

SCOTTISH BORDERS COUNCIL

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held in Council Headquarters, Newtown St. Boswells on Thursday, 28 January 2021 at 10.00 a.m.

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

In Attendance:- Executive Director (Corporate Improvement & Economy), Executive Director (Finance and Regulatory), Service Director Assets & Infrastructure, Service Director Young People, Engagement & Inclusion, Chief Legal Officer, Clerk to the Council.

1. **CONVENER'S REMARKS**

The Convener congratulated the following:-

- (a) Laura Patricia Alcock-Ferguson who was awarded the Member of the Order of the British Empire in the Queen's 2021 New Year's Honours List for her work as Founding Director of the Campaign to End Loneliness;
- (b) Julie Forrest who, with her colleague Stewart Anderson, had won the mixed pairs World Indoor Bowls Championships title; and
- (c) Fiona Henderson who had received the thirty year Girl Guide long service award.

DECISION

AGREED that congratulations be passed to those concerned.

2. **MINUTE**

The Minute of the Meeting held on 17 December 2021 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:-

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| (a) Major Contracts Governance | 3 November 2020 |
| (b) Police, Fire & Rescue and Safer Communities Board | 6 November 2020 |
| (c) Eildon Area Partnership | 12 November 2020 |
| (d) Teviot & Liddesdale Area Partnership | 17 November 2020 |
| (e) Community Planning Strategic Board | 19 November 2020 |
| (f) Civic Government Licensing | 20 November 2020 |
| (g) Pension Fund (Special) | 26 November 2020 |
| (h) Berwickshire Area Partnership | 3 December 2020 |
| (i) Sustainable Development Committee | 4 December 2020 |
| (j) Planning & Building Standards | 7 December 2020 |
| (k) Hawick Common Good Fund | 8 December 2020 |
| (l) Selkirk Common Good Fund | 9 December 2020 |
| (m) Jedburgh Common Good Fund | 9 December 2020 |

(n)	Audit & Scrutiny	10 December 2020
(o)	Innerleithen Common Good Fund	10 December 2020
(p)	Pension Fund	11 December 2020
(q)	Pension Board	11 December 2020
(r)	Local Review Body	14 December 2020
(s)	William Hill Trust	15 December 2020
(t)	Lauder Common Good Fund	15 December 2020
(u)	Jedburgh Common Good Fund	15 December 2020
(v)	Berwickshire Area Partnership (Special)	18 December 2020
(w)	Planning & Building Standards	11 January 2021

DECISION

APPROVED the Minutes listed above subject to paragraph 4 below.

4. COMMITTEE RECOMMENDATIONS

4.1 With reference to paragraph 4 of the Minute of the Audit and Scrutiny Committee held on 10 December 2020, there had been circulated copies of a Minute Extract seeking approval of recommendations to change the current Police Community Action Teams governance arrangements:

- (a) that the tasking of the Police Community Action Teams remained with the CAT Member/Officer Oversight Group;
- (b) 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
- (c) 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.

The Committee had also recommended 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.

4.2 Councillor H Scott, seconded by Councillor McAteer, moved as an amendment that the above recommendations be replaced by the following:

- (i) that the operational tasking of the Police Community Action Teams remains with the Community Action Team Member/Officer Strategic Oversight Group;
- (ii) that the Executive Committee monitors the governance and performance of the Community Action Team Member/Officer Strategic Oversight Group, and the Police Community Action Teams, by quarterly reporting by the Oversight Group to the Executive Committee; 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."

Councillor Scott spoke in support of his amendment and explained that he wished to improve the accountability of the Community Action Teams. Members discussed the recommendations and Councillor Bell, seconded by Councillor Fullarton, moved approval of the Audit and Scrutiny Recommendations. Councillor H. Scott asked that the vote be taken by roll call and this was unanimously approved.

Roll Call Vote

<i>Motion by Councillor Bell</i>	<i>Amendment by Councillor H. Scott</i>
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<i>Councillor Aitchison</i>	<i>Councillor Cochrane</i>
<i>Councillor A. Anderson</i>	<i>Councillor Marshall</i>
<i>Councillor H. Anderson</i>	<i>Councillor McAteer</i>
<i>Councillor Bell</i>	<i>Councillor Paterson</i>
<i>Councillor Brown</i>	<i>Councillor H. Scott</i>
<i>Councillor Chapman</i>	
<i>Councillor Edgar</i>	
<i>Councillor Fullarton</i>	
<i>Councillor Greenwell</i>	
<i>Councillor C. Hamilton</i>	
<i>Councillor S. Hamilton</i>	
<i>Councillor Haslam</i>	
<i>Councillor Jardine</i>	
<i>Councillor Laing</i>	
<i>Councillor Miers</i>	
<i>Councillor Moffat</i>	
<i>Councillor Mountford</i>	
<i>Councillor Parker</i>	
<i>Councillor Ramage</i>	
<i>Councillor Richards</i>	
<i>Councillor Robson</i>	
<i>Councillor Rowley</i>	
<i>Councillor S. Scott</i>	
<i>Councillor Small</i>	
<i>Councillor Tatler</i>	
<i>Councillor Thornton-Nicol</i>	
<i>Councillor Turnbull</i>	
<i>Councillor Weatherston</i>	

The Motion was carried by 28 votes to 5.

DECISION

DECIDED to approve the recommendations of the Audit & Scrutiny Committee as detailed in paragraph 4.1 above.

5. UNION CONNECTIVITY REVIEW - CALL FOR EVIDENCE

There had been circulated copies of a report by the Executive Director, Corporate Improvement and Economy, seeking approval of the response, as set out in Appendix 1 to the report, to the UK Government's Union Connectivity Review and the submission of the response by 29 January 2021. The report explained that the review was being led by Sir Peter Hendy CBE and was focused on gathering information and views from across the United Kingdom on the status of cross border strategic infrastructure and its ability to maximise local economic potential, improve quality of life and help deliver aspirations for net zero greenhouse gas emissions. The proposed response set out in Appendix 1 had been drafted, building on responses from Scottish Borders Council individually and with partners to recent Scottish Government consultations in relation to the National Transport Strategy, the reports of the Infrastructure Commission and Strategic Transport Projects Review 2, and was designed to be consistent with Borderlands Inclusive Growth Deal and the Edinburgh & South East Scotland City Deal. The response therefore strongly reflected the aspiration to extend the Borders Railway, improve key trunk roads and invest in public transport connection to the north of England. As of 1 January 2021, the UK was no longer part of the Trans-European Transport Network and the review requested parties to consider 'if' and 'how' this should be replaced. A question was also asked in respect of the means to improving linkages to Northern Ireland. Members welcomed the report and paid tribute to the

work by officers in preparing the submission. The need to improve rural connectivity was highlighted as isolation was an issue in many areas of the Borders. In response to a request from Councillor Robson regarding east/west connectivity, Mr Dickson advised that the response to question 11 could be strengthened.

DECISION

AGREED the draft consultation response as provided in Appendix 1 to the report, subject to the amendment of the response to Question 11 to include reference to east/west connectivity, and its submission to UK Government by 29 January 2021.

6. LEARNING ESTATE REVIEW UPDATE

- 6.1 With reference to paragraph 5 of the Executive Committee Minute of 7 November 2017, there had been circulated copies of a joint report by the Service Director, Young People, Engagement & Inclusion and Service Director, Assets & Infrastructure, providing an update on progress with improving the condition and suitability of many schools and sought approval of a process and actions to deliver a Learning Estate Strategic Plan. The report provided details of the progress which had been made in recent years, improving the condition and suitability of many schools. Despite huge improvements in the physical fabric of many buildings, it was recognised that much more had to be done and work was progressing to ensure future investment in the School Estate was planned, managed and delivered in line with empirical data and an overall strategy for the Learning Estate. This report also highlighted the many challenges facing the Learning Estate in the Scottish Borders and sought approval of a process and actions to deliver a Learning Estate Strategic Plan which was fit for purpose, responsive to changing population patterns, sustainable in the longer term, and accessible to all. The strategy would provide learning environments to deliver 21st century education as part of a wider place making agenda. To deliver this vision, meet the principles of Scotland's Learning Estate Strategy and to address the three key national education and skills priorities namely Getting it Right for Every Child (GIRFEC), Curriculum for Excellence (CfE) and Developing the Young Workforce (DYW) a number of policies and methodologies would also require to be updated.
- 6.2 The Learning Estate was a significant and valuable resource for the communities of the Scottish Borders. The ongoing revenue costs for the Learning Estate and the capital costs of providing a Learning Estate fit for the future were significant. It was therefore vital, in light of these material costs, that the Learning Estate was managed and planned in an efficient, effective and strategic manner and that all priorities met the wider strategic objectives of the Council and the needs of communities. Scottish Borders Council had high aspirations for the Learning Estate, reflecting the value that was placed on learning, supported by a vision for well designed, maintained and managed buildings to facilitate learning for the whole community and the future strategy would inform prioritisation of investment while seeking to adhere to the principles of community place making. In order to drive innovation and creativity in how investment was used to best effect, it was necessary to engage with communities and partners to identify how, together, the changing demands and community needs were met. The report also made recommendations regarding future workstreams and policies that would be required to deliver the Learning Estate Strategic Plan. The outcome of this work would be brought forward for further approval at appropriate junctures and, once approved, those policies and workstreams would be incorporated into the Learning Estate Strategic Plan.
- 6.3 Members welcomed the comprehensive nature of the report and noted the 10 guiding principles produced by the Scottish Government for Scotland's Learning Estate Strategy. Members requested details of the 16 schools which currently had less than 50 pupils and Mrs Munro undertook to provide this information to Members after the meeting. She explained that the figure of 50 had been in the Small Schools Policy as it was the number when a school would go from 3 classes down to 2. She assured Members that this was not the only factor and that it was necessary to look at future roll projections to see if it was an ongoing trend. The educational benefits for the pupils were always the primary driver along with delivery of the Curriculum for Excellence, so it was not about savings or convenience.

Councillor C. Hamilton gave assurances to communities that there was currently no dialogue on specific schools and that equity of education provision across the Borders was paramount.

DECISION

AGREED:-

- (a) to progress the Learning Estate Strategic Plan using a wider place planning approach;**
- (b) to the development of a Policy on Small Schools which determined triggers and process to place schools under review;**
- (c) that core facts assessments of schools were reviewed on a staggered basis, with 20% of assessments being carried out each year;**
- (d) that the School Roll Projection Policy and methodology was reviewed and amended; and**
- (e) that methodologies for determining capacities of schools be reviewed and adjusted.**

7. PEEBLES HIGH SCHOOL UPDATE

With reference to paragraph 12 of the Minute of 17 December 2020, there had been circulated copies of a report by the Service Director, Assets and Infrastructure, providing an update on the progress with the Peebles High School project since the last meeting in December. The previous report had advised that the feasibility study to replace the parts of the school lost during the fire in November 2019 had been completed but officers had reservations on the findings of this study on the basis of it being part new build/part refurbishment. A further feasibility study for a possible new build option had now been completed allowing a more comprehensive review of the advantages and disadvantages of the options to be considered. The report explained that officers recommended that the new build option presented advantages in terms of saving time and minimising disruption and approval was now sought for the new build option to be taken forward to the Capital Investment Plan 2021/22. Members welcomed this recommendation and agreed that it was the best option not just for Peebles but Tweeddale as a whole.

DECISION

AGREED to:-

- (a) note the contents of this report;**
- (b) approve that the option to provide a new build solution provided the most advantageous benefits and, subject to the Capital Investment Plan 2021/22 affordability, should be taken forward to delivery; and**
- (c) thank officers for their work to date on the replacement Galashiels and Peebles Schools and their continued commitment to take forward the best options for both towns.**

8. PROPOSED RESPONSE TO CONSULTATION ON DRAFT REVISION TO COUNCILLORS' CODE OF CONDUCT

There had been circulated copies of a report by the Executive Director, Finance and Regulatory, proposing the submission of the Draft Consultation Response attached as Annex 1 to the report to Scottish Government as the Council's response to its consultation on a possible revision to the Councillors' Code of Conduct. The report explained that Section 1 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (the Act) required the Scottish Ministers to issue a Code of Conduct for Councillors (the Code). The aim of the Code was to

set out clearly and openly the standards that councillors must comply with when carrying out their council duties. The current version of the Code was originally issued in 2010 following a limited review of the pre-existing Code in 2009. A further amendment was published in 2018 - again following a very limited review. Scottish Ministers considered that many developments had occurred over the last ten years since the Code was last substantially reviewed and had therefore launched this consultation into a proposed revised Code. Their stated aim was “to amend the Councillors’ Code of Conduct to bring it up to date and make it more user friendly.” In order to consider the content of the proposed revised Code a short life Working Group had been established. This group met before and after the Christmas vacation and the draft response contained in the Annex 1 to this report was the output of that Group. Consultation responses had to be submitted to Scottish Government by 8 February 2021. Councillor Aitchison commented on the importance of the Code of Conduct and apologised for missing the opportunity to participate in the Working Group. He asked for two amendments as follows:

- (a) that under Question 4 – point 5 b. the word “tolerate” be changed to “experience”; and
- (b) that under Question 4 – point 5 d. the words “to consider reporting the conduct” be removed.

These proposed amendments were unanimously accepted.

DECISION

AGREED to:-

- (a) **approve the content of the Draft Consultation Response attached as Annex 1 to this report, subject to the amendments detailed above, as the formal response of the Scottish Borders Council to the Consultation: and**
- (b) **direct the Chief Legal Officer (Monitoring Officer) to submit it to Scottish Government on its behalf before 8 February 2021.**

9. AMENDMENTS TO COMMITTEE REPORT IMPLICATIONS SECTION

- 9.1 With reference to paragraph 6 of the Minute of 25 September 2020, there had been circulated copies of a report by the Executive Director, Corporate Improvement and Economy, proposing some changes to the Implications section of committee reports to take account of UN Sustainable Development Goals and Climate Change, and also to include a new statement around Data Protection compliance. The report explained that at its meeting on 25 September 2020, Scottish Borders Council had decided that the ‘implications’ section of Council reports would be reviewed and updated generally, with a specific objective of addressing the UN Sustainable Development Goals. This review and updating was to be overseen by the Sustainable Development Committee and a report on the proposed changes was approved by that Committee at its meeting on 4 December 2020. The implications section of committee reports covered a number of specific areas: Financial, Risk and Mitigations, Integrated Impact Assessment, Acting Sustainably, Carbon Management, Rural Proofing, and changes to the Schemes of Administration and Delegation. The paragraphs which were being reviewed were the ones relating to Acting Sustainably and Carbon Management. To ensure officers took account of the UN Sustainable Development Goals when drafting reports, it was proposed that a checklist was completed and details were given in a new section, “Sustainable Development Goals”, on the specific UN goals which were being impacted. A checklist was attached as Appendix A to the report. The intention was that report writers completed the checklist and drew the most salient issues into a brief narrative in the ‘Sustainable Development Goals’ section of the report, explaining relevance and (where appropriate) how the recommendations in the report supported progress against the Sustainable Development Goals. While ‘taking urgent action to combat climate change and its impacts’ is a UN SDG (SDG 13), it was recognised that national legislation, the Scottish public policy context (e.g. the Programme for Government 2021-2022), and Scottish Borders Council’s own commitments manifested in the Responding to the Climate

Emergency Report of 25 September 2020 required specific reference to be made to the Council's efforts and progress in this area. Accordingly, it was proposed that a paragraph in the implications section was retained under the title 'Climate Change' with report writers setting out details of the impact of the report in this area, and (where appropriate) how the recommendations in the report supported progress against Climate Change objectives. A checklist to this effect for officer use was attached as Appendix B to the report. Guidance and training for report writers would be provided to ensure they understood and took account of the new requirements.

- 9.2 The Council had obligations under Data Protection legislation and non-compliance could result in substantial fines. If a proposal included any new processing of personal data, or any change to the way personal data was currently processed, then officers must be able to evidence that the potential impact on the privacy of citizens had been fully considered and that any risk around the process had been identified and mitigated appropriately. It was therefore proposed that a new paragraph was added to the Implications section of committee reports covering Data Protection. The Clerk to the Council in presenting the report added a further recommendation (d) that the above changes be reviewed after 12 months and a report brought to Council on the outcome. Members welcomed the report and suggested that training for Members might also be helpful. Councillor Aitchison commented on training he had received from "Keep Scotland Beautiful" and advised that they would be offering further sessions.

**DECISION
AGREED:-**

- (a) **to approve the following changes to committee reports:**
- (i) **the amendment of the Acting Sustainably and Carbon Management sections of committee reports to reflect the UN Sustainable Development Goals and Climate Change;**
 - (ii) **that updated guidance/checklists and further training was provided to report writers to ensure they understood and took account of the new requirements; and**
 - (iii) **a Data Protection Impact Statement be added to committee reports to ensure that compliance with Data Protection legislation was confirmed, with further guidance on this provided to report writers and support given by the Data Protection Officer as required.**
- (b) **that the above changes be reviewed after 12 months and a report brought to Council on the outcome.**

10. ARRANGEMENTS FOR THE BY-ELECTION FOR THE LEADERDALE AND MELROSE WARD

There had been circulated copies of a report by the Executive Director, Corporate Improvement and Economy, providing information on the arrangements for the by-election to be held in the Leaderdale and Melrose Ward, following the sad, untimely death of Councillor Drum. The report explained that the Returning Officer, after consultation with Scottish Ministers and the Chairman of the Electoral Management Board in Scotland, had now fixed the date of poll for the by-election as Thursday 11 March 2021. The by-election would be conducted in accordance with existing rules contained in the Scottish Local Government Elections Order 2011, and in such a way as to ensure the voters had full confidence in the result. This included measures to provide voter confidence around the protection of public health. The safety of the election staff and voters was being given priority in the planning of the by-election and appropriate arrangements were being put in place to mitigate risks to health. There would be 13 polling stations in the Ward: Oxtou War Memorial Hall; Lauder

Public Hall x 2; Blainslie Village Hall; Earlston Parish Church Hall x 2; Gattonside Village Hall; Tweedbank Community Centre x 2; Smith Memorial Hall, Darnick; Corn Exchange, Melrose x 2; Newstead Village Hall. The Count – which would be an electronic count – would take place in the Volunteer Hall, Galashiels on Friday 12 March 2021, starting at 10.00 a.m. Usually, for a by election, the Count would be held at Council HQ in the Chamber and Committee Room 1, but this was not large enough to ensure social distancing rules were met. In the same respect, postal vote verification would also take place in the Volunteer Hall, with opening sessions likely to be on Wednesday 10 and Thursday 11 March. Early indications were that the cost for the by-election was likely to be between £40k and £45k. As Polling day for the by election was 11 March and the count was being held on 12 March, it was therefore proposed to move the Galashiels Common Good Fund Sub-Committee and Employee Forum meetings from Thursday 11 March to the afternoon of Thursday 18 March; and for the Sustainable Development Committee meeting due to be held on Friday 12 March to be brought forward to Friday 5 March 2021. Members were pleased to see that measures were in place to allow the election to be conducted safely.

DECISION

AGREED:-

- (a) to note the arrangements for the by-election for the Leaderdale and Melrose Ward with Polling Day to be held on Thursday, 11 March 2021;
- (b) to note that the costs associated with the staffing, printing, supplies, venue hire, electronic equipment hire, PPE, and other expenses incurred by the Returning Officer, would be met from existing budgets; and
- (c) to move the meetings of the Galashiels Common Good Fund Sub-Committee and Employee Forum from 11 March to 18 March 2021, and the Sustainable Development Committee meeting from 12 March to 5 March 2021.

11. DRAFT CALENDAR OF MEETINGS 2021/2022

- 11.1 The Convener advised that it was proposed that the meeting of Scottish Borders Council currently scheduled for 24 June 2021 be moved to 17 June to avoid the school holidays.

DECISION

AGREED to approve that the Council meeting currently scheduled for 24 June be moved to 17 June 2021.

- 11.2 There had been circulated copies of the draft Calendar of Meetings for the period August 2021 to July 2022.

DECISION

AGREED to approve the Calendar of Meetings for the period August 2021 to July 2022.

12. OPEN QUESTIONS

The questions submitted by Councillors H. Scott, Paterson, Ramage, Laing and Robson were answered.

DECISION

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

13. 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

14. **Minute**

The private section of the Council Minute of 17 December 2020 was approved.

15. **Committee Minutes**

The private sections of the Committee Minutes as detailed in paragraph 4 of this Minute were approved.

The meeting concluded at 12.55 p.m.

SCOTTISH BORDERS COUNCIL
28 JANUARY 2021
APPENDIX 1
OPEN QUESTIONS

Questions from Councillor H. Scott

1. To Executive Member for Infrastructure, Travel & Transport

Councillors receive many complaints about wheelie bins and bags of household and commercial waste being parked permanently on footways, causing obstruction and danger to pedestrians, wheelchair users, and parents pushing children's buggies and prams, by forcing them to move onto the roadway and into the path of vehicular traffic to avoid the obstruction.

Is it within the competence of Scottish Borders Council to introduce a bye-law prohibiting the placing of wheelie bins and other forms of household and commercial waste on footways, other than on the evening before, and on the day of collection, and if so, who/which organisation would be responsible for enforcement of that regulation?

Reply from Councillor Edgar

It is not within the competence of Scottish Border's Council to introduce such a Byelaw. That is because Section 201(3) of the Local Government (Scotland) Act 1973 states that a Byelaw shall not be made for a purpose which is provided for by another Act. In this instance Section 46 of the Environmental Protection Act of the Environmental Protection Act 1990 empowers a Local Authority to serve a Notice on a householder making provisions in this regard.

For the purposes of clarity the Council does not have a specific policy on the presentation and removal of wheeled bins. However our guidance is that bins must be presented on the kerbside by 7am on the day of collection and removed as soon as possible after the collection has taken place.

On the whole this guidance is abided by with the Council receiving very few complaints about bins causing an obstruction. Any reports of bins being left permanently on the pavement causing an obstruction are investigated and action taken as required. However officers are aware of a small number of specific areas across the Scottish Borders which can present challenges for the storage of bins due to the nature of the housing, parking and local road network.

Supplementary

Councillor Scott expressed his disappointment with the response and asked that the Council review its policy regarding Section 46 of the Environmental Protection Act and enforce the removal of bins from the streetscape. Councillor Edgar asked Councillor Scott to provide him with a list of locations where there were issues, and he would ensure these were investigated by officers and a response provided to Councillor Scott.

2. To the Leader

A January 2021 Accounts Commission report entitled "Digital progress in local government", highlights that among some local authorities, there has been a lack of citizen involvement in digital service design, and not enough focus on outcomes in monitoring progress of digital programmes, and that to better understand the needs of citizens, councils should have a citizen and community engagement plan.

What steps does Scottish Borders Council take now, and intend to take in the future, to ensure that there is full and meaningful citizen involvement in the implementation of its IT strategy, and what measures will be implemented to ensure that those who are unable to use, afford, or access IT equipment are not left at a disadvantage as it seeks to modernise its procedures?

Reply from Councillor Haslam

The Council recognises that the design of high quality digital public services must take the views, requirements and expectations of the public fully into account.

The Council has therefore adopted the “Scottish Approach to Service Design’ as an integral part of its Fit for 2024 programme, which seeks to provide citizen centric services that ensure the best possible uptake and acceptance of online services.

Council officers already ensure that we engage with our businesses and communities and that we learn from best practice elsewhere in the design and delivery of digital services. The experience of COVID 19 has for example been very instructive in designing on line application processes for business grant support, in assisting those who are shielding and in ensuring online booking arrangements for our child care hubs work effectively for key workers.

The Council is currently developing a new digital strategy which will detail how we will seek to involve our communities in the design of on line services and citizen engagement.

The COVID 19 pandemic has clearly demonstrated the value of online technology and digital solutions, for example by allowing pupils in the Borders to continue learning during lockdown through our innovative Inspire Learning programme in a way that has not been possible in some other areas.

It has also focussed attention on ensuring that no one is unintentionally digitally excluded due to their circumstances. All pupils in P4 – S6 regardless of their circumstances have a dedicated ipad. This device can also be used to access public services, support, benefits and information by their families when it is not being used for educational purposes. The Council has also worked with the Scottish Government to provide additional devices and data connectivity packages to those families of children at all stages of their school career who could not otherwise afford access to digital technology.

The Council uses online consultation tools such as citizen space to ensure there is full and meaningful engagement with communities in future and we will continue to ensure in our work with CGI that no one is disadvantaged while we seek to modernise our procedures and processes.

An officer Steering Group has been established to govern the future digital development of SBC’s online services and the overall development plan for the web. To ensure customer expectations and views are at the centre of our digital developments, the group will seek their input through a range of communication channels, including digital participation user groups, and wider community groups such as parent councils and third sector, and also feedback through surveys and information gathered from people’s panel and community groups.

Finally, it is worth noting that the Council is facilitating a partnership approach to the Connecting Scotland Programme to maximise the digital support available to vulnerable individuals within the Borders. To date 765 devices have been secured and each phase has been targeted to provide devices, connectivity and digital champion support to different vulnerable groups.

Supplementary

Councillor Scott asked that in future when services moved online, Members were briefed including with details of how services were being provided to those without IT access and the contingencies in place should the online service fail. Councillor Haslam confirmed that account was always taken of those who were not online, with contingencies in place for service failure, and commented on the roll out of iPads to Care Homes as an example. Everyone would be able to access Council services whether they were able to do so digitally or not.

Question from Councillor Paterson

To the Executive Member for Community Development and Localities

Are there any plans to change the format of the Area Committees to allow Community Councillors and all that attend the Area Committees or whatever they are changed into the right to vote on any matters that are to be discussed even financial matters at these Committee Meetings.

Reply from Councillor Tatler

Council agreed at its meeting on 27 August 2020 to request that each Area Partnership establish a mechanism to review the findings of the Scottish Community Development Centre report on Area Partnerships and the Community Fund. Each Area Partnership has now met and agreed the mechanism for review and the outcomes are being fed back to each Area Partnership.

Once each Area Partnership has considered the outcome of its individual review, officers will review the proposals and, after wider consultation, a further report will be provided to Council on the outcome of the review. It will be for full Council to decide on the future of Area Partnerships, including changes to composition and voting rights.

Question from Councillor Ramage

To the Executive Member for Children and Young People

In line with the Scottish Government announcement that early years settings/nurseries and schools will be open for invited children and for the children of key workers where no alternative childcare is available, SBC announced in January that in-school provision will take the form of activity hubs, not formal learning, supported by appropriate staff.

- This will be for vulnerable (“invited”) children and those of key workers with no alternative childcare.

Indeed we were told recently that 900 children had attended these education hubs across the Borders.

My concern is that we have a duty of care for ALL vulnerable (including additional needs) or at risk pupils, who may not be attending these education hubs, for whatever reason, as their mental health and wellbeing is being severely impacted. Are these young folk being recognised and supported, and if they are how?

Reply from Councillor C. Hamilton

All enhanced provisions are open full time for our complex needs children and young people across Scottish Borders.

Schools were opened on the 5th January and ran activity based provision for key worker and invited children until the focus switched to learning when remote learning began for all children and young people on the 11th January.

All schools considered the individual situations of all vulnerable children and young people. In discussions with the families they have agreed if they require a place within the school. This place could be on a full time basis or on a part-time basis depending on the needs of the child or young person. On occasions this will have involved discussions with social work or other agencies.

All young people not in school are having frequent check ins from teachers and should any concerns arise from these, additional supports are available.

Quarriers resilience practitioners continue to offer support to all young people in secondary schools through teams sessions or phone calls.

Question from Councillor Laing

To the Executive Member for Economic Regeneration & Finance

At the November 2020 Council meeting, I asked the Executive Member to comment on the likelihood of disruptions to fish exports following the end of the Brexit transition period and the impact of this on the fishing community of Eyemouth.

He said he “did not see that there would be any reduction in demand or a significant risk to this important industry, as processes were in place.”

In light of the recent catastrophic delays due to a sea of red tape, and the resultant serious risk to the survival of many businesses, would the Executive Member like to revise his response?

Reply from Councillor Rowley

Councillor Laing's present question refers to the record of her supplementary question and my reply of 26 November. It is apparent from the minute of that exchange that my reference to there 'not being a significant risk' and there being processes 'in place' was a reference to only those processes within the remit of Scottish Borders Council. The original question referred to Export Health Certificates and the Council's responsibility for issue of those certificates in relation to fish and seafood. The processes I referred to were limited to that and have proceeded without any issue. My comments on 26 November did not concern customs and Border controls over which the Council has no control.

What matters is the substance of the issue. It is clear that there have been significant issues for Scottish seafood exporters. This resulted in a significant Eyemouth business dispatching 6 trucks to Westminster to protest the current situation.

What is important is what gave rise to that protest and what role the Council has in the matter.

It has been reported to me that the heart of the problem is issues with the HMRC computer network, and problems with the UK Customs computer system talking to the French customs computer system. Unfortunately, problems have persisted.

This is very serious. It is vitally important that these matters are resolved urgently.

The UK Department for the Environment, Food and Rural Affairs (Defra) has confirmed that it is putting in place a £23m compensation package for firms exporting fish and shellfish to the EU that can show they have suffered "genuine loss". The government has said seafood exporters will be able to claim up to £100,000 in compensation. That is a welcome step in responding to the problems which have arisen.

As already noted, the Council's role is limited. Council Environmental Health Officers have attended premises in Eyemouth to issue the appropriate Environmental Health Certificates. That will continue. The Council has done and will do what it can within its direct remit to support businesses.

Supplementary

Councillor Laing did not consider that this would be a short term issue and that Government assistance was capped at £1000 when firms like D R Collin were losing that each day. She asked if Councillor Rowley would write to the Government asking what further help would be provided if this situation continued. Councillor Rowley advised that he was happy to write such a letter to make the case for Berwickshire businesses and he absolutely supported the fishing industry. He commented on similar issues in France and the need to help businesses get around the red tape. He did feel it was a short term issue which would get resolved.

Question from Councillor Robson

To the Executive Member for Children and Young People

Can the Executive Member advise whether the Council intends to adopt or use a guide to strategies to support children and young people with Extreme (or Pathological) Demand Avoidance as a profile of the Autism Spectrum such as that recently published by South Lanarkshire Council ?

Link for ease of reference

https://www.southlanarkshire.gov.uk/download/downloads/id/14113/extreme_demand_avoidance.pdf?fbclid=IwAR0CBc4F9688ue9gFMdF8soZ9g5dhqJ4_wTz_7XXQ9winh0ZPMvqGZL2ObE

Reply from Councillor C. Hamilton

Thank you to Councillor Robson for drawing this development from South Lanarkshire to our attention.

Pathological Demand Avoidance (PDA) is not a recognised mental health diagnosis, whereas Autism (or ASD) is a recognised diagnosis. In this context some medical practitioners, in particular, in our experience, those in private practice, are beginning to identify ASD as a diagnosis but with a profile of PDA. This practice of diagnosing ASD but with a PDA profile allows the health practitioner to use the term PDA as part of the case formulation but not as the formal diagnosis.

Recently there has been significant political lobbying of Scottish Government for PDA to be recognised as a mental health diagnosis. Our understanding of currently position of NHS Borders CAMHS is that they, as with other NHS CAMHS teams in Scotland do not recognise the legitimacy of PDA as a diagnosis and also resist using it as a profile.

Where a legally registered health practitioner has diagnosed a child or young person with ASD with a profile of PDA and this information is made available to us, education authorities are under a legal duty to take account of this to inform our provision of education support for the child or young person.

Consequently we will always consider such reports and discuss the relevance for education support. In appropriate cases we have, and will continue to arrange for, relevant staff to access training on PDA and to implement strategies developed to support children and young people with PDA. In so doing we do not take a medical position regarding diagnosis –which would be inappropriate. Rather we focus on our legal duty to make the best provision we can for education.

Given that PDA is not currently recognised as a medical diagnosis our view is that the approach described above remains appropriate and proportionate at this time. The generation of a leaflet such as that developed by South Lanarkshire risks being perceived as validating PDA as a clearly bounded diagnosis which is not an appropriate role for an Education Authority. In our view such a development would not be appropriate locally without consultation with NHS colleagues.

What we will undertake is to share the guidance from South Lanarkshire with colleagues from CAMHS for further discussion and to share the outcomes from this discussion with Councillor Robson in due course. In the meantime we will continue to use PDA leaflets and strategies whenever we feel they can support us to provide education to an individual child or young person.

Supplementary

Councillor Robson welcomed the detailed response and asked for confirmation that there would be a meeting. Councillor Hamilton advised she would get in touch with him for a chat on the subject.