

# SCOTTISH BORDERS COUNCIL AUDIT AND SCRUTINY COMMITTEE

MINUTE of Meeting of the AUDIT AND  
SCRUTINY COMMITTEE held via Microsoft  
Teams on Thursday, 14 January 2021 at  
10.00 am

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Present:- Councillors S. Bell (Chairman), H. Anderson, J.A. Fullarton, J. Greenwell,  
N. Richards, E. Robson (from para 3.3), H. Scott and S. Scott.  
Also present:- Councillors S. Aitchison and A. Anderson (for petition).  
Apologies:- Councillor E. Thornton-Nicol

In Attendance:- Service Director Assets & Infrastructure, Service Director Young People,  
Engagement & Inclusion, Service Director Customer & Communities, Clerk to  
the Council, Democratic Services Officer (F. Walling).

## **SCRUTINY BUSINESS**

### 1. **MINUTE.**

There had been circulated copies of the Minute of the Meeting held on 10 December 2020.

### **DECISION**

**APPROVED for signature by the Chairman.**

### **MEMBER**

Councillor Harry Scott declared an interest in the following item of business and left the meeting during the discussion.

### 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 Dr Stuart Gordon.

#### 2.2 **Petition – Save Scott Park - Galashiels**

There had been circulated copies of a petition entitled “Save Scott Park – Galashiels”, which had received the required 10 signatories. There had also been circulated a Change.org petition with over 700 signatures, although not all those signing were from the Scottish Borders. There had also been circulated copies of a briefing note by the Service Director Assets and Infrastructure in response to the petition. The reason for the petition, as stated within the submission circulated, was that from a presentation given by Scottish Borders Council to local residents, it was clear that the Council was currently developing its preferred option for the new Galashiels Academy and, if given planning consent, the proposal would place the new campus within Scott Park. The Clerk confirmed that this was a valid petition for consideration by the Committee.

- 2.3 The Chairman invited the petitioner to present the petition. Dr Gordon introduced himself and gave a summary of his background. He explained that he was a Chartered Engineer with over 30 years’ experience. He was now a consultant and been involved in a series of high profile projects which included work for the Scottish Government. Dr Gordon referred back to the petition statement, which maintained that the design team had selected a preferred site for the new development before any public consultation had

taken place. Although the petitioners agreed that the construction of a new school and associated sporting and community facilities would be of great benefit to Galashiels, the group strongly opposed locating the campus within the park. It was stated that Scott Park was one of the few remaining open spaces in the town which provided a safe and natural environment that was used widely by families and for a range of social events and sporting activities. The petitioners insisted that the Council should develop an alternative option to their proposed plan that would make use of the existing 7 hectare site to accommodate the new campus building and pitches. Council policies included reference to Key Greenspace and Scott Park was identified as such. The policy offered protection to these spaces and the petitioners asked that the Council respect this policy and endeavour to deliver a new campus within the existing school grounds that would sit alongside and in harmony with the park. The statement concluded by emphasising that the petition was being presented to save one of the best open spaces in Galashiels.

2.4 Dr Gordon had noted that ground investigation works had been undertaken in Scott Park in October of last year and he and his group had made efforts, in October and November 2020, to raise objections to development within the park with the Service Director Assets & Infrastructure. A petition had been submitted at the end of November but had been misplaced. Dr Gordon referred to the report to Council on 17 December 2020, which he said was to essentially take forward the preferred option for the campus building despite there having been no consultation on the options. The report did not preclude consideration of all 5 options for location but only option 3, the preferred option, had been fully developed. The public now expected robust consultation on a set of properly developed options. Dr Gordon went on to highlight in detail the problems that he saw within that report. He emphasised that policy should drive development but he gave examples of where he believed the proposal contradicted the Local Development Plan (LDP2) and in particular policy EP11 – protection of greenspace. Dr Gordon quoted parts of policy EP11 and stated where he believed this was not being complied with. He referred to the independent planning advice, accompanying the report to Council, which noted that policy EP11 could be seen to permit development on greenspace subject to mitigation in the form of replacement greenspace to a similar level of provision. Dr Gordon maintained that the alternative proposed area of greenspace offered in mitigation was not an acceptable or adequate replacement for the area of Scott Park being lost, in terms of its character and amenity. The alternative represented a patchwork of areas which would be severed by a live access road to the new school and rather than creating safe places for leisure activities the secluded areas would be hidden from sight and encourage vandalism. Furthermore it was proposed to remove an attractive Victorian Lodge and replace this with a playpark. Dr Gordon said that, in terms of the preferred option, he had physically marked out in Scott Park the footprint of the campus building and that this could be compared in size to one of the large superstores within the town. He said this option should be a last resort and that the Council should properly develop other options which had been presented in the report to Council. He had ideas, in particular, about the feasibility of options 1 and 2 and how these could be developed. He would be happy to share these ideas with the Council. In conclusion Dr Gordon asked the Council to adhere to LDP2, to properly comply with policy EP11 and to develop a set of viable options to take forward to public consultation.

2.5 Councillors thanked Dr Gordon for his detailed presentation. In response to a question about the alternative greenspace offered as part of the preferred option, Dr Gordon explained that if the alternative area had the same flat and open character of Scott Park this would be more acceptable. In fact it was different in character and not connected but divided by trees. He regarded the existing park as an open and safe area which he had observed being used by children and adults for games and exercise, dog walking and sledging. The park was also used for Braw Lads events and in the past had been used to facilitate an annual caravan rally. In response to a further question about whether he was suggesting the existing school children be decamped while a new campus was built on the same site, Dr Gordon accepted that he did not want this but suggested that if option 1 was explored, to build on existing pitches behind the school, the children would be

unaffected. He clarified that what the petition was seeking was for the Council to take forward for public consultation a set of viable well developed options that were the best they could be.

- 2.6 In attendance to present the Council's response to the petition, were Mr John Curry, Service Director Assets & Infrastructure and Mr Steven Renwick, Project Manager. Also present was Ms Lesley Munro, Service Director Young People, Engagement & Inclusion. The report, which had been circulated prior to the meeting, summarised the content and context of the petition received by the Council. It set out the background to the decision to build a replacement Galashiels Academy, that the location should be focused on the existing school site and that a key criteria was to develop a proposal for a new Community Campus while keeping the existing Academy operational. The 5 options presented in the report to Council on 17 December 2020 had been assessed as part of an options appraisal process. The report identified a preference for option 3 and Councillors agreed at the Council meeting to take the project to public consultation. The report acknowledged that this would have an impact on Scott Park and its key greenspace designation. Independent planning advice had been obtained which identified that there would be prospects to promote a planning application for the new Community Campus. The planning advice identified that, subject to justification, replacement greenspace adjacent to the development would be considered material to a planning application. The appendix to the report to Council on 17 December 2020 identified landscape proposals that re-provided and enhanced Scott Park. These proposals would be developed in more detail as part of the ongoing design process to improve access, usability and the overall environment of the park. Public consultation material was now being prepared with the intention of commencing early February 2021. The public consultation would be structured under the Schools (Consultation) (Scotland) Act 2010. Within this legislation, the Council was required to consult on a 'relevant proposal'. While the consultation material would show and describe all options considered, it was intended that the 'relevant proposal' would be Option 3 as contained within the report to Council on 17 December 2020. Mr Curry advised that as the project would cover an area greater than 2 hectares a 'Proposal of Application Notice' (PAN) would be required under planning legislation. This process would take place prior to a full planning application. Officers had reviewed the requirements of the PAN and intended delaying this consultation process until after the consultation which was being prepared under the Schools (Consultation) (Scotland) Act 2010. Mr Curry acknowledged that, whilst it was normal practice to carry out ground investigation works based on a preferred option, this survey work carried out in the October School holiday, appeared to have been the catalyst for local and community based opposition to a proposed development that would impact on Scott Park. Officers had taken steps to meet groups, including the nearby Scott Crescent residents, in an attempt to be proactive and engage with the community.
- 2.7 The Chairman invited Members' questions on the officers' response to the petition. In terms of the area of proposed replacement green space Mr Renwick referred to the appendix to the report to Council on 17<sup>th</sup> December 2020 which identified a net gain of 2.3 hectares, but he acknowledged that this did not provide like for like replacement of a flat area of grass. However, there appeared to be no reason that the present activities identified as taking place on Scott Park could not also take place on the re-provisioned spaces. Mr Curry confirmed that, for the consultation, there were no plans to develop the other options to an equivalent level as Option 3 but that the public would be able to question and comment in relation to all the options. It was hoped that the consultation would access a large number of groups and capture as much feedback as possible through major platforms and on-line workshops. In terms of the successful bid for funding support from Scottish Government, Mr Curry agreed that there was a potential risk to the delivery of the new campus if delivery proved to be too challenging. However it was a priority for the Council to include and engage with the community throughout the process. With reference to the Council's dual role in relation to this project, the Chairman asked how the Council, in developing the proposal, would ensure its independence from the planning process. Mr Curry explained that the external team commissioned to develop the

proposals sat separate from the regulatory team. An independent planning consultant had also been brought in to advise the design team and to ensure separation from the Council's planning team. The Chairman asked Mr Curry to make this clear in communications to the public. With regard to proposals for the site and in particular in terms of plans for the historic lodge building and the access road across the park, Mr Renwick agreed that there was flexibility. Under Option 3, the volume of traffic on the existing access road which bisected the park would be reduced as the proposal was to use, as an access to the school, the access to the new car park to the north of the site. He confirmed that there was scope for changes. When invited to put questions to the officers, the petitioner, Dr Gordon, asked if the design team would consider exploring further development of Options 1 & 2 in a workshop with himself and others within his group, so that there was a viable strong alternative to Option 3. Mr Renwick pointed out that, as outlined in the report to Council, Option 1 would result in the loss of existing sports provision for about 900 children during the 2 ½ year construction period, which would significantly disrupt curriculum provision for those young people. Mr Curry expressed confidence in the experienced and capable design team and indicated his preference to continue as planned rather than develop a solution that may not be viable. He added that should the outcome of the consultation raise other options these would be considered.

- 2.8 The Chairman invited members of the Committee to discuss the submissions and consider their findings. Members welcomed the well-researched petition and the debate that had been initiated. However, on balance, they were satisfied that all the options had been developed and wanted to support Mr Curry in taking forward the existing proposals for public consultation. They commented in particular on the importance of minimising the impact on the pupils attending the existing Academy during the construction of the new campus building. Members noted that should other possibilities and suggestions be put forward as a result of the public consultation they could be considered at that stage. The Chairman asked that the micro-siting opportunities discussed, such as restricting use of the existing access road, be explored for Option 3 if, after consultation, that remained the favoured way forward. Councillor Bell thanked Dr Gordon for his well-articulated case and the officers for their response. He apologised to Dr Gordon for the delay in considering his petition which had not happened until after Council had considered the options for the new Galashiels Campus and hoped that Dr Gordon would take the decision of the committee in the spirit in which it was intended.

## **DECISION**

**AGREED that the issue raised by the petition did not merit further action at this time.**

## **MEMBER**

Councillor Harry Scott re-joined the meeting.

## **3. CHILD POVERTY**

- 3.1 There had been circulated copies of a joint report by the Service Director, Customer & Communities and Service Director, Young People Engagement & Inclusion providing an overview of the evaluation of the actions that Scottish Borders Council and Partners were taking to tackle Child Poverty in the Scottish Borders. The report was presented by Ms Jenni Craig, Service Director, Customer & Communities and summarised in a slide presentation. Also in attendance was Ms Janice Robertson, Strategic Planning & Policy Manager. Ms Craig explained that The Child Poverty (Scotland) Act 2017 required Local Authorities and Health Boards to jointly prepare a Local Child Poverty Action Plan, Report and an Annual Progress report. A Report, Action Plan and Annual Progress Report for both 2018/19 and 2019/20 had been agreed by the Community Planning Partnership Strategic Board, submitted to Scottish Government and published on the Council's website. A current Report and Action Plan for 2020/21 had also been agreed and published with an Annual Progress Report to follow in April 2021. The Child Poverty Planning Group (CPPG) managed the implementation of the Plans and was accountable

to the Scottish Borders Community Planning Partnership (CPP). Membership of the CPPG, a strategic group of senior multi-agency partners, was shown in Appendix 1 to the report. The remit of the CPPG was to plan, undertake and monitor actions and to report to CPP and Scottish Government. Plans were prepared within themes and outlined the activity taking place, which partners were involved, which poverty driver the action sought to improve, intended beneficiaries/target groups and how the impact would be assessed.

- 3.2 Ms Craig went on to provide the highlights from the reports and referred to the Child Poverty Action Plan attached as Appendix 2 to the report. The 2018/19 report, the first produced under the Act, detailed activities including modern apprentice opportunities; targeted support and intervention to close the poverty related attainment gap; active promotion of free school meals, clothing grants and educational maintenance allowances; Early Years Pathway Project; and Housing Plans to assist homeless. Highlights of the 2019/20 report included apprenticeships and training opportunities in partnership; Inspire Learning programme – access to own Ipad for all students from P4; and continuing successful Early Years Project. The current report, due by June 2021, contained planned actions on a Money Worries App to signpost to services; Connecting Scotland bids to enable the more vulnerable to get online; continued work on the poverty related attainment gap; families in crisis access to emergency funds; and affordable housing developments. A recommendation that was highlighted for local action, in a Poverty and Inequality Commission review of the 2018/19 Action Reports, was ‘to review how data and evidence is used to measure progress and ensure effective evaluation and monitoring methods were in place’. The approach to this recommendation was outlined in the report. Action Plans were organised into themes and indications given of which partners were involved in each action and which poverty driver the action was designed to address. The Action Plan also set out how the impact of each action would be assessed and the beneficiaries and target groups of that action. Evaluation and monitoring methods continued to be strengthened and were reviewed by the CPPG to ensure that they were effective and produced outputs and evidence to support actions.
- 3.3 In a discussion of the report and presentation, Members received further information in response to their questions, particularly in relation to the statistics contained within the Action Plan attached as Appendix 2 to the report. Attention was drawn to the fact that, in terms of the HMRC child poverty data, shown within the appendix, the percentage of children who lived in families with limited resources in the Scottish Borders was significantly higher than the percentages in other local authorities in the family group. It was accepted that this could be due to the significant impact of the low wage economy in the Scottish Borders. However officers were asked if more in-depth benchmarking work could be carried out with the comparator authorities to explore whether there were significant underlying issues or whether the difference was due to how the data was gathered. Attention was drawn to a formatting problem in the table under Figure 8 within the appendix which resulted in a misleading set of figures. Also there were no headings on the table to explain the information presented. Officers apologised for this error and advised that a corrected table, with headings and showing figures for each Ward, would be circulated to Members. When asked if there was scope for Councillors to be more involved in the actions to tackle child poverty, Ms Craig referred to the Member/Officer Anti-Poverty Strategy Working Group. This was a short-life working group but there may be an opportunity for further Member involvement deriving from that. Officers would raise this point with the Group. In terms of the progress of the Pathways Project, Ms Craig explained that the pilot had been successful and that the project had been at the point of roll-out when the Covid outbreak occurred. A question was asked about the risk of poverty remaining hidden and the significance of the Child Poverty Index (CPI), developed by Scottish Borders Council from data related to four components, rather than relying on one-dimensional measures. Ms Craig confirmed that the CPI was a valuable tool with data being reported through the Anti-Poverty Strategy Working Group. She would provide an update on how this was used and circulate to Members. In response to a question about the attainment gap and issues around internet connectivity, the Service Director, Young People Engagement & Inclusion, agreed that in addition to providing Ipads there

were actions being taken to address connectivity problems, for example by the provision of MiFi Units. However there needed to be more granular understanding of the attainment gap and its impact as this may not be the same for each young person. Ms Craig agreed that financial challenges for families appeared to be growing and that an increasing level of advice would be required. The Council would be liaising with Citizen Advice colleagues about what was expected to be a key area of focus this year. The concluding discussion focused on how Child Poverty was defined as there appeared to be no clear definition. It was noted that identification of the drivers for poverty were dependent on the definition. Members also expressed the view that, although the report presented a raft of initiatives, it would be helpful to have more performance information. Members welcomed Ms Craig's suggestion to include performance information in the quarterly corporate performance report in addition to the presentation of a more detailed annual report. It was agreed that officers be requested to provide an update to the Audit and Scrutiny Committee meeting in June 2021 to take forward the issues that had been raised. The Chairman thanked the officers for their attendance.

## **DECISION**

### **AGREED:-**

- (a) that an updated table of figures showing child poverty levels in each Ward would be circulated; and**
- (b) to request that officers provide an update to the June Audit & Scrutiny Committee to facilitate discussion on the following:**
  - (i) a definition of child poverty and a view of the key drivers for child poverty;**
  - (ii) how Councillors could be involved in the Council's approach to tackle child poverty;**
  - (iii) the information to be included in presentation of data in quarterly performance reports; and**
  - (iv) whether benchmarking with local authorities within the family group could be carried out to identify any underlying issues giving rise to the difference in percentage levels of child poverty and to learn from best practice.**

*The meeting concluded at 12.45 pm*