

SCOTTISH BORDERS COUNCIL

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held in Council Headquarters, Newtown St. Boswells on Thursday, 19 December 2019 at 9.30 a.m.

Present:- Councillors D. Parker (Convener), S. Aitchison, H. Anderson, J. Brown, S. Bell, K. Chapman, K. Drum, G. Edgar, J. A. Fullarton, J. Greenwell, 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, E. Robson, M. Rowley (from para 9), H. Scott, S. Scott, E. Small, R. Tatler, E. Thornton-Nicol, G. Turnbull, T. Weatherston

Apologies:- Councillors A. Anderson, C. Hamilton .

In Attendance:- Chief Executive, Executive Director (R. Dickson), Service Director Assets and Infrastructure, Service Director Customer and Communities, Service Director HR & Communications, Service Director Regulatory Services, Chief Social Work & Public Protection Officer, Joint Director of Public Health, Chief Financial Officer, Chief Legal Officer, Clerk to the Council.

1. **CONVENER'S REMARKS**

The Convener congratulated:-

- (a) The Jim Clark Museum which had won the RAC "Collection" Award, beating both the British Commercial Vehicle Museum and the Bugatti Trust in the final round;
- (b) Clair Hepburn, Iain Davidson and Kathryn Dickson for achieving Living Wage Employer accreditation for Scottish Borders Council;
- (c) Councillor Jardine for being highly commended at the 2019 Councillor Awards in the Rural Community Champion;
- (d) Councillor Haslam for winning the Innovation and Digital award at the 2019 LGiU Scotland and CCLA Councillor awards for Councillors who had been particularly innovative or inclusive in helping to roll out digital solutions;
- (e) Doddie Weir who had received the Helen Rollason Award at the Sports Personality of the Year, presented by the Princess Royal;
- (f) the Corporate Management Team and other staff for their work organising the recent election and dealing with the Peebles High School fire. With regard to the Peebles High School fire, he also paid tribute to the Fire & Rescue Service, the Peebles community, the teaching staff and wider school community; and
- (g) Brian Frater, Service Director Regulatory Services, who was due to retire from the Council after 39 years of service.

DECISION

AGREED that congratulations be passed to those concerned.

2. **MINUTE**

The Minute of the Meeting held on 31 October 2019 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:-

Local Review Body	21 October 2019
Audit & Scrutiny	24 October 2019
Duns Common Good	31 October 2019
Lauder Common Good Fund	31 October 2019
Planning & Building Standards	4 November 2019
Major Contracts Governance Group	5 November 2019
Tweeddale Area Partnership	5 November 2019
Police, Fire & Rescue and Safer Communities Board	8 November 2019
Eildon Area Partnership	14 November 2019
Local Review Body Executive	18 November 2019
Teviot & Liddesdale Area Partnership	19 November 2019
Audit & Scrutiny	25 November 2019

DECISION

APPROVED the Minutes listed above.

4. FIT FOR 2024 UPDATE

With reference to paragraph 1 of the Minute of 28 February 2019, there had been circulated copies of a report by the Chief Executive providing an updated overview of the approach being taken to the Council's Fit for 2024 (FF24) strategic transformation programme. It detailed progress made on delivery during 2019, an outline of the current programme plan, the required financial objectives and summarised the inherent risks. During this time the programme's structure, scope, governance arrangements, plan and financial quantum had been, or continued to be, developed. The report included the rationale, drivers for and approach to the undertaking of the FF24 programme, which to be successful must deliver over £19m of cashable efficiency benefits as outlined in the Council's 2019/20 five-year revenue financial plan. The report detailed the FF24 approaches, including process improvement, digital technology and service redesign methodology through which the ambitions of the programme would be delivered. Members agreed that this was the approach required to meet the future budget challenges and that innovative solutions to service provision were required.

DECISION

AGREED to:-

- a) **note the early development work undertaken on the FF24 Transformation Programme, and proposals for future service areas of focussed activity;**
- b) **note the progress towards the 2019/20 savings target of £0.850 m, and details of future programme savings plans; and**
- c) **receive further updates as part of the budget development process 2020/21 and at regular intervals thereafter as part of the Council's quarterly financial and performance monitoring arrangements.**

5. BORDERLANDS INCLUSIVE GROWTH DEAL – GOVERNANCE ARRANGEMENTS

With reference to paragraph 15 of the Private Appendix to the Minute of 26 June 2019, there had been circulated copies of a report by the Executive Director setting out the Collaboration Agreement that would establish the formal governance of the Borderlands Inclusive Growth Deal (the Deal) and seeking the approval of Members for the Council to enter into the Agreement. The report also set out the operational requirements of the Borderlands Inclusive Growth Deal and the need to establish a programme management office (PMO) to

support the delivery of the Deal and to contribute to the shared costs for the PMO. Alongside its four partner Councils, Scottish Borders Council had been progressing work on the development of a Borderlands Inclusive Growth Deal. This work had involved close liaison with both UK and Scottish Governments in order to develop a small number of strategic programmes and projects. It would be essential that these programmes and projects complemented the South of Scotland Enterprise Agency proposals and supported the inclusive growth agenda. UK and Scottish Governments had committed to fund £345m over 10-15 years for the Borderlands Inclusive Growth Deal, with £150m available for Scotland. The Borderlands Partnership now needed to move onto a formal footing, based on the Collaboration Agreement set out in Appendix 1 to the report. The partners were also progressing the establishment of a Programme Management Office to ensure the effective operation of the Deal and the Borderlands Partnership in future. Mr Dickson advised that Dumfries and Galloway Council had already approved a similar report. Members welcomed the report and looked forward to the projects being taken forward.

**DECISION
AGREED:-**

- (a) to enter into a formal agreement with its Borderlands partners as set out in the Collaboration Agreement in Appendix 1 to the report;**
- (b) to note that the Agreement contained in Appendix 1 to the report was the final draft, but that there may be a requirement for minor amendments to the Agreement as it was prepared for signature;**
- (c) that approval of any further amendments to the Agreement be delegated to the Chief Executive in consultation with the Leader and Executive Member for Business and Economic Development;**
- (d) that the Council supported the formation of the Programme Management Office (PMO) and contributed a pro-rata share of the budget, as set out in Appendix 2 to the report, at an initial cost of £98, 766, to be funded in the current year from existing Economic Development budget, and subject to future budget planning process;**
- (e) to note that the budget for the PMO set out in the report was for the initial requirements and that further capacity may be required as the Deal entered its full delivery phase, and this would be the subject of future reports and budget planning;**
- (f) to note that there was considerable further work to support the long term cross-border programme and that consideration would be required through the budget process to the allocation of future revenue and capital to support both the development and delivery of the Borderlands Inclusive Growth Deal, subject to further reporting to Members;**
- (g) to appoint the Leader as the Council's representative on the Partnership Board and that the Executive Member for Business and Economic Development be the substitute as required by the Collaboration Agreement; and**
- (h) to note that further reports would be presented to Council to consider the progress from Heads of Terms to Final Deal Agreement.**

6. BEST VALUE AUDIT REPORT

There had been circulated copies of a report by the Chief Executive presenting the findings of the 2019 Best Value Assurance audit of Scottish Borders Council for consideration. The report explained that the Local Government in Scotland Act 2003 introduced the statutory duty of Best Value. The Best Value Assurance audit of Scottish Borders Council in 2019 had

been undertaken by Audit Scotland, with the Controller of Audit presenting the report to the Accounts Commission as part of the requirement to do so at least once during the five-year audit appointment. The 2019 Scottish Borders Council Best Value Assurance Report, contained in Appendix 1, provided a range of findings following an intensive process of scrutiny of the Council's Vision & Strategic Direction, Performance, Use of Resources, Partnership Working and Continuous Improvement. Scottish Borders Council had welcomed the scrutiny of the 2019 Best Value Assurance audit, providing an opportunity to showcase the Council's achievements and further strengthen the ongoing ambitious improvement programme with valuable external perspectives. In response to the audit findings, senior officers had developed an Action Plan and this was detailed in Appendix 2 to the report. Members expressed some concern regarding the Best Value audit process and the Chief Executive advised that the changing climate was not properly reflected. In response to a question on the performance of the Integrated Joint Board the Chief Financial Officer advised that this reflected the issues experienced by these Boards across the country. The challenge facing Boards going forward should not be underestimated given the growing elderly population and the level of resources required. The Chief Executive commented that the changing climate in which the Council operated was not reflected in the Best Value Audit Report and it was difficult to meet expectations with the budget available to the Council.

DECISION

AGREED:-

(a) to note the findings contained within the Scottish Borders Council Best Value Assurance Report dated October 2019 contained in Appendix 1 to the report;

(b) to accept the recommendations contained within the Best Value Assurance Report detailed in Appendix 1 to the report;

(c) to approve the Best Value Audit Action Plan, contained in Appendix 2, and that implementation progress was reported as part of Fit for 2024 updates to Council; and

(d) that the Audit & Scrutiny Committee undertook regular monitoring of the implementation of the Action Plan.

7. PUBLIC PLAY FACILITIES STRATEGY UPDATE

There had been circulated copies of a report by the Service Director Assets and Infrastructure as requested by the Members' Sounding Board. Following the Audit & Scrutiny Committee meeting on 24 October 2019, the outcome of which was subsequently considered at a Members' Sounding Board meeting on 5 November 2019, the report set out a proposed process for further engagement on proposals for the decommissioning of some play equipment in some play parks within the Scottish Borders. This was integral to the planned future investment in Public Play facilities and proposals, agreed as part of the 2018/19 Capital Investment Plan and updated within the Capital Investment Plan 2019-20. The report explained that the 2019/20 Capital Investment Plan currently included funding of £5.036m into Outdoor Community Spaces over a 10-year period. This investment aimed to unlock community aspirations in this area and would create high quality destination play parks, as well as facilities for skating and small wheels, youth shelters and opportunities for people of all ages to take part in physical activity. Investment in these destination play parks had already completed in Galashiels, Harestanes, Selkirk, Hawick, Coldstream and Kelso with Peebles currently being procured. The new investment created a financial burden and, in order to ensure a cost neutral impact of the investment to the Parks & Environment service, a programme of decommissioning of aged and underutilised play equipment was also to be implemented. Council had agreed in May 2018 to review the distribution of play equipment provision across play parks in the Borders, which could inform decision making around future investment in communities and guide the rationalisation of play facilities which were deemed no longer fit for purpose, ensuring a cost neutral impact on established budgets with the service. This review resulted in proposals to decommission equipment in 74 play parks,

based on assessment criteria that included location and context, play value (quality) and usage – thereby ensuring cost neutrality and the continuity of maintenance and investment across the remaining play parks. Scottish Borders Council had received 2 petitions opposing these proposals in Kelso and Hawick respectively, which were both heard at the Audit & Scrutiny Committee on 24 October 2019. The Committee decided to recommend to Council the following;

“that Scottish Borders Council re-assesses its original decision made on 31 May 2018 in relation to the capital programme 18/19 and investment in play areas and outdoor community spaces to ‘delegate authority to the Service Director Assets and Infrastructure, after consultation with local Members, the Chief Financial Officer and the Chief Legal Officer, to declare play parks obsolete or those surplus to requirements and arrange for the removal of equipment and disposal, if appropriate.’ The Service Director should be requested to prepare a fully costed report on options for future and existing play park provision for consideration at the next meeting of Council.”

A Members’ Sounding Board meeting, comprising representatives from each of the political groups, was convened on 5 November 2019 to consider a way forward and the report set out their considerations. Members welcomed the report and that the recommendations addressed the concerns expressed by communities.

DECISION

AGREED:-

- (a) to note the findings of the Audit & Scrutiny Committee and the Members’ Sounding Board;**
- (b) that officers undertake a series of meetings, on a ward by ward basis, with all Members of that Ward, with detailed proposals indicating which play equipment was intended to be removed and which would be retained as part of a future programme of planned investment and upgrades; and**
- (c) that, following these meetings, the Service Director Assets & Infrastructure would bring a further report initially to the Members’ Sounding Board on the way forward for play parks.**

8. FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009 – BORDERS FLOOD STUDIES

With reference to paragraph 7 of the Minute of 19 May 2016, there had been circulated copies of a report by the Service Director Assets and Infrastructure seeking approval of the findings and recommendations of the Borders Flood Studies for the purpose of submitting the appropriate information for future flood schemes in the Scottish Borders at Newcastleton, Peebles, Broughton, Crowbyres (Hawick) & Lindean (Selkirk) to the Scottish Environment Protection Agency (SEPA) for inclusion in the National Prioritisation Process 2022–2028. The report explained that the inception of the Flood Risk Management (Scotland) Act 2009 (FRM Act) required the production of Local Flood Risk Management Plans covering each Local Plan District (LPD) in Scotland on a cyclic 6 yearly basis, namely 2016–2022, 2022–2028 & 2028–2034. Scottish Borders Council’s area fell within 3 of the 14 Local Plan Districts in Scotland. These were Forth Estuary LPD, Tweed LPD and Solway LPD. There were two sets of complementary plans; Flood Risk Management Strategies which were developed by SEPA and approved by Scottish Ministers and Local Flood Risk Management Plans produced by Lead Authorities. Scottish Borders Council was the Lead Authority for the Tweed Local Plan District. The Flood Risk Management Strategies and Local Flood Risk Management Plans were developed through collaborative partnerships between Local Authorities, SEPA and Scottish Water. The Flood Risk Management Strategies and Local Flood Risk Management Plans provided a framework for co-ordinating actions across catchments to deal with all sources of flooding. These plans ensured long term planning around flooding and under Section 41(2) of the FRM Act, Scottish Ministers must take them into account when allocating funding. This approach helped target investment to areas where there was the greatest risk of flooding and where communities could receive the

greatest benefit. The Local Flood Risk Management Plans took the objectives and actions identified in the Flood Risk Management Strategies and set out who would be responsible for delivering the action, how the action would be funded, a timetable for when the action would be delivered and how it would be co-ordinated within the Flood Risk Management Cycle. The National Prioritisation Process formed part of the development of the Flood Risk Management Strategies and Local Flood Risk Management Plans. The prioritisation process assessed all flood risk management actions (i.e. flood studies, flood schemes etc.) against a set of criteria to provide a rank at a national level. Approval was required to allow Council officers to submit the appropriate information to SEPA in December 2019 for the National Prioritisation Exercise of future flood protections schemes to be delivered in the next Flood Risk Management Planning (FRM) Cycle 2022–2028. Once a national ranking had been given this would inform the Council what flood protection schemes could be delivered in the Flood Risk Management Cycle 2022 – 2028. Dependant on the budget allocation at a national level, the top ranked schemes would get first priority on the funding pot. Councillor Bell commented on the situation in Innerleithen and moved the following amendment to add an additional recommendation:-

“continuing engagement of the Flood & Coastal Management team with community bodies in Innerleithen as they elaborate new multi-year maintenance and catchment plans (consistent with objectives and actions of the Tweed Flood Risk Management [FRM]Strategy and the Tweed Local FRM Plan) in order to encourage awareness and resilience.”

Councillor Tatler seconded the Motion and Members unanimously agreed to accept this amendment. Members also thanked officers for their engagement with Community Councils in the relevant areas.

DECISION AGREED:-

- (a) to approve the submission of information to SEPA for the National Prioritisation Exercise 2022–2028 for consideration of a flood protection scheme in:-**
 - (i) Peebles;**
 - (ii) Newcastleton;**
 - (iii) Broughton;**
 - (iv) Crowbyres (Hawick)**
 - (v) Lindean (Selkirk); and**

- (b) continuing engagement of the Flood & Coastal Management team with community bodies in Innerleithen as they elaborate new multi-year maintenance and catchment plans (consistent with objectives and actions of the Tweed Flood Risk Management [FRM]Strategy and the Tweed Local FRM Plan) in order to encourage awareness and resilience.**

MEMBER

Councillor Rowley joined the meeting.

9. PEEBLES HIGH SCHOOL OPTIONS APPRAISAL

There had been circulated copies of a report by the Service Director Assets and Infrastructure providing an update on the Emergency Incident that took place at Peebles High School on 28 November 2019 and seeking authority to allocate £100,000 from the Emergency and Unplanned Capital budget to undertake an Options Appraisal to assist in determining future plans for the site. A serious fire within Peebles High School on 28 November 2019 caused significant damage to certain parts of the overall school buildings, immediately affecting 26 classrooms comprising Art, Complex Needs, Maths, Modern Languages as well as toilets, changing facilities and other accommodation. A recovery plan had been activated to ensure that the provision of education could be resumed as soon as possible to those parts of the building where it was safe and practical to do so. Detailed

planning work and an options appraisal would be required to evaluate what future provision could look like on the site. This would require external advisors, designers and cost managers to be appointed to take forward this work. The report related to the long term use of the site and not any short-medium term plans to resume educational delivery as a direct consequence of the fire. Members commended officers and the Peebles Community for their work and support, as well as the support from those communities and venues where pupils from Peebles were currently being educated. In response to a question on the availability of counselling for parents, the Chief Executive advised that this was available for pupils and staff but difficult to extend to parents who should consult their own GP. It was proposed that pupils would return to Peebles to sit their prelim exams.

**DECISION
AGREED:-**

- (a) to note the contents of the report and that further reports would be brought back to Council in due course; and
- (b) to allocate £100,000 from the 2019/20 Emergency & Unplanned Capital Budget to be used for an options appraisal at Peebles High School.

10. **OPEN QUESTIONS**

The questions submitted by Councillors Robson and Bell were answered.

DECISION

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

11. **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

12. **Minute**

The private section of the Council Minute of 31 October 2019 was approved.

13. **Committee Minutes**

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

14. **Shared Service Model with Midlothian Council**

Members approved a report by the Chief Executive.

The meeting concluded at 12.10 p.m.

SCOTTISH BORDERS COUNCIL
19 DECEMBER 2019
APPENDIX I

OPEN QUESTIONS

Question from Councillor Robson

To Executive Member for Adult Social Care

Who took the decision to terminate the funding for Borderline Helpline and for what reasons, and is any replacement service being set up?

Reply from Councillor Weatherston

The decision to end the funding to Borderline was jointly taken by NHS Borders and SBC at the Executive Management Team Meeting.

The Health and Social Care partnership, with its significant financial challenges in mind, reviewed its funding to this organisation. Consideration was given to the Equalities Impact Assessment (EIA) completed and the external review of commissioned services including Borderline. Although Borderline provides a good quality service valued by its users, as there are now alternative national help lines (Breathing Space and The Samaritans) as well as the local mental health crisis team, we have reached the difficult decision to end this contract with 6 months notice. We would also like to highlight the other early intervention and preventions services that we have recently invested in such as the Local Area Coordination Team, The Wellbeing College and the Well Being Service. In addition we have also been working with Primary Care Services to develop a comprehensive primary care mental health service which will be available directly to patients from GP practices across the Scottish Borders.

We will be working hard to support Borderline to seek alternative sources of funding and will be working with them to develop a transition plan to ensure that callers are aware of all the other support services available including those delivered out of hours.

Supplementary

Councillor Robson suggested that it was a disgrace that this funding had been withdrawn without consultation and that these services were not available elsewhere. Councillor Weatherston did not dispute the value of the service but given the huge budget challenges we could not afford to fund this service. The Council were working with them to identify other sources of funding but alternative services which were available offered a 24hr service whereas Borderline was only available 3 hours per evening.

Question from Councillor Bell

To Executive Member for Business and Economic Development

Will Scottish Borders Council be making a formal response to the consultation - which close on 31st January - on the Proposed Remote Rural Communities (Scotland) Bill?

Reply from Councillor Rowley

It is not proposed to make a formal response to this consultation on a private members' bill.

In responding to the challenges of rural areas, we believe that the Council's energies and capacity are best focused on critical developments such as the South of Scotland Enterprise Agency, Borderlands and the Edinburgh and the South-East of Scotland City Deal. These promise to have a truly transformational impact for our area, and all are built on principles of sustainable development which promote an equalities based approach responsive to needs across the board, including in rural settings.

Our focus should be on deprivation, isolation, depopulation, increasing dependency ratio, low growth, low skills and low wages and these are as pertinent in rural as in remote rural contexts.

Ensuring that sustainable development and therefore rural proofing is hard-wired into how the Growth Deals, the Agency and the Council go about their business is likely to be the best way of ensuring that we deliver for our most rural areas.

Officers would try to be available to assist should members wish to submit a response to the consultation.

Supplementary

Councillor Bell ask if the Executive Member would alert rural Community Councils and other Portfolio holders. Councillor Rowley advised he had submitted his own response and encouraged other Councillors to respond.