

SCOTTISH BORDERS COUNCIL
24 AUGUST 2017

APPENDIX I

Questions from Councillor Paterson

To the Executive Member for Roads and Infrastructure

1. Why has Scottish Borders Council reduced the number of bins in Wilton Lodge Park and in other parks in the Scottish Borders? Surely this Administration will oppose this move when it is defeating the purpose of encouraging members of the public to 'bag it, and bin it'?

Reply from Councillor Edgar

Council Officers have reviewed the bin situation at Wilton Lodge Park and advised that there has been no net reduction in the overall numbers of bins situated in the park over the last five years. Some new bins will also be situated at the site of the café and these will be located when the café opens later this year. These bins are currently being stored at the local depot awaiting installation. Officers also advise that the overall number of litter bins in the Scottish Borders have remained consistent over the last five years with the only changes being to locations or capacity. The Council maintains that everyone should act responsibly when disposing of litter and dog waste by either depositing it in their own waste bins at home or by using one of the many suitable bins that the Council provides and empties on a regular basis.

Supplementary

Councillor Paterson asked if there was not a case for providing more bins if the existing ones were overflowing. Councillor Edgar advised that there was an adequate number of bins and they were emptied regularly. However, if there were problems with individual bins raised then the capacity of those bins could be checked.

2. Could the Executive Member please explain why nothing had been put in place at Lower Mansfield to check the area before the travelling people arrived, and why was nothing put in place to check the area after they had left the area?

Reply from Councillor Edgar

The Council received no prior warning that the travelling people intending occupying the area of open amenity land at Lower Mansfield and were there unable to take any proactive action.

The Council were subsequently advised on 8th August that the travelling people had vacated the land at Lower Mansfield. Council Officers attended the site on 9th August where a photographic record of the area was taken. The Council's Cleaning and Environmental Services teams were asked to make arrangements to have the area cleaned and tidied on 10th August but following discussions with the Police and Legal Services it was agreed that any evidence should be gathered in order to try and establish a link between any of the rubbish and the individuals occupying the site. This involved a joint team of Cleaning, Environmental and Estate Management Officers working together on site on 17th August to carry out the clean-up and the collection of any such evidence.

Supplementary

Councillor Paterson asked what further action could be taken in future given the cost of the clean-up and the number of complaints received. Councillor Edgar advised that regulations governed the actions which the Council could take so nothing further could have been done.

To the Leader

3. Would the Council Leader like to comment on earlier statements that she made with regard to Depute Executive Members – should this not have gone through Council first so that all Councillors could decide if this is required?

Reply from Councillor Haslam

Depute Executive Members are not statutory positions, are not defined within the Council's Scheme of Administration and post holders receive no additional remuneration for this role. These roles are something the Administration agreed and do not require Council Approval.

Supplementary

Councillor Paterson commented on the inappropriate passing of personal information to a Councillor and Councillor Haslam undertook to investigate.

To the Executive Member for Roads and Infrastructure

4. Being Regularly called from a Constituent in Newcastleton who is of the opinion that he definitely going to be getting a green waste collection can the Executive Member please tell the Council when this administration are going to be bringing back a green waste collection to Newcastleton, Ettrick, Yarrow, Clovenfords, Romano Bridge and every other village in the Scottish Borders, will it be short term long term or as I suspect not at all?

Reply from Councillor Edgar

The Council has no plans to reintroduce the kerbside collection of garden waste at the current time.

5. Can the Executive Member please tell the Council if this administration intend to increase the number of Community Wardens that we currently have working in the Scottish Borders from the present 1 you have at the moment?

Reply from Councillor Edgar

While the Council has no current or immediate plans to increase numbers, an evaluation has still to be undertaken on the Pilot project and a full report will be brought to Council in due course.

6. While acknowledging that Scottish Borders Council have been working with Zero Waste Scotland to develop an Options Appraisal that will scope out the cost effective changes needed to move to a compliant collection system, have Zero Waste Scotland completed the Options appraisal for Scottish Borders Council yet?

Reply from Councillor Edgar

The Council continues to liaise with Zero Waste Scotland regarding the kerbside collection options appraisal, which is ongoing at the current time but we expect to conclude this within approximately 12 weeks.

A report will be brought to Council for consideration prior to any changes to the kerbside collection service.

Supplementary

Councillor Paterson asked if the report had been received from Zero Waste Scotland. Councillor Edgar advised that when that report was received a report would be brought to Council.

7. Has there been any reduction in the number of employees that we currently employ to empty bins that are full and overflowing, with used doggy bags?

Reply from Councillor Edgar

The established number of employees has not been reduced in this financial year. However staff vacancies have emerged and remain unfilled at present. Neighbourhood operations continue to maintain the frequency of emptying of the litter bins distributed throughout the Scottish Borders and the cleanliness standards continue to be maintained to a very high standard comparable with previous years

Question from Councillor Bell

1. To the Executive Member for Planning and Environment

I repeatedly read in the press about preparations by the Lynx UK Trust to obtain a licence to introduce Lynx to the UK with a release of animals in the Kielder region. The reports state that there has been consultation with local communities and businesses. As Kielder, in Northumberland, is directly adjacent to the Scottish Borders, as these animals can roam over a significant territory and as there are mixed messages about the impact such a release would have on livestock farmers and on the general public out in the countryside. Has this Council been consulted on a release of Lynx in Kielder or even in our region?

Reply from Councillor Miers

The Lynx UK Trust has submitted an application to Natural England for permission to carry out a trial to reintroduce Lynx into Kielder Forest in Northumberland. Officers understand that the promoters held a public meeting in Newcastleton in November 2016 to discuss this proposal.

It will be for Natural England to determine what steps it takes in considering the licence application, however, it is also understood that they will consult with Scottish Natural Heritage regarding the proposal. Scottish Borders Council has not been informed of, nor consulted on, the proposal by any party and it does not appear that there is a statutory requirement for any party to do so. Officers have however contacted Scottish Natural Heritage to establish how the Council and local communities might contribute to the process.

The Lynx UK Trust have published a press release indicating that no attacks on humans have ever been recorded by a healthy, wild Eurasian lynx anywhere in the world. They have also indicated that they have a very low impact on livestock with lynx in Europe killing, on average, less than one sheep every two years. The Council has not had an opportunity to check the veracity of these statements.

Supplementary

Councillor Bell asked that Councillor Miers request that the Chief Executive contact Lynx UK to obtain details of their proposals so that appropriate consultation could be carried out. Councillor Miers undertook to do this.

2. To the Leader

You obtained under Emergency Powers the authority to sign a Heads of Terms of an Edinburgh & South East Scotland City region Deal. One could surmise that approval in haste facilitated a Deal which is not all that SBC asked for, or could have hoped for. What were the specific circumstances which necessitated the Heads of Terms to be approved in this manner? Why the haste?

Reply from Councillor Haslam

City Deal Partners had worked for almost two years on the proposals and negotiations. All parties were keen to secure a heads of terms of agreement before the UK Government recess. Had the General Election not intervened it is reasonable to conclude the decision may have been made in slower time but by the same date.

The scale of UK Government funding was confirmed very late on – inevitably due to the aforementioned Election. Scottish Government ministers responded quickly to confirm their share of the deal. However by this time Councils were in recess, there was little time available to allow the heads of terms to be signed prior to the UK Government recess.

The difficulty of the process was acknowledged in a letter I and other Council Leaders received on 9 August signed jointly by the Cabinet Secretary Keith Brown and the Secretary of State for Scotland David Mundell in which they said, and I quote:

“We appreciate that the timing became very tight towards the end of the process, and that this did not leave much time to consider the detail of the Heads of Terms. This was due to

the scale and complexity of this Deal and the number of interests that we needed to reconcile in order to obtain agreement across the Governments for the £600M investment. However, both Governments are pleased that the Deal could be agreed before the summer recess and we appreciate the efforts from you and your Council which helped us to deliver that.”

Supplementary

Councillor Bell advised that both East Lothian and West Lothian Councils had considered a report in public on this subject. The Council's emergency powers report was still classified as private and he asked why a report was not before Council today. Councillor Haslam advised that a special meeting of Council had been considered and that there had been consultation with the Leader of the Opposition on the matter. She confirmed that there would be a report brought to a future Council meeting.

Question from Councillor Robson

To the Executive Member for Roads and Infrastructure

To ask the Executive Member for Roads & Infrastructure how many officers the Council employs whose job is solely dedicated to dealing with matters relating to the reinstatement of roads and footpaths in the Borders by public utilities?

Reply from Councillor Edgar

In undertaking the Council's role in relation to public utilities and the New Roads & Street Works Act, a number of officers are employed to carry out the duties required by the Act, together with other roads functions. However, the Council does employ one dedicated full time Utility Inspector.

Supplementary

Councillor Robson asked if putting extra resource to check utility company reinstatements might be self-financing as poor quality repairs might be prevented. Councillor Edgar undertook to look at this but again confirmed that other officers were involved in this inspection work.

Question from Councillor Drum

To the Executive Member for Business & Economic Development

There is some talk in the press of a Borderlands Deal, comparable to a City Deal – a Deal whose contents, as signed, have not been debated by this Council. Will you undertake that if SBC are going to commit to a Borderlands Deal that in its final form it is discussed here in this full Council and in public, *before* it is signed on behalf of the Council?

Reply from Councillor Rowley

I am happy to commit to making every effort to ensure that any Borderlands Deal is discussed here in this full Council and in public, *before* it is signed on behalf of the Council. As Members know, however, matters can be taken out of our hands and timescales can mitigate against our best endeavours. Notwithstanding that practical issue it is clearly right and desirable that Council discusses any such Deal in advance of its agreement.

For the avoidance of doubt we have not signed anything in respect of the Borderlands Deal proposals.

Supplementary

Councillor Drum asked if initiatives like the extension of the Borders Railway would be included. Councillor Rowley advised that discussions were at a very early stage but such initiatives would be considered and there was much work to be done over the coming months.

Question from Councillor Heather Anderson

To the Executive Member for Neighbourhoods & Locality Services

In February 2017 the previous SNP led administration earmarked £500,000 to enable participative budgeting to be piloted and at our last full Council meeting on 27 June we agreed the distribution of these funds across our 5 localities. These sums must be spent by end March 2018.

At that meeting the Burnfoot Community Futures project was presented as an example of good practice in achieving genuine community engagement and participative budgeting. Can the Council be advised of the period of time Council staff were engaged in undertaking the necessary community development work to achieve this outcome?

Reply from Councillor Aitchison

The CLD service allocated 0.2 FTE (1 day per week) to the process over a 6 month period. This supported; the formation of a Burnfoot steering committee; the development of communications; community engagement processes; equitable and transparent decision making processes and all planning and preparation for the community day.

This level of resource has to be taken within the context of a small pot of funds and a single, geographically small, community. A Locality approach will involve a greater range of communities, stakeholders and reporting requirements.

Supplementary

Councillor Anderson expressed concern that if the report was not approved until the end of September there would only be 2 further locality committee meetings to distribute the funding and asked if this would jeopardise the chance of success for this project. Councillor Aitchison advised that it was a complex subject but a draft paper had been prepared which included the provision of sufficient administrative resource. He would be consulting with locality committee chairmen and Leader of the Opposition. A communication strategy had also been prepared as he was aware that there were already groups looking for this funding.

Question from Councillor Marshall

To the Executive Member for Neighbourhoods & Locality Services

The council has indicated that it intends to review their approach in order to address their non – cutting of grass areas deemed “Too Steep” for traditional methods.

Can the Executive Member inform us when we will receive an answer to this problem?

And can he also reassure the Borders public that a method of addressing this problem will be implemented during this summer?

Reply from Councillor Aitchison

Neighbourhood operatives are instructed to ensure full compliance with all principles of health and safety. Having reviewed their approach to grass cutting and following assessment it has been determined that traditional cutting methods are not appropriate given the risk to staff and the public in the areas designated as ‘too steep’. Whilst cutting is suspended at some locations, Officers are investigating alternatives to try and deliver cutting at an appropriate level but this may not be delivered during the current season. Please be assured that every effort is being made to identify solutions that can be undertaken safely and sustainably. Consideration of options may be required however to redesign these areas to create visually pleasing locations which are not just grass and therefore reduce otherwise intensive maintenance regimes.

Supplementary

Councillor Marshall appreciated that health and safety requirements needed to be met but people were unhappy with areas becoming like jungles. He asked if it would be possible for private contractors to be hired to carry out the work. Councillor Aitchison advised that there was not a blanket solution to the problem but there were talks with private companies to see if some of the

issues could be resolved. He could not give any guarantees that this would be resolved during the current growing season.

Question from Councillor Andy Anderson

To the Executive Member for Transformation and HR

The wording of the current questionnaire regarding the future of the canteen suggests that a decision has already been made to close it.

Can you advise on what other options have been explored to maintain the type of canteen facilities we have now without the current level of subsidy?

Reply from Councillor Mountford

A decision has been taken to review the operational aspects of the staff canteen for two primary reasons. Firstly, the canteen has required a significant & increasing level of financial subsidy, typically in the region of £65,000 per annum (up from £45,000 five years ago). In addition, the Property Asset Rationalisation programme has indicated that the canteen building (originally a temporary unit with an anticipated five year lifespan) has now been in situ for almost 38 years and is showing distress which will require increasing levels of investment to halt further decline. No decisions have been taken with regard to any future catering facility, what format it might take or what location it might occupy. All these items will be fully considered once feedback has been obtained from the survey currently being undertaken to help inform any future proposals. There continues to be full engagement with Trade Unions and catering staff during this process.

Supplementary

Councillor Anderson asked if the fact that the current canteen gave employees a space for employees to get away from their desks be taken into account when considering the options.

Councillor Mountford agreed this was a valid point and would see what space might be available.