

SCOTTISH BORDERS COUNCIL

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held in Council Headquarters, Newtown St. Boswells on 29 September 2016 at 10.00 a.m.

Present:- Councillors G. Garvie (Convener), S. Aitchison, W. Archibald (from para 12), M. Ballantyne, S. Bell, C. Bhatia, J. Brown, J. Campbell, K. Cockburn, M. Cook, A. Cranston, V. Davidson, G. Edgar, J. Fullarton, I. Gillespie, J. Greenwell, G. Logan, W. McAteer, S. Marshall, J. Mitchell, D. Moffat, S. Mountford, A. Nicol, D. Parker, D. Paterson, S. Scott, R. Smith, G. Turnbull, T. Weatherston, B. White.

Apologies:- Councillors B. Herd, F. Renton, R. Stewart, J. Torrance.

In Attendance:- Chief Executive, Depute Chief Executive (Place), Corporate Transformation and Services Director, Chief Financial Officer, Service Director Assets & Infrastructure, Service Director Regulatory Services, Chief Social Work Officer, Chief Legal Officer, Chief Roads Officer, Chief HR Officer, Customer Services Manager, Clerk to the Council.

1. CONVENER'S REMARKS

- 1.1 The Convener, on behalf of the Council, congratulated all the Borders Olympic and Paralympic athletes and in particular Libby Clegg who had won 2 gold medals. He advised that a civic reception would be held later in the year.
- 1.2 The Convener advised that Councillor Brown, on his behalf, had accepted a petition from WASPI (Women Against State Pension Inequality) as part of their national campaign.

DECISION NOTED.

2. ORDER OF BUSINESS

Councillor Parker, seconded by Councillor Bell, moved that Item 24 on the agenda, relating to the Great Tapestry of Scotland, be considered in public in the interests of transparency rather than in private as shown on the published agenda. This was unanimously approved and it was agreed that it be considered as Item 19 on the agenda.

3. THE WORK OF CABX IN THE BORDERS

The Convener welcomed Euan Robson, Chair of Borders Citizens Advice Consortium; Martyn Buckley, a Director of BCAC and also Central Borders CAB; and Rhona Calder, Manager of the Roxburgh and Berwickshire CAB, to the meeting. Mr Robson gave a presentation on the work of the CAB in the Borders. He outlined the current provision in the Borders and the types of advice that were being given. He thanked the Council for renewing their funding. Mr Robson and Ms Calder answered Members' questions and commented on the challenges of getting volunteers. The Convener thanked Mr Robson for his presentation.

4. MINUTE

The Minute of the Meeting held on 25 August 2016 was considered.

DECISION

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

5. COMMITTEE MINUTES

The Minutes of the following Committees had been circulated:-

Local Review Body	15 August 2016
Executive	16 August 2016
Hawick Common Good Fund	16 August 2016
Teviot & Liddesdale Area Forum	16 June 2016
Scrutiny	18 August 2016
Civic Government Licensing	19 August 2016
Selkirk Common Good Fund	30 August 2016
Peebles Common Good Fund	31 August 2016
Tweeddale Area Forum	31 August 2016
Berwickshire Area Forum	1 September 2016
Planning & Building Standards Executive	5 September 2016
	6 September 2016

DECISION

APPROVED the Minutes listed above.

6. OPEN QUESTIONS

The questions submitted by Councillors McAteer, Marshall, Fullarton and Turnbull were answered.

DECISION

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

7. HAWICK FLOOD PROTECTION PROJECT SCHEME PUBLICATION DATE DECISION

With reference to paragraph 18 of the Minute of 28 March 2013, there had been circulated copies of a report by the Depute Chief Executive Place providing an update on the progress of the Hawick Flood Protection Scheme and proposing that the Preferred Scheme be considered by Council at its meeting on 23 February 2017. The report explained that the Project Team continued to deliver the Hawick Flood Protection Scheme on programme and in February 2016 the completion date had been accelerated by six months to the revised substantial completion date of June 2021, with the reprofile of the project budget to allow the detailed design to commence in parallel with the scheme publication process. Keeping to the current programme provided nine months of programme float before the end of the Scottish Government funding period in March 2022. This provided a period of time to rectify 'valid' objections to the published scheme or undertake a Public Local Inquiry before it effected the funding viability of the project. The Project Team required Scottish Borders Council to approve the Preferred Scheme on 23 February 2017 allowing the preparation of the appropriate documents to enable the scheme to be published on 18 April 2017, with the determination period running in parallel with the pre-election ('Purdah') period for the 2017 Local Government Election.

DECISION

AGREED:-

(a) to note the progress made on the project to date; and

(b) that a report be brought to Scottish Borders Council meeting on 23 February 2017 to consider the Preferred Scheme for publication.

DECLARATION OF INTEREST

Councillor Edgar declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

8. SCOTTISH GOVERNMENT BARCLAY REVIEW OF BUSINESS RATES IN SCOTLAND - CONSULTATIVE RESPONSE

There had been circulated copies of a report by the Service Director Neighbourhood Services on a proposed response to the Scottish Government's Business Rates Review, being led by the Barclay Review Group. The report explained that a call for submissions was issued by the Scottish Government on 13 July 2016 with a deadline for responses of 7 October 2016.

Contributions had been invited to inform the re-design of the business rates system to better support business and incentivise investment. The proposed response to the consultation was set out in Appendix 2 to the report and focused on the need for more frequent valuations as well as consideration of the properties which should feature in the valuation roll. The response also outlined some of the key issues with the current suite of reliefs and exemptions and recommended a review of these to ensure they were targeted to those businesses that required support and better encourage growth and investment.

**DECISION
AGREED:-**

- (a) **the response to the Scottish Government's Business Rates Review, as set out in Appendix 2 to the report; and**
- (b) **that the Service Director of Neighbourhood Services report, in due course, on the outcome of the Review and how it would affect Scottish Borders Council and businesses in the Scottish Borders.**

9. ANNUAL REPORT OF THE CHIEF SOCIAL WORK OFFICER 2015/16

There had been circulated copies of a report by the Chief Social Work Officer containing the ninth annual report on the work undertaken on behalf of the Council in the statutory role of Chief Social Work Officer. The annual report, attached as Appendix A to the covering report, provided the Council with an account of decisions taken by the Chief Social Work Officer in the statutory areas of Fostering and Adoption, Child Protection, Secure Orders, Adult Protection, Adults with Incapacity, Mental Health and Criminal Justice. The report also gave an overview of regulation and inspection, workforce issues and social policy themes over the year April 2015 to March 2016, and highlighted some of the key challenges for Social Work for the coming year. Mrs Torrance, the Chief Social Work Officer, also commented on the publication of the Account's Commission Report on Social Work and highlighted the emphasis the report placed on Councillors having a clear responsibility for the oversight of social work services. The report also highlighted the role of the Chief Social Work Officer and her duty of oversight and challenge and the reporting of concerns to Members. Mrs Torrance answered Members' questions and confirmed that, while paperwork completed by social workers needed to be minimised, a balance was needed to ensure that recording was carried out properly, as recording risk assessments and chronologies was essential.

DECISION

AGREED to approve the report of the Chief Social Work Officer for 2015/2016.

10. STATEMENTS OF ACCOUNTS 2015/16

There had been circulated copies of a report by KPMG, the Council's Auditors together with a report by the Chief Financial Officer and a copy of the Annual Accounts 2015/16. The Chief Financial Officer's report explained that the Council's External Auditors, KPMG, had now completed the audit of the Council's 2015/16 Annual Accounts. KPMG had prepared the Annual Audit Report and had provided an unqualified independent audit opinion. The Annual Audit Report summarised KPMG's conclusions, including:

- An unqualified audit opinion
- Statements supported by high quality working papers;
- KPMG concur with management's accounting treatment and judgements;
- KPMG concluded positively in respect of financial sustainability, financial management, governance and transparency and value for money.

KPMG had identified two Grade 3 (minor) recommendations requiring action and these had been accepted by management and would be enacted within the agreed timescales. As required under the Local Authority Accounts (Scotland) Regulations 2014, the audited Annual Accounts for Scottish Borders Council, Scottish Borders Council's Pension Fund, SBC Common Good Funds, the SBC Charitable Trusts, Bridge Homes LLP, SB Support and SB Cares, copies of which had also been circulated, had been presented to the Audit & Risk

Committee prior to signature. Councillor Ballantyne as Chairman of the Audit and Risk Committee commented on that Committee's review of the accounts and was pleased with the report received. She highlighted that the level of risk covered by balances was lower and suggested that the level of Reserves not be allowed to fall any lower. Councillor White as Chairman of the Pension Fund Committee commented on the operation of the new Board system and the fact that performance had exceeded the benchmark over the last 4.5 years. He paid tribute to the Committee and its advisors.

DECISION

AGREED to approve the following audited accounts:-

- (a) the Scottish Borders Council's audited Annual Accounts for the year to 31 March 2016;**
- (b) the Scottish Borders Council's Pension Fund audited Annual Accounts for the year to 31 March 2016;**
- (c) the Scottish Borders Council Common Good Funds' (Charity SC031538) audited Annual Accounts for the year to 31 March 2016;**
- (d) the SBC Welfare Trust (Charity SC044765) audited Annual Accounts for the year to 31 March 2016;**
- (e) the SBC Education Trust (Charity SC044762) audited Annual Accounts for the year to 31 March 2016;**
- (f) the SBC Community Enhancement Trust (Charity SC044764) audited Annual Accounts for the year to 31 March 2016;**
- (g) the Thomas Howden Wildlife Trust (Charity SC015647) audited Annual Accounts for the year to 31 March 2016;**
- (h) the Ormiston Trust for Institute Fund (Charity SC019162) audited Annual Accounts for the year to 31 March 2016;**
- (i) the Scottish Borders Council Charity Funds' (Charity SC043896) audited Annual Accounts for the year to 31 March 2016;**
- (j) the Bridge Homes LLP audited Annual Accounts for the year to 31 March 2016;**
- (k) the SB Supports audited Annual Accounts for the year to 31 March 2016; and**
- (l) the SB Cares audited Annual Accounts for the year to the 31 March 2016.**

11. ANNUAL REPORT ON TREASURY MANAGEMENT 2015/16

With reference to paragraph 12 of the Minute of 17 December 2015, there had been circulated copies of a report by the Chief Financial Officer containing the annual report of treasury management activities undertaken during the 2015/16 financial year. The annual report provided an analysis of performance against targets set in relation to Prudential and Treasury Management Indicators. All of the performance comparisons reported upon were based on the revised indicators agreed as part of the mid-year report approved in December 2015. The report also detailed the Council's borrowing requirement to fund capital investment undertaken during 2014/15, how much the council actually borrowed against the sums budgeted, and the level of external debt carried on the council's balance sheet within approved limits. During the year the Council had, where possible, deferred borrowing using surplus cash rather than undertaking new borrowing and therefore did not undertake additional long term borrowing during the year. Treasury management activity for the year had been undertaken in compliance with approved policy and the Code and the Council remained under-borrowed against its Capital Financing Requirement (CFR) at 31 March 2016.

**DECISION
AGREED:-**

- (a) to note that treasury management activity in the year to 31 March 2016 had been carried out in compliance with the approved Treasury Management Strategy Policy; and
- (b) the annual report of Treasury Management activities for 2015/16 as detailed in Appendix 1 to the report.

12. 6 MONTH REVIEW OF 2016/17 TO 2025/26 CAPITAL PLAN

12.1 With reference to paragraph 8 of the Minute of 11 February 2016, there had been circulated copies of a report by the Chief Financial Officer providing Members with the findings and recommendations of the 6 month review of the 2016/17 to 2025/26 Capital Plan. The 2016/17 to 2025/26 Capital plan was approved by Full Council on 11 February 2016. As part of the approval it was agreed a review of the Plan should be undertaken after 6 months due to uncertainties regarding the delivery of some projects and the ongoing development and refinement of various strategies including the sports pitch replacement programme, the waste strategy, the school estate review and the requirements of IT strategy. This review had now been undertaken, in conjunction with the Service Director Assets and Infrastructure, of all projects within the Capital Plan to ensure they met the required criteria. In total £2.941m of proposed revisions to the capital programme had been identified with revised proposals relating to Kelso High School, Langlee and Broomlands primary schools, the cemetery acquisition block and the 3G pitch replacement programme. The report further recommended additional resources be applied to allow the upgrade and demolition of assets with the balance £2.441m being allocated to the emergency and unplanned schemes pending further recommendations regarding the use of this funding being submitted to Elected Members. The contingencies held within Kelso High School and Langlee and Broomlands Primary School were no longer required and could be returned to the Emergency/Unplanned Schemes. The Cemetery Land Acquisition and development block and the Peebles 3G Synthetic Pitch, had for a number of reasons been unable to be progressed and overall deliverability of these projects was highly uncertain. Rather than leaving this funding unapplied within the programme for an indeterminate period, it was recommended these projects be removed from the current capital plan and the funds returned to Emergency/Unplanned Schemes. When deliverable proposals requiring funding were brought to members for consideration this funding would be reviewed. The Transformation Programme identified savings for property would require the Council to adopt a more flexible, more efficient property portfolio with a reduced footprint. This would require an element of capital funding which was currently not identified in the Plan. If the capital funds were not identified revenue savings would not be achieved.

12.2 Councillor Parker commented on the additional money which was now available and proposed that some of these additional funds be allocated for road repairs. He moved, seconded by Councillor Mitchell, the following Motion to replace recommendation (h) in the report:-

“Council agrees to allocate £2.4 million to the following projects listed below:

From this allocation £422k would be used to bridge the capital gap between the money bid for through SCOTS from the Scottish Government for flood damage at Bowanhill Bridge, Selkirk Flood Scheme, and Newmill Bridge near Jedburgh.

The balance of the capital funding of £1.978 million would be allocated as follows:

Patching in Towns/Villages	-	£400k
Patching on Rural A & B Roads		
Short Overlays	-	£200k
Drainage	-	£ 50k

Resurfacing - £1,328k
£1,978k

Identified Sites for Resurfacing - £1,328k

<u>Berwickshire</u>		
High Street, Greenlaw	375m	February 2017
Currie Street, Duns	350m	February 2017
A6105 West End, Chirnside	350m	March 2017
Creel Rd/Murrayfield, St Abbs	200m	December 2016
<u>Cheviot</u>		
Golf Course Road, Kelso	400m	March 2017
Main Street, St Boswells	400m	April 2017
<u>Teviot & Liddesdale</u>		
Gladstone Street, Hawick	140m	March/April 2017
Wester Braid Road, Hawick	100m	January 2017
Main Street, Denholm	350m	February 2017
Drumlanrig Place, Hawick	180m	January 2017
<u>Tweeddale</u>		
South Park Drive, Peebles	200m	December 2016
High Street, Peebles	250m	March 2017
Rosetta Road, Peebles	150m	October/November 2016
Connor Street, Peebles	350m	January 2017
<u>Eildon</u>		
Windyknowe Road, Galashiels	550m	December 2016
Crofts Road, Lauder	250m	December 2016
Island St/Hall St. Junction	120m	April 2017
A7 Torsonce	250m	November 2016
Douglas Place, Selkirk	140m	January 2017

The £400k for patching would be used across The Borders to support next year's Surface Dressing programme which is currently under development.

The £200k for short overlays would also be distributed across The Borders to sites identified as being most in need of this type of repair.

The £50k of drainage money would likewise be used across the road network and targeted at sites with known drainage issues and sites earmarked for 2017/18 surface dressing.

Assuming an early positive decision on the funding being available, the roads teams have indicated that the bulk of the work (85% to 90%) could be completed in the 2016/17 financial year. The balance of the funding and schemes would be completed in the first quarter of the 2017/18 financial year. Work could start on some of these schemes in October through SBc Contracts as they are scheduled to complete the last of the Bellwin related bridge works by the end of September.

This scheduling is based on the assumption that we have an average winter. Were we to have an exceptionally bad spell of weather that required roads resource to be diverted towards winter and emergency response that could impact on the percentage of scheme works delivered in 2016/17.”

- 12.3 In light of the situation regarding the provision of a 3G pitch in Peebles and the problem of pitch flooding at the Gytes, Councillor Bhatia, seconded by Councillor Bell, moved the addition of a further recommendation as follows:-

“That the Service Director for Assets & Infrastructure liaises with Peebles Rovers and Peebles FC to scope the works required to make improvements to the grass pitches at Violet Bank, Peebles, and report back to Council by December 2016 on the costs and timescales to deliver this project.”

- 12.4 Members discussed the proposals for the Capital Plan and unanimously approved the amendments detailed above.

**DECISION
AGREED:-**

- (a) to the reallocation of £0.833m from the Kelso High School budget;
- (b) to note the position regarding Langlee and Broomlands Schools projects;
- (c) to the removal of Peebles 3G Pitch £1.288m from the current capital plan due to ongoing uncertainty re deliverability;
- (d) to the removal of £0.82m from the Cemetery Land Acquisition and Development budget from the current capital plan;
- (e) to allocate £0.25m to the Office Accommodation Transformation Program to enable the upgrade of existing office accommodation in Paton Street initially to accommodate CGI’s new service centre;
- (f) to allocate £0.25m to the Demolition and Site Preparation Block;
- (g) to note the shortfall in grant for flood damage awarded by Transport Scotland of £422,000;
- (h) to approve the allocation of £2.4 million to fund roads projects as detailed in paragraph 12.2 above; and
- (i) that the Service Director for Assets & Infrastructure liaise with Peebles Rovers and Peebles FC to scope the works required to make improvements to the grass pitches at Violet Bank, Peebles, and report back to Council by December 2016 on the costs and timescales to deliver this project

MEMBER

Councillor Archibald joined the meeting during consideration of the above item.

13. **EARLY RETIREMENT/VOLUNTARY SEVERANCE**

There had been circulated copies of a report by the Chief Executive seeking approval for 2 members of staff who had requested early retirement and voluntary severance. If both applications were approved, a total one-off cost of £61,927 would be incurred. In total, £82,641 of direct recurring employee cost savings would be delivered each year. The average payback period for all staff was 0.93 years.

DECISION

AGREED to approve both applications as detailed in the report with the associated costs being met from the voluntary severance/early retirement budget for 2016/17 of £61,927.

14. COMMUNITY PLANNING GOVERNANCE ARRANGEMENTS

There had been circulated copies of a report by the Chief Executive on proposed changes to the Community Planning governance arrangements in the Scottish Borders, and in particular an amendment to the membership and remit of the Community Planning Strategic Board. The report explained that at its meeting on 8 September 2016, the Community Planning Strategic Board agreed to changes to its current governance structure. These changes required Council approval as the Community Planning Strategic Board was a formal committee of Council. The aim of any Community Planning Partnership was to establish what could be done differently and better by the partners by getting together and co-ordinating existing services or joining up to provide services which will reduce inequalities and improve outcomes for communities. A review of the governance structure of the Community Planning Partnerships was carried out by officers of the statutory community planning partners, who concluded that the Scottish Borders Community Planning Partnership would be best served by having two groups – a large consultative group that set the strategic direction for community planning and a smaller decision making group that ensured the strategic direction was being followed. The Community Planning Consultative Partnership would comprise representatives from each of the Statutory Partners and those partners listed in Schedule 1 of the Community Empowerment (Scotland) Act 2015. A revised smaller Scottish Borders Community Planning Strategic Board would be retained as the decision making group for the Community Planning Partnership, and would comprise representatives from the 5 Statutory Partners along with 3 other community planning partners. It was suggested that one of the Council representatives should be the Executive Member for Social Work rather than the Depute Leader (Health Service). It was agreed that consideration of the amendment to membership be delegated to the Clerk to the Council in consultation with the Leader and the Leader of the Opposition.

DECISION

AGREED:-

- (a) the governance arrangements for the Community Planning Partnership in the Scottish Borders; and**
- (b) the amendment of the Scheme of Administration to take account of the new Community Planning Strategic Board membership and remit, as detailed in Appendix 1 to the report, subject to any amendment to the Council representation agreed by the Clerk to the Council in consultation with the Leader and Leader of the Opposition.**

15. LOCAL GOVERNMENT BOUNDARY COMMISSION FOR SCOTLAND 5TH REVIEW OF ELECTORAL ARRANGEMENTS - DECISION OF SCOTTISH MINISTERS

With reference to paragraph 16 of the Minute of 29 June 2016, there had been circulated copies of a report by the Chief Executive advising Members of Scottish Ministers' decision on the Local Government Boundary Commission for Scotland's recommendations for the Scottish Borders Council area. The report explained that on 14 September 2016, Joe Fitzpatrick, MSP, Minister for Parliamentary Business, advised of his decision not to implement the recommendations made by the Commission for the Scottish Borders Council area. The electoral arrangements currently in effect for Scottish Borders would therefore continue to apply. Members also noted that the other smaller amendments previously agreed by Council would also not be implemented. While Members were pleased that there would be no reduction made to Councillor numbers there was disappointment that the smaller amendments which had addressed errors made when the original boundaries were drawn would not now be implemented. Councillor Cook, seconded by Councillor Moffat, moved that "Scottish Borders Council notes the decision of the Minister for Parliamentary

Business in respect of the Local Government Boundary Commission for Scotland's final recommendations. While welcoming the Minister's decision as it pertains to the Hawick & Hermitage, Hawick & Denholm and Jedburgh wards in the Scottish Borders Council area, Council is disappointed that the Minister ignored Council's representations on the defects inherent in the recommendations and methodology presented to him by the Local Government Boundary Commission. No decision on councillor numbers in the Scottish Borders or nationally should have been taken until a clear, comprehensive and evidence-based review had been conducted. The terms of this motion should be communicated to the Minister." The Motion was unanimously approved.

DECISION

- (a) NOTED Scottish Ministers' decision that there would be no changes to the current arrangements for the number and boundaries of Wards in the Scottish Borders Council area.**
- (b) AGREED that a letter be sent to the Minister for Parliamentary Business in the terms detailed above.**

16. SCRUTINY COMMITTEE MEMBERSHIP

It was noted that Councillor Logan had resigned from the Scrutiny Committee which left a vacancy in terms of membership and also the position of Chairman. Councillor Ballantyne, seconded by Councillor Cockburn, moved that Councillor Turnbull be appointed to the Committee and the position of Chairman and this was unanimously approved.

DECISION

AGREED that Councillor Turnbull be appointed to the Scrutiny Committee and also to the position of Chairman of the Committee.

ADJOURNMENT

The meeting adjourned for lunch and reconvened at 1.00 p.m.

MEMBERS

Councillors Davidson, Gillespie and Scott did not re-join the meeting after lunch.

17. GREAT TAPESTRY OF SCOTLAND

With reference to paragraph 16 of the Minute of 18 December 2014, there had been circulated copies of a report by the Corporate Transformation and Services Director providing an update on the Borders Railway Blueprint Project to establish a permanent home for the Great Tapestry of Scotland (GTS) in the Scottish Borders. The previously favoured location was at Tweedbank. However, the potential now existed to locate the GTS in Galashiels bringing significant benefits to the town. This report now sought an in principle decision to locate the GTS in Galashiels pending further work with partners and a subsequent report to Council on 10 November 2016. The report outlined the work undertaken since May this year including the feasibility Study by Page Park, the Detailed Business Case by Jura Consultants and the Cost Plan by Turner Townsend. The buildings which the GTS would occupy, as well as the wider regeneration benefits for the town were laid out as well as a range of community and partnership working which could be tapped into to create the GTS building within Galashiels. The report explained that this option had become possible as a building now being considered was not vacant at the time of the original assessment of Galashiels in summer 2014. When the former Poundstretcher building became available in April 2016 the Council took immediate action to assess the proposition. The key conclusions of the work to date were that due to the availability of the building in Galashiels locating the GTS in a purpose built building, but also linked to and utilising the existing former Post Office building, was a viable proposition. The detailed Business Case concluded that the project, if delivered as part of a wider regeneration project for Galashiels Town Centre, would result, after three years, in a small surplus from the GTS visitor attraction. Consequently the report recommended that, in principle, locating the GTS in Galashiels as part of a wider regeneration project should be pursued. David Paton of Page Park and Paul Jardine of Jura

Consultants were present at the meeting and gave a presentation on the proposal and answered Members' questions including expected visitor numbers, proposed ticket pricing, and the different opportunities offered by Galashiels and Melrose. Councillor Bell, seconded by Councillor Aitchison, moved that at present only recommendations (a) and (d) be approved with the final decision to be taken at the Council meeting on 10 November 2016 when all the required information would be available. This motion was unanimously approved.

DECISION

- (a) **NOTED the Feasibility Study completed by Page / Park, the Detailed Business Case completed by Jura Consultants and the Cost Consultants Report completed by Turner Townsend.**
- (b) **AGREED to request that the Corporate Transformation & Services Director bring forward a further report in respect of a final decision on the project to Council on 10 November 2016.**

18. PRIVATE BUSINESS

DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in Appendix II to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1, 6, 8 and 9 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

19. Minute

The private section of the Council Minute of 25 August 2016 was approved.

20. Committee Minutes

The private sections of the Committee Minutes as detailed in paragraph 5 of this Minute were approved.

The meeting concluded at 2.25 p.m.

SCOTTISH BORDERS COUNCIL
29 SEPTEMBER 2016
APPENDIX I

Questions from Councillor McAteer

1. To the Executive Member for HR & Corporate Improvement

Can the Executive Member advise on the total number of staff who have left Scottish Borders Council since May 2012 as a result of a compromise or similar confidentiality arrangement and at what total cost in terms of termination payments or lump sums.

Reply from Councillor Cook

Since May 2012 eight employees have left the employment of Scottish Borders Council as a result of a compromise, now settlement, agreement.

The total cost paid as settlement sums was £145,833.72.

Settlement Agreements are only entered into when a departure from the Council is necessary for operational reasons. They are a practical tool which protects the individual and the Council.

Had the employees left under the Early Retirement/ Voluntary Severance Scheme, the cost would have been £248,925.90, including pension costs.

Had they left through compulsory redundancy the cost would have been £310,452.23, including pension costs.

Supplementary

Councillor McAteer asked if Councillor Cook was happy that this was dealt with in an open and transparent way. Councillor Cook advised that the agreements were confidential but Members were consulted before they were agreed and he noted no comments from Councillor McAteer. He confirmed he was satisfied with the process.

2. To the Executive Member for Economic Development

Can the Executive Member for Economic Development explain the reasons for rejecting the Future Hawick proposed rates relief pilot scheme designed to help struggling businesses in one area of that town and capable of being extended to other Borders communities. In addition can he explain why he did not consider it appropriate to discuss these reasons with local elected and representative Members before making his decision?

Reply from Councillor Bell

It was not possible to cost the individual proposal in the absence of specific definitions from Future Hawick. However Officers estimate that to allow 100% Rates relief to High Street traders for 6 months during 2016/7 would cost the Council £94,000. It can be strongly argued that all of the existing reliefs and exemptions are already effective in assisting local businesses and limit the potential financial impact that implementing a scheme under the Community Empowerment Act may provide. As the cost needs to be fully met by the Council's own finances, any further reduction will put a strain on other Council services. In view of the open-ended approach suggested in the Future Hawick proposal (which officers cautioned against), and particularly the suggestion of wider provision of relief to all existing businesses, officers consider that the proposal is unaffordable in the short term and unsustainable in the longer term for Hawick.

As regards the second part of your question:

When Future Hawick presented a request to investigate a pilot Non Domestic Rates relief scheme the work was actually commissioned by myself and Cllr Smith, as Executive Members, and SBC officers Mrs Craig & Mr McGrath, when the 4 of us met with Future Hawick. But the first I heard of a final scheme was when I opened an e-mail from yourself with a declaration of support for the proposal. The second e-mail I opened that evening was from another Hawick Councillor with more praise and a declaration of support. It was only when I got to the third e-mail that I actually got a copy of Future Hawick's proposal which was not sent to the Executive Members and Officers who

commissioned the work; but to all 6 Hawick & District Councillors and to myself and Cllr Parker. The actual proposal was from a political and a practical perspective unsupportable, but you and other Hawick Councillors were already declaring unqualified support and I knew the next place I'd read about that would be in the Hawick Press.

I did you a favour by closing the subject down – because I stopped speculation about an impractical and unsupportable scheme. But I did not actually reject it, I said I would not propose it to the Executive.

I also said that I would ask officers to report on how best the Council can support the revitalisation of Hawick High Street, and continue our town centre regeneration efforts across the whole of the Scottish Borders; these reports come before the Executive next week.”

Question from Councillor Marshall

To the Executive Member for Environmental Services

Can the Executive Member provide reassurance that the recent charges imposed for disposal of trade or business waste will not result in increased fly-tipping throughout the Borders.

Reply from Councillor Paterson

It is first worth reminding members as to the reason for introducing the Community Recycling Centre Trade Waste Policy as approved by Council last year.

That is to expand on the existing range of services available for businesses by providing small traders with a cost effective and legislatively compliant means of disposing of their waste and recycling, whilst ensuring the Council recovers its costs. The majority of Scottish Councils already allow traders access to their recycling centres and there is clear evidence of a demand for the service within the borders.

Changes to service provision such as this do not come without risk. However it is important to recognise that fly tipping is an illegal activity, which the Council strongly condemns and if caught could result in fines of up to £40,000 or imprisonment. It is certainly not a justified reason for not introducing this service change.

I can confirm that the issue of fly tipping has been discussed in detail and it is considered that the existing processes are adequate to deal with this matter. However, the situation will be monitored regularly and action taken where necessary.

I am also pleased to report that a member of staff will be engaging with traders over the coming weeks to maximise take up of the trade access scheme.

Supplementary

Councillor Marshall advised that, although this was not a criticism of the Council, he was starting to be approached by businesses with concerns and asking if the charges could be reviewed. Councillor Paterson advised that the report approved did include the requirement for a review to be carried out after 3 months on how the system was operating.

Questions from Councillor Fullarton

1. To the Executive Members for Planning & Environment

With the suggested amalgamation of SESTRAN and SESPLAN, what are the likely implications for this Council for (a) governance and (b) budget?

Reply from Councillor Smith

The recent independent review of the planning system recommended a new role for Strategic Development Plan teams and closer links with Strategic Transport Authorities. Scottish Ministers are still considering that recommendation.

The Strategic Development Plan Manager for the SESplan area retired at the beginning of September. Until there is clarity about the future of Strategic Development Plans, and in view of the suggested stronger links with SEStran, it is proposed that the SEStran Manager assumes management responsibility for both teams on an interim basis. This position will be reviewed when Ministers have made a final decision on the future of Strategic Development Plans.

There are no immediate budgetary implications from the interim governance arrangements. In the longer term it is possible that some savings may be achieved if a joint manager is appointed on a permanent basis. Any other budgetary implications will only become clear once Ministers have given clear direction as to how the teams should operate.

Supplementary

Councillor Fullarton asked that the position be monitored and Councillor Smith assured him that this would be done.

2. To the Executive Member for Community Safety

Newspapers have recently reported that some serving police officers of Police Scotland have signed a petition calling for Police Scotland to be scrapped – does the Executive Member agree with this?

Reply from Councillor Moffat

This is a matter for Police Scotland.

Supplementary

Councillor Fullarton asked Councillor Moffat as Chairman of the Police Board if he could ascertain what was behind the unrest. Councillor Moffat advised that he was not the Chairman or a member of the national Police Board so this was not his role.

Question from Councillor Turnbull

To the Executive Member for Roads and Infrastructure

Mobile "smiley face" speed warning signs are very popular with the public in the Borders particularly in our villages. Do you agree that there is a good case to increase the numbers available to meet the demands by the public and in the interest of road safety?

Reply from Councillor Edgar

I would certainly agree that the signs are popular with communities.

At the moment there are 2 of these signs and they are rotated around 17 agreed locations (based on identified need). As research has shown that the signs work most effectively when they are used sparingly this provides a reasonable balance, albeit most communities would like to see the signs "*in their town*" more frequently.

The bigger issue with increasing the number of signs however is the time and staff resource involved in deploying them. The signs have a relatively short battery life (typically 7 days) and need to be brought in for re-charging between each use. For the best part this is undertaken as part of other duties when staff are in an area. It would not be possible to deploy an increased number of signs without impacting significantly on the work of the section.

Supplementary

Councillor Turnbull asked if the sign which he believed was broken would be replaced. Councillor Edgar confirmed that costs would be checked and a replacement purchased if this was cost effective.