

SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTE of Meeting of the EXECUTIVE
COMMITTEE held remotely by Microsoft
Teams on Tuesday, 18 May 2021 at 10.00
am

Present:- Councillors S. Haslam (Chairman), G. Edgar, E. Jardine, C. Hamilton,
S. Hamilton, E. Jardine, S. Mountford, M. Rowley, R. Tatler, G. Turnbull and
T. Weatherston.

Also Present:- Councillor S Bell.

In Attendance:- Executive Director Corporate Improvement & Economy, Executive Director
Finance & Regulatory, Service Director Young People, Engagement &
Inclusion, Service Director Assets & Infrastructure, Democratic Services
Team Leader, Democratic Services Officer (J Turnbull).

EDUCATION BUSINESS

Present:- Mr I. Topping, Eleanor Lockey (Pupil Representative), Lindsay Craig.

Apologies:- Katie Brookes, Harry Scott.

CHAIRMAN

Councillor C Hamilton chaired the meeting for consideration of Education Business.

REVISED OUTDOOR EDUCATION POLICY

There had been circulated copies of a report by the Service Director Young People Engagement and Inclusion which proposed that the Revised Outdoor Education Policy, attached to the report, reflected and aligned with the national guidelines outlined in the Scottish Government document 'Going Out There' in order to provide clear guidance on delivering outdoor education in Scottish Borders schools and Early Years settings. The report explained that outdoor education provided invaluable life experience for children and young people through play and off site activities. These activities need to be planned ensuring safety at all times. The National Framework 'Going Out There' was developed to enable its widest possible adoption by integrating support at Local Authority level, along with management, delivery and practice at schools/Early Years level. Adoption of the good practice in the framework, and consequently in the revised Policy, allowed Scottish Borders Council to fulfil their responsibilities within the Health and Safety at Work Act 1974 for outdoor experiences and off site activities for all participants. James Marshall, Quality Improvement Officer, gave members a brief summary of the main points from the Policy. In response to question regarding Education Trusts, Mr Marshall advised that all schools were regularly updated on the funding available to them. The Service Director added that the Council were reviewing Trusts to ensure they were accessible to all children. Mr Marshall further advised that he would add the wording 'some with support' at bullet point 1, page 14 of the Policy and would also promote the inclusivity of the Policy. With regard to a further question on outdoor centres, he explained that the Outdoor Education Officer was supporting Broomlea and Newcastleton Outdoor Centres to apply for a government grant to enhance outdoor provision next session. He also clarified that with regard to self-drive minibuses, the Outdoor Education Officer would assist with advice

on licenses and required experience. With regard to schools having joint trips, the Service Director advised that she would raise with the Headteachers' Group.

DECISION

AGREED to approve, as amended, the final draft of the Revised Outdoor Education Policy as contained in Appendix 1 to the report) and that it could be circulated to schools and Early Years settings in the Scottish Borders.

YARROW PRIMARY SCHOOL CATCHMENT REVIEW

With reference to paragraph 4 of the Minute of 30 April 2019, there had been circulated copies of a report detailing the Statutory Consultation that had been undertaken to review the catchment area boundary between Yarrow Primary School and Philiphaugh Community School. The report recommended that the catchment boundary be changed in accordance with the plan attached in Appendix 1 to the report. The report explained that approval was given in April 2019 to undertake a statutory consultation regarding a proposal to amend the catchment boundaries of Yarrow Primary School and Philiphaugh Community School. This proposal followed a sustained decline in pupil numbers at Yarrow Primary School. The consultation period ran from 10 May 2019 to 26 June 2019, with 32 members of the community submitting responses. Education Scotland had visited both schools after the summer holidays and published a report supporting the proposed catchment change. In accordance with the Schools (Consultation) (Scotland) Act 2010, a Consultation Report was prepared by Council officers, summarising the consultation process and responding to all the comments made during the consultation. The Consultation Report was published on 24 October until 21 November 2019 and provided an opportunity for comment and alternative suggestions from the communities. The Consultation Report was attached as Appendix 2 to the report. There was one response received during this period, which was in support of the proposed amendments to the catchment areas. The report proposed that the catchment areas were amended before the start of the school year 2021/22. Gillian Sellar, Solicitor, presented the report advising that Yarrow Primary School currently had 13 pupils. The amended catchment area would move nine pupils from Philiphaugh Community School to Yarrow Primary School. The Committee commended officers on the consultation with the community and unanimously supported the change to the catchment area.

DECISION

AGREED the proposal to amend the catchment areas of Yarrow Primary School and Philiphaugh Community School in accordance with the plan contained in Appendix 1 to the report.

UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (UNCRC) UPDATE

There had been circulated copies of a report by the Service Director Young People, Engagement and Inclusion advising on the potential impact of the Scottish Government's proposed Bill on Children's Rights for Scottish Borders Council and Partners. The report explained that Scotland was set to become the first part of the United Kingdom (UK) to directly incorporate the United Nations Convention on the Rights of the Child (UNCRC) into domestic law. The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill was introduced to the Scottish Parliament on 1 September 2020 and placed a duty on public bodies to respect and protect children's rights in all the work that they do. The Bill also stated that public authorities must not act in a way that was incompatible with the UNCRC requirements. The Bill was passed unanimously by the Scottish Parliament on 16th March 2021. However, the UK Government referred the Bill to the Supreme Court under section 33 of the Scotland Act 1998 due to concerns that certain sections of the Bill would affect the UK Parliament's power to make laws for Scotland. The referral to the Supreme Court related to legislative competence, and not the policy intentions of the Bill. The Supreme Court would decide whether the Scottish Parliament had gone beyond its powers. The Strategic Planning & Policy Manager, Janice Robertson, highlighted the main points from the report, the key policy aims and explained that Children's Rights were upheld in any decision making. Members welcomed the report and looked forward to receiving details on how the Council would incorporate the legislation into all policies and procedures. In response to a question regarding Children's Hearings the Director advised that children's best interests were at the centre of the Bill.

DECISION

AGREED

(a) that the Council review the potential impact of Incorporation of Children's Rights into Scots Law in relation to the current Parliamentary Bill; and

(b) that the Council review the implications of Incorporation and amend any Council policies appropriately.

MEMBER

Lindsay Craig joined the meeting during consideration of above report.

CHILDREN'S RIGHTS

There had been circulated copies of a report by Service Director Young People, Engagement and Inclusion advising on initiatives Scottish Borders Council had implemented in the past three years (2017-20), and the measures planned over the next three years (2020-23) to further the rights of children and young people living in the Scottish Borders. Part 1 of The Children and Young People (Scotland) Act 2014 required Public Authorities to report 'as soon as practicable' after the end of each three year period on the steps they had taken to secure better or further effect the requirements of the United Nations Convention on the Rights of the Child (UNCRC). Scottish Borders Council had prepared a joint report with NHS Borders to comply with the requirement of the Act, shown in Appendix 1 to the report. The Act required that the Children's Rights Report was published on the local authority website. The report was split into two parts. Part one sets out actions implemented within the past three years, namely, from 2017 (when the duties first commenced) to 2020. Part two comprised an Action Plan of measures being taken forward covering the period 2020 until 2023. The Strategic Planning & Policy Manager, Janice Robertson highlighted the main points of the report, advising that achievements over the past three years and an Action Plan for 2021-23 was set out in the Appendix. Members welcomed the report, however, requested that an evaluation, in terms of outcomes, be included in future reports. In response to a question regarding the impact of the pandemic the Director advised that young people had become more independent and self-sufficient during the last year and that the Council would build on these skills. She also clarified that there would be an education programme with young people and teachers to understand the requirements of the Act.

DECISION

APPROVED:-

(a) the Children's Rights Report for 2017-20; and

(b) the Action Plan of measures for 2020-2023.

MEMBER

Councillor Edgar joined the meeting during consideration of the above report.

OTHER BUSINESS

CHAIRMAN

Councillor Haslam chaired the meeting for the remainder of the meeting.

MINUTE

There had been circulated copies of the Minute of the meeting of 20 April 2021.

DECISION

APPROVED for signature by the Chairman.

UPDATE ON SOUTH OF SCOTLAND ECONOMIC PARTNERSHIP FUNDING PROPOSALS

There had been circulated copies of a report by Executive Director, Corporate Improvement and Economy highlighting the progress made in relation to the variety of projects initiated by the South of Scotland Economic Partnership (SOSEP) before the voluntary partnership concluded its activity on 1 April 2020 and the South of Scotland Enterprise Agency (SOSE) became operational. The report explained that one of the key contributions that the Council made to the South of Scotland Economic Partnership was to act as project sponsor for a range of SoSEP projects that had received approval. It was important that the Council continued to undertake local management of these projects and helped ensure that Scottish Government funding had been allocated effectively. A list of key projects supported by SoSEP along with a current update on the progress of these projects was provided in the report together with a list of key projects allocated funding throughout the South of Scotland being provided in Appendix A to the report. The Executive Director highlighted five projects: The Community Enterprise Support pilot; Energise Galashiels, Trimontium, Sir Walter Scott 250th Anniversary programme, and the Crook Inn Café Development and gave an update on progress. In response to a question regarding assessing the economic impacts of these projects the Executive Director advised that Scottish Government required an assessment of outcomes and a report would be presented to a future Executive Committee indicating achievements. He further advised that he would discuss with Communications promotion of the projects.

DECISION

- (a) NOTED the progress of the approved projects that have been supported through the South of Scotland Economic Partnership.**
- (b) AGREED that the continuing support for the delivery of the projects listed in Table 4.1 and Appendix A of the report, will deliver economic and community led benefits throughout the Scottish Borders.**

PAY & DISPLAY PARKING

There had been circulated copies of a report by the Service Director Assets and Infrastructure examining the current scope of Pay & Display operations in the Scottish Borders and proposing a number of changes to standardise these. The report also provided feedback on the recent suspension of Pay & Display in the run up to Christmas 2020. The Service Director presented the report and responded to Members' questions. In response to a question regarding pay and display parking income, the Executive Director Finance & Regulatory advised that the surplus generated paid for maintenance, signage and attendants. He further advised that the some unique towns required flexibility of charges to ensure they generated sufficient parking in popular locations. With regard to the implementation, of the new parking regime the Network Manager advised that it could take up to six months to allow for procurement, updating parking machines and printing of tickets. Following discussion Members agreed that further information was required before a decision could be made and requested that officers bring back a further report to the next meeting to include: clarity on indicative charges, terms and times; exploring the possibility of introducing a pay and display parking scheme in other towns; calibration of changing machines to accept contactless payment; and, detail on the implementation timeline.

DECISION

AGREED to defer decision until the next Executive Committee to allow a further more detailed report on Pay & Display parking to be presented.

STRATEGIC HOUSING INVESTMENT PLAN PROGRESS FOR 2020-2021

There had been circulated copies of a report by Executive Director Corporate Improvement and Economy advising Members of the annual completions of affordable homes and progress made in the delivery of the Strategic Housing Investment Plan (SHIP) project for the period 2020-21. The Strategic Housing Investment Plan (SHIP) was

the sole document for targeting investment in affordable homes in Scottish Borders. This provided a rolling 5 year planning horizon of identified and prioritised development intentions for affordable homes. Current Scottish Government Guidance required that each Council submit a SHIP on an annual basis. In common with previous submissions, Scottish Borders Council's SHIP 2021-26 had also received very positive feedback from Scottish Government Officials. This report advised that for the financial period 2020-2021, 106 affordable homes were delivered against envisaged projects set out in the current SHIP 2021-2026. This fell short of the Council's Local Housing Strategy 2017-2022 (LHS) annual target of 128 new affordable homes. Of the 107 homes delivered, 94 were through new building and conversion by Registered Social Landlords [RSLs], plus 4 individual home purchases. The balance of 9 homes were individual home purchases assisted by Scottish Government's Open Market Shared Ownership scheme. This represented a 5 year average annual delivery 142 homes. On a positive note, as at 31 March 2021, 449 affordable homes were under construction, 176 were at Planning Pre-Application and Application stages and 33 were at pre-site start stage. The Chief Planning Officer presented the report and responded to questions. Members welcomed the paper and commended officers and RSLs for their work during this difficult time.

DECISION

AGREED to endorse the progress made in the delivery of affordable homes in 2020-2021.

WHEELCHAIR ACCESSIBLE HOMES DELIVERY 2020-2021

There had been circulated copies of a report by the Executive Director Corporate Improvement and Economy providing an annual update of the delivery of wheelchair accessible homes delivered against the Council target for the period 2020-2021. The report explained that revised Scottish Government Guidance required Councils to set all tenure wheelchair accessible homes targets. On 17 November 2020, the Executive Committee agreed an annual target of 20 homes. During 2020-2021, Registered Social Landlords delivered 2 wheelchair accessible homes, and the private sector delivered none. The Chief Planning Officer summarised the report explaining that work was still required to engage with RSLs and private sector to encourage the delivery of wheelchair accessible homes. It was suggested that planning guidance should be considered with a possible indicative percentage for new developments in a similar way to the requirement to provide affordable homes. Councillor Tatler advised that Access Panels would be willing to be involved to give advice going forward.

DECISION

(a) NOTED the contents of this report.

(b) AGREED that:

- (i) the Chief Planning & Housing Officer convene a meeting with RSLs and private builders to explore what the barriers were to building more wheelchair accessible homes and what measures could be employed to encourage their provision, and**
- (ii) the Chief Planning & Housing Officer consider what additional technical guidance would be helpful to the encouragement and delivery of more wheelchair accessible homes.**

UPDATE ON THE COVID-19 FINANCIAL SUPPORT FOR BUSINESSES

There had been circulated copies of a report by Executive Director Corporate Improvement and Economy providing information on the various financial support funds distributed to businesses by Scottish Borders Council as part of Scottish Government's Coronavirus Support Schemes since April 2020. The current value of funding distributed to local businesses by Scottish Borders Council was in excess of £70 million, with over 5770 businesses currently supported through the grant process. The Scottish Borders

Discretionary Fund had currently allocated over £2.8 million to approximately 420 businesses throughout the Scottish Borders from a total allocation of £3.1 million from Scottish Government. It was recommended that the residual funds be allocated to self-employed businesses as a top up payment. The Committee welcomed the report, recognising the contribution by Council staff in distributing the Grant Support Funding expediently.

DECISION

AGREED to:-

- (a) recognise the Council's achievement in successfully distributing the Scottish Government's COVID-19 Grant Support Funding to businesses throughout the Scottish Borders; and**
- (b) to allocate the residual funds from the Scottish Borders Discretionary Fund to the eligible self-employed businesses that made an application to the fund as a top-up payment.**

The meeting concluded at 11.50 am.