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SCOTTISH BORDERS COUNCIL THURSDAY, 14 DECEMBER, 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, 14 DECEMBER, 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 .

N. MCKINLAY
Director Corporate Governance,
4 December 2023

BUSINESS		
1.	Convener's Remarks.	
2.	Apologies for Absence.	
3.	Order of Business.	
4.	Declarations of Interest.	
5.	Minute (Pages 5 - 18) Consider Minute of Scottish Borders Council held on 23 November 2023 for approval and signing by the Convener. (Copy attached.)	2 mins
6.	Committee Minutes Consider Minutes of the following Committees:- (a) Scrutiny and Petitions 19 October 2023 (b) Tweeddale Area Partnership 31 October 2023 (c) Planning and Building Standards 6 November 2023 (d) Executive Committee 14 November 2023 (Please see separate Supplement containing the public Committee Minutes.)	5 mins
7.	Reinvigoration of Area Partnerships (Pages 19 - 30)	15 mins

	Consider report by Director Resilient Communities. (Copy attached.)	
8.	UK Government Levelling up Partnership (Pages 31 - 36) Consider report by Director Resilient Communities. (Copy attached.)	10 mins
9.	A New National Park for Scotland (Pages 37 - 46) Consider report by Director Infrastructure and Environment. (Copy attached.)	10 mins
10.	Local Inquiry Relating to the Second Review of Scottish Parliament Boundaries (Pages 47 - 54) Consider report by Director Corporate Governance. (Copy attached.)	10 mins
11.	Live Borders Financial Support (Pages 55 - 60) Consider report by Director Finance and Procurement. (Copy attached.)	10 mins
12.	National Foster Care Allowance (Pages 61 - 68) Consider report by Director Education and Lifelong Learning. (Copy attached.)	10 mins
13.	<p>Motion by Councillor Linehan</p> <p>Consider Motion by Councillor Linehan in the following terms:</p> <p>“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.</p> <p>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.</p> <p>When eaten the sharp parts of a Chinese Lantern can tear and puncture an animal’s throat or stomach, causing internal bleeding.</p> <p>Likewise, helium balloons when they land, become a danger to any wildlife, farmed animals or companion animals that may happen to find them first.</p> <p>If ingested, the balloon can do irreparable and often fatal damage to an animal’s oesophagus and digestive tract and can cause suffocation.</p> <p>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.</p> <p>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.”</p>	5 mins
14.	Open Questions	15 mins

15.	Any Other Items Previously Circulated	
16.	Any Other Items Which the Convener Decides Are Urgent	
17.	<p>Private Business</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.	<p>Minute (Pages 69 - 72)</p> <p>Consider private Section of Minute of Scottish Borders Council held on 23 November 2023. (Copy attached.)</p>	1 mins
19.	<p>Committee Minute Recommendations (Pages 73 - 78)</p> <p>Consider the recommendations made by the following Committees in relation to the sale or lease or purchase of Common Good land or property of a value greater than £20,000, or in respect of grants or loans or major items of expenditure above £20,000:</p> <p>(a) Peebles Common Good Fund Sub-Committee 22 November 2023</p> <p>(b) Hawick Common Good Fund Sub-Committee 22 November 2023</p> <p>(c) Selkirk Common Good Fund Sub-Committee 29 November 2023</p> <p>(Copies attached.)</p>	5 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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SCOTTISH BORDERS COUNCIL

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held in Council Headquarters, Newtown St. Boswells and via Microsoft Teams on 23 November 2023 at 10.00 a.m.

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:-

Hawick Common Good Fund
Tweeddale Area Partnership

16 August 2023
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 LiveBorders 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

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 p.m.

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.

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REINVIGORATION OF AREA PARTNERSHIPS

Report by Director - Resilient Communities

SCOTTISH BORDERS COUNCIL

14 December 2023

1 PURPOSE AND SUMMARY

- 1.1 This report gives details of work which has been undertaken on reinvigorating the Area Partnerships and proposes some further work be undertaken on a way forward.**
- 1.2 The Community Empowerment (Scotland) Act 2015 was created to strengthen community empowerment, engagement and participation, and how this can 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.
- 1.3 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. This saw the constitution, remit and focus changed to one of community engagement and involvement with a view to increasing public participation. These changes brought greater emphasis on community empowerment, participatory budgeting, and locality planning.
- 1.4 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.
- 1.5 There has 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, while there has been progress, we are yet to make significant steps of achieving the Council's vision of meaningful and increased community participation at Area Partnership meetings. Meetings still tend to feel formal and Council led, which may be perpetuated by the fact that Area Partnerships are committees of Council.

- 1.6 There are a wide variety of arrangements across Scotland, and many other local authorities, in a similar way to Scottish Borders Council, have used organisations such as SCDC to carry out discussions with communities in order to develop action plans for specific areas. In particular, East Lothian is seen as an exemplar of community led Area Partnerships.
- 1.7 The Council has recently completed a further series of community conversations, to gain an understanding of what communities' concerns and priorities are and what they would like the Council to do. Along with the work on place making and *Community Planning locality plans*, it seems incumbent to revisit the role and membership of Area Partnerships. This could include considering removing Area Partnerships as formal committees of Council and establishing them instead as unincorporated bodies, creating real opportunities to create local community partnerships, owned by the community rather than the Council. In this respect, Area Partnerships could be chaired by members of the community, with SBC Elected Members as attendees.
- 1.8 It is proposed that, building on the engagement carried out by SCDC, the public consultation and what is working well elsewhere, officers explore further a model whereby Area Partnerships are moved out-with the Council's Scheme of Administration to become unincorporated bodies – becoming community led with membership decided by the community - and linked more closely with the Community Planning Partnership (CPP). Further work is also needed on the management of any funds allocated to such bodies by the Council to ensure that this complies with the criteria from "Following the Public Pound". It is anticipated that the Council will still provide support to these bodies to the current level as it does just now for Area Partnerships.

2 RECOMMENDATIONS

2.1 I recommend that Scottish Borders Council agrees:-

- (a) to note the work undertaken so far in terms of reinvigorating Area Partnerships; and**
- (b) to request the Director – Resilient Communities, following a further engagement with Area Partnerships, brings a further report to Council in 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 and making their membership more community led;**

- (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”.**

3 BACKGROUND

- 3.1 Area Partnerships have existed since January 2018, when they were re-shaped from Locality Committees which included reflecting new duties under the Community Empowerment (Scotland) Act 2015. 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.
- 3.2 The constitution, remit and focus of Area Partnerships became one of community engagement and involvement. This brought greater emphasis on community empowerment, participatory budgeting, and locality planning – not just for the Council, but for other public authorities/services – with their main aim being the formation of a community engagement platform to develop priorities and outcomes for each area. It was anticipated that they would act as a community consultation body, not just for the Council but other service providers/community planning partners in the area and become a strong voice.
- 3.3 Following a Fit for 2024 update report to Council in June 2019, 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.
- 3.4 A total of 199 individuals responded to the SCDC consultation. Of these, 124 responded to a survey, 59 took part in focus groups, nine participated in one-to-one stakeholder interviews and ten Elected Members attended a seminar.
- 3.5 Following the receipt of SCDC's report, immediate changes were made to begin to build the new Area Partnership model which included community involvement in agenda setting; the promotion of various aspects of the Community Empowerment (Scotland) Act 2015; and create community led Assessment Panels that would make recommendations in relation to community funding (Neighbourhood Support Fund) to their respective Area Partnership for decision making.
- 3.6 Each Area Partnership established a Working Group and these Groups were tasked with reviewing the findings of the SCDC report regarding the future model for Area Partnerships and to make recommendations for public consultation within each area.

4 AREA PARTNERSHIP WORKING GROUPS' SURVEYS 2021

- 4.1 An online consultation took place from 26 May to 1 August 2021. This sought views on the changes proposed by the Area Partnerships Working Groups.
- 4.2 A total of 34 responses were received. While, at 34 the number of responses was very low and not statistically significant, they were informative and gave an indication of the level of support for the

recommendations in each locality. The survey questions varied in each area, reflecting the discussions in each of the Working Groups. The largest number of responses was from individuals, followed by Community Councils.

- 4.3 On the whole, the majority of respondents were unsure whether the Area Partnerships should remain Council committees. In addition to asking about legal governance, the survey went on to ask a range of questions about remit, structure and operational matters for each of the Area Partnerships. There was in general an appetite for change with the meetings having a greater focus on place making and Locality Plans. There was support for forming sub-groups and/or holding smaller, more focussed meetings.
- 4.4 Since the survey was undertaken, community led Assessment Panels have been established in all localities. Place Making Working Groups are also operational in all localities and are working very effectively.

5 CURRENT POSITION

- 5.1 There has 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. The latter had been identified as a key requirement to provide support to all our communities to enable them to play a central role in Area Partnerships.
- 5.2 In this respect, nine community capacity building officers were appointed:
 - 5 x Community Engagement Officers
 - 1 x Greenspace Programme Officer
 - 2 x Place Making & Regeneration Officers
 - 1 x Climate Change Officer

The role of these Officers is to strengthen the skills, abilities and confidence of people and community groups to take effective action and play a key part in relation to the development of communities across the Borders. Over the past two years, we have seen increased engagement and positive outcomes, with a significant number of community projects supported in both capacity building and maximising funding opportunities.

- 5.3 The Community Engagement Officers are responsible for working with communities to develop Area Partnerships to ensure that they reflect priorities within each area. However, while there has been progress, we are yet to see a significant increase in the number of community organisations and the wider public attending Area Partnership meetings. Meetings still tend to feel formal and very led by the Council. This is perhaps perpetuated by the fact that Area Partnerships are committees of Council.
- 5.4 As the community empowerment agenda progresses at both national and local government, level it is essential that there is an effective mechanism in place for communities to engage with the local authority and other community planning partners. Area Partnerships have a vital role to play in the Council's operating model, currently being developed, which will have a

citizen-centric approach at its foundation. They will be core to active engagement with our communities, incorporating their input in policy making, service design and evaluation processes and achieving the Council's vision of stronger, empowered and sustainable communities able to participate in public decision making and shaping their communities. Similarly, the Scottish Government's Community Wealth Building approach puts people at the centre of a society that is thriving across economically, socially and environmentally. It is clear from Place Making that there is a desire in communities to shape their towns and villages through rethinking and reinventing their local areas. With 58 of 69 community council areas in the Borders developing action plans Area Partnerships have the opportunity to harness that willingness and enthusiasm and provide channels for wider community participation.

6 AREA PARTNERSHIPS AS COMMITTEES OF THE COUNCIL

6.1 Area Partnerships are currently committees of the Council and, as such, their membership and functions are set out in the Scheme of Administration. The core membership comprises:

- All SBC Councillors for the locality
- One representative from each of 4 different Community Councils as non-voting members (*Note: In practice, all Community Councils are invited to attend, which ranges from 8 in Teviot & Liddesdale, to 21 in Berwickshire*)
- Any other non-voting members appointed by the Area Partnership up to a total core membership maximum of 20.

6.2 Invitations to attend and participate as non-voting members in meetings can also be extended to additional members which include representatives from the CPP partners (NHS Borders, Police Scotland, Scottish Fire & Rescue, SOSE, Live Borders, RSLs, Borders College, H&SC Integration Board, etc.), a representative from any other community group or local body as appropriate, and a representative from any other community of interest group. The Chair and Vice-Chair of each Area Partnership is an Elected Member.

6.3 The functions referred to each Area Partnership are:

1. Champion/lead the preparation and publication of a Locality Plan for the area, while taking account of the Scottish Borders Community Plan.
2. Inform the Locality Plan, by involving local communities in establishing:
 - (a) a shared understanding of need in the area;
 - (b) the outcomes and priorities for the area;
 - (c) the proposed improvement(s) to be achieved.
3. Approve the Locality Plan and recommend final approval by the Community Planning Strategic Board.

- *4. Review and monitor the progress of the Locality Plan, including approval of an annual progress report for publication, and receive progress and performance reports on local services, making recommendations to the relevant body/committee, as appropriate.
- *5. Where there is a local dimension to a Borders-wide plan, or a specific locality plan, act as a community consultation body.
- 6. Consider applications for financial assistance from the Council from the Community Fund¹ up to the value of £10,000 or in exceptional cases £30,000 *Note: The decisions on the Fund applications at Area Partnerships shall be by consensus (i.e. widespread agreement) and where consensus is not possible, then only SBC Elected Members will make the final decision. The Chair of the Area Partnership shall have a casting vote if required should there be an even split amongst SBC Elected Members.*
- 7. The distribution of Pay Parking Income (where available).
Note: Only SBC Elected Members have decision making powers on the above Fund.
- 8. Promote and support the Localities Bid Fund², and encourage communities to get involved and participate.
- 9. Decide whether the funding for each Area Locality Bid Fund is to be allocated in a particular way (e.g. urban/rural split); if any themes are being applied to a particular release of funding; if there is to be any cap on the amount of grant for any project and whether a cash contribution will be required.

*Those functions above marked with * are referred to the Area Partnerships for consideration and recommendation only and must receive approval of the relevant other Council committee.*

7 ARRANGEMENTS ELSEWHERE IN SCOTLAND

- 7.1 There are a wide variety of arrangements across Scotland, and many other local authorities, in a similar way to Scottish Borders Council, have used organisations such as SCDC to carry out discussions with communities in order to develop action plans for specific areas. In particular, East Lothian is seen as an exemplar of community led Area Partnerships.
- 7.2 Within East Lothian, there are six Area Partnerships which represent the local voice of community planning. Membership of these Partnerships varies between areas, but generally includes Community Councillors; tenants & residents' groups; pupil & parent council representatives; local community groups; and Elected Members. The Chair and Vice Chair are members of the local community and are elected at an AGM. Decisions are made on a consensus basis where possible.
- 7.3 Each Area Partnership has an Area Plan which serve as Community Planning Partnership's Locality Plans required under the Community Empowerment

¹ Now known as the Neighbourhood Support Fund.

² The Localities Bid Fund took place in two rounds between 2017 and 2019.

(Scotland) Act 2015. The Plans provide a profile of the main features of the local area and priorities for improvement. The Area Plan is used to help focus each Partnership's allocated budget on the priorities identified by local people. The total devolved budget for each Area Partnership in 2022/23 is £200k (Musselburgh £250k). Of that funding, £50k is for general projects in the area; £50k of the Roads service budget for the area; and £100k of time equivalent of the Amenity Services budget for the area.

- 7.4 The Area Partnerships are not committees of East Lothian Council and are regulated by standing orders that set out their governance arrangements. Support for each Area Partnership is provided East Lothian Council.
- 7.5 On the whole, the responsibilities of the Area Partnerships in East Lothian do not vary greatly from those in the Scottish Borders with the distribution of Pay Parking Income being the only substantive difference.

8 FUNDING

- 8.1 As previously set out, community led Assessment Panels were established in the Borders following the review undertaken by SCDC on behalf of the Council. The role of the Panels is to assess made applications to the Neighbourhood Support Fund and present recommendations for funding. The decision whether to agree recommendations is made, generally by consensus, by the Area Partnership.
- 8.2 The example of Area Partnerships in East Lothian, as set out above, illustrates that they do not need to be Council committees in order to allocate funding to community-based groups. The East Lothian experience sets out how decision making could be devolved to, and made by, community led Area Partnerships.
- 8.3 Were the Area Partnerships to be removed from the Council's Scheme of Administration it would be essential that robust processes, evaluation and reporting mechanisms were put in place to ensure that Following the Public Pound requirements continued to be met. These will be addressed in a further report to Council.
- 8.4 It is not anticipated that there would be large scale changes required to the role and remit of Area Partnerships in the Borders should their governance arrangements change.

9 OPPORTUNITIES

- 9.1 The Council has recently completed a further series of community conversations, to gain an understanding of what communities' concerns and priorities are and what they would like the Council to do. Along with the work on place making and Community Planning locality plans, it seems incumbent to revisit the role and membership of Area Partnerships. This could include considering removing Area Partnerships as formal committees of Council and establishing them instead as unincorporated bodies, creating real opportunities to create local community partnerships, owned by the community rather than the Council. In this respect, Area Partnerships could be chaired by members of the community, with SBC Elected Members attendees.

- 9.2 Consideration could also be given to aligning Area Partnerships with the Community Planning Partnership (CPP). Although community planning functions, in relation to the Locality Plans, are referred to Area Partnerships, there is currently no representation or reporting link to the CPP. This is at odds with many parts of Scotland where area/locality-based community planning is part of the CPP's governance structure. The Scottish Borders CPP is currently reviewing its governance arrangements and in August 2022, Scottish Borders Council agreed in principle that the CPP could become an unincorporated body, removed from the Council's Scheme of Administration.
- 9.3 By moving away from more formal association with the Council decision making structure, while ensuring there were still checks and balances in place for any Council funding, it is anticipated that that there could be a number of additional benefits:
- Strengthening the existing framework for community engagement, empowerment and development both within the Council and for the Scottish Borders as a whole;
 - Placing the Council in a stronger position in assisting communities to maximise opportunities provided by the Community Empowerment (Scotland) Act 2015;
 - Ensuring the Council provides strong leadership while encouraging the development of the community and voluntary sectors in the Scottish Borders;
 - Further developing the capacity building investment of the Council to support communities;
 - Providing a robust approach for involvement of partners within the Scottish Borders Community Planning Partnership at the centre of each locality;
 - Providing the flexibility for each Area Partnership to function in a way that best suits the locality. Although it also recognised that having five potentially different operating models could pose a risk as they could be quite diverse across the area; and
 - Ensuring there were locally based, community led sounding boards/ points of reference for public engagement by the Council and other local bodies.
- 9.4 It is proposed that, building on the engagement carried out by SCDC, the public consultation and what is working well elsewhere, officers explore further a model whereby Area Partnerships are moved out-with the Council's Scheme of Administration to become unincorporated bodies – becoming community led with membership decided by the community - and linked more closely with the CPP. Further work is also needed on the management of any funds allocated to such bodies by the Council to ensure that this complies with the criteria from "Following the Public Pound". It is anticipated that the Council will still provide support to these bodies to the current level as it does just now for Area Partnerships.

9.5 Officers will continue to explore the use of digital platforms and technological solutions to best support Area Partnerships in each locality.

10 RISKS

10.1 As well as the opportunities arising from removing Area Partnerships from the Council committee structure there are also risks that should be considered prior to moving forward.

10.2 While it is anticipated that changing from an Elected Member to a community representative, in the role of Chair, would bring a stronger community dimension and feel to meetings it is important that the right person is in place. The skill required to successfully chair a meeting covering topics as diverse as those discussed at Area Partners should not be underestimated.

10.3 A significant amount of officer time could be required to build the capacity of individuals stepping into the roles of Chair and/or Vice Chair. The extent to which the Chair works with council Officers may vary depending on their skill set but also willingness to do so. Although operating as community led committees, it would still be important to work closely with Officers to ensure that the correct protocols were followed. There could be a potential opportunity for a Chair to use their position to further their own priorities and beliefs. Suitable measures would be explored and put in place to reduce the likelihood of this happening whilst still allowing community leadership.

10.4 The role and remit of the Area Partnerships would need to be carefully considered. While council Officers would assist the Partnerships and their membership with the identified responsibilities, the onus to take work forward would be on each Area Partnership. The ability to do this successfully may be impacted by the willingness and capacity of members.

10.5 It should be stressed that the Area Partnerships would be independent bodies and while Officers would be available to support the Partnerships through advice and discussion, they would not be able to instruct how things were carried out e.g., following meeting standing orders.

10.6 It is acknowledged that time would be required for any changes to be in. However, to ensure that any changes were positive ones there would be a watching brief put in place and a full review, of any changes agreed, after two years of operation.

11 FURTHER CONSULTATION

11.1 Although consultation has previously been undertaken it is proposed that this is built on through further discussions with the Area Partnerships, community based organisations, community planning partners and the wider public. It will be important to play back previous consultation feedback to Area Partnership members to ascertain if the views remain valid.

12 IMPLICATIONS

12.1 Financial

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

12.2 Risk and Mitigations

There is a reputational risk to the Council that, having carried out work previously on reinvigorating Area Partnerships, increasing community engagement and empowerment, and surveying the public, nothing more is done and the public will feel that the Council is not listening to their views and taking forward their priorities. Further work is needed on potential governance and financial management structures to ensure that neither the Council nor any member of a future Area Partnership is put at risk. A watching brief would be in place and changes fully reviewed after two years

12.3 Integrated Impact Assessment

A Stage 1 Integrated Impact Assessment has been carried out and a full IIA is not required at this stage. A further assessment will be carried out for the next report to Council on any governance changes proposed to Area Partnerships to ensure that there is no discrimination.

12.4 Sustainable Development Goals

By encouraging greater community involvement, Area Partnerships will be able to contribute to UN Goal 3 (Ensure healthy lives and promote wellbeing for all at all ages), UN Goal 8 (Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all), UN Goal 9 (Build resilient infrastructure, promote inclusive and sustainable industrialisation and foster innovation), UN Goal 11 (Make cities and human settlements inclusive, safe, resilient and sustainable), UN Goal 13 (Take urgent action to combat climate change and its impacts) and UN Goal 16 (Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels).

12.5 Climate Change

Area Partnerships can play their part in considering local needs for energy, sustainable public transport, and infrastructure & land use; raising awareness of climate change/net zero at local level.

12.6 Rural Proofing

Area Partnerships cover all areas across the Scottish Borders.

12.7 Data Protection Impact Statement

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

12.8 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.

13 CONSULTATION

13.1 The Director (Finance & Procurement), the Director (Corporate Governance), the Chief Officer Audit and Risk, and the Director (People Performance & Change), are being consulted and any comments received will be reported back at the meeting.

Approved by

Jenni Craig

Director – Resilient Communities

Author(s)

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Background Papers: Nil

Previous Minute Reference: Scottish Borders Council, 26 June 2019

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

Contact us at Clare Malster, Participation Officer, Council HQ, Newtown St Boswells, Melrose, TD8 0SA. Tel: 01835 826626 Email: cmalster@scotborders.gov.uk



UK GOVERNMENT LEVELLING UP PARTNERSHIP

Report by Director of Resilient Communities

COUNCIL

14 December 2023

1 PURPOSE AND SUMMARY

- 1.1 This report provides an update to Elected Members on the recent announcement by UK Government to form a Levelling Up Partnership with Scottish Borders Council. This partnership aims to deliver £20million of new UK Government investment into the region to support the local economy and communities and address regional inequality.
- 1.2 The Chancellor announced in the Autumn Statement on 22 November £80million of new funding for four new Levelling Up Partnerships (LUPs) in Scotland, including the Scottish Borders. These are a first for Scotland, following UK Government delivery of a programme of LUPS across England.
- 1.3 Levelling Up Partnerships are about Government working with a place to address specific local challenges and opportunities. The first stage of the process will involve a three month 'deep dive' with Government officials, to understand the needs and aspirations of local communities. The funding will be allocated based on evidence, and the deliverability of potential projects. The £20million capital funding must be spent in 2025/26.
- 1.4 Further guidance from UK Government is expected early in the new year.

2 RECOMMENDATIONS

- 2.1 **I recommend that the Council:**
 - (a) **Notes the announcement made by UK Government to form a Levelling Up Partnership in the Scottish Borders which aims to deliver £20million of additional investment in the local economy and communities.**
 - (b) **Asks officers to bring back a further report once UK Government guidance has been issued to set out the Levelling Up Partnership process and next steps.**

3 BACKGROUND

- 3.1 The Chancellor announced in the Autumn Statement on 22 November £80million for four new Levelling Up Partnerships (LUPS) in Scotland, including the Scottish Borders.
- 3.2 These are the first for Scotland, following UK Government delivery of a programme of LUPs across England. Up to £20million direct capital funding will be available for each of the four LUP areas in Scotland, covering Scottish Borders, Western Isles, Argyll & Bute and Dundee City councils.
- 3.3 Levelling Up Partnerships are about Government working with a place to address specific local challenges and opportunities. The first stage of the process will involve a three month 'deep dive' with Government officials, to understand the needs and aspirations of local communities. The process will focus on areas of greatest need, and will involve consultation with local residents and community groups.
- 3.4 This process will also look at quantitative evidence to identify challenges and opportunities, working closely with the local authority and also with Scottish Government officials to also consider linkages to the Growth Deals and the Regional Economic Partnership.
- 3.5 The funding will be allocated based on evidence, and the deliverability of potential projects. This £20million capital funding needs to be spent in the financial year 2025/26. It is expected some additional resource funding will also be made available to support the delivery of this investment.
- 3.6 This funding allocation is additional to the capital allocations made via the 'Levelling Up Fund' (LUF) process. While they share the same aim to address regional economic inequality, LUF funding was allocated on a competitive basis over three funding rounds, with an additional allocation provided to 55 towns across the UK. SBC, recognised as a priority area under the LUF programme, was successful for one of three bids it submitted as part of this process, for a joint bid for Dumfriesshire, Clydesdale and Tweeddale Constituency of a total value of £23 million as reported in November.
- 3.7 Further guidance from UK Government is expected early in the new year.

4 LEVELLING UP PARTNERSHIPS IN ENGLAND

- 4.1 Levelling Up Partnerships are relatively new and aim to bring the collective power of Government together to provide bespoke place-based regeneration. 20 places were identified for Levelling Up Partnerships in England, including Middlesbrough, Hastings, and Sandwell, building on 'deep dives' in Grimsby, Blyth, and Stoke-on Trent.
- 4.2 Following the successful roll out of LUPs in England, the Department for Levelling Up, Housing and Communities (DLUHC) has been working with Scottish Government to agree an approach to selecting LUPs in Scotland. Together, they have designed a methodology for selecting LUPs that fits the

policy context and needs of communities in Scotland, including the specific needs of rural areas.

- 4.3 The focus for LUPs in England has tended to be around some form of town centre regeneration. This includes projects such as the construction and refurbishment of assets (for example civic hubs, business space, active travel solutions). Several of the investment proposals also involve some form of housing provision, for example in Middlesbrough or Sandwell, or in Blyth see [Major funding package to level up Blyth - GOV.UK \(www.gov.uk\)](#). The focus in Mansfield summarised the opportunity for them as: *"The new funding is set to be used on local priorities such as reviving high streets, tackling anti-social behaviour, improving transport, boosting visitor numbers and growing the economy"*.
- 4.4 The methodology for allocating funding in England focused on four policy outcomes – skills, pay, productivity and health. Some of the areas (Hull and Blackburn) used the funds to focus on skills, for example see [Council Leader welcomes near £20m funding boost as Hull's Levelling Up Partnership plans revealed - Hull CC News](#). However, in those cases, the funds were used in conjunction with other funding streams, for example a successful LUF bid.
- 4.5 The experience in England has focused LUPs investment in towns and cities with a much smaller geographical focus than in the Scottish Borders, meaning that the £20million spent on regeneration was concentrated into a more tightly focused geographical area. The experience from these areas on the partnership approach seems positive, for example in Grimsby, see report from their CEO [Rob Walsh: Levelling up Grimsby – the 'deep dive' experience | Local Government Chronicle \(LGC\) \(lgcplus.com\)](#). Although the context is very different, the partnership and direct involvement of DLUHC and other Whitehall departments has provided an opportunity to better and more directly articulate local challenges and opportunities to central government, and leverage this relationship to tackle more strategic outcomes.
- 4.6 Finally, as well as the focus on evidenced based decision making, the successful delivery of this investment opportunity will be driven by the deliverability of the potential projects, as the window for spending the £20million capital investment in 2025/26 is tight. This will rely on projects being 'shovel ready', with advanced plans in place for project design, costings and permissions being in place.

5 IMPLICATIONS

5.1 Financial

There are no direct costs attached the recommendations contained in this report. It is expected that further work will be needed to fully understand the resource implications for the delivery of LUP projects once guidance is received from UKG. It is understood that £90k of revenue funding will be made available from UKG to support the Levelling Up Partnership process.

5.2 Risk and Mitigations

As above, further work will be needed to fully understand the risks and the mitigations needed to successfully deliver £20million of capital investment in the timescales indicated by UKG. The deliverability of project proposals will be key to managing and mitigating these risks.

5.3 Integrated Impact Assessment

A full integrated impact assessment (IIA) will be completed for projects that receive LUPs investment. It is expected that the 'deep dive' process will involve consultation with equalities groups at an early stage.

5.4 Sustainable Development Goals

It is likely that LUPs projects will deliver against a number of UN Sustainable Development Goals, including Goal 8; Decent Work and Economic Growth, Goal 9; Industry, Innovation and Infrastructure, and Goal 10; Reducing Inequalities.

5.5 Climate Change

LUPs projects will be assessed against the criteria in the checklist on Climate Change and opportunities to mitigate and/or enhance the activity in terms of climate change impacts will be fully explored.

5.6 Rural Proofing

Rural Proofing is not required as the proposals in this report do not relate to new or amended Council strategy or policy.

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

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

6 CONSULTATION

- 6.1 The Chief Executive, the Director Corporate Governance, Director Finance and Procurement, the Chief Officer Audit and Risk, the Director (People Performance & Change) and Corporate Communications have been consulted and any comments will be reported to Council.

Approved by

Name Sam Smith

Title Chief Officer Economic Development

Author(s)

Name	Designation and Contact Number
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Alexandre Belle	Corporate Policy Advisor

Background Papers: None.

Previous Minute Reference: None.

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

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A NEW NATIONAL PARK FOR SCOTLAND

Report by Director of Infrastructure & Environment
SCOTTISH BORDERS COUNCIL

14 DECEMBER 2023

1 PURPOSE AND SUMMARY

- 1.1 The report sets out the process under which a new National Park for Scotland will be designated and the work undertaken to assess the potential for a National Park in the South of Scotland. It also seeks Members views on whether the Council supports the proposal being developed by the campaign for a Scottish Borders National Park in the Southern Borders.
- 1.2 It is accepted that National Park designation has the potential to bring a range of significant benefits to the region, helping to deliver key economic and environmental policy objectives. However, it is 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.
- 1.3 The Regional Economic Partnership (REP) have been working to develop a strategic South of Scotland approach for a National Park, as it was felt this 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, this has failed to gain support from the existing campaign groups and Dumfries and Galloway Council have recently reiterated support for the Galloway proposal. There are now two competing proposals in the South of Scotland and in the circumstances, it is not proposed to undertake any further work developing this concept at this time.
- 1.4 The Campaign for a Scottish Borders National Park have asked that Scottish Borders Council consider their proposal and have specifically asked for an indication of support. Officers have identified challenges with their proposed concept and do not feel that a compelling and cogent case has been made for a National Park in the Scottish Borders alone.
- 1.5 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 is not possible to support a National Park in the Scottish Borders.

2 RECOMMENDATIONS

2.1 I recommend that Council: -

- (a) Note the nominations process for a new National Park(s) in Scotland has commenced and acknowledge 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) Determine that it is unable to support the proposal by the campaign for a Scottish Borders National Park in the Southern Borders.**

3 BACKGROUND

- 3.1 The question of National Parks in Scotland has been debated since the 1930s. The key reports on National Parks are the 1945 Ramsay Report and the Countryside Commission for Scotland's reports in 1974 and 1990. None of these reports put forward any proposals in the Scottish Borders, with only a brief mention of St Mary's Loch as a possible back up in the 1945 report. All of the suggested proposals were within the Highlands of Scotland.
- 3.2 The National Parks Act was enacted in 2000 and subsequently two National Parks at Loch Lomond & Trossachs and Cairngorms were formally designated.
- 3.3 In 2006 and 2008, the Scottish Executive recommended a coastal and marine park for Argyll Island/ Lochaber and South Skye and in addition, plans were developed for an Isle of Harris park. For a variety of reasons, not least lack of public and political support, neither of these projects proceeded at that time,
- 3.4 The [Unfinished Business](#) document published by the Scottish Campaign for National Parks (SCNP) and the Association for the Protection of Rural Scotland (APRS) in 2013 set out the campaign's aspirations for the designated of all of the previously suggested National Parks in the highlands plus two new proposals; one for Dumfries & Galloway and a small area in the Cheviots. The Cheviot option was seen then as an extension of the Northumberland National Park and not a park in its own right. Priority they stated should be given to areas with highest local support or where there were greatest threats to the area's significance.
- 3.5 In 2016 a local pressure group formed to **Campaign for a Scottish Borders National Park**. The campaign seeks to promote the potential benefits of a National Park for the Scottish Borders, in an area adjoining the existing Northumberland National Park on the south side of the Cheviot Hills. The group have published a number of supporting reports, in line with the National Parks (Scotland) Act 2000, including a Feasibility Study, a Position Statement, and a Proposal paper, as well as reports on National Park Merits, Tourism, Governance, and Revenue and Costs on their own dedicated web site, which can be viewed here: [Scottish Borders National Park - Resources](#).
- 3.6 A similar campaign group formed in 2016 in Dumfries & Galloway to promote a National Park in Galloway, but they have focussed on the benefits of park status rather than defining a specific geography at this stage: [Galloway National Park Association](#). Dumfries & Galloway Council have indicated support in principle for the proposal.

4 NOMINATION PROCESS FOR A NEW NATIONAL PARK(S) FOR SCOTLAND

- 4.1 The signing of the Bute House Agreement between the SNP and the Scottish Greens in 2021, set out the new position of Scottish Government on National Parks and made a commitment to:

- *Designate at least one new National Park by the end of this parliamentary session (2026)*

- 4.2 The Scottish Government subsequently commissioned NatureScot in Spring 2022 to undertake research into the designation process for new National Parks, including consideration of the assessment criteria, their vision, mission, powers and governance but not specifically into any particular geographies.
- 4.3 A National Parks Stakeholder Advisory Group of experts was set up and Officers from the Council (under the auspices of Heads of Planning Scotland, (HOPS) and South of South of Scotland Enterprise (SOSE) contributed to this working group. NatureScot also carried out extensive public consultation as well as targeted engagement with interest groups, including the Scottish Borders and Dumfries & Galloway Campaign Groups.
- 4.4 NatureScot published their findings and submitted their advice to Scottish Government in February 2023. On the basis of this advice, Scottish Government set out a nomination process and produced an Appraisal Framework to support the assessment of nominations for new National Park designations. A consultation on the framework was launched and concluded in August 2023 and the formal [Nomination Process](#) was launched in October 2023. This extends for a 5 month period and concludes on 29th February 2024.
- 4.5 The Appraisal Framework sets out 6 key criteria against which nominations will be appraised, which will support the selection of National Park proposals to be taken forward for designation. These are set out in the table below:

Outstanding national importance	Is the area of outstanding national importance due to its natural heritage or the combination of its natural and cultural heritage?
Size, character and coherence	Does the area have a distinctive character and a coherent identity? Does the area's size justify designation?
Meeting the special needs of the area	Would National Park designation meet the special needs of the area? Would designation be the best means of ensuring the National Park aims are collectively achieved in a coordinated way?
Strategic contribution	Would designation of this area as a National Park bring wider benefits to Scotland as a whole (e.g. through its contribution to climate action, nature restoration, nature-friendly farming, green skills and jobs, responsible investment in natural capital)?
Visitor management and tourism	Would designation have a positive effect on visitor management, public understanding and enjoyment of the area and sustainable tourism?
Local support	Is there evidence of local community engagement and participation in developing this proposal?

	<p>Is there evidence of local support for this proposal? Does the nomination reference any opposition to this proposal?</p>
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4.6 The timeframe and key steps for the designation process is set out in the table below:

<p>2022-23 - National Discussion</p> <p>Consultation: the future of National Parks in Scotland.</p> <p>Consultation: selecting new National Parks and changes to National Parks' powers and functions.</p>
<p>2023-24 - Nominations and Appraisal</p> <p>Development of appraisal framework and public consultation.</p> <p>Nominations for new National Parks.</p> <p>Appraisal of nominations.</p>
<p>2024-25 - Reporter Investigation</p> <p>Ministers announce proposal for new National Park(s) and Reporter investigation begins.</p> <p>Consultation on new National Park proposal.</p> <p>Report to Ministers.</p>
<p>2025-26 - Designation</p> <p>Development of draft Designation Order.</p> <p>Consultation on draft Designation Order.</p> <p>Designation Order laid in Parliament.</p>

4.7 Scottish Government has confirmed that a number of areas across Scotland have pre-registered their interest in submitting a nomination, which are:

1. Galloway
2. Scottish Borders
3. Tay Forest
4. Lochaber
5. Eilean a' Cheo (Skye and Raasay)
6. Affric to Alladale
7. Glen Affric
8. The Lammermuirs
9. Largo Bay
10. Loch Awe

- 4.8 Scottish Government have also committed during the 5 month nomination period to provide support from an external organisation to individuals, groups or organisations have requested such support to build their bid case.
- 4.9 Scottish Government has acknowledged that where nominations do not succeed in being proposed for National Park designation, they may seek to contact nominating groups to discuss the contents of their nomination and any viable alternative options, particularly where there is the potential for nominating groups to make a significant contribution to nature restoration and climate change mitigation in their areas.

5 CONSIDERATION OF A NATIONAL PARK IN THE SCOTTISH BORDERS

- 5.1 The Local Development Plan (LDP) Main Issues Report consultation in 2018/2019 included questions about the potential for a National Park in the Scottish Borders, its possible boundaries and operational model. There were mixed responses to this, although there were more responses offering support for a National Park in the Scottish Borders than were against. In addition, there were a wide range of different geographies across the Region that were suggested for potential designation.
- 5.2 When the Proposed LDP was reported to Council for approval on 25th September 2020, the report expressed no specific position on a National Park for the Scottish Bordes, reiterating that designation was ultimately a matter for Scottish Ministers following an assessment and recommendation by their advisors NatureScot. As the Scottish Ministers had not yet decided a position, the LDP could not make any formal designations nor policy references at that point in time.
- 5.3 In the subsequent period, Officers have continued to engage with the campaign group and considered their reports and submissions. There was concern that the group had started with a proposal for a specific geography rather than carrying out an independent analysis of qualifying requirements and the broader case for a National Park in principle first. It could appear that this was fitting the justification for a National Park to their preferred option rather than establishing the case and then determining the particular location best suited for a National Park. There are other areas in the Scottish Borders that have an equal, or more immediately obvious justification for designation, for example; in our National Scenic Areas plus areas such as Tweeddale, Berwickshire Coast or the Tweed River catchment.
- 5.4 Officers were concerned that further work is needed on the potential economic benefit case presented for the benefits of designation, as set out in the campaign's reports. Although the potential economic benefits from a National Park designation could be significant for raising the profile of the area as a visitor destination, the designation of a National Park on its own (the proposal to "designate and they will come") is simplistic and over-optimistic and would need more consideration working with the tourism sector and communities. There was also limited recognition, until recently, of the natural capital, net zero and climate change aspirations set out by the Minister for new National Parks. The most recent submission from the campaign group does further address this to a degree but primarily highlights the additional protection that designation may bring rather than

addressing the key priority for National Parks to unlock increased action that leads to nature recovery and a just transition to net zero promoted by Scottish Government and NatureScot. However, it is acknowledged that through the nomination process the campaign will have the ability to develop the case and strengthen their arguments in this regard when preparing their responses to the assessment criteria and questions.

- 5.5 Whilst the campaign group have advocated a light touch administration and governance arrangement for the National Park, and the specific retention of planning powers for the Council, this is not within their gift and will be determined by Scottish Government through the designation process. Both existing National Parks have planning powers, and the indication is that a new National Park would need to have suitable powers to deliver the wide-ranging policy objectives set out in the government's vision. There is also likely to be other, as yet unspecified, demands on the Council's resources to support the establishment and administration of a new National Park, if designated. In addition, the financial costings in the group's submission are now likely to be out of date and as a result an underestimate of the set up and operational revenue costs.
- 5.6 On balance, it is not felt that a compelling and cogent case has been made for a National Park in the Scottish Borders alone and that there is potential risks and costs associated with such an approach. In the circumstances, an alternative option was examined looking at the potential for a strategic approach to a National Park on a South of Scotland basis.

6 SOUTH OF SCOTLAND APPROACH

- 6.1 The opportunity of a National Park was discussed at the Regional Economic Partnership when considering the Regional Economic Strategy's (RES) delivery plan. Partners agreed in Action 5 (E) of the delivery plan commits to:
- *Explore the feasibility, including innovative approaches to administration and management, of a National Park in the South of Scotland*
- 6.2 The RES delivery plan committed partners to explore the benefits and feasibility of such a proposal, drawing in and building on existing work, on the emerging new South of Scotland Responsible Tourism Strategy, the Regional Land Use Partnership (RLUP), and the Borderlands Natural Capital Programme, including positively exploring potentially innovative models for efficiently administering and managing a new National Park.
- 6.3 Officers have been engaging in constructive discussions with colleagues from SOSE, VisitScotland, and Dumfries and Galloway Council as well as positively engaging with Scottish Government and NatureScot on the potential for a National Park in the South of Scotland, linked to this commitment. A number of meetings at Team South of Scotland have focussed on the National Park question and a small cross organisational working group was formed to take this work forward. A round table discussion between partners and Scottish Government and NatureScot officials also took place in June 2023 to discuss the appraisal and nomination process and the options for a South of Scotland proposal.

- 6.4 The working group considered that there was a significant opportunity to build on the work undertaken by the campaign groups in both the Borders and Galloway, to develop a strengthened case that could be developed by focussing on a single strategic proposal for a South of Scotland National Park. This could be a multi-locational model with a single administration, incorporating both of the current proposals in some form but including other potential localities as well. It was felt this would more closely align with the Scottish Government's vision for new National Parks that utilise innovative approaches with a clear focus on climate change, nature and natural capital benefits, as well as addressing more traditional issues of economic development and tourism. The ability of a National Park to deliver significant positive outcomes on the key twin crisis of climate change and biodiversity is a key consideration of the Scottish Government in deciding the location of a future National Park in Scotland, and it is felt that a stronger case can be made on delivery on those policy objectives on a strategic South of Scotland basis.
- 6.5 The group also felt that such a strategic approach would align with and complement the other strategies and frameworks developed in the South of Scotland in recent years. In particular, the Borderlands and Edinburgh and South East Scotland growth deals, which have linked Regional Spatial and Economic Strategies that promote the region's economy, tourism offer, placemaking, transport and climate change, natural capital and net zero aspirations. There was also the potential to link to the work of the Regional Land Use Partnership in developing a Land Use Framework for the South of Scotland. It would also build on the branding of South of Scotland as - 'Scotland Starts here'.
- 6.6 In order to take this strategic concept forward and before committing any additional resources, the broad concept was discussed with Members of both Councils and both campaign groups. Whilst Scottish Borders Council members were content to see this idea tested, neither campaign group was receptive to the idea, and understandably did not want to see a deflection of attention from their respective proposals. Subsequently, Dumfries & Galloway have reiterated their support for the Galloway proposal. It is regrettable that we now have two competing proposals in the South of Scotland and that we have been unable to build a collaborative working approach at this point in time.
- 6.7 In the circumstances, it is not proposed to undertake any further work in developing this approach. However, if neither proposal in the South of Scotland is successful in being taken forward for designation, and there are other rounds of nominations proposed, then it may be worthwhile revisiting the concept and identifying suitable resources to develop the idea.

7 IMPLICATIONS

7.1 Financial

There are no direct costs to the Council attached to any of the recommendations contained in this report. At present, no resources have been identified to support a National Park bid in the Scottish Borders. The approval of the creation of a National Park in the Scottish Borders is likely to have significant cost implications for the Council.

7.2 Risk and Mitigations

The risks around the creation of a new National Park in the Scottish Borders are not fully understood at this point in time and would need to be explored fully if this proposal is progressed.

7.3 Integrated Impact Assessment

An IIA assessment has not been undertaken and would be completed if the proposal to create a National Park in the Scottish Borders is progressed.

7.4 Sustainable Development Goals

The creation of a National Park in the Scottish Borders has the potential to support a number of SDGs, including Goal 3 – Good Health and Wellbeing; Goal 8 – Decent Work and Economic Growth; Goal 13 – Climate Action; and Goal 15 - Life on Land.

7.5 Climate Change

The qualifying criteria for the designation of a new National Park include assessment of how a park would address the joint crisis of Climate Change and Biodiversity loss. Designation has the potential to make a positive contribution and develop innovative means of tackling these issues and promoting a “Just Transition”.

7.6 Rural Proofing

Rural Proofing is not required as the proposals in this report do not relate to new or amended Council policy or Strategy.

7.7 Data Protection Impact Statement

There are no Data Protection implications in the proposals contained in this report.

7.8 Changes to Scheme of Administration or Scheme of Delegation

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

8 CONSULTATION

- 8.1 The Director (Finance & Procurement), the Director (Corporate Governance), the Chief Officer Audit and Risk, the Director (People Performance & Change), the Clerk to the Council, and Corporate Communications are being consulted, and any comments received have been incorporated into the final report.

Approved by

Name

John Curry

Title

Director Infrastructure & Environment

Author(s)

Name	Designation and Contact Number
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Sam Smith	Chief Officer Economic Development

Background Papers:
Previous Minute Reference:

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LOCAL INQUIRY RELATING TO THE SECOND REVIEW OF SCOTTISH PARLIAMENT BOUNDARIES

Report by Director Corporate Governance

SCOTTISH BORDERS COUNCIL

14 December 2023

1 PURPOSE AND SUMMARY

- 1.1 The purpose of this report is to advise Members that Boundaries Scotland have arranged for the holding of a Local Inquiry into its provisional proposal regarding a Clyde Valley and Tweeddale Constituency. It also seeks the appointment of Elected Members to attend that Local Inquiry to represent the views of the Council.**
- 1.2 Boundaries Scotland is 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 is set by law.
- 1.3 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.”
- 1.4 Thereafter a Members Sounding Board was convened and a response was agreed. This was issued by the Chief Executive and is attached as the Appendix to this report.
- 1.5 Boundaries Scotland have now announced the holding of a number of Local Inquiries into their proposals. Of particular relevance to Scottish Borders Council is the fact that such a Local Inquiry will be held regarding the proposed Clyde Valley and Tweeddale Constituency. It will be held at the Peebles Hydro on the 11th January 2024. SBC is not legally obliged to attend this Local Inquiry, but this report invites Members to appoint Members to attend to ensure that its voice is heard.

2 RECOMMENDATIONS

2.1 I recommend that the Scottish Borders Council:-

- (a) Agrees to appoint 1 or 2 Elected Members to represent its views at the Local Inquiry;**
- (b) Agrees who those appointees shall be;**
- (c) Instructs the Director Corporate Governance to intimate to Boundaries Scotland the details of those Elected Members so they can be allocated a slot at the Local Inquiry.**

3 BACKGROUND

- 3.1 As noted in the report presented to Council in May of 2023, Boundaries Scotland is an independent advisory non-departmental public body, sponsored and funded by the Scottish Government. One of its functions is to review and make recommendations for constituencies and regions for the Scottish Parliament. As required by law, it is now engaging in its second review of Scottish Parliament Boundaries. This commenced in September 2022 and in May of this year its proposals were published.
- 3.2 There are currently two Scottish Parliament constituencies which contain parts of the Scottish Borders Council Area. They are the Ettrick, Roxburgh, & Berwickshire County Constituency, comprising SBC Council Wards 4, 6, 7, 8, 9, 10 and 11, and, the Midlothian South, Tweeddale & Lauderdale County Constituency, comprising Wards 1, 2, 3 and 5 of Scottish Borders Council and Wards 1, 4 and part of Ward 6 of Midlothian Council.
- 3.3 No changes are proposed to the Ettrick, Roxburgh & Berwickshire County Constituency. Changes are however proposed to the current Midlothian South, Tweeddale & Lauderdale County Constituency. It is proposed that this be replaced by a proposed Clyde Valley & Tweeddale County Constituency, comprising Wards 1, 2, 3 and 5 of Scottish Borders Council and Wards 2 and 3 of South Lanarkshire Council. A consultation on all of its proposals took place between the 17th May and 17th June 2023.
- 3.4 Following a decision of Council on the 23rd of May to convene an Elected Members Sounding Board to formulate a response to the Consultation, a response was sent. In that response SBC objected to the provisional proposals regarding the Clyde Valley & Tweeddale County Constituency. The full response is contained in the Appendix to this report.

4 Local Inquiry Process

- 4.1 Following its consideration of initial consultation responses, Boundaries Scotland can, and in some circumstances must, arrange for Local Inquiries to be held into its proposal. Where a relevant Local Authority has objected to a proposal a Local Inquiry must be held.
- 4.4 On the 15th November 2023, it announced that it would arrange for a number of Local Inquiries to be held. Those Local Inquiries will consider the following proposals:
- East Lothian; and Midlothian North and Musselburgh;
 - Cunninghame South; and Kilmarnock and Irvine Valley
 - Bearsden, Milngavie and Clydebank North; and Dumbarton and Helensburgh
 - Glasgow Priesthill and Giffnock; Paisley and Renfrew; Renfrewshire South; and Renfrewshire West
 - Edinburgh Forth and Linlithgow
 - Clyde Valley and Tweeddale
- 4.5 The final Local Inquiry timetabled is the one for Clyde Valley & Tweeddale. It is to be held at the Peebles Hydro on the 11th January 2024 and will be heard by Sherriff Principal Ross.

- 4.6 The Local Inquiry is not an adversarial process – that is those who attend are not questioned nor cross examined by any person or party. Instead, anyone who addresses the Inquiry is given 10 minutes slot and they simply present their views to the Sherriff Principal. While it is possible that the Sherriff Principal may need to clarify a matter with the speaker, there will be no questions posed beyond that. It is understood that if an attendee wishes to present any visual material, arrangements can be made for them to do so.
- 4.7 It is important to note that there is no legal requirement for SBC to send a representative to address the Inquiry. However, it clearly presents as a significant opportunity to add weight to the written representation which has already been made. Given this opportunity, and particularly since SBC's objection meant that a Local Inquiry had to be held, it is recommended that it does send a representative to speak to the Inquiry. That representative should be an elected Member since it was their decision to object to the proposal.
- 4.8 It is also important to note that any person can contact the Boundaries Commission and ask for a slot to address the Sherriff Principal. It may be therefore that some citizens of the Scottish Borders also chose to take the opportunity to do that themselves.

5 IMPLICATIONS

5.1 Financial

The only costs which might arise as a result of the recommendations are possible travelling expenses for the appointed representative. This can be met from existing budgets.

5.2 Risk and Mitigations

There is a risk that if Scottish Borders Council do not attend the Local Inquiry, it will face public criticism for failing to take the opportunity to present a robust position on this matter.

5.3 Integrated Impact Assessment

No IIA has been completed as this is a response by Council to a consultation.

5.4 Sustainable Development Goals

This consultation has no impact on any of the UN Sustainable Development Goals

5.5 Climate Change

Should the proposals for a Clyde Valley & Tweeddale Constituency go ahead, there will be an increase in distances travelled when running an election. This increase will be minimised wherever possible

5.6 Rural Proofing

N/A.

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 will be reported to Council.

Approved by

Name

Nuala McKinlay

Title

Director Corporate Governance

Author(s)

Name	Designation and Contact Number
Nuala McKinlay	Director Corporate Governance

Background Papers:

Previous Minute Reference: Scottish Borders Council Meeting 23 May 2023

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 Declan Hall, Democratic Services, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA. Tel:: 01835 826556 Email: Declan.Hall@scotborders.gov.uk

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Appendix

Following the recent consultation conducted by Boundaries Scotland on its provisional proposals for new constituency boundaries for the Scottish Parliament, and after extensive deliberation at the May Council meeting and subsequent discussions at the cross-party Members Sounding Board, Scottish Borders Council objects to the provisional proposals for the Clyde Valley & Tweeddale County Constituency. In order to address the local concerns, we kindly request that the following points be given due consideration as you move forward with proposals:

- That delicate balance is struck between the necessary boundary adjustments and the preservation of the already well established community and transport links between regions.
- A change of name, for example to "Lanark, Tweeddale, Galashiels, and Lauderdale Constituency" within the proposed boundaries, to better reflect the strong sense of local identity, historical significance, and cultural connection within the constituency.

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LIVE BORDERS FINANCIAL SUPPORT

Report by Director of Finance & Procurement

SCOTTISH BORDERS COUNCIL

14 December 2023

1 PURPOSE AND SUMMARY

- 1.1 **This report provides Scottish Borders Council with an update on financial support required by Live Borders to ensure financial balance in 2023/24. It notes that Live Borders has now finalised its financial forecasts and the report recommends that an allocation of £1million is provided to the Trust from Council reserves. Without this financial support the Trust will not be able to meet its projected financial liabilities in the current year.**
- 1.2 The Council has been in detailed discussions with Live Borders regarding their financial position in the current year. The Trust is experiencing significant financial difficulties as it adjusts its service delivery model in a post-COVID operating environment, deals with a backlog of maintenance, the effects of inflation and the ongoing impact of energy price rises in recent years which have 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 will 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.
- 1.3 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 remain 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 become clear.
- 1.4 Live Borders has now finalised financial forecasts for the current year, including a detailed cash flow projection to the 31st March 2024. This information received after the Council meeting on the 23rd November confirms, based on the current run rate of expenditure and forecast income, that by the 31st March 2024 the Trust is forecast to require up to £1.5m of additional funding to meet their projected liabilities. Live Borders is proactively taking a number of management actions to minimise this pressure as far as possible.

- 1.5 As well as addressing financial challenges during the remainder of this financial year, significant emphasis is being placed on assessing the likely financial implications in 2024/25 as part of the ongoing financial planning process. It is now considered that the additional support recommended for 2023/24 will have to be followed up with an additional package of support as part of the budget process for 2024/25 and future years.

2 RECOMMENDATIONS

2.1 It is recommended that Scottish Borders Council:

- (a) Notes the Live Borders 2023/24 forecast pressures of up to £1.5m;**
- (b) Approves the allocation of £1m from Council Reserves to provide Live Borders with immediate cash flow support;**
- (c) Delegates authority to the Director of Finance & Procurement to allocate further funding, up to a maximum of an additional £0.5m, before the 31st March 2024 if required; and**
- (d) Delegates 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.**

3 BACKGROUND

- 3.1 At the last Council meeting on 23rd November 2023, Council agreed the independent consultants' report findings and recommendations on the joint strategic review of sport, leisure and cultural services and agreed the resultant consolidated set of recommendations.
- 3.2 The financial implications in the joint strategic review report confirmed 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.

4 UPDATED FINANCIAL POSITION

- 4.1 Live Borders has now, subsequent to the last Council meeting, finalised financial forecasts for the current year including a detailed cash flow projection to the 31st March 2024 which confirms, based on the current run rate of expenditure and forecast income, that by the 31st March 2024 the Trust are forecast to require up to £1.5m of additional funding to meet their projected liabilities.
- 4.2 Live Borders are proactively taking a number of management actions to minimise this pressure as far as possible. These include:
- ongoing monitoring of the staffing budget;
 - clarification on VAT management through engagement with HMRC;
 - engagement with the Trust's Bank to determine whether an arranged overdraft may help mitigate cash flow challenges over the remainder of the financial year.
- 4.3 In line with the Council's approach to managing pressures in the budget, associated with the current inflationary environment and pressures in areas such as out of authority placements for younger people, Live Borders are taking a similar approach around restrictions on discretionary spend over the remainder of the financial year with the aim of reducing spend wherever possible.
- 4.4 As part of the implementation of the strategic review recommendations, the ongoing financial position of the Trust will be monitored regularly during the remainder of the financial year.
- 4.5 As well as addressing financial challenges during the remainder of this financial year, significant emphasis is being placed on assessing the likely financial implications in 2024/25 as part of the ongoing financial planning process. It is now considered that the additional support recommended for 2023/24 will have to be followed up with an additional package of support as part of the budget process for 2024/25.
- 4.6 The Live Borders Trust's external auditors have indicated that they need an updated letter of comfort from the Council in order to sign off the Trust's 2022/23 accounts and conclude that the Trust is a going concern. The letter of comfort needs to take effect from December 2023 and indicate the Council's ongoing support for Live Borders over a minimum of a 12 month period. The final wording of the letter is still to be agreed although it is anticipated that the external auditors would require this commitment to make sure the Trust remains financially solvent.

5 IMPLICATIONS

5.1 Financial

It is proposed that £1m will be drawn down from Council reserves to provide Live Borders with immediate cash flow support. The remaining requirement of up to a further £0.5m will be considered during the remainder of the financial year with an assessment made at year end on whether this is manageable within existing budget. If required the Council will draw down from reserves at year end to fund any unmet balance. The Council continues to work with Live Borders to ensure the Trust returns to financial sustainability.

5.2 Risk and Mitigations

The 23 November 2023 Council report referenced uncertainty on the financial risks associated with the temporary financial support required by Live Borders in the short term within the Financial Implications section. This report provides further information on the updated financial forecasts for the current year from Live Borders in respect of the financial risks and highlights a going concern risk associated with Live Borders' financial sustainability raised by its external auditors. The recommendations in this report are designed to mitigate those risks in the short term.

The major risk associated with this report is that the level of forecast additional funding provided proves to be insufficient. This risk is being mitigated through regular monitoring of financial activity during the remainder of the financial year. The trends and financial challenges experienced during 2023/24 will also inform budget funding requirements in 2024/25.

The financial control measures by Live Borders outlined in paragraphs 4.2 and 4.3 in this report, concurrently with the implementation of the recommendations agreed by Council on 23 November 2023 report to review existing governance and reporting arrangements and undertake a 12-month joint transformational change programme are designed to enable a high performing and financially sustainable partnership in the medium term.

Risk Management is an iterative process and therefore risks (threats and opportunities) associated with those services provided by Live Borders on behalf of the Council will continue to be considered in line with the Council's risk management framework. This will evolve in line with the financial control measures, joint transformational change programme, and any changes arising from the update of the Service Provision Agreement and the 23 November 2023 Council report relating to Live Borders.

5.3 Integrated Impact Assessment

It is anticipated there will be no adverse impact due to race, disability, gender, age, sexual orientation or religion/belief arising from the proposals contained in this report.

5.4 Sustainable Development Goals

There are no significant effects on the economy, community or environment.

5.5 Climate Change

No effect on carbon emissions are anticipated from the recommendation of this report.

5.6 Rural Proofing

It is anticipated there will be no adverse 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

There are no changes to the Schemes of Administration or Delegation as a result of this report.

6 CONSULTATION

6.1 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 on this report and any comments have been incorporated into this final report.

Approved by

Suzy Douglas

Signature

Director of Finance & Procurement

Author(s)

Suzy Douglas	Director of Finance & Procurement 01835 824000 X5881
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Background Papers:

Previous Minute Reference:

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NATIONAL FOSTER CARE ALLOWANCE

Report by Director Education and Lifelong Learning

Scottish Borders Council

14 December 2023

1 PURPOSE AND SUMMARY

- 1.1 This report proposes Council agree 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.
- 1.2 On 29th August 2023 the Scottish Government announced the introduction of a national Foster Care Allowance for both foster carers and kinship carers.
- 1.3 The national Allowance must be paid as a minimum and where local authorities are already paying above the national Allowance rates, this should continue so that foster carers or kinship carers should not be financially disadvantaged. The new Allowance should be backdated to 1st April 2023.
- 1.4 Aspects of the new Allowance enhance the current payment rates for foster and kinship carers and aspects disadvantage them.

2 RECOMMENDATIONS

2.1 I recommend that the Committee:

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

3 BACKGROUND

- 3.1 On 29th August 2023 the Scottish Government announced the introduction of a national Foster Care Allowance. This followed The National Review of Care Allowances which reported in September 2018 making 12 recommendations aimed at improving the consistency and transparency of support for kinship and foster families.
- 3.2 The new national Foster Care Allowance applies equally to both foster carers, kinship carers and kinship carers with Kinship Care Orders. The Allowance should be backdated to 1st April 2023.
- 3.3 The remuneration / payment structure for foster carers and kinship carers is different. Foster carers are paid both a Fee (for the task of foster caring) and an Allowance (for the specific costs related to the care of the child). Rates of payment are related to the age of the child. Kinship carers are paid an Allowance only.
- 3.4 The national Allowance must be paid as a minimum and where local authorities are already paying above the national Allowance rates, this should continue so that foster carers of kinship carers should not be financially disadvantaged.
- 3.5 The Allowance is expected to cover the costs of maintaining a child. The Scottish Government and COSLA agreed the 16 core items that the Allowance must cover:

1. Food
2. Toiletries
3. Clothes
4. Wear and tear
5. Hobbies and activities
6. Bedding
7. Furniture
8. Pocket money
9. Toys
10. Insurance and utility bill increases
11. Daily access to a computer and the internet
12. Transport costs for the child
13. Mobile phone
14. Holiday costs to cover school holiday activities and family trips
15. Birthday
16. Christmas or other cultural or religious events

- 3.6 The agreed weekly national Allowance rates are as follows:

Age Range	0-4 years	5-10 years	11-15 years	16+ years
Allowance	£168.31	£195.81	£195.81	£268.41

- 3.7 The Scottish Government announced on 18th October 2023 that Scottish Borders Council will receive £310,564.03 to fund the increase.

4 CURRENT ALLOWANCE AND PAYMENT STRUCTURE FOR FOSTER CARERS AND KINSHIP CARERS

4.1 Scottish Borders Council's foster carers and kinship carers are currently paid at the following weekly rates:

Age Range	0-10 years	11+ years
Allowance	£150.17	£225.21

4.2 Additionally, in line with the majority of local authority fostering agencies in Scotland, foster carers and kinship carers are paid on a 56-week annual basis. The additional 4 weeks are intended to cover the additional costs of caring for children at their birthday (1 week), Christmas (1 week) and the summer holiday period (2 weeks).

4.3 Foster carers and kinship carers also receive 2 other additional payments:

Telephone/Broadband Allowance	£20.60 (monthly)
Mileage	45p per mile

4.4 Scottish Borders Council's Fostering Service currently has the following number of children and young people looked after in foster care and kinship care placements:

Placement Type	Children / Young People
Foster Care	60
Kinship Care & Kinship Care Orders	137

4.5 There is currently a national shortage of foster carers. All of the available evidence tells us that there are more people leaving foster care than there are becoming foster carers. Scotland's annual social work statistics as well as the Care Inspectorate bulletin show a decrease in the number of foster carers in Scotland year on year. The annual social work statistics show that in 2012 there was a total of 5279 foster care placements in Scotland (3926 provided by the LA and 1333 purchased by the LA) and in 2022 there was a total of 4155 foster care placements in Scotland (2871 provided by the LA and 1284 purchased by the LA, that is a decrease of 1124 over a 10-year period.

4.6 While there have been challenges in the recruiting and retaining of foster carers for a number of years, more recently the pandemic and the potential increase in Unaccompanied Asylum-Seeking Children in the UK have put added pressures on local authorities and fostering services. Not only has this increased demand on the number of carers required, but it has also added to the complexities and trauma children and young people bring with them into placements. The wider workforce which supports children and families, and foster carers, is also facing similar recruitment and retention challenges.

4.6 This situation is reflected in the Scottish Borders Council Fostering Service with a noticeable decline in recruitment since 2019. There has been a loss

of 11 foster care households from 51 in May 2020 to 40 in September 2023 – a 21.5% decrease.

5 PROPOSALS

- 5.1 Implement the new national Foster Carer Allowance for all foster carers and kinship carers in the Scottish Borders.
- 5.2 The new national Allowance rates are divided into 4 age ranges (0-4, 5-10, 11-15 and 16+ years) whereas Scottish Borders Council operate 2 age range bands (0-10 and 11+ years). This means that those caring for children aged between 11 and 15 years of age will be worse off by £29.40 per week. In order to ensure that no foster carers or kinship carers are financially disadvantaged, this group will continue to receive their existing Allowance rate. This will even up over time as carers receive annual increments. All new placements in this age bracket will receive the new national Allowance rate.
- 5.3 Scottish Borders Council will continue to pay foster carers and kinship carers on a 56-week annual basis and provide additional telephone / broadband allowance and mileage. Although the core items included in the new national Allowance includes transport costs for the child, mobile phone, holiday costs to cover school holiday activities and family trips, birthday and Christmas or other cultural or religious events, removal of these additional payment elements would considerably disadvantage foster and kinship carers. Additionally, in the current recruitment and retention environment, reducing financial incentives to care for children would not be prudent.

6 IMPLICATIONS

6.1 Financial

The Scottish Government announced on 18th October 2023 that Scottish Borders Council will receive £310,564.03 to fund the increase of Allowances.

The annual costs associated with the implementation of the national Foster Carer Allowance for all kinship carers and foster carers are as follows:

Kinship Care

Current - Kinship Care					
		No. of Weeks	52	4	56
Age Band	No. of Placements	Allowance per Week	£	£	Total
0-4	8	£150.17	£62,471	£4,805	£67,276
5-10	39	£150.17	£304,545	£23,427	£327,972
11-15	64	£225.21	£749,499	£57,654	£807,153
Top-up 11-15			£0	£0	£0
16+	26	£225.21	£304,484	£23,422	£327,906
	137		£1,420,999	£109,308	£1,530,307

New Recommended Scottish Allowance - Kinship Care					
		No. of Weeks	52	4	56
Age Band	No. of Placements	Allowance per Week	£	£	Total
0-4	8	£168.31	£70,017	£5,386	£75,403
5-10	39	£195.81	£397,103	£30,546	£427,649
11-15	64	£195.81	£651,656	£50,127	£701,783
Top-up 11-15		£29.40	£97,843	£7,526	£105,369
16+	26	£268.41	£362,890	£27,915	£390,805
	137		£1,579,509	£121,500	£1,701,009

Increase - Kinship Care				
		52	4	56
Age Band	No. of Placements	£	£	Total
0-4	8	£7,546	£581	£8,127
5-10	39	£92,558	£7,119	£99,677
11-15	64	-£97,843	-£7,527	-£105,370
Top-up 11-15		£97,843	£7,526	£105,369
16+	26	£58,406	£4,493	£62,899
	137	£158,510	£12,192	£170,702

Foster Care

Current - Foster Care					
		No. of Weeks	52	4	56
Age Band	No. of Placements	Allowance per Week	£	£	Total
0-4	13	£150.17	£101,515	£7,809	£109,324
5-10	23	£150.17	£179,603	£13,816	£193,419
11-15	15	£225.21	£175,664	£13,513	£189,177
Top-up 11-15			£0	£0	£0
16+	9	£225.21	£105,398	£8,108	£113,506
	60		£562,180	£43,246	£605,426

New Recommended Scottish Allowance - Foster Care					
		No. of Weeks	52	4	56
Age Band	No. of Placements	Allowance per Week	£	£	Total
0-4	13	£168.31	£113,778	£8,752	£122,530
5-10	23	£195.81	£234,189	£18,015	£252,204
11-15	15	£195.81	£152,732	£11,749	£164,481
Top-up 11-15		£29.40	£22,932	£1,764	£24,696
16+	9	£268.41	£125,616	£9,663	£135,279
	60		£649,247	£49,943	£699,190

Increase – Foster Care				
		52	4	56
Age Band	No. of Placements	£	£	Total
0-4	13	£12,263	£943	£13,206
5-10	23	£54,586	£4,199	£58,785
11-15	15	-£22,932	-£1,764	-£24,696
Top-up 11-15		£22,932	£1,764	£24,696
16+	9	£20,218	£1,555	£21,772
	60	£87,067	£6,697	£93,764

N.B Above costs exclude mileage and telephone allowance. Short Breaks (respite) costs have not been included as these can only be calculated retrospectively. Based on previous year's costs these would roughly equate to £3,200 per year.

There is therefore a surplus of £46,098 in terms of the money provided by the Scottish Government to meet the implementation of the new National Allowance (based on a 56 week payment schedule):

Kinship Carer increase	£170,702
Foster Carer increase	£ 93,764
Total increase	£264,466
Scottish Government funding	£310,564
Surplus	£ 46,098

N.B. As above, Short Breaks (respite) costs have not been included as these can only be calculated retrospectively. Based on previous year's costs these would roughly equate to £3,200 per year.

6.2 Risk and Mitigations

As the new national rate for 11-16 year olds is lower than the current Scottish Borders Council rate, carers would be worse off by £29.40 per week if, as intended, this group were not to continue to receive their existing Allowance rate. All new placements in this age bracket will receive the new national Allowance rate, however, Scottish Borders Council are already receiving correspondence from local kinship carers criticising this approach and lobbying for us to keep the existing higher rate for this age group. There are currently 79 children and young people in this category foster care and kinship care).

6.3 Integrated Impact Assessment

To be completed.

6.4 Sustainable Development Goals

End poverty in all its forms everywhere – proposal improves local income for foster carers and kinship carers.

6.5 Climate Change

Minimal impact.

6.6 Rural Proofing

N/A

6.7 Data Protection Impact Statement

All potential risks of non-compliance with Data Protection legislation have been identified, assessed and recorded within a Data Protection Impact Assessment. The controls to mitigate any potentially negative impacted identified within the Assessment have been/will be implemented to ensure the proposed change to/new data processing complies with Data Protection legislation.

6.8 Changes to Scheme of Administration or Scheme of Delegation

There are no proposed changes to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals in this report.

6 CONSULTATION

6.1 [insert details of your consultees (see consultation sheet)] You must consult the Director (Finance & Procurement), the Director (Corporate Governance), the Chief Officer Audit and Risk, the Director (People Performance & Change), the Clerk to the Council and Corporate Communications and any comments received will need to be incorporated into the final report.

6.2 Others to be consulted if required are –

- External organisations
- Procurement Officer – if you are buying any goods or services.

Approved by

Name

Title

Author(s)

Name	Designation and Contact Number
Gareth Stott	Resources Group Manager, Children and Families Social Work

Background Papers: N/A

Previous Minute Reference: N/A

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