

# **SCOTTISH BORDERS COUNCIL**

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held via Microsoft Teams on 27 May 2021 at 10.00 a.m.  
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Present:- Councillors D. Parker (Convener), S. Aitchison, A. Anderson, H. Anderson, J. Brown, S. Bell, K. Chapman, G. Edgar, J. A. Fullarton, J. Greenwell, C. Hamilton, S. Hamilton, S. Haslam, E. Jardine, H. Laing, J. Linehan, 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

Apologies:- Councillors C. Cochrane.

In Attendance:- Chief Executive, Executive Director (Corporate Improvement and Economy), Executive Director (Finance and Regulatory), Service Director Assets and Infrastructure, Service Director Customer and Communities, Service Director Young People, Engagement and Inclusion, Chief Operating Officer Adult Social Work and Social Care, Chief Legal Officer, Clerk to the Council.  
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## 1. **CONVENER'S REMARKS**

The Convener advised that he had no remarks but the Chief Executive wished to make a statement regarding a former employee.

**DECISION NOTED.**

## 2. **STATEMENT BY THE CHIEF EXECUTIVE**

The Chief Executive made a statement to Council regarding a former employee of the Council convicted of criminal charges. The Chief Executive confirmed that welfare and safety was at the heart of everything the Council did, so she was now instigating an independent inquiry into the Council's handling of the case at the time. In addition, a further piece of work would be commissioned through Education Scotland on the current educational provision and practices in the Council's complex needs settings. A report would be brought to the next meeting of Council regarding scope and timescales.

## 3. **MINUTE**

The Minute of the Meeting held on 13 May 2021 was considered.

**DECISION AGREED that the Minute be approved and signed by the Convener.**

## 4. **COMMITTEE MINUTES**

The Minutes of the following Committees had been circulated:-

Berwickshire Area Partnership	4 March 2021
Teviot & Liddesdale Area Partnership	9 March 2021
Local Review Body	15 March 2021
Jedburgh Common Good Fund	22 March 2021
Local Review Body	19 April 2021
Executive	20 April 2021
Planning & Building Standards	26 April 2021

**DECISION APPROVED the Minutes listed above.**

5. **SBC COVID PANDEMIC RECOVERY PLAN**

There had been circulated copies of a report by the Executive Director, Corporate Improvement and Economy, seeking approval for the Covid-Recovery Plan for Scottish Borders Council. The report explained that following a range of necessary measures aimed at protecting the safety of customers, communities and SBC Staff, the majority of Council services were now operating to levels close to full service delivery. Some of these services were being delivered using alternative models, whilst other remaining services were being restarted as restrictions eased and Government guidelines allowed. In addition to Council services, there was the opportunity to build on the experience of the pandemic to work jointly with partners and re-invigorate the Scottish Borders as a place to live, work & visit. This was the primary purpose of the Recovery Plan. The Corporate Plan included actions aimed at reshaping and improving services, delivering improvements to the economy and improving the quality of life and well-being for communities in the Scottish Borders. The Recovery Plan did not replace the Corporate Plan; instead the proposal was that the Recovery Plan picked up the immediate recovery actions (for the coming 12-months) and that the SBC Corporate Plan, when renewed and refreshed, would fully incorporate these, and more, within it. Members welcomed the report and commented on the need for monitoring of the Recovery Plan. Mr Dickson answered Members' questions and confirmed that updates and briefings on the Recovery Plan would be provided to Members on a regular basis. Members praised the work of staff throughout the pandemic. The importance of communicating the messages to the public was highlighted.

**DECISION**

**AGREED:-**

(a) **to approve the 12-month Recovery Plan, as contained in the Appendix to the report; and**

(b) **that the experience of the pandemic and a number of the lessons-learned would be applied to delivery of the Fit for 2024 Programme.**

**MEMBER**

Councillor Marshall left the meeting during consideration of the above item.

6. **FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009 - APPROVAL OF DRAFT LOCAL FLOOD RISK MANAGEMENT PLANS 2022-2028**

- 6.1 With reference to paragraph 8 of the Minute of 19 December 2019, there had been circulated copies of a report by the Service Director Assets and Infrastructure proposing approval of the draft Local Flood Risk Management Plans for the Forth Estuary Local Plan District, the Tweed Local Plan District, and the Solway Local Plan District. This approval was required to allow the draft plans to be published on 30 July 2021 for public consultation. The report explained that the Flood Risk Management (Scotland) Act 2009 (FRM Act) required the production of Flood Risk Management Plans covering each Local Plan District (LPD) in Scotland. Scottish Borders Council's area fell within 3 of the 14 local plan districts in Scotland. These were Forth Estuary LPD, Tweed LPD and Solway LPD. There would be two sets of complementary plans: Flood Risk Management Strategies produced by the Scottish Environment Protection Agency (SEPA), and Local Flood Risk Management Plans produced by Lead Local Authorities. Scottish Borders Council was the Lead Local Authority for Tweed LPD. The Flood Risk Management Strategies and Local Flood Risk Management Plans were developed to be complementary through collaborative partnerships between Local Authorities, SEPA and Scottish Water. The Flood Risk Management Strategies and Local Flood Risk Management Plans would provide a framework for co-ordinating actions across catchments to deal with all sources of flooding. The plans would be used to ensure long term planning around flooding, and future funding should take delivery of these plans into account. This would help to target investment in areas where there was the greatest risk of flooding and where communities could receive the greatest benefit. A public consultation began on 21 December 2020 with SEPA consulting on high-level background information on flood risk for each listed Potentially Vulnerable Area (PVA) across the 14 Local Plan Districts.

- 6.2 The second part of the consultation, which included more detailed information from SEPA and the Draft Local Flood Risk Management Plans developed by Lead Local Authorities was due to begin on the 21 March and end on the 21 June 2021. However, due to the major cyber-attack suffered by SEPA recently this would now, begin on 30 July 2021. This second part of the consultation would last for the statutory period of 3 months. This would provide an opportunity for members of the public and other stakeholder organisations to comment on the information that would be included in the Flood Risk Management Strategies and Local Flood Risk Management Plans and would ultimately shape the actions that will be taken to manage flood risk. An overall delivery plan for the main actions specific to certain areas in the Scottish Borders was contained in Appendix 4 to the report. Mr Morrison, Flood & Coastal Management Team Leader, gave a detailed presentation on the Plans and answered Members' questions of specific areas. Members welcomed the report but expressed concern that SEPA had not yet provided a date when the flood warning system would be recalibrated. In response to a question on funding of schemes, the Executive Director, Finance and Regulatory Services, advised that Scottish Government provided 80% of the funding but there was currently no provision in the Capital Budget to meet a contribution from the Council.

## **DECISION**

### **AGREED to approve:-**

- (a) the draft Local Flood Risk Management Plan 2022 – 2028 for the Tweed Local Plan District for consultation, as detailed in Appendix 1 to the report;**
- (b) the draft Local Flood Risk Management Plan 2022 - 2028 for PVA 02/14/04 Newcastleton in the Solway Local Plan District, for consultation, as detailed in Appendix 2 to the report; and**
- (c) the draft Local Flood Risk Management Plan 2022 - 2028 for PVA 02/10/28 Berwickshire Coast in the Forth Estuary Local Plan District for consultation, as detailed in Appendix 3 to the report.**

## **MEMBER**

Councillor Marshall re-joined the meeting during consideration of the above item.

## **7. EQUALITY MAINSTREAMING REPORT AND EQUALITY OUTCOMES**

There had been circulated copies of a report by the Service Director HR and Communications seeking approval of the Equality Mainstreaming Report 2021 -2025. The report explained that the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 set out specific duties for public bodies (including Local Authorities). These duties included reporting on the mainstreaming of the equality duty, publishing Equality Outcomes, reporting progress on these Outcomes and gathering and using employee information. This meant that the Council had a duty to gather and use workforce data across the nine protected characteristics and was also required to publish pay gap information and statements on equal pay. The Equality Mainstreaming Report was required every four years, with an update in the two year period in between. Scottish Borders Council's current Equality Mainstreaming Report was published in 2017 and covered the period 2017 – 2021. An Equality Mainstreaming Update Report was published in 2019 covering the period 2017-2019. The Council was therefore required to publish an updated Equality Mainstreaming report, as contained in Appendix 1 to the report, for the period 2021-2025. The development of the Equality Mainstreaming Report had taken account of the work that the Council had undertaken on equalities over the past four years and the legislative, economic and social changes, both locally and nationally, that had impacted on equality matters. This had involved looking at progress in taking forward the eight equality outcomes contained within the 2017-2021 Equality Mainstreaming Report. Appendix 2 provided the Equality Outcomes and Performance Trends. The Licensing Board was also required to publish a Mainstreaming Report and Equality Outcomes. Previously the Board had published its Report independently of the Council's principal Mainstreaming Report but, from now and

going forward, the Licensing Report and Equality Outcomes would be integrated into SBC's report. The Equality Mainstreaming Report provided details on SBC's Employee Data analysed by the protected characteristics and operational aspects. It also included information on Equal Pay and the Gender Pay Gap, as shown in Appendix 3. Furthermore high level actions were proposed to facilitate further progress in embedding equalities within the Council for the period 2021 -2025. The Equality Mainstreaming Report concluded that the current equality outcomes were still relevant and should be maintained. The report also incorporated three new Equality Outcomes from the Licensing Board. Councillor Greenwell in his role as Equalities Champion spoke in support of the report and the Convener thanked him and the officers for their work in this area.

#### **DECISION**

**AGREED to approve the Equality Mainstreaming Report as set out in Appendix 1 and the supplementary Appendices 2, 3, and 4 to the report.**

#### **8. AUDIT & SCRUTINY COMMITTEE ANNUAL REPORT**

There had been circulated copies of a report by the Chairman of the Audit and Scrutiny Committee submitting the Audit and Scrutiny Committee Annual Report 2020/21 to all Elected Members which presented the Committee's performance in relation to its Terms of Reference and the effectiveness of the Committee in meeting its purpose, relating to its audit functions. It was important that the Council's Audit and Scrutiny Committee fully complied with best practice guidance on Audit Committees to ensure it could demonstrate its effectiveness as a scrutiny body (Audit functions) as a foundation for sound corporate governance for the Council. The CIPFA Audit Committees Practical Guidance for Local Authorities and Police 2018 Edition (hereinafter referred to as CIPFA Audit Committees Guidance) included the production of an annual report on the performance of the Audit and Scrutiny Committee against its remit (Audit functions) for submission to the Council. The Audit and Scrutiny Committee Annual Report 2020/21, contained in Appendix 1 to the report, was presented for consideration. Scottish Borders Council continued to be a lead authority in adopting this best practice. The Audit and Scrutiny Committee carried out self-assessments of Compliance with the Good Practice Principles Checklist and Evaluation of Effectiveness Toolkit from the CIPFA Audit Committees Guidance during their Informal Session on 8 March 2021 facilitated by the Chief Officer Audit & Risk. The members of the Committee considered the Annual Report and supporting self-assessment documents at their meeting on 10 May 2021 and agreed that they accurately represented the results of the self-assessment exercise. The outcome of the self-assessments was a high degree of performance against the good practice principles and a high/medium degree of effectiveness, with areas of further improvement identified. Councillor Bell in his role as Chairman spoke in support of the report and highlighted the work of the Committee. In response to a question regarding a vacant Counter fraud officer post, the Chief Legal Officer undertook to obtain a response for Councillor Bell.

#### **DECISION**

**AGREED to acknowledge the performance of the Audit and Scrutiny Committee and approve its Annual Report 2020/21 as contained in Appendix 1 to the report..**

#### **8. MOTION BY COUNCILLOR CHAPMAN**

Councillor Chapman, seconded by Councillor Haslam, moved approval of his motion as detailed on the agenda in the following terms:-

“Scottish Borders Council requests that the Chief Executive brings a report to Council setting out the options and implications of including additional external members in the Chambers Institution Trust to supplement the existing governance arrangements.”

Councillor Chapman spoke in support of his Motion which was unanimously approved.

#### **DECISION**

**AGREED to approve the Motion detailed above.**

9. **OPEN QUESTIONS**

The question submitted by Councillor Ramage was answered. The Convener also allowed Councillor Robson to ask an urgent question but the reply was provided by the Executive Director given the timescale to provide a response.

**DECISION**

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

*The meeting concluded at 11.40 a.m.*

**SCOTTISH BORDERS COUNCIL**  
**27 MAY 2021**  
**APPENDIX I**

**OPEN QUESTIONS**

Question from Councillor Ramage

To the Executive Member for Economic Regeneration & Finance

With the return of the Border Rail to Galashiels, we now need to be proactive with the second phase. Hawick, being the town furthest south in the Scottish Borders, is suffering because of the lack of infrastructure. Yes, we are currently building business units but these have to be easily accessible. During the first phase of the Borders Railway to Galashiels, a project office was set up by SBC and an officer was seconded. We need to be setting out an economic and business case for the extension of this railway now. Why are SBC not allocating resources to support the extension comparable to the resources committed to support the first phase of the Borders Railway to Tweedbank?

Reply from Councillor Rowley

Extension of the Borders Railway from Tweedbank to Carlisle via Hawick and Newcastleton is a long held ambition of this Council and a high priority within The Borderlands Inclusive Growth Deal. Extending the Borders Railway is supported wholeheartedly by all five of the Borderlands Councils.

The Deal provides an allocation of £10 million, £5million on the Scottish side from the Scottish Government and £5 million on the English side from the UK Government. The Deal Document is explicit that the funding will be utilised to include, and I quote, “the undertaking of feasibility work to further develop the business case for the reinstatement of the railway.”

The Council has already committed almost £200k of its own funds to the resourcing of the Programme Management Office that is dedicated to delivering The Borderlands Programme. Additionally the Leader and I have committed considerable time to meetings with stakeholders and officers regularly attend Programme Board meetings for the project as well contributing to discussions with partner authorities, Transport Scotland and Scottish Government. The Council is therefore clearly allocating resources to support the extension of the Borders Railway and I am confident there will be further announcements on how this programme will be progressed very shortly.

Supplementary

Councillor Ramage advised she was disappointed by the response and asked that Councillors be kept informed. Did Councillor Rowley not agree that a dedicated project officer was needed? Councillor Rowley advised that there was a project office driving this project forward. Resources were being put in and there would be an update on the project shortly.

Urgent Question from Councillor Robson

Given the alarming rumours now circulating regarding the Scottish Ambulance Service’s ‘Demand and Capacity’ review being carried out by private sector consultants, which is said to cover ambulance stations across the Borders and, in the case of Kelso, is alleged to include the loss of a nightshift, will the Council request that the Scottish Ambulance Service clarifies its intentions by briefing Elected Members and consults the general public before making major changes in its provision in the Borders?

Reply from Executive Director Corporate Improvement and Economy

Thank you Cllr Robson; I have been able to obtain an update from the Scottish Ambulance Service.

There has been a Scottish Government led demand analysis review of the Scottish Ambulance service throughout Scotland.

Following the review a successful business case was submitted resulting in an uplift of staffing for the Ambulance service across Scotland.

The Scottish Borders is one of the area that are receiving additional staff who will be phased in over the next 12 months.

The deployment model in the Borders may be amended slightly in response to the demand analysis to better use the available resource at the highest times of demand, but the main message is this will result in an up lift of staffing for the ambulance service in the Borders NOT a reduction.

The work has not reached a consultation phase but the Scottish Ambulance Service is happy to discuss this in person with any councillor who has concerns.