

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 undertook to raise this with officers and come back 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 for details of how services were provided to those without IT access. Councillor Haslam confirmed this was done and commented on the roll out of iPads to Care Homes. Everyone would be able to access Council services whether they were able to do it 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. 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_7XXQ9wlnh0ZPMvqGZL2ObE

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.