

# **SCOTTISH BORDERS COUNCIL**

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held in Council Headquarters, Newtown St. Boswells on Thursday, 25 October 2018 at 10.00 a.m.

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Present:- Councillors D. Parker (Convener), S. Aitchison, A. Anderson, H. Anderson, 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. Penman, C. Ramage, N. Richards, M. Rowley, H. Scott, S. Scott, E. Small, R. Tatler, E. Thornton-Nicol, G. Turnbull, T. Weatherston

Apology:- Councillor E. Robson.

In Attendance:- Executive Director (P. Barr), Service Director Assets & Infrastructure, Service Director Customer & Communities, Service Director Regulatory Services, Chief Financial Officer, Chief Officer Education, Clerk to the Council.

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## 1. **CONVENER'S REMARKS**

There were no Convener's remarks this month.

**DECISION  
NOTED.**

## 2. **MINUTE**

The Minute of the Meeting held on 25 September 2018 was considered.

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

## 3. **COMMITTEE MINUTES**

The Minutes of the following Committees had been circulated:-

Hawick Common Good Fund	21 August 2018
Police, Fire & Rescue & Safer Communities Board	31 August 2018
Pension Fund Committee	13 September 2018
Pension Fund Board	13 September 2018
Local Review Body	17 September 2018
Major Contracts Governance	18 September 2018
Civic Government Licensing	21 September 2018
Audit & Scrutiny	24 September 2018
Peebles Common Good Fund	25 September 2018
Planning and Building Standards	1 October 2018
Executive	2 October 2018

**DECISION  
APPROVED the Minutes listed above.**

## 4. **COMMITTEE RECOMMENDATIONS**

### 4.1 **Audit & Scrutiny Committee**

With reference to paragraph 3 of the Minute of 24 September 2018, it was recommended that items for the Scrutiny Work programme for 2018/19 be approved.

**DECISION**

**AGREED to approve the Scrutiny Work Programme for 2018/19, as contained in the appendix to the Minute of 24 September 2018.**

**4.2 Executive Committee**

With reference to paragraph 2 of the Minute of 2 October 2018, it was recommended that the new Dyslexia Policy 2018 be approved.

**DECISION**

**AGREED to approve the new Dyslexia Policy 2018.**

**5. SCOTTISH BORDERS COUNCIL BSL PLAN 2018-2024**

There had been circulated copies of a report by the Service Director Customer and Communities seeking approval for the Scottish Borders Council British Sign Language (BSL) Plan 2018-2024, complying with the BSL (Scotland) Act 2015. A signer was at the meeting to assist with the presentation of this item. The report explained that the British Sign Language (Scotland) Act 2015 now required public bodies in Scotland to publish plans every six years showing how they would promote and support BSL. The overall aim of the Act was to make Scotland the best place in the world for BSL users to live, learn, work and visit. The Council had taken a holistic approach to developing its BSL plan, with a focus on embedding BSL within its approach to customer services, communication, and training, and working with relevant Community Planning Partners including the local See Hear Group and the local BSL community and online consultation. Two videos showing both the engagement process and the resulting action plan were shown. Both Councillor Mountford and Councillor Thornton-Nicol spoke in support of the plan, with Councillor Thornton-Nicol signing part of her support, and thanked the officers for their work on this policy. The Plan received unanimous support.

**DECISION**

**AGREED to approve the Scottish Borders Council British Sign Language (BSL) Plan 2018-2024, as contained in Appendix 1 to the report.**

**6. MOTION BY COUNCILLOR H. ANDERSON**

Councillor H. Anderson, seconded by Councillor Miers, moved the Motion as detailed on the agenda in the following terms:-

“Given the significant role farmers and food producers play within our rural economy and the current uncertainty they are facing, we ask SBC to convene an early meeting with key stakeholders in farming and rural civic society to explore both the important contribution they can make towards improving local prosperity and to identify potential barriers they may face.

It would be hoped that such a meeting would also strengthen the Council’s understanding of the key contribution these stakeholders can make towards the success of the South of Scotland Economic Agency and the potential Borderland Initiative.”

Councillor Anderson spoke in support of her motion which was unanimously approved.

**DECISION**

**AGREED the Motion as detailed above.**

**7. CHEVIOT AREA PARTNERSHIP**

It was reported that Councillor Mountford wished to stand down from being the Chairman of the Cheviot Area Partnership. Councillor Mountford, seconded by Councillor S. Scott, moved that Councillor S. Hamilton be appointed and this was unanimously approved.

**DECISION**

**AGREED to appoint Councillor S. Hamilton as the Chairman of the Cheviot Area Partnership**

8. **OPEN QUESTIONS**

The questions submitted by Councillors C. Hamilton, Richards, S. Hamilton, Ramage, Paterson, Thornton-Nicol, H. Anderson, Bell, Laing, Moffat, A. Anderson and H. Scott were answered. The Convener also allowed Councillor Ramage to ask a question at the meeting.

**DECISION**

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

9. **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**

10. **Minute**

The private section of the Council Minute of 25 September 2018 was approved.

11. **Committee Minutes**

The private sections of the Committee Minutes as detailed in paragraph 3 of this Minute were approved.

*The meeting concluded at 11.20 a.m.*

**SCOTTISH BORDERS COUNCIL**  
**25 OCTOBER 2018**  
**APPENDIX I**

**Question from Councillor C. Hamilton**

To Executive Member for Business and Economic Development

Given comments by the Scottish Transport Minister, and noting the concerns expressed by the RAGES group campaigning for increased economic development through a new station, can the Executive Member for Business and Economic Development advise on what the plans and timescales now are for re-opening this vital economic link at Reston and does he recognise that the long delay is damaging the economic development opportunities needed for Berwickshire communities and the wider Scottish Borders Beyond?

Reply from Councillor Rowley

Correspondence from the Transport Minister indicates that the new station at Reston will be delivered in what is known as Control Period 6 which runs from 2019-2024. The station development is part of a programme of works that is planned for the South East of Scotland to help ensure that a viable and frequent rail service is able to visit the new station, when completed.

I am aware that Network Rail is currently working on the design of this new facility. I would hope to get an update on how they are progressing with this process in the near future.

I, along with many others, believe the station facility will act as a real catalyst for economic development in Berwickshire. However, Transport Scotland and Network Rail need to be confident that a new station on the very busy East Coast Main Line is visited by a service that is frequent and relevant to the local community. That is why the Reston proposal is connected to a wider programme of work to help alleviate congestion on this area of track.

I am also keen to ensure that the Council, and its economic development partners, starts to plan for the potential economic benefits that will flow from the opening of a new station. As we saw along the Borders Railway corridor, advance planning, some creative thinking, and strong partnership working around a vision like the Borders Railway Economic Blueprint, can help us ensure that a new station is an economic development and transport success from Day 1. Further reassurance and clarity from the Transport Minister regarding the timing of the project would enable SBC to align programmes and resources to best support the railway project.

**Question from Councillor Richards**

To the Executive Member for Planning and Environment

How many planning decisions taken by SBC's planning committee on wind farms and other developments have been overturned on appeal by Scottish Government Reporters over the last 10 years?

Reply from Councillor Miers

In the course of the last ten years there have been 21 decisions made by Government Reporters following decisions by this Council to either refuse or object to commercial wind farm developments. For completeness, I am including within these figures decisions on applications made under the Electricity Act\*, on which this Council is only a consultee.

Of those 21 decisions, eight were overturned by Scottish Government reporters; three for planning permission and five where the Council objected to Electricity Act proposal.

In terms of wider decisions, since 2009, when the current appeal and local review arrangements were brought in, there have been a total of 58 appeals against refusal of permission by this Council that have been determined by Reporters on behalf of the Scottish Government. Of these, 25 decisions were overturned, while 33 were upheld. This figure will include the wind farm decisions referred to in the earlier part of my reply.

*(\*Applications made under S.36 of the Electricity Act are determined by the Scottish Government for proposals generating more than 50MW output.)*

### **Question from Councillor S. Hamilton**

#### To Executive Member for Children and Young People

I recently attended a meeting of the modern apprenticeship forum at SBC to discuss the role of an elected member and I was very much impressed to hear that this local authority has employed more than 120 modern apprentices. Can the Executive Member for Children and Young People confirm to me what arrangements are being made to publicise the opportunities of an apprenticeship particularly to our school leavers?

#### Reply from Councillor C. Hamilton

All Modern Apprentice vacancies are published on the My Job Scotland website, we also upload them on to the Skills Development Scotland website and pass to DYW Borders and Employment Support Team.

In order to reach as many young people as possible we also publish opportunities on SBC's facebook page.

We have also run a successful recruitment campaign with radio borders.

Looking forward, we will be working with education colleagues to strengthen direct links with our High Schools to ensure school leavers are aware of the roles available with the Council.

#### Supplementary

Councillor S. Hamilton asked what work had been done with the private sector. Councillor C. Hamilton advised that the Council had been in touch with a number of private companies who had expressed interest in taking on apprentices and training them in their way of working, which was a good way to keep young people in the Borders.

### **Questions from Councillor Ramage**

#### To Executive Member for Children and Young People

##### 1. Vibrant Libraries, Thriving Schools

The Scottish Government, Cosla and Slic have just published their National Strategy for School Libraries in Scotland from 2018-2023. In the Foreword the Deputy First Minister and Cabinet Secretary for Education and Skills states "School libraries are a hub of activity, with library staff supporting a range of creative approaches to learning, addressing issues related to health and wellbeing, and facilitating connections between pupils across the school community." As a teacher, I wholeheartedly support the Cabinet Secretary's view. School libraries and school librarians are a fundamental part of Scottish education – why are we still considering getting rid of our school librarians?

#### Reply from Councillor C. Hamilton

We welcome the publication of Vibrant libraries, thriving schools which recognises the value of access to a school library service from early years through to secondary school. The document provides recommendations for local authorities and for schools on what the library service should include, as well as providing examples of best practice from across Scotland. We are using the document to plan our future library service to meet national expectations and local need within the resource we have.

We are working across schools to make it fair and equitable and there have been no redundancies. We need to modernise the way that young people study.

#### Supplementary

Councillor Ramage commented on the policies of Renfrewshire Council and Midlothian Council who had won an award for their school librarians. Councillor Hamilton advised that this policy had

been put in place following pupil feedback. Libraries were not staff-free zones. The Council was not getting rid of its school library service but looking for new and innovative ways to learn.

2. In April 2018 a briefing paper was brought before Council with the following recommendation:

- (a) Approves the creation of a Secondary School Individualised Strategic Plan regarding the schools in Galashiels, Hawick, Peebles and Selkirk; which will enable Council officers to develop a bespoke strategy for each of these schools in line with the principles of the School Estate Review and the pillars of the Christie Commission, with an update report brought back to the Scottish Borders Council Committee in October 2018.

Where is the promised school estates review report as there are anxious children and parents in all 4 schools who are keen to hear?

#### Reply from Councillor C. Hamilton

Officers continue to progress outline proposals for future investment and prioritisation of the secondary school estate in Gala, Hawick, Peebles and Selkirk, which like Kelso and Jedburgh, will require Scottish Government funding support. There have been however, no announcements with regard to any planned funding model replacing the former 'Schools for the Future' programme.

It is intended to bring a report to Council in November 2018.

#### Supplementary

Councillor Ramage asked when these 4 schools would be fixed. Councillor Hamilton advised that the Council was waiting for Scottish Government funding.

#### **Question from Councillor Paterson**

##### To Executive Member for Roads and Infrastructure

1. Could the Executive Member please tell me if this Administration has any plans to change the general waste collection from every 2 weeks to every 3 weeks? I feel that if such a move was ever introduced to save money, this I am certain would cause real hardship to many families in the Scottish Borders and create an even bigger problem with fly tipping.

#### Reply from Councillor Edgar

The Council is currently undertaking a review of its kerbside collection service with the support of Zero Waste Scotland and by comparing how these services have been delivered by other Authorities across Scotland.

No decisions have been taken with regard to any changes, including the frequency of the general waste collection until this review is complete and the potential implications are fully understood. Officers will be bringing a report to Council shortly and as part of the budget setting process.

2. Does this administration have any plans in place for the maintenance of the Thomson Bridge and other bridges in the Scottish Borders? Members of the public have brought it to my attention that minor problems that could well develop into bigger problems are just being left is this the case?

#### Reply from Councillor Edgar

Maintenance of bridges throughout the Scottish Borders is undertaken by a combination of either planned or reactive work programmes, with planned works being based on known defects and reactive works arising from accident or emergencies (ie, flooding)

Defects on bridges are noted through inspections undertaken by the asset team, other Council colleagues and sometimes from reports by members of the public. These defects are then prioritised against other required maintenance works on the Councils 1200 (approx.) bridges and culverts.

With regard to the James Thomson Bridge, the Council are aware that some utility services beneath the bridge have been subject to flood damage and now require attention. Officers are currently in contact with the relevant utility bodies to have these repaired.

#### Supplementary

Councillor Paterson asked if Councillor Edgar agreed that a stitch in time saved nine. Councillor Edgar reiterated that there was a programme of repair for bridges and culverts in place, but any contact from either Councillors or members of the public was taken account of so we did make a stitch in time.

#### 3. To the Executive Member for Neighbourhoods and Locality Services

Would this administration consider having another round of weed killing in areas of the Scottish Borders that are still suffering from areas that are now becoming unsightly because of weeds and uncut grass?

#### Reply from Councillor Aitchison

As the growing season is finished for the year, it would not be practical to undertake another round of weed killing. For clarity, there has been no change to the weed killing regime within the Council.

#### 4. To the Leader

Will the Council Leader be writing to the current Prime Minister of the UK Government in the strongest possible terms about what many people are describing as shambolic handling of the negotiations regarding Britain exiting from the European Community?

#### Reply from Councillor Haslam

No.

#### Supplementary

Councillor Paterson asked if the Leader agreed that there was a need for a further referendum. Councillor Haslam did not agree as the people had already voted.

#### To the Executive Member for Community Safety

5. Can the Executive Member please tell me how many people have been fined for failing to clean up after their dogs have messed since the new Police Set up costing the Council tax payer an extra £280,000 a year?

#### Reply from Councillor Turnbull

Since April 2018 the CAT has issued 2 Fixed Penalty Notices relating to dog fouling.

These are cases in which there is an identified dog owner and a witness willing to provide a statement to Police Scotland. Once a statement has been obtained, a ticket is issued if there is sufficiency of evidence.

The CAT patrols areas where dog fouling is a problem, and when the police are visible, people are tending to pick up after their dogs.

We would highlight that the CAT responsibilities do extend beyond those of dog fouling and we would point to the other positive aspects of the team's deployment i.e. parking tickets, high visibility patrols, proactive drug searches, static road checks etc.

#### Supplementary

Councillor Paterson asked if £280,000 was not considered a high cost for 2 tickets. Councillor Turnbull emphasised the fact that the team carried out a varied list of tasks and statistics on this would be provided shortly.

6. Can the Executive Member please tell me how many members of the public have been fined for parking infringements in our Borders Towns ever since the new Police Set up was introduced in the Scottish Borders by the previous Executive Member?

### Reply from Councillor Turnbull

Between April and end September 2018 460 parking tickets have been issued by the council funded police Community Action Team across the Scottish Borders.

In the same period in 2017, 332 tickets were issued; this demonstrates an increase of 38.61%.

### Supplementary

Councillor Paterson asked if the Convener or Leader would contact the Scottish Government to ask that the Council receive the money back from fines. Councillor Turnbull advised that when the CAT was set up it was to allow the Team to concentrate on local issues fed into by Councillors, who were aware that this was an extra cost for the Council.

### **Question from Councillor Thornton-Nicol**

#### 1. To the Executive Member for Transformation and HR

SBC Catering has a reputation across Scotland as being excellent. Last month we applauded the efforts of a school cook who won a national award. They provide meals, hot on the day and frozen regen packs across the Borders for both internal and commercial customers. Can you advise me of the number of meals served on a weekly basis across all services, spilt over hot and frozen?

### Reply from Councillor Mountford

During week commencing 1<sup>st</sup> October 2018, the Council served 18,900 meals, of which 17,620 were hot meals and the balance of 1,280 were frozen meals.

### Supplementary

Councillor Thornton-Nicol asked if the Council had a plan in place to ensure continuity of provision after Brexit. Councillor Mountford advised that a plan was being prepared and although he did not have details he expected there would be no interruption to supplies.

#### 2. To the Leader

Knowing that Brexit is putting the supply of many medicines and materials used in health care at risk, has SBC entered conversations with NHS Borders about supplying storage space for the stock piling of non-temperature controlled products? Has the Emergency Planning team been involved in any discussions about supporting the delivery of life saving, self-administered drugs such as insulin?

### Reply from Councillor Haslam

One of the key elements of preparing for Brexit has been linking with partners around specific issues. As such our Brexit team has had discussions with NHS Borders specifically about risks. Should NHS Borders require storage for such products, we will assist in any way possible.

### **Question from Councillor H. Anderson**

#### To Executive Member for Planning and Environment

On 6 October 2018 the IPCC (Intergovernmental Panel on Climate Change) issued their 48<sup>th</sup> report calling on all agencies and governments to take action to contain increases of global warming to 1.5 degrees C. What specific actions are SBC taking to monitor and reduce green-house gas emissions caused directly by Council operations and more broadly, emissions across the Scottish Borders generally?

### Reply from Councillor Miers

It is important to recognise, as Councillor Anderson's question does, that the IPCC's 48<sup>th</sup> Report calls for a much more radical approach from governments and agencies to reducing emissions than that which has underpinned the management of climate change until now. Containing global temperature increases within 1.5 degrees C will require a step change in approach from all of us. In this regard, it is important to note that the Council's activities sit within a national strategy determined by Scottish Government, UK Government and the EU.



Scottish Government is reassessing its approach currently, developing initiatives around Energy Efficient Scotland and Local Heating and Energy Efficiency Strategies. This process is given further impetus and urgency by the IPCC Report. As Scottish Government refines its approach, so we must progress our existing strategies, but seek to extend and intensify them within the developing national and international framework.

The Council's current strategy is built on the following:-

- Our Corporate Plan and the Community Plan which commit to 'protecting and improving our quality of life' and 'developing and improving our place'.
- A Corporate Energy Efficiency Programme as part of our Business Transformation Programme, and
- The Scottish Borders Low Carbon Economic Strategy 2013-2023, which, as the then Executive Member for Economic Development (Councillor Bell) explained in his preface 'sets out a vision for a resilient, low carbon future, and goes on to identify priority actions'.

Surrounding all of this, we have a responsibility to comply with the Public Bodies Duties pursuant to the Climate Change Act (Scotland) 2009. This includes mandatory annual reporting which details specific Council activity, where progress has been good e.g.LED street lighting programme and emissions reductions from buildings upgrades, and providing Scottish Borders Council area-wide emissions data, based on national datasets.

As already noted, as Scottish Government develops its approach to climate change, we too must develop and intensify our efforts. Those efforts must be supported by the provision of resources to councils and other bodies to help them deliver on our collective efforts. The importance of this point has been reinforced through recent dialogue with Scottish Government and through consultations on Energy Efficient Scotland and Local Heating and Energy Efficient Strategies.

#### Supplementary

Councillor Anderson had noted that the Strategy was dated 2013 and asked that an updated report be presented in the New Year. Councillor Miers advised that this would be considered and highlighted the need for the Council to adhere to national policy.

#### **Questions from Councillor Bell**

##### 1. To the Executive Member for Transformation and HR

I recall from a private meeting immediately after the EU Referendum in 2016 that because for decades there had been no need to document the country of origin of Council employees we had no way, at that time, of knowing how many EU citizens were employed by Scottish Borders Council. The future status of EU citizens is now a bit clearer; how many EU citizens who are not British subjects are currently employed by SBC, and in which departments?

##### Reply from Councillor Mountford

SBC currently employ 22 EU/EEA nationals who are not British subjects.

They are employed in the following departments:

Children & Young People

Waste

Facilities Management

Finance

SB Cares

#### Supplementary

Councillor Bell expressed surprise at the low number but asked that the advice and support service be advertised to all affected Borderers. Councillor Mountford confirmed this would be done.

## 2. To the Leader

A Brexit Response Team was set up by this Council 21 months ago but since then we have heard nothing from them. Other Scottish Local Authorities have established similar Brexit Teams and – to name but three – those in Dundee, Glasgow and Edinburgh Councils have reported in the last few months to elected members on their work. Our Council has been specifically advised by Audit Scotland to closely monitor [Brexit] developments and to have plans in place to mitigate any emerging operational risks. I am led to believe the lack of any reporting to this body was discussed at full Council last month, but no commitment on a definite timescale to report back was minuted. What actions have you taken to ensure the timely presentation of a report – even an interim report - by the Brexit Response Team to this Council?

### Reply from Councillor Haslam

As I believe you are aware, the Chief Executive has agreed to bring a report to November Council. The report is likely to be the first in a series of reports given the continued uncertainty that surrounds this issue.

### Supplementary

Councillor Bell asked that given the Government was stating that the deal was 95% complete why the Council had received nothing. Councillor Haslam advised that this was a serious issue and the report would be produced in November when there would be a clearer idea of what the deal was. The Brexit response team was doing a good job and she also highlighted the work by COSLA on the national picture.

## **Question from Councillor Laing**

### To Executive Member for Neighbourhood and Locality Services

In 2017-18 the total contract award to CAB was £227,250 and Central Borders share was £70,727. In 2018-19 this was reduced to £218,000 from which Central Borders CAB will likely receive £65,000. In 2019-20 they will receive £62,000 from an award of £209,250. There have been no significant discussions about reducing opening hours at present. However, if the core funding continues to decrease this could be the outcome, which will have serious repercussions for the disadvantaged in our society and for Scottish Borders Council.

Will the member therefore undertake to reject any further budget cuts in the next round of budget discussions and mitigate against cuts already introduced.

### Reply from Councillor Aitchison

This matter has been discussed in this chamber a number of times and regular meetings have taken place between officers and the Borders Citizens Advice Consortium regarding the extension of the contract.

As you will be aware the UK Government recently announced that they are establishing, and funding, a new partnership, with Citizens Advice Scotland to deliver Universal Support as part of their implementation of Universal Credit. This is a significant change which is likely to impact on the services delivered by the Citizens Advice Consortium locally and potentially the work they do for the Council. This was discussed at the last meeting on 17 October 2018 but further clarity on the new partnership is required before the position for next year can be agreed.

### Supplementary

Councillor Laing advised that CAB had obtained £2m for the Borders in 2017/18 and was it not false economy to cut their funding. Councillor Aitchison advised that this had been due to the block grant cut by Scottish Government.

## **Question from Councillor Moffat**

### To Executive Member for Roads and Infrastructure

The Council currently aims to spend £2million per year replacing plant and machinery and vehicles .These fleet repair our roads, clear snow, collect our bins, cut our grass, maintain our streets, build

and maintain our schools and other public buildings every day. What percentage of purchases of new machinery and plant involve purchases from companies importing from the EU?

#### Reply from Councillor Edgar

All vehicles, plant and machinery are currently procured through competitive tender and other framework arrangements but given the number of multinational companies involved and the complex international supply chain which exists around the manufacture and supply of vehicles, plant, machinery and components, there are currently no accurate figures available.

For example, Nissan (Japan), Mercedes (Germany) and John Deere (America) all make parts in the UK but also supply from the EU and much further afield. Officers will however continue to work with colleagues in Procurement to ensure continuity of supply where required to meet the Council's future needs once the position on Brexit has been clarified.

#### Supplementary

Councillor Moffat asked what impact a no-deal Brexit would have on supply and if this could be factored in future budgets. Councillor Edgar advised that if Councillor Moffat could explain what a no-deal meant, then he was sure officers could provide an answer.

#### **Question from Councillor A. Anderson**

##### To Executive Member for Adult Social Care

Universal Credit was rolled out across the Scottish Borders in June 2018. In view of this, can you provide figures for the number of new claims made, the average length of wait from application to receipt of the first payment, and how many of these residents are now receiving a lower income on Universal Credit than they would have received if they had been in receipt of previous benefits.

In addition, how many people in the Scottish Borders are currently receiving the legacy benefits that Universal Credit is intended to replace?

##### Reply from Councillor Weatherston

In answering your question I want to point out that this is not information that the Council holds and I am dependant on the Department for Work & Pensions providing these numbers.

The latest figures show the position as at 13<sup>th</sup> September 2018 when the total number of new claims for Universal Credit in the Borders was 1766. This figure is available publically on the DWP's website where it is broken down to each Jobcentre area with 333 in Eyemouth, 883 in Gala and 550 in Hawick.

I currently have no figures on the waiting times for payments, nor how many cases exist where the claimant is worse off being on Universal Credit compared to the legacy benefits. These have both been requested from the DWP and I will forward these on to you as soon as I get sight of them.

Finally, in relation to the number of cases on legacy benefits who will migrate to Universal Credit, I do have DWP's estimates for the two parliamentary constituencies covering the Borders. However, in the case of Dumfriesshire, Clydesdale and Tweeddale it also includes the numbers for the other local authorities.

Berwickshire, Roxburgh and Selkirk	7,830
Dumfriesshire, Clydesdale and Tweeddale	6,320

My understanding is that the DWP do not hold this data for local authority areas but I can assure you it has been asked for, and if received, I will ensure it is passed on.

#### Supplementary

Councillor Anderson asked if the decision to cut welfare benefits advice both in-house and in the Third Sector could be reversed. Councillor Weatherston advised he would ask officers to provide information.

## Question from Councillor H. Scott

To the Executive Member for Roads and Infrastructure

1. What measures does Scottish Borders Council have in place to ensure that those applicants for taxi and private hire licences do not present a danger to the public despite having convictions for offences such as those involving violence or indecency?
2. How many holders of taxi and private hire licences have been convicted of criminal offences whilst employed as such during the past 5 years, and what were the nature of those offences?
3. Are the previous convictions of applicants for taxi and private hire licences excluded from declaration in terms of the Rehabilitation of Offenders Act, 1974?

Reply from Councillor Edgar

Question 1

Taxi and Private Hire drivers are licensed in terms of the Civic Government (Scotland) Act 1982. In applying for a new or renewed licence an applicant has to declare any convictions. The Act also requires that all applications are referred to the Police. Where an applicant has previous convictions, or has criminal prosecutions pending, the Police will either object to the granting or renewal of the licence or make a representation. In both instances the application will be referred to the Civic Government Licensing Committee to determine. It will then be for the Committee to decide, based on all information available, whether the applicant is a "fit and proper person" to hold such a licence.

Licensing Standards and Enforcement Officers (LSOs) will interview applicants before the Committee meeting and ask about any convictions and other matters they think are relevant. The results of this process will be reported to the Committee. Police Officers will also be present and asked to address the Committee. The applicant will also be at the Committee and will be invited to address the committee and will be subject to questioning by the Committee.

If the Committee consider the applicant presents a danger to the public, or if for any other reason members conclude the applicant is not a fit and proper person to hold a licence, the application will be refused.

The Licensing Authority also has the power to suspend or revoke a licence should the licence holder's conduct cause them to consider the licence holder is no longer a fit and proper person. Where such concerns are raised the matter will quickly be referred to committee for decision. In addition the Council's Chief Legal Officer has authority to suspend a licence with immediate effect where it is considered there is a serious threat to public order or public safety.

Question 2

In the last 5 years a total of 20 holders of taxi or private hire license have been convicted of criminal offences while so employed. They were for the following offences:

- Road Traffic Offences – 7
- Domestic Breach of the Peace – 4
- Breach of Peace – 3
- Threatening & Abusive Behaviour - 1
- Assault – 1
- Carrying an Offensive Weapon – 1
- Theft – 1
- Drink Driving – 1
- Social Security – 1

Of those 20 drivers, 14 had their taxi/private hire licence removed as a result of the conviction. The 6 who retained those licenses had been convicted of either Road Traffic, Domestic or other Breach of the Peace Offences.

Question 3

An applicant must provide details of ALL previous convictions including road traffic offences and details of any fixed penalties offered and accepted. There are a small group of more minor offences which in certain circumstances require to be treated differently by the authority. These are known as Protected Offence. Legal Services will be happy to provide the member with a fuller briefing on these if required.

#### Supplementary

Councillor Scott asked to be provided with reassurances that the process would be tightened up and that meetings be held in public. Councillor Edgar advised he would ensure that the legislation was followed.

#### **Additional Question from Councillor Ramage**

##### To Executive Member for Neighbourhood and Locality Services

Councillor Ramage reported that she had been contacted by Burnfoot Community Futures who had been advised that their Locality Bid was not going forward to a public vote due to lack of bids. She asked why members had not been advised of this directly.

##### Reply by Councillor Aitchison

Councillor Aitchison replied that a meeting had been held on Monday to assess the bids but due to both quality and quantity of bids it had been agreed not to go ahead with this round. Officers had contacted the groups concerned and a report on this matter would be submitted to Council at their November meeting.

#### Supplementary

Councillor Ramage asked if Vice Chairs had been invited to the meeting and if the bid criteria had been changed. Councillor Aitchison advised that Chairs had been given the opportunity to bring a second person to the meeting. The criteria change had been approved by Council but a full report would be brought to Council in November.