities will be available to, and accessible by, all Elected Members and will address individual needs. It should be noted that training and development will also be provided to Members on specific committees e.g. Planning & Development, Local Review Body, Audit, Licensing, Pension Fund, etc. This latter training is out-with the scope of this Policy as it is dealt with separately.

#### 4. **Improvement Service Continuous Professional Development (CPD) Framework for Elected Members**

The CPD Framework for Elected Members in Scottish Local Government has been developed by the Improvement Service in consultation with local authorities. The Framework is based on 7 roles of Elected Members which include a number of responsibilities and indicators of effective practice. The roles are:

- Community leadership
- Strategy and Policy Development
- Decision Making
- Scrutiny
- Partnership Working
- Regulator
- Party Political or Group Role (for some)

This Improvement Service Framework will be used as the basis for developing a Personal Development Plan for each Elected Member. The aim of the individual development plan will be to support Elected Members to develop and enhance their skills, knowledge and behaviours to perform these various roles.

#### 5. **Development and Training Sessions**

It is intended that any development and training sessions will be flexible enough to accommodate the different levels of experience and responsibility of Members and focus on behaviours i.e. the way in which Elected Members display and practice the skills that they have. Behaviours can be learned or acquired by virtue of increasing experience, gaining knowledge and participating in development opportunities.

#### 6. **CPD Framework**

The key stages in developing the CPD Framework for Elected Members are:

- (a) completion of an online survey which involves self-assessment against a range of suggested skills/behaviours;
- (b) to hold an individual meeting with Officers to develop a Personal Development Plan;
- (c) access to the Improvement Service CPD Framework Development Programme containing a range of development resources and other internal and external training and development opportunities; and



- (d) an individual annual CPD Framework review meeting to discuss progress. This should include a review of how well the process has worked for the elected Member.

October 2023

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## Integrated Impact Assessment (IIA)

### Stage 1 Scoping and Assessing for Relevance

#### Section 1 Details of the Proposal

|  |   |
|--|---|
| <b>A. Title of Proposal:</b>   | Members Training & Development Policy for Elected Members   |
| <b>B. What is it?</b>  | A new Policy/Strategy/Practice <input checked="" type="checkbox"/><br>A revised Policy/Strategy/Practice <input type="checkbox"/>   |
| <b>C. Description of the proposal:</b><br>(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)) | The aim of this Policy is to support Elected Members in acquiring the skills and knowledge necessary to perform their wide-ranging roles and responsibilities as Elected Members. |
| <b>D. Service Area:</b><br><b>Department:</b>  | Democratic Services<br>Corporate Governance   |
| <b>E. Lead Officer:</b><br>(Name and job title)  | Jenny Wilkinson<br>Clerk to the Council   |
| <b>F. Other Officers/Partners involved:</b><br>(List names, job titles and organisations)  |   |
| <b>G. Date(s) IIA completed:</b>   | 13 October 2023   |

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

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

**Section 3 Legislative Requirements**

|   |                   |
|---|-------------------|
| <b>3.1 Relevance to the Equality Duty:</b>  |                   |
| <p><b>Do you believe your proposal has any relevance under the Equality Act 2010?</b><br/> <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.) No</i></p> |                   |
| <b>Equality Duty</b>  | <b>Reasoning:</b> |
| <b>A. Elimination of discrimination (both direct &amp; indirect), victimisation and harassment.</b> <i>(Will the proposal discriminate? Or help eliminate discrimination?)</i>  |                   |
| <b>B. Promotion of equality of opportunity?</b><br><i>(Will your proposal help or hinder the Council with this)</i>   |                   |
| <b>C. Foster good relations?</b><br><i>(Will your proposal help to foster or encourage good relations between those who have different equality characteristics?)</i>   |                   |

**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 |  |
| <b>Age</b> Older or younger people or a specific age grouping  | X         |                 |                 |  |
| <b>Disability</b> e.g. Effects on people with mental, physical, sensory impairment, learning disability, visible/invisible, progressive or recurring   | X         |                 |                 |  |
| <b>Gender Reassignment/ Gender Identity</b> anybody whose gender identity or gender expression is different to the sex assigned to them at birth   | X         |                 |                 |  |
| <b>Marriage or Civil Partnership</b> people who are married or in a civil partnership  | X         |                 |                 |  |
| <b>Pregnancy and Maternity</b> (refers to the period after the birth, and is linked to <b>maternity</b> leave in the employment context. In the non-work context, <b>protection</b> against <b>maternity</b> discrimination is for 26 weeks after giving birth), | X         |                 |                 |  |
| <b>Race Groups:</b> including colour, nationality, ethnic origins, including minorities (e.g. gypsy travellers, refugees, migrants and asylum seekers)   | X         |                 |                 |  |

|   |                  |                        |                        |                                     |
|---|------------------|------------------------|------------------------|-------------------------------------|
| <b>Religion or Belief:</b> different beliefs, customs (including atheists and those with no aligned belief)   | X                |                        |                        |                                     |
| <b>Sex</b> women and men (girls and boys)   | X                |                        |                        |                                     |
| <b>Sexual Orientation</b> , e.g. Lesbian, Gay, Bisexual, Heterosexual   | X                |                        |                        |                                     |
| <p><b>3.3 Fairer Scotland Duty</b></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><b>Is the proposal strategic?</b></p> <p>No (<i>please delete as applicable</i>)</p> <p><b>If No go to Section 4</b></p>   |                  |                        |                        |                                     |
| <p><b>If yes, please indicate any potential impact on the undernoted groups this proposal may have and how you know this:</b></p>   |                  |                        |                        |                                     |
|   | <b>Impact</b>    |                        |                        | <b>State here how you know this</b> |
|   | <b>No Impact</b> | <b>Positive Impact</b> | <b>Negative Impact</b> |                                     |
| <b>Low and/or No Wealth</b> – 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.   |  |  |  |  |
| <b>Material Deprivation</b> – 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 |  |  |  |  |
| <b>Area Deprivation</b> – where you live (e.g. rural areas), where you work (e.g. accessibility of transport)   |  |  |  |  |
| <b>Socio-economic Background</b> – social class i.e. parents’ education, employment and income  |  |  |  |  |
| <b>Looked after and accommodated children and young people</b>  |  |  |  |  |
| <b>Carers</b> paid and unpaid including family members  |  |  |  |  |
| <b>Homelessness</b>   |  |  |  |  |
| <b>Addictions and substance use</b>   |  |  |  |  |
| <b>Those involved within the criminal justice system</b>  |  |  |  |  |

### 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: |
|---|---|
| <b>The unique obligations of, and sacrifices made by, the armed forces;</b>   |   |
| <b>The principle that it is desirable to remove disadvantages arising for Service people from membership, or former membership, of the armed forces;</b>                |   |
| <b>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.</b> |   |



## 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.**

The Policy is applicable to all Elected Members. Consideration is given within the Policy to the types of training and development available and the style of training will be adapted to suit individual needs.

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|                                    |                             |
|------------------------------------|-----------------------------|
| <b>Signed by Lead Officer:</b>     | <b>Jenny Wilkinson</b>      |
| <b>Designation:</b>                | <b>Clerk to the Council</b> |
| <b>Date:</b>                       | <b>13 October 2023</b>      |
| <b>Counter Signature Director:</b> | <b>Nuala McKinlay</b>       |
| <b>Date:</b>                       | <b>17 October 2023</b>      |

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## **REVIEW OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS**

**Report by Director – Corporate Governance**

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### **SCOTTISH BORDERS COUNCIL**

**26 OCTOBER 2023**

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#### **1 PURPOSE AND SUMMARY**

**1.1 This report seeks approval for a review of the current Polling Districts and Polling Places within the Scottish Borders Council Area to seek to ensure that:-**

- (a) all electors in a constituency in the local authority area have such reasonable facilities for voting as practical in the circumstances; and**
- (b) so far as is reasonable and practicable, every polling place for which the Council is responsible, is accessible to electors who are disabled.**

1.2 The Electoral Registration and Administration Act 2013 sets out the timing of reviews of UK Parliamentary polling districts and polling places. The next compulsory review must be completed by 31 January 2025. Although there are no scheduled elections it is important to note that the next general election must take place by January 2025. It is also important to keep our polling districts and polling places up-to-date in preparation for any unexpected electoral events. The timescale is set to allow any changes to be made in advance of the next General Election. This report sets out how the review will be undertaken and the timescales for achieving Council approval.

#### **2 RECOMMENDATIONS**

**2.1 I recommend that the Council agrees:-**

- (a) the proposals and timescales for carrying out the review of Polling Districts and Polling Places, as detailed in Section 4 of this report; and**
- (b) that a report on the outcome of the review be submitted to a meeting of Council as early as possible after the conclusion of**

**the consultation period to allow any proposed amendments to be made in advance of the next General Election.**

### **3 BACKGROUND**

- 3.1 Section 17 of the Electoral Registration and Administration Act 2013 amended Section 18(c) of the Representation of the People Act 1983 which sets out the provisions for reviewing polling districts and polling places and requires that our next review must be completed by 31 January 2025. The Electoral Commission publishes guidance on how these reviews should be conducted and we follow this guidance and use their checklists.
- 3.2 The legislation states that the review is a function of the Council and not the Returning Officer although they are required to be asked for their comments as part of the review process. Polling Districts and Polling Places for both parliamentary and local government elections should always be the same.
- 3.3 The current Polling Districts and Polling Places were approved by the Council in October 2019 following our last review, with some minor amendments having been made since then to take account of local circumstances.
- 3.4 A polling district is a geographical area created by the sub-division of a UK Parliamentary constituency for the purposes of a UK Parliamentary election. In Scotland, each electoral ward must be divided into two or more polling districts unless there are special circumstances. A polling place is the building or area in which polling stations will be selected by the Returning Officer. A polling place within a polling district must be designated so that polling stations are within easy reach of all electors from across the polling district. A polling station is the room or area within the polling place where voting takes place. Unlike polling districts and polling places which are fixed by the local authority, polling stations are chosen by the relevant Returning Officer for the election.
- 3.5 The identification of suitable venues for polling places includes a number of important factors and there needs to be a degree of certainty that the venue will be made available for all elections, including any which are called at relatively short notice. In the past, a large number of schools were used but in recent years every opportunity has been taken to move a polling place out of a school where a suitable alternative venue could be identified. Given the rural nature of the area a large number of the designated polling places we use are in the only suitable venue for many miles and this will reduce the options for change to the existing list of polling places.
- 3.6 Given the requirement for the Council to check that none of their own buildings (including those operated by Live Borders) are affected by RAAC it is also important to check that the privately owned halls used as polling stations have no such issues. All private halls will therefore be asked to confirm that there is no RAAC within their construction or that measures have been taken to make the building safe before they can be used as polling places.

### **4 THE REVIEW PROCESS**

- 4.1 The review of polling districts, polling Places and polling Stations will be carried out by the Democratic Services Team in accordance with the process detailed below.

- 4.2 The length of the review process is not prescribed, provided all the steps required by the legislation can be undertaken within it. However, the time allowed for consultation should be sufficient to enable interested persons and groups to read and understand the proposals, gather comments and respond with any alternative arrangements that they may wish to submit. The Council is also asked to have regard to their own guidelines on public consultation when carrying out the review. The main matters to consider when setting the timescale for the review are the date for publishing the new Register of Electors and any scheduled polls.
- 4.3 It is proposed that the timescale for the review be set to allow for any amendments to be made in advance of the next General Election. The final report must include the proposals for the new polling district and polling place arrangements. There is no requirement to make any changes to existing arrangements. However, any change or decision to make no change must be supported by a reason.
- 4.4 When carrying out the review the Council must:-
- Publish a notice of the holding of a review
  - Consult the UK Parliamentary Returning Officer for each constituency which is wholly or partly in its area
  - Publish all representations made by the Returning Officer within 30 days of receipt by posting a copy of them at the Council's office and in at least one conspicuous place in their area and by placing a copy on the authority's website
  - Seek representations from such persons as it thinks have particular expertise in relation to access to premises or facilities for persons who have different forms of disability. Such persons must have an opportunity to make representations and to comment on the representations made by the Returning Officer(s).
  - On completion of a review, give reasons for its decisions and publish:
    - (a) All correspondence sent to the Returning Officer in connection with the review;
    - (b) All correspondence sent to any person whom the authority thinks has particular expertise in relation to access to premises or facilities for persons who have different forms of disability;
    - (c) All representations made by any person in connection with the review;
    - (d) The minutes of any meeting held by the authority to consider any revision to the designation of polling districts or polling places within its area as a result of the review;
    - (e) Details of the designation of polling districts or polling places within its area as a result of the review; and
    - (f) Details of the places where the results of the review have been published
- 4.5 The Council is also required to send a copy of the notice to interested parties such as elected representatives (Councillors, MPs, MSPs etc.), Community Councils, political parties, disability groups and any other stakeholders. It is intended that these interested parties will be contacted as part of this review. A press release will be issued and social media feeds

will be used to draw attention to the review and the process. A survey will be made available on Citizen Space to allow any interested party to submit their comments on the review. The consultation will be open for a period of 12 weeks. The questions which will be asked as part of the Citizen Space consultation are contained in Appendix 1 to this report.

4.6 Following the publication of the review conclusions, individuals have a right to make representations to the Electoral Commission within 6 weeks of the publication date. There are only two grounds on which a representation may be made. These are:

- (a) the local authority has failed to meet the reasonable requirements of the electors in the constituency
- (b) the local authority has failed to take sufficient account of accessibility to disabled persons of the polling station/ polling stations within a polling place.

## **5 IMPLICATIONS**

### **5.1 Financial**

There are not expected to be any costs attached to any of the recommendations contained in this report. The review will be undertaken using existing staffing resources.

### **5.2 Risk and Mitigations**

If the Council does not approve the carrying out of this review it will be failing to meet its legislative requirements.

### **5.3 Integrated Impact Assessment**

An integrated impact assessment has been undertaken. There is no impact or relevant to the Equality Duty or Fairer Scotland Duty for this report.

### **5.4 Sustainable Development Goals**

There are no direct economic, social or environmental issues with this report.

### **5.5 Climate Change**

There are no direct carbon emissions impacts as a result of the report.

### **5.6 Rural Proofing**

A Rural Proofing check is not required.

### **5.7 Data Protection Impact Statement**

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

### **5.8 Changes to Scheme of Administration or Scheme of Delegation**

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

## **6 CONSULTATION**

- 6.1 The following have all been consulted: the Director - Finance & Procurement, the Director - Corporate Governance, the Chief Officer - Audit and Risk, the Director - People Performance & Change, the Clerk to the Council, Corporate Communications, and the Chief Executive.

**Approved by**

**Name Nuala McKinlay**

**Title Director – Corporate Governance**

**Author(s)**

| Name        | Designation and Contact Number             |
|-------------|--|
| Declan Hall | Democratic Services Officer – 01835 826556 |

**Background Papers:** Nil

**Previous Minute Reference:** Scottish Borders Council, 31 October 2019

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

Contact us at Scottish Borders Council, Council Headquarters, Newtown St. Boswells, Melrose, TD6 0SA, Telephone: 0183526556



**Questions to be asked as part of the public consultation.**

Is your polling station easy to locate?

Is it convenient to your home address?

Is there sufficient parking?

Do you think the building is suitable for use as a polling station?

Is there disabled access if required?

Once inside the building is it easy to access the voting area?

Are there premises within your polling district which we could use that would be more suitable?

Do you face any barriers to voting and are there any steps we could take to overcome these barriers?

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