

# SCOTTISH BORDERS COUNCIL AUDIT AND SCRUTINY COMMITTEE

MINUTES of Meeting of the AUDIT AND SCRUTINY COMMITTEE held in Council Chambers. Council Headquarters, Newtown St Boswells on Thursday, 22 August 2019 at 10.00 am

Present:- Councillors S Bell (Chairman), H. Anderson, K. Chapman, S. Hamilton, N. Richards, H. Scott, E. Thornton-Nicol.  
Apologies:- Councillors J.A. Fullarton, S Scott.  
In Attendance:- Chief Executive, Chief Financial Officer, Service Director HR and Communications, Clerk to the Council, Trainee Democratic Services Officer

## **AUDIT & SCRUTINY BUSINESS**

### 1. **MINUTE.**

- 1.1 There had been circulated copies of the Minute of the Meeting held on 26 June 2019.

### **DECISION**

**APPROVED for signature by the Chairman.**

- 1.2 With reference to paragraph 6(d) of the Minute of 25 June 2019, the Chief Executive and the Service Director HR and Communications were in attendance to respond to Members on the request for a private report on non-disclosure agreements to be presented to a future Committee. The Chief Executive advised non-disclosure agreements would be very difficult to scrutinise as by their very nature they could not be discussed. It may be possible to bring a general update on the numbers of non-disclosure agreements, how they were processed and an outline of the basic information. Non-disclosures were used rarely, with only 5 put in place since 2014/15. There was an agreed process with the Council's external auditors for the use of non-disclosures, which could be scrutinised by the external auditors if required. The Chief Executive further advised that the Council had made greater use of compromise agreements a number of years previously as protection for the Council against equal pay claims. No additional money was paid as part of these agreements, only that to which an individual was entitled. The Service Director HR & Communications advised Members that non-disclosures were not used to cover up bad behaviour as this was dealt with by a different procedure and was not why they were used. In response to Members' questions on how the public would find out about non-disclosure agreements, the Chief Executive explained that as non-disclosure agreements were exceptional, no information about them was on the Council website. If there were any concerns about their use, this would be raised by the external auditors. However, that information would be made available on the Council website to allay any fears. Members were happy with the explanation from the Chief Executive and agreed not to pursue the matter as a subject for scrutiny. This agreement was proposed by Councillor Scott and seconded by Councillor Chapman, and was unanimously accepted.

### **DECISION**

**AGREED not to pursue the matter of non-disclosure agreements as a subject for the Audit & Scrutiny Committee work programme.**

## **SCRUTINY BUSINESS**

### **2. SCRUTINY WORK PROGRAMME 2019/20**

- 2.1 With reference to paragraph 6 of the Minute of 25 June 2019, there had been circulated copies of a report by the Chief Executive that presented potential subjects for Scrutiny review, as part of the future Scrutiny work programme 2019/20, to be approved by Council. The Clerk to the Council, Ms Wilkinson explained that as detailed in the Scheme of Administration, the Committee was required to develop an annual programme of work for approval by Council. At its meeting on 25 June 2019, the Committee agreed to request that officers liaise with communities/the public to advertise Scrutiny work and any suggested topics for Scrutiny review be submitted, with Elected Members and Community Councils subsequently contacted. Ms Wilkinson advised that although two subjects had been submitted it was suggested that neither of these be taken forward for review as they did not fall within the remit of the Committee.
- 2.2 The Council's Corporate Management Team (CMT) had also suggested a further three subjects and the Committee agreed to take these forward: Income Management Policy; Common Ridings and Festivals in-kind support; and the Responsible Dog Ownership Policy. Mr Robertson advised that as the Income Management Policy had been agreed in 2012 it was due to be reviewed; as part of this, it would also be helpful to see how charges benchmarked against other areas of Scotland. It was considered appropriate for Members to review the application of the policy as the charges and fees involved many Council services income. With regard to the in-kind support for Common Ridings and Festivals, this review was to be welcomed. The grant funding for such events was being taken forward as part of the wider consultation on the Community Fund. Members also welcomed the opportunity to review the Responsible Dog Ownership Policy. Ms Wilkinson further advised that the current Scrutiny work programme contained two outstanding review subjects: Community Access to Schools (scoping paper) and Amey – Trunk Roads Management.
- 2.3 Members then considered a number of other subjects for review, details of which were circulated at the meeting:
- Grass cutting regime (submitted by Bowden Village Committee) – information would be sought from the Neighbourhood Services team on whether this was already subject to review
  - The role of the new Police Community Action Team (submitted by Bowden Village Committee and similar subject submitted by Councillor H Scott) – a preliminary report would be brought to Audit & Scrutiny on the current arrangements
  - The Council's response to speeding concerns (from Bowden Village Committee) – communication of the process for communities could be made through Area Partnerships in the first instance with feedback considered by Audit & Scrutiny if further review was required
  - Pupil Equity Funding (submitted by Councillor Bell) and Child Poverty Indicators (submitted by Councillor H. Anderson) – officers advised that establishing a direct correlation between PEF and attainment may be difficult but an evaluation of the actions the Council was taking on Child Poverty could be reported to Audit & Scrutiny which would include PEF, free school meals, etc.
  - Balance between 20mph limits and street architecture (submitted by Councillor Bell) – to be taken forward
  - Actions being taken by the Council to improve its position on the national Roads Condition Index (submitted by Councillor Bell) and white lining on the Borders road network (submitted by Councillor H Scott) – consideration to be given on the effectiveness of the application of resources rather than a transactional review of the amount spent. This would establish a benchmark for future years.

- The role of SBC Economic Development in light of the new South of Scotland Enterprise Agency (submitted by Councillor Bell) – as discussions were still at an early stage, this subject would not be taken forward at the present time
- The Council's EV Car and Charging Points Policy (submitted by Councillor Chapman) – a report on how this tied in to the national framework was due to be considered by the Corporate Management Team in the first instance; the industry was changing rapidly so this subject would not be taken forward at the present time
- Public transport meeting the needs of communities (submitted by Councillor Chapman) – the Chief Executive confirmed that school transport was open to the public if space allowed on the route and this could be publicised; the outcomes and outputs from the recent Transport Summit were due to come to the Corporate Management Team and a scoping paper would be produced from there
- Rural Proofing Policy (submitted by Councillor Chapman) – a review would be taken forward
- Recycling and Waste Policy (submitted by Councillor Chapman) – the new contract had now started so it was agreed to consider the request in 6 months
- Evaluating and calibrating community contribution (submitted by Councillor H. Anderson) and the management and maintenance of public halls (submitted by Councillor H Scott) – a scoping document would be drafted by the Communities team to include Live Borders halls
- Following the Public Pound (submitted by Councillor H. Anderson) – a briefing on the newly reviewed process for grant evaluation would be provided by the Communities team
- Welfare Fund (submitted by Councillor H Anderson) – a briefing would be provided on how SBC managed applications alongside other funds
- Process for following up actions on Members Questions and Motions at Council (submitted by Councillor H Anderson) – the Chief Executive and Clerk to the Council would look at a process for Members' questions; Motions were followed up.
- The roll out and use of I-pads in schools (submitted by Councillor H Scott) – agreed to delay this until next year.

2.4 It was agreed that the Clerk to the Council would provide a report to Committee on 24 October 2019 with further details of the Scrutiny work programme 2019/20. The Clerk to the Council would also thank everyone who had put forward suggestions and give further explanation on the subjects that would not be taken forward for scrutiny review.

**DECISION  
AGREED:**

- (a) **that the following items would not be taken forward at the present time into the proposed 2019/20 Scrutiny Work Programme:**
- (i) **the role of SBC Economic Development in light of the new South of Scotland Enterprise Agency;**
  - (ii) **EV Car and Charging Points Policy;**
  - (iii) **the roll out and use of I-pads in schools; and**
- (b) **that a report on the Scrutiny work programme for 2019/20 would be considered by the Audit & Scrutiny Committee on 24 October 2019 for recommendation to Council.**

***The meeting concluded at 11.00 am***