

SCOTTISH BORDERS COUNCIL
25 FEBRUARY 2021
APPENDIX I

Questions from Councillor Robson

1. To Executive Member for Adult Wellbeing

Can he Executive Member advise whether the Council intends to respond to publication of the Independent Review of Adult Social Care (the Feeley Review) and whether it is involved in consultations about the implications of the Review's findings?

Reply from Councillor Weatherston

The Feeley review published on the 3rd February, is an independent review commissioned directly from Scottish Government. The report is now being considered by the Scottish Ministers, and whilst we understand the Cabinet Secretary for Health and Social Care is supportive of the review, we have yet to hear whether the Government will accept all 53 recommendations.

COSLA has responded formally to the Government, and at this time there has not been any requests for Local Authorities, NHS Boards or local Integration Joint Boards to formally reply.

The Council does not at this stage therefore intend to respond directly to the publication of the Feeley Review but will engage fully with COSLA in responding to Scottish Government's proposals once these are published for consultation.

2. To Executive Member for Enhancing The Built Environment And Natural Heritage

Can the Executive Member advise whether the Council was consulted by the Scottish Government about the establishment of the pilot Regional Land Use Partnership for the South of Scotland?

Reply by Councillor Mountford

The short answer is 'yes'.

The more detailed answer is that the Council submitted an expression of interest last month for the south of Scotland to become a Regional Land Use Partnership (RLUP) pilot. This reflects an approach to developing the Scottish Borders and the South of Scotland's strengths in relation to environment and economy as an area of competitive advantage for our region. Natural capital is one of our greatest assets and is central to our future net zero and wellbeing economy, developing thriving rural economies based around woodland creation, peatland restoration and biodiversity as well as sustainable tourism, food and drink and energy. The Regional Economic Strategy, the Indicative Spatial Strategy, Borderlands and specifically the Natural Capital Proposition within Borderlands are all relevant to these efforts. We are determined to promote a Green Recovery, and positive socio-economic and environmental outcomes for the region through our engagement with stakeholders.

The Regional Land Use Partnership will: build on existing partnerships, and best practice; and develop a strategic vision for land use at a landscape scale in the public interest aligned to national policy. Engagement will be at the heart of our approach: ensuring that we, in the South of Scotland, develop an approach to land use which is designed and optimised for the South of Scotland.

As Executive Member for Enhancing the Built Environment and Natural Heritage, together with the Leader and the Executive Members for Finance and Sustainable Development, I was sighted on the announcement.

Unfortunately, Scottish Government's timeframe for expressions of interest, the timing of the announcement to coincide with the Convention of the South of Scotland on 8 February, and the need to schedule discussion with Scottish Government have constrained the opportunities around a wider briefing. Further discussion between Council officers and the Scottish Government about

the parameters of the pilot are due to take place shortly, and it is intended that these will be followed by a briefing to Members.

Supplementary

Councillor Robson asked that the briefing would cover how land use partnership would relate to the previous report on place making. Councillor Mountford advised that he was sure this would be possible.

Questions from Councillor H. Scott

To Executive Member for Infrastructure, Travel & Transport

1. In August 2018 I asked if the kerb at the foot of Ladhope Bank, Galashiels, could be dropped to allow the safe passage of constituents using wheel chairs, buggies, and other mobility aids. This work has not been carried out despite repeated requests from me asking for a date of completion. This work is essential for the safety of those with mobility needs who wish cross the main A7 road to access the bus stop and shop in High Buckholmside. When will the work be done?

Reply from Councillor Edgar

I have looked into this matter and note that this is an approved small scheme, works are being programmed currently. Unfortunately this has been impacted by the sustained winter response and weather conditions. Now that conditions are improving, the programme of works will be confirmed and officers will confirm exact dates with Cllr Scott in due course.

Supplementary

Councillor Scott expressed his disappointment with the response and asked that the importance of the work be impressed on officers and that a date be provided for this work for the most vulnerable members of the community. Councillor Edgar confirmed he would provide a date and investigate further why this work had not been carried out.

2. In January 2021 Scottish Borders Housing Association reported that trees on the banking between the Gala Park housing complex and the High Street Car Park, Galashiels, had fallen against the complex. The banking is also littered with rubbish and other detritus. Combined with the run of the Mill Lade at the foot of the banking there is the possibility of encouraging rat infestation. A question to the Estates Department of SBC revealed that the ground is apparently owned by Trillium (Prime) Property, based in London.

Whilst not being responsible for the maintenance of the ground, SBC has a responsibility for the health, welfare, and safety of its constituents.

What steps will SBC take to contact Trillium (Prime) Property to remind them of what their responsibilities are with regard to the health, welfare, and safety, of the residents and others who surround their property?

Reply from Councillor Edgar

I can confirm that the trees and banking behind Gala Park housing complex are not in the ownership of Scottish Borders Council. Our records indicate the land may not be in a single ownership and we are putting together an ownership plan in accordance with the information available to us. This is likely to take some time to conclude.

Under the Prevention of Damage by Pests Act 1949 it is the duty of the owner/occupier of the land to keep it free from rat and mice infestation. Environmental Health may serve notice on the owner/occupier requiring steps be taken within a specified time period for the destruction of rats/mice on the land or for otherwise keeping the land free from rats and mice if the owner fails to do this himself.

There are powers within the Planning Act to deal with land and property which is causing the amenity of area to be adversely affected by its condition. However, the bar to allow this power to be utilised is set very high and the condition of the land has to be very poor before Officers become involved as it is likely any Notice we serve could be the subject of an Appeal.

There are no records of complaints from the public regarding the condition of this particular area of land, in order to come to a view on the matter Officers would need to undertake an investigation to determine whether it is appropriate to become involved, however, we would not want to create any false expectations that something can be done when it may transpire we have no locus to become involved.

3. I and other elected members are receiving an increasing number of complaints about dog fouling on footways and public parks. I have raised the issue with Police Scotland in an effort to raise awareness, but the police service cannot be everywhere. It is an issue which needs to be addressed by the police service, the general public, and Scottish Borders Council working together.

Dog Fouling (Scotland) Act 2003, Section 4, states, "Every local authority shall authorise in writing at least one person and such other number of persons as they consider necessary or expedient to issue fixed penalty notices in their area in accordance with this Act."

Will Scottish Borders Council now consider authorising staff, in addition to the Police Community Action Team who already have the power, in terms of Section 4 of the Act, and provide them with the necessary training, resource, and appropriate support to enable them to carry out the function of enforcement with regard to the offence listed in Section 1 of that Act?

Reply from Councillor Edgar

Historically the Council had an Environmental Warden Service within Neighbourhoods that served dog fouling FPNs. The decision was made many years ago to disband this service. A pilot program was then trialled as a new approach to dog fouling enforcement whereby third party 3GS were used to patrol the Borders and serve FPNs for littering and dog fouling when witnessed. The idea being that monies made from the service of FPNs would at the very least offset the cost of using a private company. Very few fouling FPNs were served in the trial period and it resulted a huge expense for the Council and the project was not rolled out.

The Dog Control Officer was authorised under section 4 of the Dog Fouling (Scotland) Act 2003 solely to meet the Council's legal requirement to have an authorised Officer and it was agreed enforcement and service of FPNs is the sole responsibility of the CAT team and Police Scotland as a whole.

Budget was provided for the creation of the Dog Education Officer post within Protective Service to promote responsible dog ownership through education in order to change and/or modify dog owners' behaviour in an efficient, effective and targeted way and to co-ordinate all strands of dog related work undertaken across several Council departments e.g. dog control, dog barking, stray dogs and dog fouling.

When dog fouling is reported to the Council, the Dog Education Officer assesses the complaint to establish if the fouling was witnessed, if the accused can be identified and if the complainant is willing to be a witness, information is issued to Police Scotland for their consideration on further action. There is a seven day window for the enquiry to be undertaken. Without this information there is little prospect of a FPN being issued.

It is of note that **all** Police Officers will take action if a dog fouling offence is observed. Before a FPN is issued the dog owner or person in charge has an opportunity to clean up the mess, everyone does.

Our Parks & Environment Team have also erected signs and spray footpath stencils.

There are no plans to authorise further council staff under the Act as there are no resource available.

Our Partnership Analyst has considered the information for SBC, a summary is outlined below.

- Between 1/4/20 & 31/12/20 there have been 176 reports to SBC relating to dog fouling in the Scottish Borders.
- 22% of the total related to cleaning an area.
- 78% of the total related to specific complaints.
- Of those deemed suitable to pass to the Police, 1 FPN was issued and 1 corrective advice due to the age of the person in charge of the dog.

Officers are looking at the public reporting process with a view to improving the identification of those deemed cases suitable for enquiry by the Police.

Supplementary

Councillor Scott referred to a report to the Executive Committee in March 2004 which identified the posts and stated that an annual report on fines issued and paid would be provided. He asked that this report be provided and Councillor Edgar confirmed he would raise this with officers.