

SCOTTISH BORDERS COUNCIL
EXECUTIVE COMMITTEE

MINUTE of MEETING of the EXECUTIVE
COMMITTEE held in the Council Chamber,
Council Headquarters, Newtown St. Boswells
on Tuesday, 12 May 2015 at 10.00 a.m.

Present:- Councillors S. Bell (Chairman – Economic Development Business), J. Mitchell (Chairman – Other Business), S. Aitchison (from para.5), J. Brown, M. J. Cook, V. Davidson (from para.3), G. Edgar, D. Moffat, D. Paterson, F. Renton, R. Smith.

Also Present:- Councillors G. Logan.

Apologies:- Councillors C. Bhatia, D. Parker.

In Attendance:- Chief Executive, Chief Financial Officer, Corporate Transformation and Services Director, Chief Officer Economic Development, Clerk to the Council, Democratic Services Officer (F. Walling).

ECONOMIC DEVELOPMENT BUSINESS

Present:- Mr J. Clark, Mr G. Henderson.

CHAIRMAN

1. Councillor Bell chaired the meeting for consideration of the economic development business. He welcomed Mr Clark and Mr Henderson to this section of the Executive meeting and asked for a round of introductions.

MINUTE

2. The Minute of 21 April 2015 had been circulated. With regard to the decision at paragraph 5 of the Minute concerning Discretionary Housing Payments, the Clerk referred to an error which had been brought to her attention and advised that the decision should be amended to read:-
 - (a) NOTED:
 - (i) the activity relating to Discretionary Housing Payments for 2014/15 and that the position would continue to be monitored on a quarterly basis; and
 - (ii) that there were 47 applications for Discretionary Housing Payments which still required a decision.
 - (b) AGREED that the Service Director Neighbourhood Services would provide Members with the final outturn position for 2014/15.

The proposed amendment to the Minute was circulated at the meeting.

DECISION

APPROVED the Minute for signature by the Chairman, subject to the above amendment.

MEMBER

Councillor Davidson joined the meeting during consideration of the following item of business.

ECONOMIC DEVELOPMENT UPDATE

3. Copies of a briefing note providing an update on recent Economic Development activity had been circulated with the agenda. The update gave a summary of figures in relation to Business Gateway activity; the Scottish Borders Business Fund; Scottish Borders Business

Loan Fund; Employer Recruitment Incentive; and Scottish Borders Council property leases. The update also covered recent developments in relation to town centre regeneration; tourism and event support; and European Funding programmes. The Chief Officer Economic Development, Bryan McGrath, highlighted the main points. With regard to leases of Council-owned property there had been 178 property enquiries received in 2014/15 which was an increase of nearly 20% on 2013/14. The current occupancy level was 91% for the portfolio of industrial units, yards and shops. Members welcomed Mr McGrath's advice that a fuller update on the Council-owned industrial and commercial property would be provided in a report to the next Executive Committee meeting, and that this would include reference to units not fit for purpose. With regard to tourism support, the final report of the Tourism Destination Audit for Midlothian and the Scottish Borders would be presented at a Joint Area Partnership meeting on 28 May 2015. Mr McGrath assured Members that, although driven by the Borders Railway Blueprint, the Destination Audit would work with VisitScotland and look at tourism impact for the whole Borders area. The east of the region would not be excluded. The importance was also recognised of using Tweedbank and the Great Tapestry development as a hub from which to provide links to other tourist destinations and attractions in the Borders.

4. The continuing support for cycling events within the Borders was noted within the update. The Chairman commented that cycle event support was a team effort including input from other Council services and that in particular the speed of response from Neighbourhood Services to clean road surfaces prior to a cycling event had been complimented. Mr Henderson welcomed the proposed cycling strategy for the Scottish Borders to address infrastructure, events, promotion, transport, tourism and cycle friendly business support. Mr McGrath advised that the intention was to report back with a succinct strategy later in the year. Discussion continued on the delay of Scottish Government plans for the launch of the European Maritime Fisheries Fund (EMFF) 2014-2020 which was referred to in the update. Concern was expressed at the delay in view of the significant streams of money involved and the projects that could be affected. Members also had views that the initiative by Marine Scotland to consider implementing local development funding on a regional basis and to extend the coastal area to include Fife with the Borders and East Lothian was misguided. Concern about this had been expressed through the Fisheries Local Action Group as this was understood to be a local fund. This could have an impact on the development of Eyemouth Harbour, with its changing dynamics. It was stressed that there was still an opportunity to feed in views on a formal and informal basis. Mr McGrath was asked to bring a report to a future meeting of the Executive with a proposal on how to move forward in respect of the EMFF 2014-2020 and the delayed implementation.

DECISION

(a) NOTED:-

- (i) the update;**
- (ii) that a report on Council-owned industrial and commercial property would be presented to the next Executive Committee meeting.**

(b) AGREED that reports be brought back to a future meeting of the Executive Committee with regard to:-

- (i) a cycling strategy for the Scottish Borders; and**
- (ii) an update in respect of the European Maritime Fisheries Fund (EMFF) 2014-2020 with an indication of the way forward for the Scottish Borders.**

MEMBER

Councillor Aitchison joined the meeting during consideration of the following item of business.

BUSINESS GATEWAY BUSINESS PLAN 2015 TO 2016

5. With reference to paragraph 8 of the Economic Development Group Minute of 15 May 2014, there had been circulated copies of a report by the Service Director Strategy and Policy setting out service performance of Business Gateway in 2014/15 and seeking approval of a refreshed Business Plan for the delivery of Business Gateway services in the Scottish Borders to 30 September 2016. The report highlighted that overall performance of the service had improved in 2014/15. This was reflected in the achievement of targets and also feedback which noted overall satisfaction with the service at 86%. Most targets had been achieved or exceeded, and those below target had improved significantly since 2013/14. The figures for the survival of start-up businesses that had been supported by Business Gateway, at 12 months and 36 months from date of commencing trading, for Scottish Borders were 96% at 12 months and 65% at 36 months. These compared favourably with the national figures of 78% at 12 months and 60% at 36 months. The refreshed Business Plan, attached as Appendix 1 to the report, set out how the Business Gateway service would develop during 2015/16. In terms of advice and information, it would offer greater breadth and depth to growing businesses in the Scottish Borders and would seek to work with more businesses across the Borders. In addition, focus would be given to the opportunities presented by the arrival of the Borders Railway and the roll out of Superfast Broadband. Advisers would work with businesses to ensure that the benefits of these opportunities were maximised. In the period up to March 2016 the Business Gateway service would continue to deliver against the national service specification. The refreshed Business Plan would, through utilising EU Funds, enhance the service delivery at the local level by aligning to the priorities in the Scottish Borders Single Outcome Agreement (SOA) and Scottish Borders Economic Strategy 2023. The report went on to summarise the Performance Improvement Plan which outlined a series of activities to be implemented during 2015/16 and further enhance the impact of the Business Gateway Service.
6. Members welcomed the positive report and applauded the innovative improvements outlined within the Business Plan. Members in particular commented favourably on the proposal to identify Council offices in satellite towns across the Scottish Borders where a Business Gateway adviser could hold regular sessions advertised to the local community. It was also noted that such was the popularity of the Scottish Borders business week of workshops held in 2014, this was to be extended to a business month in the autumn of 2015. Members also made comment on the links with higher education. Following questions about broadband connectivity it was acknowledged that there would be some areas of the Borders that would not be covered even after the roll-out of Superfast Broadband. When the situation became clear, discussions would be held to look at any assistance that could be given specifically to those areas. Discussion continued on the targets that had been set within the 2015/16 Business Plan and officers were asked whether these could be considered modest in view of the fact that several had been exceeded in 2014/15. The Principal Officer (Business) advised that the targets for 2015/16 had been agreed with the Business Gateway national team and COSLA. The demand for workshops in 2014/15 had been higher than anticipated so additional workshops had been provided. The same approach would be taken in the forthcoming year although delivery of the workshops was also dependent on staff resource. Members then made suggestions for consideration for the format of the proposed annual meeting of the Executive Committee with a range of Business Gateway customers.

DECISION**AGREED:-**

- (a) to acknowledge the 2014-2015 service performance improvement and impact;**
- (b) to approve the 2015-2016 Business Plan for Business Gateway in line with the national service specification; and**
- (c) that an annual meeting be held with the Executive Committee and a range of Business Gateway customers to receive feedback on service delivery and areas for further improvement.**

ADJOURNMENT

The meeting was adjourned for ten minutes.

OTHER PUBLIC BUSINESS**CHAIRMAN**

Councillor Mitchell took the Chair for the remaining business.

STRATEGIC HOUSING INVESTMENT PLAN 2015-2020 (PROGRESS UPDATE 2014-2015)

7. With reference to paragraph 9 of the Council Minute of 30 October 2015, there had been circulated copies of a report by the Service Director Strategy and Policy advising Members of all affordable housing completions and progress made in the delivery of the Strategic Housing Investment Plan (SHIP) projects for the period 2014-2015. The report explained that the SHIP was the key document for targeting affordable housing investment in Scottish Borders. Annual updates were previously submitted to the Scottish Government in November of each year with the current SHIP 2015/20 having been submitted in October 2014. Local Authorities to date were required to produce and submit a SHIP annually to the Scottish Government but 2014 saw the Scottish Government change this requirement to bi-annually. Thus the next SHIP submission was likely to be in November 2016. The report advised Members that in 2014/15, 62 affordable houses were delivered, with 49 homes being for social rent, 3 via the Open Market Shared Equity scheme, and 10 homes for mid-market rent via Bridge Homes, the limited liability partnership established as a result of the Council's new National Housing Trust/Local Authority Variant initiative. Scottish Ministers had recently confirmed that this initiative could be extended until March 2019. Within the SHIP it was envisaged that 146 houses would be completed in 2014-2015, but due to contractor performance issues, 3 Registered Social Landlord projects totalling 87 homes would now complete in the first quarter of the current financial year and would thus be reported as completions in the 2015/16 SHIP update. This would give an anticipated outturn of 176 homes in 2015/16.
8. Members considered various aspects of the report including the location of affordable housing including the availability of land, whether targets were based on achievability or need, and the economies of scale for Registered Social Landlords building in blocks of units rather than single units. In response to a query about Affordable Housing Developer Contributions, Members were reassured that, to date and despite being time limited, all such Developer Contributions had been utilised by the Council and none had been returned. With regard to the identified slippage against the 2014/15 target and the reasons for this the Group Manager, Housing Strategy and Services, emphasised that this was within the control of the Registered Social Landlords rather than the Council but agreed to request further details. She added that over the three year period, between 2013/14 and the anticipated outturn at the end of 2015/16, the target of 103 houses per year would have been met. However it was noted that this was not consistent with the 5 year target set within the Community Planning Partnership (CPP). It was suggested that this should be discussed within the CPP in the light of the strategy, to look at the balance between the expectations and what had been achieved. On the question of the desirability of relating targets to need the Group Manager explained that although the first SHIP planning document was based on need the Plan was now required to be based on resources and the financial capacity to deliver. This was not within the Council's power to amend. However, the National Housing Trust initiative would bring further opportunities to deliver additional housing. An example of the latter was given as the development of a gap site at Innerleithen. With regard to the need for more rural housing Members were advised that the Council had delivered rural projects in the past and reference was made to the Scottish Government's Rural Funding initiative. Similarly Scottish Government had launched the Empty Homes Town Centre initiative although this was currently in abeyance due to issues with conditions imposed by the Treasury on use of the funding. The Council had attempted to identify every owner of empty property and reference was made to the Empty Homes Loan Fund. Members emphasised the importance of bringing empty properties back into use both to provide additional housing and to contribute to town centre regeneration.

**DECISION
AGREED:-**

- (a) to endorse the progress made in the delivery of affordable housing projects in 2014/15 as set out in the Strategic Housing Investment Plan; and
- (b) to note the extension to the National Housing Trust/Local Authority Variant initiative to March 2019.

MEMBER

Councillor Aitchison left the meeting during the above discussion and re-joined the meeting during the discussion on the item below.

**EDINBURGH, LOTHIAN, BORDERS AND FIFE ROADS COLLABORATION
PROGRAMME (ELBF PROPOSAL) AND SBC ROADS SERVICES**

- 9. There had been circulated copies of a report by the Service Director Commercial Services seeking approval to review the operating model of the Council's wider roads services to ensure that they were best placed to maximise services to the Borders, operate effectively in the external market place and in future be capable of interfacing if required with a proposed Edinburgh, Lothians, Borders and Fife Roads Collaboration Programme (ELBF proposal) facilitated by the Improvement Service. The report set out the background to the ELBF proposal in the context of the National Roads Maintenance Review. Behind both was a national agenda in respect of the sharing of roads services to reduce costs and improve efficiency. As part of this agenda the ELBF proposal sought to set up governance arrangements to look at sharing roads services in the ELBF region. The proposal would firstly involve the creation of a limited liability partnership jointly owned by the ELBF local authorities, the structure of which was outlined in Appendix 1 to the report. Roads services under consideration for sharing would cover the following areas:- asset management; joint procurement; flood risk management; New Roads and Streetworks Act (co-ordinating roads projects); weather forecasting; traffic signal maintenance; road safety; structures (bridges etc); Street Lighting; training; and packaging of Roads Maintenance Contracts.
- 10. It was noted that if Scottish Borders Council and other ELBF authorities did not constructively engage in the ELBF proposal and other local authorities did not take part in similar initiatives across Scotland there was a risk that the option, within the National Roads Maintenance Review, would be pursued by the Scottish Government which would involve a re-structuring of roads authorities across Scotland. In discussing the report, Members were concerned that the proposals, including governance, were too vague and that benefits were unquantifiable. The priorities for Scottish Borders Council were that the Council must continue to have an element of control over provision of the services in question and that the Council's workforce must be protected. In particular the Council was in a unique position due to SBc Contracts, a major trading organisation that made a significant contribution to Neighbourhood Services as well as a surplus to be used to help fund other services. There was a need to understand the best business model for the Borders. It was recognised that discussions on the ELBF proposal were currently at a high level but Members emphasised the importance for the Council to continue to engage in those discussions and to ascertain the position of the other local authorities involved. An update was requested to be given to the Executive Committee before the end of the year.

ADJOURNMENT

The chairman adjourned the meeting for five minutes.

**DECISION
AGREED:-**

- (a) to review the operating model of the Council's wider roads services to ensure that they were best placed to maximise services to the Borders, operate effectively in the external market place and in future, if required, be capable of interfacing with the ELBF proposal;
- (b) that a recommendation for the most advantageous operating model for road services would be reported back to the Executive Committee by the end of 2015; and
- (c) that Scottish Borders Council would not join the ELBF proposal at this time, in light of the unquantified and unproven benefits, but would maintain ongoing discussions with the other local authorities involved, to enable the Council to continue to assess the proposal.

MEMBER

Councillor Moffat left the meeting prior to the item below.

RESPONSE TO SCOTTISH GOVERNMENT'S CONSULTATION PAPER ON A PROPOSED BILL RELATING TO BURIAL AND CREMATION AND OTHER RELATED MATTERS IN SCOTLAND

11. There had been circulated copies of a report by the Service Director Neighbourhood Services seeking approval of the response to the Scottish Government's Consultation Paper on a proposed Bill relating to burial and cremation and other related matters in Scotland. The report noted the recognition by the Scottish Government that legislation relating to burial and cremation in Scotland was in need of consolidation and modernisation. A Consultation Paper had been produced, attached as Appendix 1 to the report, which set out a range of proposals and questions. The outcomes from the replies would inform a Burial and Cremation (Scotland) Bill. Although a draft response had been submitted to Scottish Government, it had been agreed with officials from the Scottish Government that the final response could be confirmed following consideration by the Executive Committee and approval by Council on 21 May 2015. The Council's proposed Consultation Response was attached as Appendix 2 to the report. It was explained that Scottish Borders Council was a Burial Authority only as it did not operate either of the crematoria in the Scottish Borders. The Council was therefore in a better position to respond only to the burials aspect of the consultation. Members were in general agreement with the response subject to some additional comments. In particular, and with respect to the issue of the re-use of full and partially-full lairs, Members were concerned that the historic element had been missed in the consultation and that archaeological implications must be addressed before re-use of lairs was considered. The growing interest in genealogy and ancestral tourism was emphasised. After further discussion Members agreed to recommend to Council the additions/amendments below:-
- Q17 – Response amended to 'No'. This should be non-statutory guidance rather than regulated to allow the Council discretion within certain standards in how it could proceed on individual cases.
 - Q18 - Response amended to 'Yes'.
 - Q19 - Response agreed. Flexibility should be maintained to allow for different conditions on any given site e.g. depth of water table.
 - Q20 – Response agreed. Emphasise that paper records should always be made and retained as a physical record.
 - Q26 – Concern regarding practical implications of this proposal. Suggest that there be a 'cut-off' date so that just those lairs purchased after a certain date would be subject to this 25 year rule.

Q27 – Response agreed but it was essential that Historical burial lairs were maintained.
Suggest a covering letter be included with response to Scottish Government to highlight that the historical element had been missed in the consultation.

DECISION

- * **AGREED to RECOMMEND to Council APPROVAL of the response to the Consultation Paper, on a proposed Bill relating to burial and cremation and other related matters in Scotland as set out in Appendix 2 to the report, subject to the additions/amendments outlined above.**

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 the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 6 of Part 1 of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

MINUTE

1. The Committee approved the private Minute of 21 April 2015.

The meeting concluded at 12.55 p.m.