

**SCOTTISH BORDERS COUNCIL
AUDIT AND SCRUTINY COMMITTEE**

MINUTE of Meeting of the AUDIT AND
SCRUTINY COMMITTEE held via Microsoft
Teams on Thursday, 10 December 2020 at
10.00 am

Present:- Councillors S. Bell (Chairman), H. Anderson, J.A. Fullarton, J. Greenwell,
N. Richards, E. Robson, H. Scott, S. Scott, E. Thornton-Nicol.
In Attendance:- Executive Director Finance & Regulatory, Clerk to the Council, Democratic
Services Officer (F. Henderson).

AUDIT & SCRUTINY BUSINESS

1. MINUTE

There had been circulated copies of the Minute of the Meeting held on 22 October 2020.

DECISION

APPROVED for signature by the Chairman.

SCRUTINY BUSINESS

2. PETITION

2.1 Petitions Procedure

There had been circulated copies of an extract from the Audit and Scrutiny Committee Petitions procedure and the Chairman asked for this to be noted. The Chairman welcomed to the meeting lead petitioner Mr Malcolm Campbell and also Alison Campbell.

2.2 Petition – Removal of Scottish Flags from Henderson Park, Coldstream

There had been circulated copies of a petition entitled “Stop Scottish Borders Council removing Scottish Flags from Henderson Park, Coldstream”, which had received the required 10 signatories. There had also been circulated a Change.org petition with over 3,000 signatures, although not all those signing were from the Scottish Borders. These petitions were in response to the Council’s decision to have the flags removed from Henderson Park, Coldstream. There had also been circulated copies of a briefing note by the Service Director Assets and Infrastructure in response to the petition. It was stated within the petition that “Scottish flags had been put in by an individual in Coldstream to cheer us all up during the Covid outbreak when we should have been celebrating our Civic Week but could not. As Coldstream was the ‘first true Border town’ it was entirely appropriate that Scottish flags be flown proudly in Henderson Park and tourists and residents have been pleased to enjoy these flags over the years.”

2.3 The Chairman invited the petitioner to present the petition via Microsoft Teams. Mr Campbell introduced himself and explained that he wanted the Committee to understand how important these flags were to the community. The flags had first been put up in Henderson Park in 2014 following a request from Scottish Borders Council to the Community Council to decorate the park to mark the Commonwealth Games being held in Scotland and the baton being carried through the town by Olympic athletes. Mr David Shepherd had been asked to create a display, as he had experience in creating displays which complied with Health and Safety legislation, and to make the town more attractive. The flags had been erected in Henderson Park every year since to mark the town’s Annual Civic Week (first full week in August) and remained up until after the anniversary of Flodden Day on 9th September. On 7 September 2020, Mr Shepherd was advised that a complaint had been received about a saltire flag attached to Council property and that the flags should be removed with immediate effect. Despite requests, no reason was given at the time although there had been a series of e-mail exchanges to the nature of

the complaint and the flags were removed on 7 September 2020 (and therefore not flying on Flodden Day for the first time since 2014). Scottish Borders Council had since gone on record in a Freedom of Information (FOI) request that there was no complaint, merely an enquiry and that the 'flags were erected/attached to Council Property with no prior permission'. The FOI response continued: "whilst these may have been erected in this location in previous years to mark Coldstream Civic Week, this year they had remained in place for over a month.....This decision was taken by Officers and was solely related to these items being on Council property and was in no way related to the type of flag flown".

2.4 Mr Campbell went on to explain that the Tourist Information Service was moved out of the town and Scottish Borders Council was at pains to reassure the town that Coldstream would be promoted strongly as a Gateway centre but none of that had happened. Coldstream had good community spirit and many events had been held over the years, and flags were part of that. It was important to residents but also a gateway to Scotland. Visitors would have their photographs taken on the bridge and also of the flags. Henderson Park was a stunning view point and the flags helped brighten it up. Mr Campbell expressed sadness that Scotland's 'first true Border town' had very little to attract the kind of tourists who were happily having their photos taken next to the flags even as they were being removed. From online research, it was clear that the Council had a protocol for 'Flying of flags from Council buildings' which (from the Equality Impact Assessment on line) appeared to have been last updated in April 2016. The document suggested that it was reviewed every two years so perhaps a review now might allow for arrangements in terms of flags being flown at Henderson Park between Civic Week and Flodden Day to be formalised. The decision making on flag flying appeared to be reserved to the Convener per the protocol itself and information on his involvement in the complaint/enquiry, if any had been requested. Mr Campbell highlighted that the Equality Impact Assessment prepared re the Flag Protocol talked about 'the many benefits that help Scottish Borders Council contribute well to its obligations under the Equality Act. Examples include:-

- Ensures Scottish Borders Council demonstrates dignity and respect of the tradition of flag flying within the United Kingdom
- Encourages Flag Flying which allowed Scottish Borders Council to promote positive messages including pride, inclusiveness, respect and celebration.

2.5 In conclusion, Mr Campbell requested to know why this year the people of Coldstream had not been allowed to have a flag flying on the anniversary of the Battle of Flodden in 1513. Why a complaint was suddenly not a complaint? And, whether the Council would like to work with the community to formalise what it had previously accepted as the norm (and in actual fact itself commissioned in 2014). The Chairman thanked Mr Campbell for his presentation, confirmed that the meeting discussion would focus on how the Council could work with the Coldstream community to formalise arrangements for flag flying, and invited questions from members of the Committee. It was pointed out that due to Covid restrictions, Coldstream did not currently have a Community Council at the moment, and without that leadership, the protocol on the flying of flags and how to seek permission from the Council was not well known. In response to a question about the flying of the Flag of St George, Mr Campbell advised that the Saltires were being flown in Coldstream as it was a gateway town to Scotland and he was quite content for the Flag of St George to be flown on the English side of the bridge. Mr Campbell also suggested that any procedure for applying for permission for flag flying should be clear and easy to use. In response to a question about the online petition, Ms Alison Campbell commented that this was an American App and therefore open worldwide for signatures. It had attracted 375 signatures from the Borders, with a further 3019 from across the world. It was noted that the flags flown at the A1 and the Carter Bar came under the jurisdiction of Transport Scotland as these were on Trunk routes.

2.6 In attendance to present the Council's response to the petition, were the Mr John Curry, Service Director Assets & Infrastructure; Mr Jason Hedley, Chief Officer Roads; and the

Parks & Environment Manager, Mr Craig Blackie. The Briefing paper by the Service Director Assets and Infrastructure, which had been circulated prior to the meeting, summarised the content and context of the petition received by the Council for the Audit and Scrutiny Committee. A further document entitled 'Flag Gate' was also submitted with the petition and this was attached to the Briefing paper as Appendix 1. Mr Hedley started first of all by offering a wholehearted apology to the petitioners and 'Presenting Coldstream', advising that it was never the intention to disrespect the flag or the people of Coldstream. He then went on to present the Briefing paper. In September 2020 Scottish Borders Council received an enquiry about flags flying at Henderson Park, Coldstream. Following a review, officers from the Parks and Environment team found that the flags had been installed by Presenting Coldstream but were unable to establish that the correct permissions had been obtained from the Council to fly the flags. Subsequently officers contacted Presenting Coldstream and requested that the flags be removed, which was carried out in a timely manner. The "Flag gate" document introduced additional background information on the flying of flags at Henderson Park, dating back to 2014 and the celebrations associated with the Commonwealth Games of that year. It set out that since that date the flags had been erected to coincide with Civic week (first full week of August) and they stayed in place until Flodden day 9th September. The report detailed the Flag Flying Protocol contained in the document "The Flying of Flags from Council buildings And Arrangements for Books of Condolence", appendix 2 to the paper. This set out prescribed locations/procedures for flag flying, and the due process for discretionary decision making regarding flying of flags out-with these prescribed locations/procedures. Mr Hedley went onto explain that the matter had never been a complaint, but an enquiry for a service, and as such Officers should have advised the Coldstream Community what was required to rectify the situation. This had been an oversight by officers and should not have happened, and Mr Hedley apologised for this. The Service Director Assets and Infrastructure added that the Council was committed to working with communities on a range of matters and particularly, making access to services easier. The Chairman thanked officers for their forthright apology and clarification about the complaint.

- 2.7 Councillor Robson requested that any amended protocol for flag flying should also include local Members and other relevant local organisations, and it had been unfortunate that the Community Council election had coincided with lockdown. Councillor Harry Scott also commented that the SBC local Elected Members would have been available to assist at the time. The Chairman advised that there seemed to have been a whole series of misunderstandings. Mr Campbell questioned why the Council had made contact by e-mail and not telephone and the Service Director acknowledged that a phone call would have been more appropriate. Mr Curry further advised that any review of the Flag Flying Protocol would also need to take account of flag flying out-with specific circumstances and not only on buildings. Members of the Committee discussed how best to take matters forward in terms of flying flags at Civic Week, Flodden Day, and beyond. Councillor Anderson, seconded by Councillor Greenwell, moved that the matter be referred to the Service Director Assets & Infrastructure to develop a straight forward protocol – in consultation with Presenting Coldstream, for flying flags at Henderson Park, Coldstream over an agreed period of time each year. Councillor Fullarton moved as an amendment that no further action was required but, as there was no seconder, the amendment fell. The Chairman thanked Mr Campbell and Ms Campbell for taking the time to organise the petition and for their helpful input at the meeting.

DECISION

AGREED to refer the matter to the Service Director Assets & Infrastructure to develop a straightforward protocol - in consultation with Presenting Coldstream - in respect of flying flags in Henderson Park, Coldstream over an agreed period of time each year.

3.0 BALANCE BETWEEN 20MPH SPEED LIMITS AND STREET ARCHITECTURE

- 3.1 There had been circulated copies of a report by the Service Director, Assets and Infrastructure which provided details to members on the balance between 20mph speed limits and the use of street architecture, and an update on the 20mph experiment across settlements in the Scottish Borders. Ms Gilhooly, Project/Road User Manager, explained that there was a variety of traffic calming features available for construction. However, research into the efficacy of these in general was very dated, and in rural settings, was extremely rare. The most commonly used traffic calming features were:
- Signing
 - Lining and Surface Treatments
 - Humps and Bumps
 - Variable Message Signs
 - Islands, Chicanes, Build Outs
 - Protected Parking and Realignment
 - Light Controlled Crossings
 - Roundabouts, Gateway Treatments and Transition Buffers
 - Shared Spaces (moratorium at present)
- 3.2 Each traffic calming feature came with its own advantages and disadvantages and some worked in tandem better with others. Costs varied depending on the interventions, with some having ongoing maintenance issues and others causing problems on bus routes and emergency access roads, with noise and vibration frequently cited as intolerable by residents. It was rare for an individual traffic calming feature to be successful in the longer term, and it was generally accepted that a mix and match of features was the most appropriate. Also worth bearing in mind was that some traffic calming features had a very localised effect, and consideration was needed into possible adverse effects elsewhere and unintended consequences. The Council's traffic and road safety team had successfully applied to the Transport Scotland Road Safety Research fund for '*The Eddleston Study*' into traffic calming features. This research involved Edinburgh Napier University conducting a worldwide literature review of the effects of traffic calming as well as an analysis of recently introduced local traffic calming features in Eddleston. An assessment of the strengths of traffic calming measures was detailed in the report. In the context of Eddleston village, where Dragon's teeth at the speed limit change were introduced first, followed by Vehicle Activated Signage (VAS), the evidence from this Literature Review was that careful selection of additional traffic calming measures may provide a synergetic effect in bringing down motor vehicle speeds as they enter and proceed through the village. Further application of traffic calming measures on the approach or at the village gateways, plus the potential for further measures in the village itself, would look to be the approach needed. There was a range of options which included, for example, installing VAS at or close to each gateway and changes in road surface colour, potentially with the 30mph speed limit painted onto the red surfacing. The potential for speed tables and chicanes may be limited by the proximity of residential properties and geometry but may be worth exploring as they were both reported as achieving relatively high speed reductions. There was a need to keep traffic moving within the speed limit, with drivers preferring to keep moving rather than stop/start, which could lead to faster speeds at places within the limit.
- 3.3 At its meeting on 27 August 2020, Council had agreed to implement a Sustrans/Transport Scotland "Spaces for People" externally funded £1.2M trial of 20mph across all streets in settlements with existing 30mph speed limit in the Scottish Borders. Ms Gilhooly advised that this involved 97 settlements in total, including 8 trunk road towns and the timetable for the work was detailed in the report. From December 2020 through to February 2021, an analysis of traffic surveys and determination of possible traffic calming features would be carried out in discussion with Elected Members and Police Scotland. From June to August 2021, further consultation would be carried out with Elected Members on options to be presented to Council in September 2021. Depending on the decision of Council at that time, from October 2021 to May 2022, the statutory process would take place to introduce any retained 20mph schemes, and decommission others. A marketing strategy for the current scheme was ongoing with radio, internet, social media updates and

advertising. The Council website FAQ was updated regularly to reflect questions from the public and all primary aged children had been issued with high viz vests. An Evaluation group was being set up, consisting of SBC Officers, Edinburgh Napier University academics, Sustrans and Transport Scotland.

- 3.4 As expected, there had been a mixed reaction to the widespread introduction of the 20mph schemes. Some communities warmly welcomed the trial, while others were unhappy over a lack of consultation at the outset. Some had reservations on the need for all streets to be included, and there had been a number of queries over justification, based on very few injury accidents and questions of over funding, even though the scheme was fully externally funded. It would appear that some drivers were concerned over the additional drive time, and conversely some pedestrians were happier with the change in driver behaviour. Some residents were finding noise disturbance reduced by slower moving vehicles. Early discussions from both local Police Sergeants had not seen a spike in complaints over speeding or driver behaviour, with complaints over non-compliance and poor driving similar to locations when a 30mph was the speed limit in place and police were not surprised with the level of compliance so far. A questionnaire on the 20mph speed limit had been circulated to Community Councils and 34 responses received to date. Members commented on the more pragmatic view being taken by some members of the public since the initial opposition; the need to take account of the business community, with potential impact on costs and delays in deliveries; whether arterial routes should be included; and how to engage Community Councils going forward. The Chairman commented on the “living areas” in Holland whereby street architectural measures such as changes in road surface, bends, footways melding with roadways, produced a cultural change and almost incidental to that a reduction in speed. Members thanked Ms Gilhooly and her Team for managing to complete the work in all 97 locations. In response to questions about the funding of such a project when residents were concerned about the general repair of footpaths and potholes, Ms Gilhooly advised that the installation work had been undertaken by local companies.

DECISION

NOTED the update.

4. POLICE COMMUNITY ACTION TEAMS GOVERNANCE

- 4.1 With reference to paragraph 13 of the Minute of the Audit and Scrutiny Committee of 22 October 2020, there had been circulated copies of a report by the Executive Director, Finance & Regulatory, which provided further details of potential amended governance arrangements for the Police Community Action Teams (CATs). As had been reported previously, the performance monitoring of the CATs could be moved from the CAT Member/Officer Oversight Group to the Executive Committee and be reported through the Executive Committee on a quarterly basis. This would allow a more public view of the work of the CATs, with reports being published committee papers and available on the Council website. A workshop could be held for members of the Police, Fire & Rescue, and Safer Communities Board to explain the process used to decide on the work of the CATs, including when issues are passed to Police Scotland. This would allow members of that Board to gain an insight into the governance of the CATs. It may also be helpful to consider whether the CAT Oversight Group and the Police, Fire & Rescue and Safer Communities Board should meet informally, in private, once per year to discuss the work of the CATs and raise any concerns. The Clerk to the Council explained the potential amendments contained within the report and, following discussion, Councillor Harry Scott sought to simplify the recommendations as follows:-
- 4.2 Councillor Harry Scott, seconded by Councillor Anderson proposed the following motion:-
- (i) that the tasking of the Police Community Action Teams remains with the CAT Member/Officer Oversight Group.
 - (ii) that the performance monitoring of the Police Community Action Teams be moved

from the CAT Member/Officer Oversight Group to the Executive Committee, with reporting on a quarterly basis; and

- (iii) that a workshop be held for members of the Police, Fire & Rescue and Safer Communities Board to explain the process of tasking for the Police Community Action Teams.

4.3 Councillor Fullarton, seconded by Councillor Greenwell, proposed as an amendment that the recommendations contained within the report be approved as follows:

- (i) Notes that those involved in the current CAT Member/Officer Oversight Group consider it to be working effectively, therefore it remains the officer view that no changes are required to the governance arrangements.
- (ii) Agrees to make recommendations to Council on the current Police Community Action Teams governance arrangements, potentially:
 - (1) that the tasking of the Police Community Action Teams remained with the CAT Member/Officer Oversight Group;
 - (2) that the performance monitoring of the Police Community Action Teams be moved from the CAT Member/Officer Oversight Group to the Executive Committee, with reporting on a quarterly basis; and
 - (3) the Police, Fire & Rescue and Safer Communities Board and the CAT Member/Officer Oversight Group meet informally, in private, on an annual basis, to discuss the work of the Police Community Action Teams.
- (c) Agrees to recommend that a workshop be held for members of the Police, Fire & Rescue and Safer Communities Board to explain the process of tasking for the Police Community Action Teams.

VOTE

As the meeting was conducted by Microsoft Teams members were unable to vote by the normal show of hands and gave a verbal response as to how they wished to vote the result of which was as follows:-

Motion – 4 votes

Amendment – 4 votes

Abstain – 1 vote

As there was an equality of votes, the Chairman exercised his casting vote in favour of the amendment.

The amendment was accordingly carried

DECISION

- (a) **DECIDED to NOTE** that those involved in the current CAT Member/Officer Oversight Group consider it to be working effectively, therefore it remained the officer view that no changes were required to the governance arrangements.
- * (b) **DECIDED to RECOMMEND** to Council the following changes to the current Police Community Action Teams governance arrangements:

- (i) that the tasking of the Police Community Action Teams remained with the CAT Member/Officer Oversight Group;**
 - (ii) that the performance monitoring of the Police Community Action Teams be moved from the CAT Member/Officer Oversight Group to the Executive Committee, with reporting on a quarterly basis; and**
 - (iii) the Police, Fire & Rescue and Safer Communities Board and the CAT Member/Officer Oversight Group meet informally, in private, on an annual basis, to discuss the work of the Police Community Action Teams.**
- * (c) DECIDED to RECOMMEND that a workshop be held for members of the Police, Fire & Rescue and Safer Communities Board to explain the process of tasking for the Police Community Action Teams.**

The meeting concluded at 11.55 am