

SCOTTISH BORDERS COUNCIL

MINUTE of Meeting of the SCOTTISH COUNCIL held in the Council Chamber, Council Headquarters, Newtown St. Boswells on Tuesday, 27 June, 2017 at 10.00 am

Present:- Councillors D. Parker (Convener), S. Aitchison, A. Anderson, H. Anderson, M. Ballantyne, J. Brown, S. Bell, K. Chapman, K. Drum, G. Edgar, J. A. Fullarton, J. Greenwell, C. Hamilton, S. Hamilton, S. Haslam, E. Jardine, H. Laing, S. Marshall, W. McAteer, T. Miers, D. Moffat, S. Mountford, D. Paterson, C. Ramage, N. Richards, E. Robson, M. Rowley, H. Scott, S. Scott, E. Small, R. Tatler, E. Thornton-Nicol, G. Turnbull and T. Weatherston

In Attendance:- Chief Executive, Corporate Transformation and Services Director, Chief Financial Officer, Service Director Neighbourhood Services, Service Director Children & Young People, Clerk to the Council.

1. **CONVENER'S REMARKS.**

- 1.1 The Convener informed Members that he had written two letters to Sadiq Kahn, Mayor of London, to express sympathy on behalf of the Council, firstly following the incidents at Tower Bridge and Borough Market and secondly following the Grenfell Tower fire and Finsbury Mosque incident.
- 1.2 The Convener also advised that he had written a letter of support on behalf of the Council to Doddie Weir, following the recent announcement of his fight against Motor Neurone Disease.
- 1.3 Members were advised that the Kirking of the Council would take place at 11 am on Sunday 3 September 2017 in the Melrose Parish Church, followed by a light lunch to be held in the Melrose Rugby Club.
- 1.4 The Convener congratulated the following Borderers who had been honoured in the Queen's Birthday Honours:- Barbara Frost (Dame Commander of the Order of the British Empire); Claire Garnett (MBE); Mary Brownlie (BEM); Margaret Driscoll (BEM); Brian Evans (BEM); and Kathleen Mason, who formerly worked in the Council's Democratic Services, and who was awarded a Member of the Royal Victorian Order for her service as Clerk to the Lieutenancy of Tweeddale.

DECISION NOTED.

2. **ORDER OF BUSINESS.**

The Convener informed Members that the question to the Executive Member for Transformation and HR would be answered in the private part of the meeting; and the Motion (Item 11 on the agenda) had been withdrawn.

3. **MINUTES**

- 3.1 The Minutes of the following Meetings of Scottish Borders Council were considered:-

30 March 2017
18 May 2017
25 May 2017

- 3.2 An amended copy of the Minute of 25 May 2017 was circulated at the meeting. This included narrative and the decision on the “Scottish Police Authority Consultation Paper on *Our 10 Year Strategy for Policing in Scotland*”, which had been omitted inadvertently from the version circulated with the agenda.

DECISION

AGREED that the Minutes of 30 March and 18 May, and the amended Minute of 25 May 2017, be approved and signed by the Convener.

4. **COMMITTEE MINUTES**

The Minutes of the following Committees had been circulated:-

Civic Government Licensing	17 March 2017
Local Review Body	20 March 2017
Teviot & Liddesdale Area Forum	21 March 2017
Scrutiny	23 March 2017
Planning & Building Standards	27 March 2017
Local Review Body	17 April 2017
Civic Government Licensing	21 April 2017
Planning & Building Standards	24 April 2017

DECISION

APPROVED the Minutes listed above.

5. **OPEN QUESTIONS**

The questions submitted by Councillor Paterson were answered.

DECISION

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

6. **CHILD PROTECTION COMMITTEE ANNUAL REPORT 2015-16**

There had been circulated copies of a report by the Chief Social Work Officer on the activities of the Child Protection Committee (CPC) during the period August 2015 to July 2016. The Annual Report, attached as an appendix to the report, was presented at the meeting by CPC Vice-Chair, Detective Chief Inspector John Peaston. In summarising the key issues, DCI Peaston referred to a Joint Inspection of Children & Young People’s Services within the Scottish Borders from 18 January to 26 February 2016. The full report for this was published on 28 June 2016 and was available on the Care Inspectorate website. The Inspectorate identified key strengths and also recommended some improvements which had subsequently been reflected in the Business Plan 2016-2018. The Annual Report detailed that 662 child protection referrals had been followed up, resulting in 79 children being placed on the Scottish Borders Child Protection Register during the period of the report. The main concerns identified at Case Conferences were included. Domestic abuse and emotional abuse had remained at the same level as for the previous year at 21% and 20% respectively. Parental alcohol misuse had fallen from 8.5% to 6% and parental drugs misuse had remained the same at 10%. Parental Mental Health problems had risen slightly from 10% to 11% and physical abuse had also risen from 6% to 10%. Neglect issues had fallen slightly from 7% to 6%. In many cases children had more than one concern identified. Members’ questions on the Annual Report were answered by DCI Peaston, and the Service Director, Children and Young People. With regard to the dip from 2007/2008 in the number (per 1000 population) of children on the Scottish Borders register compared with the national figure, followed by a consistently lower comparative level, Members were advised about the rigorous Quality Assurance processes in place in the Borders and it was confirmed that all data from the CPC was scrutinised by the Critical Services Oversight Group. An independent review carried out in response to the dramatic dip in numbers on the register in 2013/14 had shown that there had been no change in reporting thresholds but that different early intervention processes to help families may have had a positive effect on the figures. With regard to

raising awareness of Child Sexual Exploitation (CSE), it was explained that a working group had been established to progress the development of a Child Protection/CSE strategy for schools, which had the direct involvement of young people and the support of parents.

**DECISION
AGREED:-**

- (a) to endorse the content of the Child Protection Committee Annual Report; and**
- (b) that the report be published on the Council's website and distributed to interested parties.**

7. ADULT PROTECTION COMMITTEE ANNUAL REPORT 2015-2016

There had been circulated copies of a report by the Chief Social Work Officer giving an update on the continuing progress in the Scottish Borders in the development of an interagency approach to the support and protection of adults who were at risk of harm, as defined in the Adult Support & Protection (Scotland) Act 2007. Mr Jim Wilson, Independent Chairman of the Adult Protection Committee, and Mr Murray Leys, SBC Chief Officer Adult Social Work, were in attendance to present the Annual Report which was attached as an appendix to the report. A review of Adult Protection activity showed an overall increase in protection concerns since 2008. In 2015-16 there were 1556 referrals where there was an initial report of an adult at risk of harm compared with 1432 during the previous year. Following initial enquiries this progressed to 171 Adult Protection concerns being investigated. A significant number of the other concerns were signposted to other services for support. A review of Adult Protection activity during the period showed that the majority of concerns related to older people and those adults who had a learning disability. Financial and physical harm continued to be the most prominent types of harm in the Scottish Borders. Although most cases of physical harm happened in the adults' own home, bespoke adult protection training had been delivered into all 22 care homes within the Scottish Borders. A recent financial harm event was very well attended by professionals and speakers including trading standards, banking and the office of the public guardian. The 2015-2017 Adult Protection Business Plan was coming to an end. A self-evaluation event organised for June 2017 would inform the next Interagency Business Plan from 2017 onwards as would the report being awaited from the recent joint inspection. Mr Wilson and Mr Leys answered Members' questions on the proactive measures being taken in respect of training and the involvement of the third sector.

**DECISION
AGREED:-**

- (a) to endorse the Annual Report of the Scottish Borders Adult Protection Committee 2015/16; and**
- (b) that the report be published on the Council's website and distributed to interested parties.**

8. PROPOSED MODEL FOR PILOTING THE LOCALITIES BID FUND IN SCOTTISH BORDERS FOR 2017-2018

- 8.1 With reference to paragraph 11 of the Minute of 9 February 2017, regarding the Council's decision to allocate £500k in 2017/18 for the purpose of participatory budgeting, there had been circulated copies of a report by the Service Director Customer & Communities proposing a model and budget allocation for the Scottish Borders Council Localities Bid Fund. Mrs Jenni Craig, Service Director Customer and Communities, was in attendance to present the report. The initial allocation of funding to promote community participatory budgeting through a Localities Bid Fund was part of a wider response to the Community

Empowerment (Scotland) Act 2015. A number of models, learning and best practice had been considered by the Communities and Partnership Team. This had included the recent participatory budgeting (PB) project undertaken by Burnfoot Community Futures (BCF) who had decided to adopt a Community PB model which had since been recognised as best practice by Scottish Government – see link to summary video of the project. <https://www.youtube.com/watch?v=Ple5NzJPu0&feature=youtu.be>. The proposed Localities Bid Fund model was based on this and was detailed in Appendix 1 to the report.

8.2 The agreement by Council on 9 February 2017 was to split the Localities Bid Fund across the 5 Locality Committees with the proposed budget allocation being by head of population. In order to reopen discussion on the way the Fund would be allocated it was moved by Councillor Paterson, seconded by Councillor Marshall, and unanimously agreed that Standing Orders be suspended to allow reconsideration of the allocation. Councillor Aitchison, Executive Member for Neighbourhoods and Locality Services, spoke in favour of the report and, seconded by Councillor Haslam, moved in support of the recommendations subject to the following changes to the model presented:-

- (a) That in the table within Appendix 1,
- (i) at 'Who decides' the wording be replaced with:-
- The Locality Committees, supported by SBC officers – assess and screen the initial bids to ensure appropriateness and a fit with agreed local priorities;
 - The agreed projects go forward to a community vote
- (ii) replace 'who can submit a bid' with 'who can submit a bid and/or vote'
- (b) That an additional recommendation be added as follows:-
'that following consultation with the Locality Committee Chairs, a further report be brought to Council in September 2017 recommending a process for determining funding applications and voting processes.'

Councillor McAteer, seconded by Councillor Marshall, moved as an amendment that recommendation 2.1(a) of the report be amended to read as follows:- 'that funding allocation of the Localities Bid Fund be an average of the per head of population, with a Scottish Index of Multiple Deprivation (SIMD) weighting as detailed in paragraph 6.4 of the report'.

VOTE

On a show of hands Members voted as follows:-

Councillor Aitchison's Motion - 26 votes

Councillor McAteer's Amendment - 7 votes

The Motion was accordingly carried.

DECISION

DECIDED:-

- (a) **that the funding allocation of the Localities Bid Fund be by per head of population as detailed at 6.4 of the report;**
- (b) **to approve the proposed model as detailed in Appendix 1, subject to the amendments in paragraph 8.2(a) above; and**
- (c) **that, following consultation with the Locality Committee Chairs, a further report be brought to Council in September 2017 recommending a process for determining funding applications and voting processes.**

9. **MOTION BY COUNCILLOR LAING**

The Motion had been withdrawn.

**DECISION
NOTED.**

10. **COMMITTEE MEMBERSHIP**

Councillor Ballantyne, seconded by Councillor S. Scott, proposed that Councillor Fullarton be appointed as a member of the Audit and Scrutiny Committee in place of Councillor Small.

**DECISION
AGREED that Councillor Fullarton be appointed as a member of the Audit and Scrutiny Committee in place of Councillor Small.**

URGENT BUSINESS

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Convener was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to make an early decision.

11. **NEW PROCUREMENT AND CONTRACT STANDING ORDERS**

There had been circulated copies of a report by the Chief Financial Officer outlining the requirement to update the existing standing orders relating to Procurement activities for the following reasons: to access a key benefit of Business World to manage spending across the organisation; to fully effect the new public procurement legislation (Procurement Reform Act (Scotland)) and associated statutory requirements; and to comply with best business practice by creating separate standalone Procurement Procedural Standing Orders. Paragraphs 45 – 49 of the Procedural Standing Orders, which govern committees, would be removed and replaced with text to advise that all Procurement and Contract Management matters would be carried out in accordance with new Procurement and Contract Standing Orders, as approved by Council and attached in an Appendix to the report. It was explained that the new orders included the introduction of a waiver option, creating a managed mechanism to allow exceptions to the proposed standing orders to be applied for. Details were also given of the proposal to amend two of the existing value based procurement thresholds. Clarification about this was provided by the Chief Financial Officer in response to a question.

**DECISION
AGREED:-**

- (a) **to approve the proposed change to existing Procedural Standing Orders by the removal of items 45 – 49; and**
- (b) **the new standalone Procurement and Contract Standing Orders to be implemented from 1 July 2017.**

12. **PRIVATE BUSINESS**

DECISION

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

SUMMARY OF PRIVATE BUSINESS

13. **OPEN QUESTION**

The question submitted by Councillor A. Anderson was answered.

14. **MINUTE**

The private section of the Council Minute of 30 March 2017 was approved.

15. **COMMITTEE MINUTES**

The private sections of the Committee Minutes as detailed in paragraph 4 of this Minute were approved.

16. **DELIVERY OF THE JEDBURGH INTERGENERATIONAL LEARNING CAMPUS**

Members approved a report by the Service Director Assets & Infrastructure providing an update on the initial progress with the delivery of a new Jedburgh Intergenerational Learning Campus.

The meeting concluded at 12.35 pm

SCOTTISH BORDERS COUNCIL
27 JUNE 2017
APPENDIX I

Questions from Councillor Paterson

1. To Executive Member for Roads and Infrastructure

At the recent Council elections several candidates made big play of the scrapping of the Green Waste Collection in the Scottish Borders, could the Executive Member please tell me if there are any plans to reintroduce this service once again in the Scottish Borders and with Scottish Borders Council now having a rural proofing policy if there are any plans to reintroduce this service will the most rural areas of the Scottish Borders be offered the same service?

Reply from Councillor Edgar

The Council is currently reviewing its kerbside collection service with the support of Zero Waste Scotland as part of its overall Waste Management Strategy. No decisions will be taken on the kerbside collection services until such time that a report has been presented to Council for consideration.

Supplementary

Councillor Paterson asked about timescale for the report. Councillor Edgar advised that the report would be brought to Council at the appropriate time.

2. To Executive Member for Neighbourhoods & Locality Services

I see that we in the Teviot and Liddesdale Area have been given an indication what toilets have been earmarked for charging. Some members of this committee claimed that charging was not the best course of action to be taking; can the Executive Member please tell me if there are any plans by this new administration to scrap charging for the use of toilets in the Teviot and Liddesdale Area?

Reply from Councillor Aitchison

The introduction of a 30p charge for the use of 27 of 41 public conveniences was agreed by Council as the first phase of a two-phase approach and savings of £210k were included in the financial revenue plan for 2017/18, with a further £100k of savings being delivered in 2018/19.

A second report on the second phase of implementation is intended to be brought to Council later in 2017 and this will include all feedback on charging as well as on alternative models of comfort schemes or partnerships. At that time, these options for the future of this non-statutory service can be considered.

There are currently no specific proposals being considered to remove the charges in Teviot & Liddesdale.

Supplementary

Councillor Paterson asked whether the members of the Administration would reverse the charges and Councillor Aitchison repeated that any feedback on charging would be included in the report on the 2nd phase of the scheme which would consider alternative facilities.