

# 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, 14th December, 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, S. Marshall, D. Moffat, S. Mountford, A. Orr, D. Parker, J. PatonDay, J. Pirone, C. Ramage, N. Richards, E. Robson, M. Rowley, S. Scott, F. Sinclair, E. Small, A. Smart, H. Steel, R. Tatler, V. Thomson, E. Thornton-Nicol, T. Weatherston

Apologies:- Councillors C. Hamilton.

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

## 1. CONVENER'S REMARKS.

- 1.1 The Convener congratulated Scottish Borders Council's Homeless Housing Support Service, who had been awarded Grade 5 following an inspection by the care inspectorate.
- 1.2 The Convener highlighted that the Trimontium Museum in Melrose had won the Best Visitor Attraction Award at the Scottish Thistle Awards.
- 1.3 The Convener expressed his congratulations to the Vibrant Gala Project, which had been awarded the Creative Town of the Year award by the Scottish Regeneration Forum.
- 1.4 The Convener wished all Council staff season's greetings and expressed particular thanks to all of the volunteers across the region.

## DECISION NOTED.

## 2. MINUTE

The Minute of the Meeting held on 23 November 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:-

Scrutiny and Petitions	19 October 2023
Tweeddale Area Partnership	31 October 2023
Planning and Building Standards	6 November 2023
Executive Committee	14 November 2023

## DECISION

**APPROVED the Minutes listed above.**

#### 4. **REINVIGORATION OF AREA PARTNERSHIPS**

With reference to paragraph 7 of the Minute of the meeting held on 26 June 2019, there had been circulated copies of a report by the Director - Resilient Communities which gave details of work which had been undertaken on reinvigorating the Area Partnerships and proposed further work be undertaken on a way forward. The report explained that Community Empowerment (Scotland) Act 2015 was created to strengthen community empowerment, engagement, and participation, and how that could be supported and embedded within communities. Scottish Borders Council welcomed the introduction of the Act and the ethos behind it, anticipating that it would provide a strong legislative basis which could be built on to achieve the Council's vision of stronger, empowered and sustainable communities able to participate in public decision making and shaping their communities. In response to the Act, and taking steps to achieve its vision, the Council at its meeting on 2 November 2017, reshaped Area Partnerships with part of their remit being to inform the development of Locality Plans by involving communities in establishing a shared understanding of need in the area; the outcomes and priorities for the area; and the proposed outcomes to be achieved. That saw the constitution, remit and focus changed to one of community engagement and involvement with a view to increasing public participation. Those changes brought greater emphasis on community empowerment, participatory budgeting, and locality planning. Following a Fit for 2024 update report to Council in June 2019 it was identified that more needed to be done to achieve the Council's vision and, the Scottish Community Development Centre (SCDC) was commissioned, in July 2019, to consult with individuals, groups and communities to identify how they could become more involved in Area Partnerships and decision making. Further work took place in 2021, delayed due to the pandemic, to seek views on the changes proposed by Area Partnership Working Groups, established following SCDC's work. There had been significant progress in relation to the development of Area Partnerships, both with the involvement of local communities and also by the investment made by the Council in 2021 to increase community capacity building. However, whilst there had been progress, significant steps of achieving the Council's vision of meaningful and increased community participation at Area Partnership meetings had not been achieved. Meetings often felt formal and Council led, which may be perpetuated by the fact that Area Partnerships are committees of Council. Members welcomed the report, highlighted that ensuring effective public engagement with the Area Partnerships was key, and encouraged officers to assess the effectiveness of different models used by Local Authorities across Scotland.

#### **DECISION**

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

- (a) note the work undertaken so far in terms of reinvigorating Area Partnerships;**
- (b) request the Director – Resilient Communities, following further engagement with Area Partnerships, brings a further report to Council due course on a future model for Area Partnerships, taking account of the following points:**
  - (i) removing Area Partnerships from the Council's Scheme of Administration**
  - (ii) establishing direct links between Area Partnerships and the Community Planning Partnership; and**
  - (iii) ensuring the management of any Council allocated funds to Area Partnerships takes account of the criteria within "Following the Public Pound".**

#### 5. **UK GOVERNMENT LEVELLING UP PARTNERSHIP**

There had been circulated copies of a report by the Director - Resilient Communities which provided an update on the recent announcement by UK Government to form a Levelling Up Partnership with Scottish Borders Council. That partnership aimed to deliver £20 million of new UK Government investment into the region to support the local economy and communities and address regional inequality. The Chancellor of the Exchequer announced in the Autumn Statement on 22 November £80 million of new funding for four new Levelling Up Partnerships (LUPs) in Scotland, including the Scottish Borders. Those were a first for Scotland, following UK Government delivery of a programme of LUPS across England. Levelling Up Partnerships were about Government working with a place to address specific local challenges and opportunities. The first stage of the process would involve a three month 'deep dive' with Government officials, to understand the needs and aspirations of local communities. The funding would be allocated based on evidence, and the deliverability of potential projects. The £20million capital funding must be spent in 2025/26. Further guidance from UK Government was expected early in the new year. The Director – Resilient Communities, Mrs Jenni Craig, presented the report and in response to a question regarding potential resource costs associated with the Partnership, explained that a further report would be brought to Council in the new year once more information was available. Members expressed their hope that the outcomes from the Partnership would take into account the rural nature of the region. The Chief Executive clarified that the aim of the Partnership was expected to focus on tackling the challenges which impacted on the Scottish Borders' ability to sustainably grow its economy, such as issues relating to transport and poverty.

#### **DECISION**

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

- (a) note the announcement made by UK Government to form a Levelling Up Partnership in the Scottish Borders which aimed to deliver £20 million of additional investment in the local economy and communities; and**
- (b) ask officers to bring back a further report once UK Government guidance had been issued to set out the Levelling Up Partnership process and next steps.**

#### **DECLARATION OF INTEREST**

Councillor Rowley declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct given his employment with South of Scotland Enterprise and left the meeting during the discussion.

#### **6. A NEW NATIONAL PARK FOR SCOTLAND**

There had been circulated copies of a report by the Director - Infrastructure and Environment which set out the process under which a new National Park for Scotland would be designated and the work undertaken to assess the potential for a National Park in the South of Scotland. It also sought Members views on whether the Council supported the proposal being developed by the campaign for a Scottish Borders National Park in the Southern Borders. It was accepted that National Park designation had the potential to bring a range of significant benefits to the region, helping to deliver key economic and environmental policy objectives. However, it was not without its opponents and potential negative impacts, based on the experience of other areas, including increasing house prices, additional bureaucracy, pressures on infrastructure and services, etc. The Regional Economic Partnership (REP) had been working to develop a strategic South of Scotland approach for a National Park, as it was felt that had the greatest potential to explore the opportunities and maximise the potential benefits to construct a robust and persuasive case, building on existing 'Scotland Starts Here' branding, and strategies and frameworks for the South of Scotland. However, that had failed to gain support from the existing campaign groups and Dumfries and Galloway Council have recently reiterated support for the Galloway proposal. There were two competing proposals in the South of Scotland and in the circumstances, it was not proposed to undertake any further work developing this concept at this time. The Campaign for a Scottish Borders National Park

had asked that Scottish Borders Council consider their proposal and had specifically asked for an indication of support. Officers had identified challenges with their proposed concept and did not feel that a compelling and cogent case had been made for a National Park in the Scottish Borders alone. In view of the inability to get agreement on a strategic South of Scotland approach that would deliver the greatest potential benefits to the region and align more closely with key policy drivers and strategies, it was not possible to support a National Park in the Scottish Borders. Following extensive discussions regarding the report, and whether it would be appropriate to take no further action to allow Members additional time to consult their constituents, there was a difference of opinion so a vote was held the results of which were as follows:

#### **VOTE**

*Councillor Linehan, seconded by Councillor Pirone, moved that the recommendations as contained in the report be approved.*

*Councillor Smart, seconded by Councillor PatonDay, moved as an amendment that the recommendations in the report were not approved.*

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

*Motion – 27 votes*

*Amendment – 2 votes*

*The Motion was accordingly carried.*

#### **DECISION**

##### **DECIDED:-**

- (a) to note the nominations process for a new National Park(s) in Scotland had commenced and acknowledged the work undertaken to develop a strategic approach to a South of Scotland National Park and the work of the campaign for a Scottish Borders National Park; and**
- (b) that the Council was unable to support the proposal by the campaign for a Scottish Borders National Park in the Southern Borders.**

#### **7. LOCAL INQUIRY RELATING TO THE SECOND REVIEW OF SCOTTISH PARLIAMENT BOUNDARIES**

With reference to paragraph 10 of the Minute of the meeting held on 23 May 2023, there had been circulated copies of a report by the Director - Corporate Governance which advised that Boundaries Scotland had arranged for the holding of a Local Inquiry into its provisional proposal regarding a Clyde Valley and Tweeddale Constituency. The report also sought the appointment of Elected Members to attend that Local Inquiry to represent the views of the Council. Boundaries Scotland was conducting its second review into Scottish Parliamentary Constituencies. It published its provisional proposals for new constituency boundaries on the 17th of May 2023. At that time, it opened a one-month public consultation on the proposals it had published. That consultation ran until the end of Saturday 17 June 2023. The length of consultation was set by law. At its meeting on the 25th May 2023, Scottish Borders Council received a report which invited Members to consider what, if any, response they wished to make to that consultation. In response, Members agreed to: “delegate authority to the Chief Executive to make a submission to Boundaries Scotland, in consultation with the Members Sounding Board, where all issues and options would be discussed.” Thereafter, a Members Sounding Board was convened, and a response was agreed. That response was issued by the Chief Executive. Boundaries Scotland had now announced the holding of a number of Local Inquiries into their proposals. Of particular relevance to Scottish Borders Council was the fact that such a Local Inquiry would be held regarding the proposed Clyde Valley and

Tweeddale Constituency. It would be held at the Peebles Hydro on the 11th January 2024. SBC was not legally obliged to attend the Local Inquiry, but the report invited Members to appoint Members to attend to ensure that its voice was heard. Councillor Thornton-Nicol, seconded by Councillor Sinclair, proposed that Councillor Marshall Douglas attend as one of Scottish Borders Council's representatives. Councillor Scott Hamilton, seconded by Councillor Weatherston, proposed that Councillor Jardine also attend as a representative. Both proposals were unanimously approved.

**DECISION  
AGREED:-**

- (a) to appoint 2 Elected Members to represent its views at the Local Inquiry;**
- (b) that Councillor Jardine and Councillor Marshall Douglas were appointed to attend the Inquiry; and**
- (c) that the Director Corporate Governance intimate to Boundaries Scotland the details of those Elected Members so that they could be allocated a slot at the Local Inquiry.**

**DECLARATION OF INTEREST**

Councillors PatonDay, Richards and Weatherston declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct given their membership of the Live Borders Board and left the Chamber during the discussion.

**8. LIVE BORDERS FINANCIAL SUPPORT**

With reference to paragraph 6 of the Minute of the meeting held on 23 November 2023, there had been circulated copies of a report by the Director - Finance and Procurement which provided an update on financial support required by Live Borders to ensure financial balance in 2023/24. The report noted that Live Borders had now finalised its financial forecasts and recommended that an allocation of £1 million was provided to the Trust from Council reserves. Without the financial support the Trust would not be able to meet its projected financial liabilities in the current year. The Council had been in detailed discussions with Live Borders regarding their financial position in the current year. The Trust was experiencing significant financial difficulties as it adjusted its service delivery model in a post-COVID operating environment, dealt with a backlog of maintenance, the effects of inflation and the ongoing impact of energy price rises in recent years which had significantly impacted the cost of operating sports facilities, notably swimming pools. At the Council meeting on 23rd November 2023, Council agreed the independent consultants' report on the joint strategic review of sport, leisure and cultural services and agreed the resultant consolidated set of recommendations and the report findings. In implementing the recommendations from the strategic review there would be the requirement for a detailed prioritisation of spend, cost reductions, additional income generation and the potential closure of some facilities in order to keep the Trust financially viable. The financial implications in the joint strategic review report noted that there were expected to be significant financial implications resulting from both the implementation of the recommendations contained within the report and the short to medium term financial support required by Live Borders to ensure they remained a going concern. It was also noted that Live Borders were still finalising updated financial forecasts for the current year and that officers would report back to Elected Members for approval of additional funding as required and as the scale of financial implications became clear. Live Borders had finalised financial forecasts for the current year, including a detailed cash flow projection to the 31st March 2024. That information received after the Council meeting on the 23rd November confirmed, based on the current run rate of expenditure and forecast income, that by the 31st March 2024 the Trust was forecast to require up to £1.5m of additional funding to meet their projected liabilities. Live Borders was proactively taking a number of management actions to minimise that pressure as far as possible. As well as addressing financial challenges during the remainder of this financial year, significant emphasis was

being placed on assessing the likely financial implications in 2024/25 as part of the ongoing financial planning process. It was now considered that the additional support recommended for 2023/24 would have to be followed up with an additional package of support as part of the budget process for 2024/25 and future years. The Director – Finance and Procurement provided a presentation of the proposals and responded to Members questions. In response to a question regarding whether further additional resources above the £1.5m identified would be required, the Director clarified that the proposed funding was targeted at addressing revenue forecast issues for the current financial year. Addressing funding issues for future years would require further resources and difficult decisions needed to be made. Regarding the letter of comfort for LiveBorders, it was explained that the letter was a guarantee by the Council fund LiveBorders for a 12-month period. The letter would allow Live Borders' 2022/23 accounts to be signed off. In response to a question regarding whether the Council would receive regular updates from LiveBorders, the Chief Executive highlighted that at its meeting on 23 November 2023 it had been agreed that Council would be regularly updated on transformational work as part of the change programme. The first of those updates was expected at the end of Quarter 4 of the current financial year.

**DECISION  
AGREED to:-**

- (a) note the Live Borders 2023/24 forecast pressures of up to £1.5m;**
- (b) approve the allocation of £1m from Council Reserves to provide Live Borders with immediate cash flow support;**
- (c) delegate authority to the Director of Finance & Procurement, in consultation with the Elected Members of the Executive Board of the Joint Transformational Change Programme, to allocate further funding, up to a maximum of an additional £0.5m, before the 31st March 2024 if required; and**
- (d) delegate authority to the Director of Finance & Procurement to provide a letter of comfort to Live Borders external auditors, confirming the Council's ongoing financial support for Live Borders to ensure they remain solvent and a going concern.**

**9. NATIONAL FOSTER CARE ALLOWANCE**

There had been circulated copies of a report by the Director - Education and Lifelong Learning which proposed the implementation of the National Foster Care Allowance for Scottish Borders Council Foster Carers without disadvantaging Scottish Borders Council's foster carers and kinship carers. On 29th August 2023 the Scottish Government announced the introduction of a national Foster Care Allowance for both foster carers and kinship carers. The national Allowance must be paid as a minimum and where local authorities were already paying above the national Allowance rates, that should continue so that foster carers of kinship carers were not financially disadvantaged. The new Allowance should be backdated to 1st April 2023. Aspects of the new Allowance enhanced the current payment rates for foster and kinship carers and aspects disadvantaged them. The Resources Group Manager, Children and Families Social Work, Mr Gareth Stott, presented the report and responded to members questions. Mr Stott confirmed that there was a cohort of emergency short term foster carers and highlighted that challenges regarding recruitment continued to be a significant difficulty. Members welcomed the report and encouraged officers to undertake work to increase recruitment levels to reverse long-term declines.

**DECISION  
AGREED to:-**

- (a) **implement the new national Foster Carer Allowance for all foster carers and kinship carers in the Scottish Borders; and**
- (b) **continue to pay foster carers and kinship carers on a 56-week annual basis and provide additional telephone / broadband allowance and mileage.**

10. **MOTION BY COUNCILLOR LINEHAN**

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

“The release of helium balloons and sky lanterns has increased in recent years and each can cause significant harm to the environment, animals and livestock in particular.

Sky Lanterns can cause significant fire risk, particularly during dry spells. They also pose a threat to animals, as they can cause injury, suffering, and death, through, ingestion, entanglement and entrapment.

When eaten the sharp parts of a Chinese Lantern can tear and puncture an animal’s throat or stomach, causing internal bleeding.

Likewise, helium balloons when they land, become a danger to any wildlife, farmed animals or companion animals that may happen to find them first.

If ingested, the balloon can do irreparable and often fatal damage to an animal’s oesophagus and digestive tract and can cause suffocation.

Scottish Charity Animal Concern have launched a campaign seeking support from Scottish local authorities to reduce the harm caused by these balloons and lanterns by placing restrictions on the release of sky lanterns and balloons on council-owned land and property.

Scottish Border’s Council agrees to support the Animal Concern Campaign and so imposes a complete ban on the release of Sky Lanterns and Helium Balloons from any and all of the land it owns. Information on this ban will be made available on the SBC website and will be intimated to any person seeking to book any public space owned by the Council.”

Councillors Linehan and Hamilton spoke in favour of the Motion which was unanimously approved.

**DECISION**

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

11. **OPEN QUESTIONS**

The questions submitted by Councillors Thomson and Begg were answered.

**DECISION**

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

12. **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**

13. **MINUTE**

The private section of the Council Minute of 23 November 2023 was approved.

14. **COMMITTEE MINUTE RECOMMENDATIONS**

The Committee recommendations of the following meetings were approved:

Peebles Common Good Fund Sub-Committee	22 November 2023
Hawick Common Good Fund Sub-Committee	22 November 2023
Selkirk Common Good Fund Sub-Committee	29 November 2023.

***The meeting concluded at 1.00 pm***