

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, 23rd November, 2023 at 10.00 am

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

Apologies:- Councillors P. Brown and S. Marshall.

In Attendance:- Chief Executive, Director Corporate Governance, Director Education and Lifelong Learning, Director Finance and Procurement, Director Infrastructure and Environment, Director People, Performance and Change, Director Resilient Communities, Director Strategic Commissioning and Partnerships, Democratic Services Team Leader.

1. **CONVENER'S REMARKS.**

- 1.1 The Convener expressed congratulations to the team of volunteers at the Hawick Community Pump Track, who had been awarded the King's Award for Voluntary Service.
- 1.2 The Convener paid tribute to Diane Findlay, who had won the Jess Barrow Award for Campaigning and Influencing by Age Scotland.
- 1.3 The Convener highlighted that the UK Government had provided Levelling-up funding of £4.1m for the Chambers Institution in Peebles and a further a £20m Levelling Up commitment to the region, full details for which were still awaited.
- 1.4 The Convener expressed his thanks to Gary Alexander, HR Shared Services Business Partner and Shirley McKay, Business Services Manager for their long service with the Council and wished them a happy retirement.
- 1.5 The Convener drew attention to the International 16 Days of Action Campaign to tackle violence against women, and urged all attendees to play their part.
- 1.6 Following her recent resignation from the Council due to personal reasons, the Convener wished Councillor Pam Brown well for the future.

DECISION NOTED.

2. **MINUTE**

The Minute of the Meeting held on 26 October 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:-

Tweeddale Area Partnership	22 August 2023
External Services – Providers Monitoring	28 August 2023
External Services – Providers Monitoring	29 August 2023
External Services – Providers Monitoring	5 September 2023
Kelso Common Good Fund	12 September 2023
Selkirk Common Good Fund	13 September 2023
Cheviot Area Committee	20 September 2023
Audit	25 September 2023
Chambers Institution Trust	27 September 2023
Planning and Building Standards	3 October 2023
Teviot & Liddesdale Area Partnership	4 October 2023
Peebles Common Good Fund	11 October 2023
Civic Government Licensing	20 October 2023

DECISION

APPROVED the Minutes listed above.

4. REGIONAL LAND USE FRAMEWORK

There had been circulated copies of a report by the Director – Infrastructure and Environment which sought approval of the draft Regional Land Use Framework (RLUF) for the South of Scotland for public consultation for a 12-week period and agreement for the final version to be submitted to Scottish Ministers by March 2024. The South of Scotland Regional Land Use Framework was one of 5 pilots being developed as part of Scottish Government’s pilot programme. The pilot was a tripartite approach between Scottish Borders Council, Dumfries & Galloway Council and SOSE and was supported and governed through the Regional Economic Partnership. The pilot aimed to test governance structures that delivered collaborative decision making for land use and used a natural capital approach to identify priorities for land use change that supported government climate change and biodiversity targets. The Chief Housing Officer, Mr Ian Aikman, presented the report and responded to Members questions. Mr Aikman introduced Mr Andy Tharme, Strategy Manager – Natural Resources Net Zero, Nature & Entrepreneurship of South of Scotland Enterprise to the meeting. It was highlighted that a collaborative with all partners, land managers and farmers would be essential to ensure that the RLUF was fit for purpose. Regarding the number of people employed in the fishing and aquaculture sector in the region, Mr Aikman undertook to investigate whether the figure provided in the report was accurate. In response to a question regarding peat extraction in the region, Mr Tharme explained that ongoing extraction operations would likely be tied up in existing mineral permissions and would require national policy change to curtail. The draft framework was focused on informing national and regional policies. Regarding the proposed Agricultural and Rural Communities Bill, Mr Tharme explained that the South of Scotland could provide its priorities, and input, on the legislation through undertakings such as the RLUF. In response to a question regarding plans to make decision-making on land use issues less centralised, Mr Aikman confirmed that a report was expected to be presented to the Planning and Building Standards Committee in January 2024. Mr Tharme confirmed that events with stakeholders were planned for December. It was outlined that if fundamental changes were made to the RLUF then it would be referred to Council for agreement. Mr Aikman undertook to ensure that community councils were on the list of interested parties for communication purposes. In response to a question regarding the assessment of the RLUF’s success, Mr Tharme confirmed that by working with Nature Scotland a landscape scale natural assessment tool, amongst other measures, would be used to analyse data. Members unanimously agreed to approve the report.

DECISION

AGREED to:-

- (a) approve the draft Regional Land Use Framework contained in Appendix A to the report as the basis for a 12-week consultation; and**

- (b) delegate authority to the Director of Infrastructure and Environment to submit the finalised version of the Framework to Scottish Ministers by March 2024, unless there were substantive changes to the document as a result of the consultation, in which case the matter would be referred back to Council for agreement.**

5. CLIMATE CHANGE: COUNCIL EMISSIONS AND PUBLIC REPORTING

With reference to paragraph 8 of the Minute of the meeting held on 24 November 2022, there had been circulated copies of a report by the Director – Infrastructure and Environment which requested approval of the draft Public Bodies Climate Change Duties Compliance Report 2022/23 prior to submission to the Scottish Government in advance of the deadline of 30 November 2023. By the end of November each year, the Council, in common with other public bodies, was required to report to Scottish Government on its progress in delivering climate action organisationally and within the Local Authority area for the preceding financial year. The Council had been working with the Edinburgh Climate Change Institute (ECCI) to develop an approach to meeting those requirements. That approach proposed increasing the sources of emissions which the Council reported against. That was consistent with the approach of other similar organisations, and it increased the Council's understanding of its emissions impact, while enhancing its ability to manage that impact on a trajectory consistent with national targets and the Council's own targets. The Director – Infrastructure and Environment presented the report and responded to Members questions. In response to a question regarding the number of hydrogen vehicles in the fleet, the Director outlined that there were currently no vehicles, but confirmed that work was ongoing with SOSE to secure a reliable, sustainable source of hydrogen fuel. An electric vehicle-based fleet was cost prohibitive due to the weight of the vehicles involved and range capabilities required. Regarding the decision not to install a water-source heat pump at Peebles swimming pool, Mr Curry explained that whilst a water-source pump was considered, it had been imperative that the pool re-open as a matter of urgency. Consideration of the installation of heat pumps would form part of the Council's overall decarbonisation strategy. In response to a question regarding mass burn incinerators in the region, Mr Curry advised that the volume of waste required to make such plants viable did not appear to have been reached and undertook to provide further details outwith the meeting. Regarding the installation of EV charging points at schools and community centres, Mr Curry outlined that concerns had been expressed by the Council's insurers regarding the provision of such technology, and that conversations were ongoing. The Council was undertaking the development of a model for the roll-out of EV charging points across the region, particularly by encouraging private sector providers to enter the market. A briefing for Elected Members on the topic would be provided before the end of the year. The Director highlighted that the Council was working on its Local Heat and Energy Efficiency Strategy, which would set out the strategic plan for domestic and non-domestic buildings across the region.

DECISION

AGREED to:-

- (a) approve the draft Public Bodies Climate Change Duties Report 2022/23, as contained in Appendix 1 to the report, for submission, with authority for final sign off being delegated to the Director of Infrastructure and Environment in consultation with the Executive Member for Environment and transport;**
- (b) note progress with respect to current targets set;**
- (c) note the ongoing corporate activity to embed climate change/ net zero and sustainability into the organisation; and**

- (d) **note that a further report would be submitted to Council outlining a strategic estates plan for the operational estate, which would include a target for emissions reduction.**

6. **LIVE BORDERS - JOINT STRATEGIC REVIEW OF SPORT, LEISURE AND CULTURAL SERVICES AND FACILITIES REPORT**

With reference to paragraph 17 of the Minute of the meeting held on 30 March 2023, there had been circulated copies of a report by the Director – Resilient Communities which set out a proposal for Scottish Borders Council and Live Borders to deliver high quality sport, leisure and cultural services, now and into the future, through a high performing and financially sustainable partnership, to be achieved by reviewing existing governance and reporting arrangements and undertaking a proposed 12-month joint transformational change programme. Scottish Borders Council and Live Borders agreed to commission a Joint Strategic Review in March 2023, with the aim of strengthening and improving both the partnership and service delivery arrangements to ensure that they were sustainable in the long term and meet the needs of Borders service users. The proposed joint transformational change programme broadly followed the recommendations received from the external consultants commissioned to deliver the review. The report set out the process and governance followed by the consultants throughout the review, which was delivered in two phases. A Joint Steering Group based on the existing Executive/Board Liaison Group with additional representatives from both organisations oversaw the delivery of the review; supported by a Joint Working Group made up of the consultants and officers from both organisations. An Interim Report was presented to the Joint Steering Group after Phase One identifying key operational and strategic themes and guiding the delivery of Phase Two and the creation of the consultants' final independent report. Both the consultants, the report and Live Borders acknowledged that the status quo in terms of services, facilities and funding was not sustainable. Both organisations accepted that work must be progressed to ensure the future sustainability of sport, leisure and cultural services, provided in the Scottish Borders. The report detailed each of the consultants' twenty-six recommendations and five additional pieces of work identified; and included additional explanatory narrative. Some recommendations had been strengthened to support both organisations' commitment to reaching the goals as set out. A 12-month joint transformational change programme was proposed to implement the consolidated set of recommendations; review existing governance arrangements and create a new Service Provision Agreement; and create a new Performance Management Framework. Recognising the level of work required was significant, the report acknowledged that appropriate resource and additional financial support would be required to support the transformational change programme. To ensure that the critical work was progressed at pace it was proposed that the existing Executive/Board Liaison Group was expanded with additional representatives from both organisations to oversee delivery of the proposed 12-month joint transformational change programme, supported by the Joint Officers Group. Council would be updated on the progress being made with the transformational change programme on a regular basis via reporting at key points during the programme with the first update expected around the end of Quarter 4 2023/24. The Director of Resilient Communities, Mrs Jenni Craig, presented the report and highlighted that the difficulties in providing sports, leisure and cultural services was not unique to the region. Members welcomed the report, highlighted that there had been considerable engagement with the public on the topic, and expressed their thanks to the Board of Live Borders for recognising the importance of the review. It was hoped that through effective partnership working the review would help the delivery of services for the people of the Scottish Borders.

**DECISION
AGREED:-**

- (a) to note the independent consultants' report, findings and recommendations contained in Appendix 3 to the report;
- (b) to approve the consolidated set of recommendations, detailed in Column D in Appendix 1 to the report;
- (c) to note the joint transformational change programme and indicative timeline contained in Appendix 2 to the report;
- (d) to strengthen its strategic partnership with Live Borders, through revised governance arrangements, Service Provision Agreement and Performance Monitoring Framework;
- (e) that the existing Executive/Board Liaison Group was expanded with additional representatives from both organisations to oversee delivery of the proposed 12- month joint transformational change programme, supported by the Joint Officers Group; and
- (f) that Council was further updated on the proposed joint transformational change programme at key points, with the first update expected around the end of Quarter 4 2023/24.

7. TREASURY MANAGEMENT MID-YEAR REPORT 2023/24

With reference to paragraph 5 of the Minute of the meeting held on 23 February 2023 there had been circulated copies of a report by the Director – Finance and Procurement which presented the mid-year report of treasury management activities for 2023/24, in line with the requirements of the CIPFA Code of Practice, including Prudential and Treasury Management Indicators. The report was required as part of the Council's treasury management control regime. It provided a mid-year report on the Council's treasury activity during the six-month period to 30 September 2023 and demonstrated that Treasury activity in the first six months of 2023/24 had been undertaken in full compliance with the approved Treasury Strategy and Policy for the year. Appendix 1 to the report contained an analysis of the performance against the targets set in relation to Prudential and Treasury Management Indicators and proposed revised estimates of those indicators in light of the 2022/23 out-turn and experience in 2023/24 to date for Council approval. Councillor Thornton-Nicol confirmed that the report had been fully scrutinised by the Audit Committee.

DECISION

AGREED:-

- (a) to note that treasury management activity in the six months to 30 September 2023 was carried out in compliance with the approved Treasury Management Strategy and Policy;
- (b) to note that the Audit Committee scrutinised the report on the 13 November 2023; and
- (c) the Treasury Management Mid-Year Report 2023/24 contained in Appendix 1 to the report.

8. UPDATE ON THE COUNCIL PLAN AND PERFORMANCE MANAGEMENT FRAMEWORK

With reference to paragraph 2 of the Minute of the meeting held on 23 February 2023 there had been circulated copies of a report by the Chief Executive which provided an update on the development of a refreshed Council Plan from April 2024, and set out how the Council's performance management process supported delivery of the Council Plan. In February 2023, Council approved the 'Scottish Borders Council Plan from April 2023'.

The Council Plan articulated the Council's strategic ambitions for the year ahead, as well as a long-term vision for the Council. Performance against the Council Plan was reported to the Executive Committee on a Quarterly basis. The report updated Elected Members on the development of the 'Council Plan from April 2024' and explained how the Council's performance management process supports delivery of the Council Plan. Members welcomed the report and highlighted the importance of the Council Plan being fit for purpose.

DECISION

AGREED to note the update on the development of a refreshed Council Plan from April 2024, and the vital role of the Council's performance management process in supporting delivery of the Council Plan.

9. ARRANGEMENTS FOR BY-ELECTION FOR JEDBURGH & DISTRICT WARD

There had been circulated copies of a report by the Chief Executive which provided information on the arrangements for the by-election to be held in the Jedburgh & District Ward, following the resignation of Councillor Brown. Councillor Brown resigned from the Council with effect from 23 November 2023. The Chief Executive, as Returning Officer, had fixed the date of the by-election for the subsequent vacancy in the Jedburgh & District Ward as Thursday 22 February 2024, with the count taking place – by electronic means – on Friday 23 February 2024, starting at 10.00 a.m. There would be 15 polling stations located at St Boswells Village Hall (2 stations), Maxton Village Hall, Roxburgh Village Hall, Heiton Village Hall, Ancrum Village Hall, Lothian Hall, Crailing, Eckford Village Hall, Lanton Village Hall, Town Hall, Jedburgh (4 stations), Oxnam Village Hall and Edgerston Village Hall. Quotes were being sought from Idox, but the budget was not expected to exceed £50,000. The Chief Executive presented the report and explained that costs had not been finalised but would be met from existing budget. Members expressed their thanks to Councillor Brown for her commendable service to the people of Jedburgh and District.

DECISION

AGREED:-

- (a) to note that Polling Day for the by-election for the Jedburgh & District was fixed as Thursday, 22 February 2024; and**
- (b) to note that the costs associated with the staffing, printing, supplies, venue hire, electronic equipment hire, and other expenses incurred by the Returning Officer, would be met from existing Council budgets.**

10. FLAG FLYING PROTOCOL

There had been circulated copies of a report by the Chief Executive which sought approval for an updated Flag Flying Protocol to include arrangements for the lighting of the Council tower in response to requests from external charitable organisations, public bodies and to reflect any humanitarian, international events that the Council wished to signal support for. The Chief Executive explained that the currently approved protocol was silent on the process for the lighting of the Council tower, which had been lit for a variety of reasons. It was confirmed that the Town Hall in Coldstream would be included on the list of buildings from where flags could be flown. The Chief Executive agreed to include in the protocol that the Living Wage flag would be flown during Living Wage Week. It was agreed to include an additional sentence stating that "For issues likely to be sensitive or controversial the views of group leaders and relevant community/religious/equalities organisations as appropriate would be sought", under the SBC HQ Tower Lighting section of the protocol.

DECISION

AGREED to approve the Flag Flying Protocol contained in Appendix 1 to the report, as amended, and to include that on the Council website.

11. **MOTION BY COUNCILLOR ANDERSON**

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

“Scottish Borders Council welcomes the Free Bus Travel Concession Schemes provided by the Scottish Government – but it is clear that the level of reimbursement provided to Bus operators is insufficient to support many rural routes. The legislation is clear: “12.(1) It is to be an objective (but not a duty) of the Scottish Ministers to provide that operators are financially no better and no worse off as a result of their participation in the Scheme, taking account of the costs (including a reasonable profit) of a well-run undertaking that is adequately equipped with the means to provide the eligible service.” This Council agree that the Leader write to the relevant Minister for the Scottish Government requesting that a review be carried out with regard to reimbursement and the disproportionately adverse effect this is having on rural local authorities.”

Councillors Anderson and Linehan spoke in support of the Motion.

Councillor Sinclair, seconded by Councillor Mackinnon proposed an amendment in the following terms:-

“Scottish Borders Council recognises that Scotland benefits from the most generous concessionary fare scheme in the UK, with £300 million invested annually to provide free bus travel for over two million people.

In the first year of free bus travel being introduced to everyone under the age of 22, more than 682,000 journeys were made for free by young people in the Scottish Borders, helping young people and students cut their travel costs and also helping protect our environment. Around 40% of bus trips are now taken through the concession schemes

The concessionary schemes are welcomed by the Confederation of Passenger Transport (CPT), which represents approximately 90% of Scotland’s bus services and the current reimbursement rates have been agreed with CPT.

Scottish Borders Council recognises the need for bus operators to be fairly compensated for transporting passengers through the concession schemes. Council notes that reviews for the Network Support Grant and National Concessionary Travel Schemes are being taken forward this financial year and are ongoing, with the review of concessionary travel being one of the workstreams being progressed through the Fair Fares Review which aims to ensure a sustainable and integrated approach to public transport fares that supports the long-term viability of our public transport system.

Scottish Borders Council agrees to await the outcome of these reviews and take no further action at this time.”

Councillors Sinclair and Mackinnon spoke in favour of the amendment.

Following extensive debate Councillor Anderson agreed to accept an amendment replacing “that a review be carried out with regard to...” with “that the ongoing review takes into account...”

DECISION

AGREED to approve the Motion as detailed above and as amended.

MEMBER

Councillor Anderson left the meeting during the item below.

12. **OPEN QUESTIONS FROM COUNCILLORS**

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

DECISION

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

13. URGENT BUSINESS

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Convenor was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, as the Motion was accepted outwith the timescales as set out in Standing Order Number 24.

14. URGENT MOTION BY COUNCILLOR THOMSON

Councillor Thomson, seconded by Councillor Orr moved approval of the following Motion as detailed on the supplement to the agenda:-

““Scottish Borders Council agrees that a letter be sent by the Council Leader to the UK Government calling for their urgent action to try and implement a ceasefire in the current Israeli/Gaza conflict. There is no doubt that the assault on the Kibbutz Kfar Aza compound by Hamas on 7th October was a heinous crime, and one that they must be held accountable for. Whilst supporting the right of any country to defend itself, the level of force being used by the Israeli Government has been criticised by the International community. There have so far been over 10,500 innocent victims reportedly killed in the past month, with approximately 40 known Hamas members deaths recorded. Those who have been driven from their homes are now living precariously. They urgently require access to water, food and medical care and the only way to ensure this reaches them is by way of a ceasefire.”

Councillors Thomson and Orr spoke in support of the Motion.

Councillor Mountford, seconded by Councillor Linehan proposed an amendment in the following terms:-

“Scottish Borders Council unreservedly condemns the heinous atrocities committed by Hamas on October 7th, involving the massacre of more than 1,200 Israelis and the seizure of 240 people, including women and children, as hostages. The Council deeply regrets the suffering inflicted on the civilian population of Gaza as a result of the consequent war and asks officers to consider ways in which it can support Borders organisations and individuals seeking to provide humanitarian aid. The council also authorises the Leader to write to the Prime Minister of the UK, requesting him to do all he can to expedite the release of all hostages as a necessary first step to achieving a halt to hostilities.”

Councillor Mountford spoke in favour of his amendment.

Councillor Thomson, seconded by Councillor Thornton-Nicol, moved that the vote be taken by roll call and this was unanimously approved.

Members discussed the motion and the amendment, and a vote was held the results of which were as follows:

Roll Call Vote

<i>Motion by Councillor Thomson</i>	<i>Amendment by Councillor Mountford</i>	<i>Abstained</i>

<i>Councillor Begg</i>	<i>Councillor Leigh Douglas</i>	<i>Councillor Cochrane</i>
<i>Councillor Cox</i>	<i>Councillor Greenwell</i>	<i>Councillor McAteer</i>
<i>Councillor Marshall Douglas</i>	<i>Councillor Carol Hamilton</i>	<i>Councillor Parker</i>
<i>Councillor Mackinnon</i>	<i>Councillor Scott Hamilton</i>	<i>Councillor Tatler</i>
<i>Councillor Moffat</i>	<i>Councillor Jardine</i>	
<i>Councillor Orr</i>	<i>Councillor Linehan</i>	
<i>Councillor PatonDay</i>	<i>Councillor Mountford</i>	
<i>Councillor Ramage</i>	<i>Councillor Pirone</i>	
<i>Councillor Robson</i>	<i>Councillor Richards</i>	
<i>Councillor Sinclair</i>	<i>Councillor Rowley</i>	
<i>Councillor Smart</i>	<i>Councillor Scott</i>	
<i>Councillor Steel</i>	<i>Councillor Small</i>	
<i>Councillor Thomson</i>	<i>Councillor Weatherston</i>	
<i>Councillor Thornton-Nicol</i>		

The Motion was carried by 14 votes to 13.

DECISION

DECIDED to approve the Motion as detailed above.

15. **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 6, 9 and 12 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

16. **MINUTE**

The private section of the Council Minute of 26 October 2023 was approved.

17. **COMMITTEE MINUTES**

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

18. **WEST LINTON TOILET PROVISION**

A report by the Director – Infrastructure and Environment was considered and a recommendation to halt the proposed sale of a toilet block was approved.

19. **ADJUDICATION PROCEEDINGS - UNION CHAIN BRIDGE**

A report by the Director – Infrastructure and Environment was considered and the recommendations approved.

20. **ADJUDICATION PROCEEDINGS- HAWICK FLOOD PROTECTION SCHEME**

A report by the Director – Infrastructure and Environment was considered and the recommendations approved.

The meeting concluded at 2.00 pm

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**SCOTTISH BORDERS COUNCIL
23 NOVEMBER 2023
APPENDIX I**

OPEN QUESTIONS

Question from Councillor Robson

To the Executive Member for Developing Our Children and Young People

Could the Executive Member advise what progress is being made in improving Wi-Fi and, or broadband connectivity in primary schools?

Reply from Councillor Carol Hamilton

As part of the delivery of the Inspire Learning Programme, improvements were made across the Primary School estate, where required, Wi-Fi Wireless Access Points were implemented within every P6 and P7 teaching space.

The success of the Inspire Learning Programme in embedding digital at the heart of the learning and teaching across the Scottish Borders increased the demand for fast, capable internet and network connectivity. In addition to the Wi-Fi enhancements within the Primary School estate, as part of the Digital Transformation programme, the Wide Area Network connectivity was increased through 2022 to ensure that each Primary School had fit for purpose internet network provision which will allow for future expansion of Wi-Fi capability if required.

At this time, there are no significant Wi-Fi enhancements planned across the Primary School estate. There is however a process in place which allows schools to fund additional Wi-Fi Wireless Access Points should they have a requirement to do so.

Supplementary

Councillor Robson asked if the Executive member could consider teacher frustration where certain programs were unable to be used to poor internet connection. The Executive Member undertook to do this.

Question from Councillor Robson

To the Executive Member for Roads Development and Maintenance

Could the Executive Member advise whether the Council is represented on any liaison forum with public utilities which deals with their performance levels and standards of service?

Reply from Councillor Greenwell

Yes, there are a number of local, area and national groups set up in this regard and the Council is represented on them.

The Roads Authority and Utility Companies (RAUC) groups meet at local (SBC & East/Mid Lothian), area (South of Scotland) and national levels. The local group typically meets 6 times a year and the other 2 groups 3 times a year. As well as providing a forum for coordinating work programmes they are an opportunity to discuss performance and specific issues.

In addition to this there are local authority only groups (Road Authority Liaison Groups – RALGs) that meet at area and national level to discuss Public Utility company performance and issues.

Supplementary

Councillor Robson asked if it was possible to raise poor performance levels with utility companies. Councillor Greenwell explained that he was in regular dialogue regarding utility companies and would raise the issue of improving performance levels from them.

Question from Councillor Robson

To the Executive Member for Environment and Transport

Could the Executive Member advise whether consideration can be given to deeming excessive feeding of wild birds as littering?

Reply from Councillor Linehan

The excessive feeding of wild birds would not be deemed as littering in and of itself. With the exception of dog fouling, the definition of litter usually concerns itself with inorganic matter, as outlined by the list provided by Keep Scotland Beautiful which is:

- Dog fouling: including those that have been bagged
- Smoking-related: including cigarette ends, matches, matchboxes, cigarette packaging
- Drinks-related: including cans, bottles, cups, straws and lid
- Confectionery: including sweet wrappers, chewing gum wrappers and crisp packets
- Fast food-related: including fish & chip wrappers, polystyrene cartons, burger wrappers, plastic cutlery
- PPE Masks: Reusable and single use
- PPE Other: including gloves
- Paper material
- Other: any litter not covered by the above, such as newspaper and pieces of plastic

It is assumed by the use of the word excessive, that the question is perhaps concerned with accumulations of unused bird feed, or indeed resulting bird waste. Unsuitable or excessive feeding of birds can contribute to rat or mice problems. Excessive or careless bird feeding can also cause noise and fouling problems for neighbours, particularly where larger birds such as pigeons, crows, magpies or seagulls are attracted. The larger birds will sometimes discourage the smaller birds from feeding. If there are concerns in regard to vermin, these would be dealt with as an environmental health matter.

For guidance and advice on best practice, The Royal Society for the Protection of Birds (RSPB) is the best source of information, and their website has a dedicated page with advice on responsible bird feeding.

Question from Councillor Mackinnon

To the Executive Member for Environment and Transport

Could the Executive Member advise what percentage of households in the Scottish Borders have a food waste collection provided and what is the approximate uptake on the existing provision?

Reply from Councillor Linehan

Food waste collections are provided in 6 towns across the Scottish Borders in line with the Waste (Scotland) Regulations 2012. This includes:

- Hawick
- Galashiels
- Tweedbank
- Selkirk
- Peebles; and
- Jedburgh

Around 24,500 receive a food waste collection service, which works out at 41.5% coverage.

Householder participation in the food waste collection service varies considerably across the Scottish Borders. In 2022 we undertook an exercise to determine participation in all the Council's kerbside collection services. This indicated 73% of household's presented their food waste bin at least once over a 6-week period. To put this into context participation in the general waste service was 96% and 93% in the recycling service.

This demonstrates that participation in the food waste service is considerably lower than the other kerbside services. This is not unusual and is a challenge faced by many local authorities.

It is important to note that food wastes make up the largest single waste type within the average general waste bin at just under a third (32.25%). In fact, household food waste alone accounts for 2,240,000 tonnes CO2 equivalent, this represents 2.9% of Scotland carbon footprint.

We would like to thank residents that already take advantage of the food waste collection service and would encourage those that don't to give it a go. Further information on the food waste service is available on the Council's website.

Supplementary

Councillor Mackinnon asked if there were plans to expand the collection to more areas, and whether the promotional messages to encourage participation could be communicated to the public. Councillor Linehan explained that there was considerable activity ongoing in the sector and highlighted that a mobile phone app was being prepared which would show how, where and what type of recycling was possible. Whilst it was hoped that food collection could be rolled out to more areas, it was not planned in the immediate future.

Question from Councillor Begg

To the Executive Member for Environment and Transport

I receive regular complaints about uncollected waste on scheduled waste collection days in Tweeddale West. The repeated reason given on the Council's website is that a refuse collection vehicle has broken down.

In regard to the Council's fleet of refuse collection vehicles could the Executive Member advise: -

What are the servicing arrangements?

What is the age of the Council's fleet?

What is the Council's scheduled replacement programme and is the projected budget for the financial year 24/25 sufficient given significant inflationary pressures?

What guarantees can be given to ensure that my constituents can receive a reliable service in the future?

Reply from Councillor Linehan

Refuse Collection Vehicles are returned to fleet services for inspection and maintenance on a 6-weekly cycle in addition to their annual MOT. Any faults or breakdowns that occur in between regular inspections are reported to fleet services for repair. Fleet services hold stock of wear items to minimise down time. However worldwide supply chain issues since the COVID pandemic have impacted delivery timelines for vehicles and vehicle parts.

The Council has recently taken delivery of 6 new Refuse Collection Vehicles and 4 food waste vehicles at a cost of over £1.4 million. This has enabled us to replace 10 of our older less reliable vehicles some of which were 10 years old.

As a result of this investment the current age of the refuse collection fleet is between 2 months and 7 years, which means all vehicles are now within the agreed 7-year lifespan.

A further 6 refuse collection vehicles are scheduled to be replaced next year (2024/25) and there are sufficient funds within the Council plant and vehicle fund to cover the costs.

As you have alluded to vehicle costs are increasing, and this will be even more prominent as we shift towards alternative fuel vehicles which can be up to 4 times as much. To put this into context a standard Refuse Collection Vehicle is around £190k, an electric is £600k and a hydrogen fuel cell vehicle is £800-900k. A wider review of the Council's Plant & Vehicle Fund is currently ongoing with the aim of ensuring it is fit for purpose.

We understand the importance of providing a reliable refuse collection service and apologise to residents for the inconvenience and frustration of the recent missed collections. The Council is

working hard to ensure its refuse collection fleet is fit for purpose as is demonstrated by the recent and future planned investment.

It is important to note that we have also experienced HGV driver shortages and this has also impacted service delivery across the Borders. We have recently increased the number of HGV driver posts, which we have filled following a successful recruitment drive and the outlook is far more positive.

Supplementary

Councillor Begg asked whether the Executive Member shared his concerns regarding a potential budget gap. Councillor Linehan shared those concerns and explained that whilst she would like to see more being done, the Council had to balance its priorities when considering its asset allocation.