

# SCOTTISH BORDERS COUNCIL SCRUTINY COMMITTEE

MINUTES of Meeting of the SCRUTINY  
COMMITTEE held in the COUNCIL  
CHAMBER, COUNCIL HEADQUARTERS,  
NEWTOWN ST BOSWELLS on Thursday,  
24 November, 2016 at 10.00 am

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Present:- Councillors G. Turnbull (Chairman), A. Cranston, I. Gillespie, B Herd,  
W. McAteer, A. J. Nicol and J. Torrance.  
Apologies:- Councillors W. Archibald and K. Cockburn.  
In Attendance:- Joint Director of Public Health, Clerk to the Council, Democratic Services  
Team Leader, Records Manager, Democratic Services Officer (P. Bolson).

## 1. **MINUTE**

There had been circulated copies of the Minute of 27 October 2016

### **DECISION**

**AGREED the Minute.**

2. **EXTRACT OF MINUTE OF EXECUTIVE COMMITTEE OF 15 NOVEMBER 2016** There had been circulated copies of an extract from the Minute of the Executive Committee of 15 November 2016 regarding the Scrutiny Committee recommendation in respect of the Review of Bridges. The Executive Committee had amended the recommendation of the original recommendation to reflect that, once the inspection of bridges had been carried out, the condition of all bridges be categorised and incorporated into an annual report to the Executive Committee as part of the Roads Asset Management Plan process.

### **DECISION**

**AGREED the Executive Committee's amended recommendations:-**

- (a) **to endorse the following parts of the recommendation from the Scrutiny Committee that:-**
- (i) **the current Roads Review should take account of the need to inspect bridges within the Code of Practice for Management of Highway Structures recommendations and that, if possible, some additional resources be identified to allow this work to be carried out in line with the priorities within the Roads Asset Management Plan;**
  - (ii) **when considering future repairs to historic and iconic Borders bridges, officers continued to assess on a case by case basis any opportunities for external funding; and**
- (b) **that, once the inspection of bridges had been carried out, the condition of all bridges be categorised and incorporated into an annual report to the Executive Committee as part of the Roads Asset Management Plan process.**

### **MEMBERS**

Councillors Nicol and Herd joined the meeting during consideration of the following item of business.

## 3. **DRUGS AND ALCOHOL STRATEGY**

- 3.1 With reference to paragraph 5 of the Minute of 27 October 2016, there had been circulated copies of the Alcohol and Drug Partnership Strategy 2015-2020 which presented the strategy and overall vision of the Borders Alcohol and Drug Partnership for people in the Scottish Borders. Mr Tim Patterson, Joint Director of Public Health and Ms Fiona Doig, Strategic Lead – Alcohol and Drug Partnership (ADP) and Health Improvement attended the meeting to give a presentation on the Strategy, its progress and challenges to date. Ms Doig explained the way in which the ADP Governance was delivered and how NHS Borders, Scottish Borders Council, the Community Planning Partnership and the Integrated Joint Board contributed to this. The structure of the ADP included a support team; six operational groups covering Alcohol Brief Interventions; Data and Performance Management; Drug Trends Monitoring Group; Quality Principles Group; Take Home Nalaxone/Injecting Equipment Provision; and Workforce Development. These groups reported to the ADP Executive Group chaired by the Joint Director of Public Health and ultimately to the Borders ADP, chaired by the Chief Social Work Officer of SBC. A further layer in this structure was the Drug Death Review Group which reported to the Borders ADP and the Critical Services Oversight Group (CSOG.)
- 3.2 The key aims of the ADP Strategy were to reduce the prevalence of alcohol and drug use by 5% by 2020 through: prevention and early intervention; reduction of alcohol and drug-related harm to children and young people; improvement of recovery outcomes for service users and reduction in the number of deaths from accidental drug use to fewer than four per year; and the strengthening of partnerships and governance structures. Ms Doig explained each of these key aims in detail. The number of alcohol-related hospital stays had remained relatively stable between 2003/04 and 2014/15, with a decrease in overall rates since 2007/08. An increase in the number of alcohol-related deaths had been reported and further analysis was being carried out to look at reasons or trends for this.
- 3.3 With regard to harm caused to children and young people, work was ongoing around support for children affected by parental substance misuse; a review of the substance misuse policy in schools; and the availability and enforcement issues relating to “legal highs”. Generally, there had been a reduction over time in the alcohol-related hospital admissions and the amount of alcohol and drug use in young people. There had been an increase in recovery activities such as user group projects and Ms Doig reported that more client reviews were carried out now on a regular basis. Ms Doig summarised the barriers facing the ADP, advising that a reduction in Government funding; availability of alcohol along with attitudes towards drinking; and the stigma attached to the use of drugs and alcohol, all contributed to these challenges.
- 3.4 Discussion followed and Members raised questions relating to the interpretation of the available data and how the information differentiated between drug and alcohol related deaths. Ms Doig confirmed that where drugs were involved, the death would be recorded as drug-related. In terms of successful outcomes, a wider community approach was being taken to address alcohol issues, with an emphasis on getting the cultural and educational messages out into the localities. Members asked for clarification on some of the terminology used in the report, eg “use” and “abuse”. Ms Doig advised that this could be complicated and that potentially, doctors could apply either term depending on their opinion of the cause of death. General discussion followed in relation to how medical care was provided to clients and in terms of investing resources into the areas most in need. The Chairman thanked Ms Doig and Mr Patterson for their attendance.

## **DECISION**

**NOTED the presentation.**

4. **PROTECTIVE MARKING OF DOCUMENTS** 4.1 With reference to paragraph 5 of the Minute of 27 October 2016, the Chairman welcomed Mr Bill Edwards, Interim ICT Programme Manager/Head of IT and Mrs Teresa Maley, Information Manager to the meeting who were present to give a presentation to Members on Protective Marking of documents. Mrs Maley began the presentation by explaining that Protective Marking of

information ensured secure communications between Government and its agencies. The Cabinet Office had introduced a new Government Classification Scheme in 2014 which included: Official and Official (Sensitive); Secret; and Top Secret. Each classification provided a baseline set of personnel, physical and information security controls that offered an appropriate level of protection against a typical threat profile. Protective Marking was part of this process, for example, for the Council to obtain Public Sector Network (PSN) accreditation. In terms of Council use, only two categories were applicable, namely Official, which was not usually marked as all Council information fell into this category; and Official (Sensitive) which did need to be marked. Mandatory training was provided by the Council for all employees on Information Awareness and guidance was available on how to apply Protective Marking to ensure that all staff understood their responsibility to keep information safe. It was necessary that the Council was able to balance its duties to both meet the growing expectation by the public for openness with respect to the information it collected and managed, whilst at the same time fulfilling its duty to protect information in its care.

- 4.2 A number of questions were raised by Members. In response, Mrs Maley advised that the Council's Information Governance Group was chaired by the Monitoring Officer and considered areas of risk relating to information and how such risks could be addressed within the Council's policy. New legislation had taken effect in 2008 and this had increased penalties for information security breaches. Mrs Maley explained that the process for reporting concerns/potential breaches would usually be initiated by a call to the CGI Service Desk, which would then be referred to IT Security. The category to which information was allocated should be clearly identified on all documentation and reasons given when it was restricted. It was noted that on occasion, websites via a hyperlinks within official emails might be "blocked". Members were advised that when access to such websites was required for Council business, "unblocking" should be requested through the CGI Service Desk. The Chairman thanked Mr Edwards and Mrs Maley for their attendance.

## **DECISION**

**NOTED the presentation.**

## **5. SCRUTINY REVIEWS**

- 5.1 With reference to paragraph 5 of the Minute of 27 October 2016, there had been circulated copies of the updated list of subjects which Scrutiny Committee had been asked to review and which included the source of the request, the stage the process had reached and the date, if identified, of the Scrutiny meeting at which the information would be presented. In addition, Members were also asked to consider further subjects for inclusion on this list for presentation at future meetings of the Committee. When deciding whether subjects would be reviewed by the Scrutiny Committee, Members required a clear indication from the initiator of the request as to which aspects of the subject they wished to be reviewed. This would enable the Committee to determine whether the subject was appropriate for consideration.
- 5.2 The Democratic Services Team Leader explained the current status of the reviews listed and Members discussed a number of the items on the timetable. With reference to the Review Subjects 2016/17, it was agreed that more detail was required in respect of Items 5(a) and 6(a) on the list of subjects for review. Following discussion, it was agreed that for each item, a general update was required, with the emphasis on how the Boards had progressed their business programmes to date. In addition, information was requested relating to key issues that the Health and Social Care Integration Joint Board had identified. In terms of the Police, Fire & Rescue and Safer Communities Board, Members asked that details of key decisions made by the Board be included in that review.

## **DECISION**

**AGREED the list of subject for review by Scrutiny Committee as amended and appended to this Minute at Appendix 1.**

6. **DATE OF NEXT MEETING**

The next meeting of the Scrutiny Committee would take place on Thursday, 26 January 2017.

**DECISION  
NOTED.**

*The meeting concluded at 11.50 am*

## Scrutiny Committee – Review Subjects 2016/17

### Timetabled for Scrutiny Meetings

| Source                | Issue/Description   | Stage   | Scrutiny Committee Meeting Date |
|-----------------------|---|---|---------------------------------|
| 1(a)<br>Lib Dem Group | Implications of the Community Empowerment Act on the Council – <i>“there may be multiple implications of the Community Empowerment Act e.g. disposal of assets either SBC or Common Good, the transfer of local services to community groups who wish to take them on, future provision of allotments etc.”</i> | Presentation from Shona Smith, Communities & Partnership Manager and Douglas Scott, Senior Policy Advisor on Communities and Partnership. | 26 January 2017                 |
| 2(a)<br>Scrutiny      | The impact of third party use on the Local Authority’s road network, e.g. timber transportation and wind turbine transportation.  |   | 26 January 2017                 |
| 3(a)                  | Health and Social Care Integrated Joint Board – to include: a general update with emphasis on how the Board had progressed its business programmes to date; and information relating to key issues that the Health and Social Care Integration Joint Board had identified.                                      | To be arranged.   | Feb or March 2017 meeting.      |
| 4(a)                  | Police, Fire & Rescue and Safer Communities Board – a general update with emphasis on how the Board had progressed its business programmes to date; and details of key decisions made by the Board.   | To be arranged.   | Feb or March 2017 meeting.      |
| 5(a)                  | Scrutiny Committee Decision   | Report listing all recommendations and the impact decisions have made.  | 16 February 2017                |

**Review Subjects to be considered/awaiting further information**

| Source  | Issue/Description   | Stage  | Scrutiny Committee Meeting Date   |
|---|---|--|---|
| 1(b)<br>Councillor Gillespie                                | Home Schooling. To consider the requirement for a change in the law to ensure health assessments for home schooled children are carried out. Also to investigate parents undertaking an examination to ensure that they were adequate educators for primary secondary school education.   | Donna Manson, Service Director Children & Young People will provide private updated. | Private Briefing for Members in November 16/ January 17. Clerk to the Council to discuss with Ms Manson and advise at next meeting. |
| 2(b)<br>Councillor Archibald                                | Artificial sports pitches. Briefing paper to be brought forward on existing artificial pitches in the Scottish Borders, to include information on the use costs, benefits and issues of these facilities.   | Presentation from Rob Dickson, Corporate Transformation and Services Director.       | Deferred until report considered by Executive Committee.  |
| 3(b)<br>Royal Burgh of Peebles & District Community Council | This issue relates to how (and under what circumstances) community consultation is designed, planned and managed and how the processes by which Council canvasses the views of local communities can be facilitated and improved upon. In particular, use the example of the process that led to the decision by the Council's Executive Committee to agree that Victoria Park, Peebles is the preferred location for a 3G pitch. | Presentation from Rob Dickson, Corporate Transformation and Services Director.       | Removed. (Paragraph 2.2 of the minute of 18 August 2016 refers).  |

## Reviews Completed 2015/16

| Source                                      | Issue/Description  | Stage   | Scrutiny Committee Meeting Date  |
|---|--|---|----------------------------------|
| 1(c)<br>Councillor Nicol                    | Review of Bridges Assets. The review should include the condition of bridges on the register and the processes for inspection and maintenance                          | Presentation by Martin Joyce, Service Director Assets & Infrastructure  | 27 October 2016.<br>Completed.   |
| 2(c)<br>Councillor Torrance                 | Social Work Duty Hub   | Graeme Dobson, Project Manager, Les Grant, Customer Services Manager  | 27 October 2016.<br>Completed.   |
| 3(c)<br>Councillor Nicol                    | Recycling Centres. Update on remarketing of goods for recycling at Community Recycling Centres, including how other authorities approached this.                       | Presentation by Jenni Craig, Service Director Neighbourhood Services and Ross Sharp-Dent, Waste Manager.  | 22 September 2016.<br>Completed. |
| 4(c)<br>Councillor Cockburn                 | Asymmetric Week  | Presentation by Donna Manson, Service Director Children & Young People, Ms M Strong, Chief Officer Education & Lifelong Learning; Mr P Fagan & Ms A M Bready, Headteachers. | 22 September 2016.<br>Completed. |
| 5(c)<br>Etrick and Yarrow Community Council | Great Tapestry of Scotland Working Group – Report  | Report by Scrutiny Committee Working Group, presented by Councillor Mountford   | 18 August 2016.<br>Completed.    |
| 6(c)<br>Greenlaw and Hume Community Council | To consider outsourcing success stories from this Council and elsewhere in Scotland in particular where the service has been outsourced to a third sector organisation | Presentation by Kathryn Dickson, Procurement & Payment Services Manager.  | 18 August 2016.<br>Completed.    |
| 7(c)<br>Councillor Torrance                 | School Transport and Escorts   | Presentation by Dona Manson, Service Director Children and Young People.  | 28 April 2016<br>Completed.      |

| Source   | Issue/Description  | Stage  | Scrutiny Committee Meeting Date |
|--|--|--|---------------------------------|
| 8(c)<br>Scrutiny Committee   | Following the review on road repairs maintenance, presented to the January meeting of Scrutiny Committee. There was a further report to the March meeting on the implications on the capital and revenue budgets of the trunk status of the A72 and A7. Scrutiny Committee requested a further report identifying the revenue and capital costs of works to individual roads in the roads infrastructure.              | Report from Asset Manager.   | 28 April 2016. Completed.       |
| 9(c)<br>Councillor Logan   | Support for Highly Able Learners in Schools  | Presentation by Donna Manson, Service Director Children & Young People.      | 28 April 2016. Completed.       |
| 10(c)<br>Scrutiny Committee  | Financing arrangements for the Transport Interchange in Galashiels – to include subsidy arrangements and departure charges.  | None   | 24 March 2016. Completed.       |
| 11(c)<br>Councillor Archibald  | Equalities Legislation. Consideration on the Council's up to date grant application form and information on how legislation is applied to local festivals, in particular where the Council awards grants.  | None.  | 24 March 2016. Completed.       |
| 12(c)<br>Councillor Bhatia   | Protection of Private Water Supplies – “in relation to Planning e.g. when a planning application is granted which requires an additional private supply or taking water from an existing private supply, how do existing householders ensure that their supply is protected? This may be purely a civil matter or the Council may have a role. This is further exacerbated with large forestry/windfarm applications.” | Recommendation to be considered by Executive Committee on 22 March 2016.     | 18 February 2016. Completed.    |
| 13(c)<br>Ettrick and Yarrow Community Council.<br>Allocation of budgets for rural maintenance and repairs. | To review extent to which the SBC budget for road repairs and maintenance is sufficient to meet need and the not unreasonable expectation that roads will be maintained in a safe condition. Within this context, to particularly examine how the allocation of budget for rural roads is arrived and whether more should be allocated.  | Recommendation considered by Executive Committee on 8 March 2016 – accepted. | 28 January 2016. Completed.     |



| Source                       | Issue/Description   | Stage  | Scrutiny Committee Meeting Date  |
|------------------------------|---|--|----------------------------------|
| 14(c)<br>Graeme Donald       | Religious Observance }<br>Policy } These were<br>} presented together at  | None – briefing session  | 29 October 2015.<br>Completed.   |
| 15(c)<br>Scrutiny Committee  | Faith Schools }<br>} the same meeting.  | None – briefing session.   | 29 October 2015.<br>Completed.   |
| 16(c)<br>Councillor Turnbull | Fees for taxi licensing – the amount paid to outside bodies in administering taxi licensing and how the fees for a licence in the Borders compare with those of neighbouring authorities. | Information emailed to Cllr Turnbull from Licensing Team Leader on 5/10/15. Cllr Turnbull does to wish to pursue further.  | 14 October 2015.<br>Completed.   |
| 17(c)<br>Scrutiny Committee  | Attainment levels in Schools in Deprived Areas.   | None – briefing session.   | 24 September 2015.<br>Completed. |
| 18(c)<br>Scrutiny Committee  | Mainstream Schools and Children with Complex Additional Support Needs   | None – briefing session.   | 24 September 2015.<br>Completed. |
| 19(c)<br>Scrutiny Committee  | Funding available to Community Councils   | Presentation from Clare Malster, Strategic Community Engagement Officer  | 11 June 2015.<br>Completed.      |
| 20(c)<br>Scrutiny Committee  | Presentations on Planning Enforcement and Building Inspection Regime.   | Presentation from Alan Gueldner, Lead Enforcement and Mr James Whiteford, Lead Building Standards Surveyor.  | 11 June 2015.<br>Completed.      |
| 21(c)<br>Scrutiny Committee  | Procurement Control of contractors policy/repairs & maintenance framework agreement procurement project.  | Presentation by Kathryn Dickson, Procurement and Payment Services Manager, Graham Cresswell, Health & Safety Manager; Ray Cherry, Senior Architect; Stuart Mawson, Property Manager. | 28 May 2015.<br>Completed.       |
| 22(c)<br>Scrutiny Committee  | Use of Small Schemes and Quality of Life Funding by Area Fora.  | Report by Jenni Craig, Service Director Neighbourhood Services.  | 26 March 2015.<br>Completed.     |

| <b>Source</b>               | <b>Issue/Description</b>   | <b>Stage</b>  | <b>Scrutiny Committee Meeting Date</b> |
|-----------------------------|--|---|--|
| 23(c)<br>Scrutiny Committee | Drugs and Alcohol Strategy.  | Elaine Torrance, Chief Social Work Officer; Tim Patterson, Joint Director of Public Health, Fiona Doig. | 24 November 2016.<br>Completed.        |
| 24(c)<br>Scrutiny Committee | Policies and Procedures for Protective Marking of Documents and Management of Information. | Information Governance Board to make presentation.  | 24 November 2016.<br>Completed.        |