

SCOTTISH BORDERS COUNCIL

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held via Microsoft Teams on 17 June 2021 at 10.00 a.m.

Present:- Councillors D. Parker (Convener), S. Aitchison, A. Anderson, H. Anderson, J. Brown, S. Bell, C. Cochrane, G. Edgar, J. A. Fullarton, J. Greenwell, C. Hamilton, S. Hamilton, S. Haslam, E. Jardine, H. Laing, J. Linehan, 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, G. Turnbull, T. Weatherston.

Apologies:- Councillors K. Chapman, S. Marshall, E. Thornton-Nicol.

In Attendance:- Chief Executive, Executive Director (Corporate Improvement & Economy), Executive Director (Finance and Regulatory), Service Director Assets & Infrastructure, Service Director Customer & Communities, Service Director HR & Communications, Service Director Young People, Engagement & Inclusion, Joint Director of Public Health, Chief Social Work & Public Protection Officer, Chief Operating Officer Adult Social Work & Social Care, Chief Legal Officer, Clerk to the Council.

1. CONVENER'S REMARKS

1.1 The Convener advised that the following Borderers had been recognised in the Queen's Birthday Honours:-

- Pauline Elliot from Newcastleton received a BEM for services to the Newcastleton Resilience Group during the Covid-19 pandemic;
- Janet Moffat from Coldstream received a BEM for services to Charity in the Scottish Borders and Overseas;
- Professor Sandy Davison from Ancrum received an MBE for voluntary service to the Royal British Legion in Scotland; and
- George Young from Kelso received an MBE for voluntary service in the Scottish Borders.

1.2 The Convener advised that two schools had won awards as follows:-

- Stow Primary School had for the 3rd year in a row become Scottish Champions in the Better Energy School Awards for Excellence in Environmental Education. The finals would take place, virtually on June 23rd where they would be up against 3 other schools. They were also shortlisted in the national Surfers Against Sewage Plastic Free Awards which were taking place today; and
- Peebles High School winning the Donald Dewar Debating Trophy for the third time in 4 years.

1.3 The Convener congratulated the organisers of Hawick Common Riding on the virtual event they had organised. They had viewers from around the world tuning in, with friends from neighbouring Border towns watching everything that had gone out. At the last tally, they had had over 200k views. There had been over 18 hours of original programming streamed, with over 150 performers, speakers and interviewees, as well as both bands, and messages of support from neighbouring Principals and Exiled Teries. Over 60 different songs and poems were performed and there had been archive footage and photos from years gone by. Schools had also been able to join in on Common Riding Thursday with their virtual events.

1.4. The Convener advised Members that this would be the last meeting attended by Rob Dickson, Executive Director (Corporate Improvement & Economy) before he left the Council

to take up a post with VisitScotland. He paid tribute to his 10 years of outstanding service and listed the various projects that Rob had been involved in over the years and wished him well for the future. Rob thanked the Convener for his kind words and paid tribute to the Councillors and the Corporate Management Team for their support. He confirmed he would continue to live in and look out for the interests of the Borders.

DECISION

AGREED that congratulations be passed to all those concerned.

2. MINUTE

The Minute of the Meeting held on 27 May 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:-

Audit & Scrutiny	10 May 2021
Police, Fire & Rescue & Safer Communities	14 May 2021
Local Review Body	17 May 2021
Executive	18 May 2021
William Hill Trust	18 May 2021
Peebles Common Good Fund	19 May 2021
Peebles Common Good Fund	26 May 2021
Planning & Building Standards	31 May 2021

DECISION

APPROVED the Minutes listed above subject to paragraph 4 below.

4. COMMITTEE RECOMMENDATIONS

There had been circulated copies of a recommendation by the Police, Fire & Rescue and Safer Communities Board recommending approval of the 2021 SFRS Local Plan, a copy of which had also been circulated.

DECISION

AGREED to approve the 2021 SFRS Local Plan.

5. APPOINTMENT OF INDEPENDENT INVESTIGATOR IN CONNECTION WITH THE COUNCIL'S HANDLING OF SCHOOL ASSAULT ALLEGATIONS

With reference to paragraph 2 of the Minute of 27 May 2021, there had been circulated copies of a report by the Chief Executive on the action to be taken following the conviction on 13 May 2021 of a former Scottish Borders Council employee on five charges of assaulting children and a further charge of abusive behaviour at a school in the Scottish Borders. The offences took place between 2016 and 2017, whilst the individual was employed by the Council. As Head of Paid Service, the Chief Executive, announced at the Council meeting in May the intention to commission an independent inquiry into the Council's handling of the concerns that were raised. The report outlined the scope of that inquiry, the process of identifying an investigator, and noted the timescale for the completion of the investigative report. The Chief Executive reported that she had now appointed Andrew Webster QC who was very experienced in this type of work. Following this meeting she would discuss detailed terms of reference with Mr Webster. In addition to commissioning this inquiry the Chief Executive had also asked Education Scotland to carry out an independent review of the provision of Education at, and the practices followed in, the Council's Complex Needs settings and they had accepted this request. The Chief Executive and the Service Director Young People, Engagement & Inclusion were due to meet with Education Scotland the following week. Members welcomed the action being taken.

DECISION

NOTED:-

- (a) the appointment of an independent investigator, Mr Andrew Webster, QC, to conduct an inquiry into the Council's response to concerns raised covering the period 2016 to 2017;**
- (b) the scope of the independent inquiry to be commissioned, as summarised in the report; and**
- (c) that the Chief Executive would request that the said inquiry and associated work be completed by September 2021.**

6. REFRESH OF SCOTTISH BORDERS COUNCIL CORPORATE PLAN 2018-2023

With reference to paragraph 1 of the Minute of 20 February 2018, there had been circulated copies of a report by the Executive Director Corporate Improvement and Economy on a refresh of the [Council's Corporate Plan 2018-2023](#) by supplementing it with a Refresh Document, contained in Appendix 1 to the report, to provide a stimulus for discussion of a new Corporate Plan for the period 2023-2028 and to provide a framework for annual review of and engagement around the Corporate Plan. The report explained that much had changed since Council agreed its existing Corporate Plan in 2018. The report addressed how the Council could refresh, recast and strengthen the existing Corporate Plan to address challenges and optimise opportunities. This would be done by promoting a strengthening of the Council's values and a unifying mission which built on the commitments under the four themes of the Corporate Plan. These values and mission required to be set within the strategic landscape of challenges and opportunities faced by the region and the Council. Council managers had been engaged in developing 'refreshed' service plans, intended to more effectively align the Corporate Plan to those plans which guided the delivery of the objectives at the service level. All of this was about strengthening the 'Golden Thread': the relationship of strategy to plans and actions and their relationship to managers and to staff. In strengthening the Golden Thread, the report also identified the need to revisit the Council's approach to Performance Management. The need for clear performance information which measured the Council's priorities to allow the delivery of improved outcomes was highlighted and a review of the Council's Performance Management Framework had been initiated to support this process. Finally, the report proposed that the Refresh Document should serve as a framework for future engagement around a new Corporate Plan for the period 2023-2028 and that an annual review of the Corporate Plan should be undertaken as an essential element of ensuring that it continued to be relevant and responsive to change. Members welcomed this updating of the Corporate Plan given the level of change experienced by the Council since 2018 and that it would help facilitate the debate for the new Plan.

DECISION

AGREED:-

- (a) the Refresh Document, contained in Appendix A to the report to refresh and supplement the Corporate Plan 2018-2023;**
- (b) the Refresh Document would provide a framework for public engagement and consultation about a new Corporate Plan for the period 2023-2028; and**
- (c) that a review of the Corporate Plan be undertaken on an annual basis, with the first such review to align with Council's consideration of its Financial Plan 2022-23 to 2027-28.**

7. EDINBURGH AND SOUTH EAST SCOTLAND CITY REGION DEAL REGIONAL GROWTH FRAMEWORK UPDATE

There had been circulated copies of a report by the Executive Director Corporate Improvement and Economy, which provided an update on the development of the Edinburgh and South East Scotland City Region Deal draft Regional Prosperity Framework, the consultation programme and the future review by Scottish Borders Council. The report explained that due to the success of the City Region Deal collaboration, and in the context of an evolving approach to planning for land use, transport, economic development and housing at national and regional levels, on 31 May 2019 the City Region Deal Leaders instructed officers to develop a proposition for a regional framework for growth, which was approved by the City Region Deal Joint Committee in September 2019. The Framework would be a non-statutory public statement of an aligned economic vision, ambition and priorities for South East Scotland, which would seek to influence and be influenced by other plans and strategies developed at national, regional and local levels. Since the decision was made to prepare the Framework, the UK had exited the European Union, the global economy had been significantly impacted by the Covid-19 pandemic, and ambitions and actions on climate change had been intensified and prioritised. The Regional Prosperity Framework sought to set out a 20-year vision to help address the significant challenges and opportunities ahead. In addition to supporting a post-Covid economic recovery, the region needed to be in a position to address national priorities such as Scotland becoming a more sustainable, inclusive and net zero carbon economy, while supporting wellbeing for all its people. The consultation Draft Regional Prosperity Framework, provided in Appendix 1 to the report, was approved by the Joint Committee on 4 June 2021 for consultation across the City Region over a six week period. Once that consultation was complete, officers aimed to bring a further report to Council on 26 August 2021. At this stage, the consultation draft 'Regional Prosperity Framework' signposted, but did not present a fixed view of the region's future ambitions and priorities. It aimed to provide a framework for stakeholders to reflect on where the region had come from, to discuss where it was at present, and to envision where it should go in future. It pointed out that collaborative working and collective impact would be required to deliver regional prosperity in future. Briefings for Elected Members were planned to gather views on the Framework and consider outputs from the consultation exercise prior to the Council report in August 2021. Members welcomed the consultation on the Framework.

**DECISION
AGREED:**

- (a) to endorse the Draft Regional Prosperity Framework (as detailed in Appendix 1 to the report) and the associated public consultation exercise and 'Future Work Programme' set out in sections 5, 6 and 7 of the report; and**
- (b) to receive the proposed 'final' Regional Prosperity Framework for consideration, following the public consultation exercise.**

8. DRAFT SOUTH OF SCOTLAND REGIONAL ECONOMIC STRATEGY

There had been circulated copies of a report by the Executive Director Corporate Improvement and Economy on the progress being made in the development of the South of Scotland Regional Economic Strategy and seeking agreement to support the planned consultation on the draft Strategy, which was contained in Appendix 1 to the report. The draft South of Scotland Regional Economic Strategy had been developed by the South of Scotland Regional Economic Partnership (REP). The REP aimed to ensure that there was a strong strategic direction for the economic development of the South of Scotland that aligned partner activities with those of the South of Scotland Enterprise (SOSE). The REP comprised members drawn from the public, private, voluntary, and community sectors from across the South of Scotland. Councillor Rowley currently chaired the REP and Scottish Borders Council's other REP members comprised Councillors Haslam, Mountford and Bell, with Councillor Robson as a substitute. The first main task of the REP had been leading and overseeing the development of a South of Scotland Regional Economic Strategy. The draft Strategy contained in Appendix 1 to the report provided a vision for the next 10 years,

together with a set of six themes and associated priorities. These would provide the ambition and intent for the development of a three year delivery plan that was updated on an annual basis. It was proposed that the draft Strategy went out for public consultation and came back for the Council's approval at its meeting on 27 September 2021. The delivery plan would be developed in the next two months in tandem with the proposed public consultation on the draft Strategy. It was planned that a Members briefing would take place before the end of June 2021 to gather views on the draft Strategy. Members welcomed the report and emphasised that the future of the area depended on getting this Strategy right.

DECISION

AGREED to:-

- (a) endorse the draft South of Scotland Regional Economic Strategy as contained in Appendix 1 to the report and agreed to support the planned consultation on the Strategy; and**
- (b) receive the final consulted South of Scotland Regional Economic Strategy at the Council meeting on 27 September 2021 for review and approval.**

9. SUPPLEMENTARY PLANNING GUIDANCE: TWEEDBANK - VISION FOR GROWTH AND SUSTAINABILITY

- 9.1 With reference to paragraph 7 of the Minute of 30 January 2020, there had been circulated copies of a report by the Executive Director Corporate Improvement and Economy seeking approval of Supplementary Planning Guidance for the future development of Tweedbank. The report explained that a 34ha site was allocated within the Council's adopted Local Development Plan (LDP) 2016 to the north of Tweedbank for mixed use development which included housing and business uses. The site was incorporated into the LDP as part of Supplementary Guidance (SG) on Housing, as required by the Planning and Environmental Appeals Division of the Scottish Government following Examination of the LDP. The Housing SG was approved by the Council and was cleared by Scottish Ministers in November 2017. The LDP stipulated the requirement for Supplementary Planning Guidance (SPG) to be provided for the site. The purpose of the SPG was to set out the Council's vision for the site and give greater clarity on measures to achieve a high quality development. This included identifying site constraints to be addressed, the identification of zones for specific uses, indicative housing densities for the residential zones, a possible area for a care home facility, placemaking and design guidance and a pre-application checklist. A draft version of the SPG was approved by the Council in January 2020 as the basis for consultation. A 12 week public consultation followed thereafter which included a public exhibition in the Tweedbank Community Centre. All representations received during the consultation period were summarised in Appendix B to the report along with Officer responses to the representations submitted. The Appendix also confirmed changes to the SPG proposed by Officers in response to the representations received and the consequent amended version of the SPG was contained in Appendix A to the report. Although the Draft SPG incorporated a section on placemaking and design it was considered this should be expanded upon. Consequently a Design Guide had been prepared which gave more detailed advice along with good practice examples and references other related material considerations. The Guide would help ensure a high quality sustainable development which was sensitively designed within the attractive landscape setting of the site and met the Council aspirations for a high quality community for the future. The Design Guide was contained in Appendix C to the report.
- 9.2 In considering the purchase of Lowood Estate, Council had been agreed that all future strategic decisions relating to the Estate would be considered by Council. Consequently the final approval of the SPG / Design Guide required to be made by Council. At the meeting of the Council in January 2020 it was agreed that at the conclusion of the consultation period all consultation responses and any proposed consequential amendments to the Draft SPG would be reported initially to the Planning and Building Standards Committee for their review and comment. Thereafter the SPG and any comments from the Planning & Building Standards Committee would be reported to the Council. The SPG and associated

Design Guide were presented to the Planning and Building Standards Committee on 31 May 2021. A summary of the comments made by Members was included within the table in Appendix D to the report. No changes were required to be made to the document following the Committee meeting. Once approved by Council, the SPG and the Design Guide would be significant material considerations in guiding planning applications for the development of the site. A number of decisions had been taken by the Council in respect of the purchase of the Lowood Estate and the terms of the Full Business Case for the Edinburgh & South East Scotland City Region City Deal, which allowed draw down of £15m of funding for the Central Borders Innovation Park had an interrelationship with the proposed SPG. However, this report solely focussed on the Planning Guidance that would help shape development on the site and ensure that it became an integral part of Tweedbank. Further reports on the Development and Marketing Strategy would be forthcoming later in the year.

- 9.3 Members discussed the report in detail and highlighted the importance of the new development being an integral part of Tweedbank and the need to provide good community facilities. Officers were reminded that they had to manage any possible conflict between their roles as advisers on planning and as owners of the land. Mr Dickson answered Members' questions and confirmed that there would be a further report on development and marketing which it was hoped would be presented in September and a briefing for Councillors before then. Members generally welcomed the proposals.

DECISION

AGREED to:-

- (a) note the officer responses to the representations received and the consequent proposed amendments to the SPG, as detailed in Appendix B to the report, and the comments made by Members during briefings and the Planning and Building Standards Committee, contained in Appendix D to the report;**
 - (b) approve the Supplementary Planning Guidance, contained in Appendix A to report; and**
 - (c) approve the Design Guide, contained in Appendix C to the report.**
10. **CLIMATE CHANGE ROUTE MAP FOR THE SCOTTISH BORDERS**
- With reference to paragraph 14 of the Minute of 17 December 2021, there had been circulated copies of a report by the Executive Director Corporate Improvement and Economy seeking approval of the draft Climate Change Route Map set out in Appendix 1 to the report. At the meeting of 25 September 2020, Scottish Borders Council agreed a series of recommendations contained within the report 'Responding to the Climate Emergency'. One of the recommendations agreed was that the Council, as an organisation, and for the Scottish Borders, as a region, 'set out a clear plan of action to reduce our carbon emissions and other greenhouse gases, such a plan to return to Council for consideration before the end of March 2021.' The impacts of the response to the COVID pandemic across Council services during 2020, particularly the availability of staff, necessitated a request to extend this deadline to June 2021, and this was agreed by Council on 17 December 2020. The Climate Change Route Map (CCRM) set a strategic direction for the Council and its partners and communities to move to a net zero emissions economy by 2045, in line with the national target set by the Scottish Government. Members discussed the report and noted that Government and UN targets were updated regularly and it was a challenging agenda for the Council. Appropriate training for both officers and Councillors to be carbon literate was also highlighted. Councillor H. Anderson proposed an additional recommendation be added "that officers be tasked with producing a plan of priority actions to be undertaken over the next two years; the plan's development to be scrutinised and informed by the Sustainable Development Committee, with a view to reporting back to full Council in February 2022" and this was unanimously accepted.

DECISION

AGREED:-

- (a) to approve the Climate Change Route Map set out in Appendix 1 to the report; and**
- (b) that officers be tasked with producing a plan of priority actions to be undertaken over the next two years; the plan's development to be scrutinised and informed by the Sustainable Development Committee, with a view to reporting back to full Council in February 2022.**

11. EYEMOUTH PRIMARY SCHOOL - UPDATE REPORT

With reference to paragraph 10 of the Minute of 17 December 2021, there had been circulated copies of a report by the Service Director Young People, Engagement and Inclusion providing an update on the Eyemouth Primary School project following the completion of an informal consultation. Council had given approval in December 2020 to undertake a community engagement and consultation on 3 options for alternative education delivery models in the town. Given movement restrictions, this consultation was conducted digitally using the Citizen Space platform. The results of this engagement and consultation suggested community interest and support for a campus style model for the delivery of education. The next stage in the process would be the commencement of a statutory consultation in accordance with Schools (Consultation) (Scotland) Act 2010 legislation. The local Members thanked officers for their efforts and were pleased to see that there was a clear preference for option 3, the creation of a campus style facility for all stages of education from Early Years to S6 on the site of the High School.

DECISION

AGREED:-

- (a) to note the results of the community engagement;**
- (b) to approve the commencement of a statutory consultation in accordance with the Schools (Consultation) (Scotland) Act 2010; and**
- (c) that a follow on report would be provided as the project progressed.**

12. SCOTTISH BORDERS PROPOSED GAELIC LANGUAGE PLAN

There had been circulated copies of a report by the Executive Director Corporate Improvement and Economy seeking agreement that the Council's proposed draft Gaelic Language Plan, as contained in Appendix 1 to the report, was forwarded to the Bòrd na Gàidhlig for their agreement in accordance with the Gaelic Language (Scotland) Act 2005. The report explained that The Gaelic Language (Scotland) Act 2005 was passed by the Scottish Parliament with a view to securing the status of the Gaelic language as an official language of Scotland and commanding equal respect to the English language. All Councils in Scotland had been asked by the Bòrd na Gàidhlig to prepare a statutory Gaelic Plan in accordance with the Gaelic language (Scotland) Act 2005. Gaelic Language Plans were seen as a key part in delivering the National Gaelic Plan to secure the status of Gaelic in Scotland. Once the plan had been out for public consultation, it had to be submitted to the Bòrd na Gàidhlig for approval. The Gaelic Language Plan should also include a report on the outcome of the consultation. The Council conducted a public consultation on the draft Gaelic Language Plan and the outcome was detailed in Appendix 2 to the report. Once approved by the Bòrd na Gàidhlig, the draft Gaelic Language Plan would become final and would be translated into Gaelic and both copies (English and Gaelic) would be published on the Council's website. Members noted that although there were only a few Gaelic speakers in the Borders the Council should support them.

DECISION

AGREED to submit the draft Gaelic Plan to the Bòrd na Gàidhlig for their approval.

13. RESPITE CARE FOR CHILDREN WITH COMPLEX NEEDS AND THOSE IN KINSHIP CARE

With reference to paragraph 5 of the Minute of 19 March 2021, there had been circulated copies of a report by the Chief Social Work and Public Protection officer on the establishment of a pilot project to provide respite care for children in foster care and kinship care. The proposal was to provide other carers an enhanced rate to offer a short stay respite service during weekend and holiday periods. The report explained that the proposal was brought forward by Councillor Robson as part of the budget debate, and whilst his proposal was not accepted by the Administration, they did agree to call for a report on the issue. The budget identified for the pilot was £27k. The report proposed a Test of Change to increase the recruitment and support of Short Breaks and other respite carers and provided enhanced support to carers of children with complex needs and those in kinship care. The duration of the Test of Change would be initially for one year. Respite care was a key service designed to both provide parents and carers with a break from their often extensive parental care responsibilities and to help prevent family breakdown due to the stressors involved in caring for a child with disability. Kinship care, formal care provided by family or extended family members, was similar to foster care in that the children were legally looked after children and had many of the presenting histories and needs of children in foster care. Support was key in ensuring kinship care placements were as robust as possible and not subject to unnecessary breakdown or disruption. Respite services for children with complex needs and kinship care were relatively limited and this proposal would result in better outcomes for children, young people and their families and financial savings which would otherwise be spent on external resources. Members welcomed this year long trial and looked forward to receiving a report on the outcome. Councillor Robson thanked Members and officers for their support in taking this matter forward.

**DECISION
AGREED:-**

- (a) to improve the outcomes for both children with complex needs and children in kinship care by expanding the opportunity of respite care; increase the recruitment and support of Short Breaks and other respite carers; and, provide enhanced support to carers of children with complex needs and those in kinship care by supporting a Test of Change for the duration of one year;**
- (b) the budget for the Test of Change which would require the enhancement of existing remuneration payments to Short Breaks carers, recruitment a 0.5fte Social Worker (Grade 9a) and a small recruitment budget as shown below**

Social Worker (Grade 9a)	17.5 hours pw	£22,233.18
Recruitment budget		£1000
Enhanced Short Breaks payments		£3,766.82
Total		£27,000

- (c) that any additional funding required for the enhancement of Short Breaks carer payments would be met within the existing Family Placement Team Budget.**

ADJOURNMENT

The meeting was adjourned at 1.30 p.m. for lunch and reconvened at 2.00 p.m.

14. PROPOSED SERVICE REDESIGN OPPORTUNITIES FOR ENGAGEMENT

- 14.1 With reference to paragraph 8 of the Minute of 24 February 2021, there had been circulated copies of a joint report by Executive Director Corporate Improvement and Economy, Service Director HR and Communications, and Service Director Customer and Communities, which set out both the challenges and opportunities facing both SBC's Customer Advice and Support Service (CASS) and Live Borders in aligning services with rapidly changing customer needs and expectations and proposed service redesign options for community engagement as part of the wider developing Place Making arrangements. The report had been drafted jointly with Live Borders as the Council's Strategic Partner in the delivery of Culture and Sport services. The report recognised that both organisations faced many of the same challenges in terms of how services were developed and sustained at a time of unprecedented change and also recognised the interconnectedness of both current service delivery arrangements and future redesign opportunities. The report was rooted in both the Fit for 2024 Programme as agreed by Council in February 2019 and the Live Borders Strategy (2019-23). It also followed on from, and built on, previous reports to Council in both December 2020 and February 2021 and set out the case for redesigning service delivery arrangements across 7 interconnected areas of services delivered by both Live Borders and SBC, namely Customer Access Arrangements, Registrars, Museums & Galleries, Sport, Library Services, Public Halls and Community Centres. The case for service redesign was built around 8 shared redesign principles:-
- (a) Community Engagement and Participation
 - (b) Meeting customer needs and expectations
 - (c) Improving and simplifying services and service access
 - (d) Sustainability
 - (e) Equality of access
 - (f) Alignment with local and national strategy
 - (g) Making the most of investment – including external Place-Based funding opportunities
 - (h) Sustainable recovery following the Covid-19 pandemic

- 14.2 The report recognised that both Live Borders and the Council were on a continuing journey of modernising services and opportunities for service redesign intended to build upon and evolve a multi-channel approach to service delivery including:-
- (a) Face-to-face – continue to provide sustainable service arrangements through focussing investment and footfall into fewer flexible and multi-purpose facilities.
 - (b) Digital – continue to increase and improve the range of services and information available online
 - (c) Telephone – continue to develop, improve and simplify telephone services

A series of indicative service redesign opportunities across the 7 in-scope services were set out in the report, although these were not exhaustive and the report did not seek to make any recommendations on the opportunities. Instead, the opportunities were brought forward as a starting point for engagement with communities and recognising that there was unlikely to be a "one-size-fits-all" model in terms of face-to-face services. In line with previous decisions of Council, engagements with communities would begin through the Place Making approach in Autumn 2021 and subject to the Place Making Gateway review report to August Council. Engagement would include service users and other key stakeholders relating to the 7 in-scope services.

- 14.3 The report recognised the opportunities that new Place-Based funding represented to communities in shaping and developing local facilities and services and, where appropriate, to take on the management and ownership of local assets. The flexible approach which the report proposed was intended to enable communities to move at a pace that enabled them to align proposals with funding rounds wherever possible and appropriate. Given both the unique circumstances of each community and the developing timescales of the Place Making approach it was proposed that the engagement moved at a pace which was agreed with each community and that recommendations for changes to service design were brought from communities to Council as and when individual communities were ready to seek agreement around their proposals for service redesign and to enable any associated applications for place-based funding to be developed. Members noted the challenges faced but

acknowledged that doing nothing was not an option. The need for transparency was highlighted and that agreement on the delivery of services would inform the estate requirements.

DECISION

AGREED:-

- (a) the redesign principles and case for change set out in the report;**
- (b) that the indicative service redesign themes and opportunities as set out in the report be used as a catalyst for engagement with communities; and**
- (c) that engagement with communities on service redesign began as part of the Place Making approach at the earliest opportunity and that:**
 - (i) engagement move at a pace agreed with each community; and**
 - (ii) proposals from communities were brought back to Council for agreement as and when communities were ready to do so.**

MEMBER

Councillor Miers left the meeting.

15. REVISION OF COMMUNITY ASSET TRANSFER POLICY

With reference to paragraph 7 of the Minute of 29 November 2018, there had been circulated copies of a report by the Executive Director Finance and Regulatory seeking approval for an amendment to the Council's Community Asset Transfer Policy along with necessary changes to the Schemes of Administration and Delegation. The report explained that on 29 November 2018 Council approved a Community Asset Transfer Policy through which it would comply with the provisions of Part 5 of the Community Empowerment (Scotland) Act 2015. That Act gave community bodies a right to make requests to a Local Authorities for the transfer of any land or buildings they felt they could better utilise. The Act created a timeline for processing an application and required applications to be determined within six months of a valid application being received. It also established a 2-tier process whereby an Authority was required to establish both a decision making procedure and an appeal procedure. The Council's procedure provided that an Officer group (the Asset Transfer Group) made the initial decision and that any appeal would be heard by an Ad Hoc Asset Transfer Appeals Committee. The law then provided a further appeal to Scottish Ministers. Scottish Borders Council received its first Community Asset Transfer Request for land held by the Common Good earlier this year. In considering how to best progress that application it was recognised that the best decision making body in respect of Common Good issues was perhaps Common Good Trustees, and not Officers. It was therefore recommended that the Asset Transfer Policy was amended to provide that any Community Asset Transfer Request in respect of Common Good Assets was determined in the first instance by the relevant Common Good Fund Sub-Committee. It was further recommended that any appeal should thereafter be determined by the Asset Transfer Appeal Committee, acting as Common Good Trustees. Councillor Tatler commented on the Peebles Common Good Fund experience and welcomed this clearer process.

DECISION

AGREED:-

- (a) to approve the revisions to the Community Asset Transfer Policy as detailed in the report; and**
- (b) to amend the Scheme of Administration as follows:-**

- (i) that an additional function be added to the remit of the Common Good Fund Sub-Committees as follows:

“to determine any Community Asset Transfer Request made in respect of Common Good Property. For the avoidance of doubt, there is no financial value limit to the exercise of this function. However in the event that a Sub-Committee is minded to transfer property to a Community Transfer Body, the matter will require to be referred to the Community Asset Appeal Committee for ratification.”

- (ii) a new function be added to the functions of the Community Asset Appeal Committee in the following terms:

“2. Determining whether to ratify the value at which a Community Asset Transfer is to be made, where the Asset Transfer Officer Group or a Common Good Sub-Committee has determined to agree to that transfer at a value less than market value.”

- (iii) a new function be added to the functions of Council in the following terms:

“In situations where the Community Asset Appeal Committee been engaged in Stage 1 of any Community Asset Transfer request, the consideration and determination of reviews by any Community Transfer Body made under Section 86 of the Community Empowerment (Scotland) Act 2015, where the Asset Transfer Officer Group or a Common Good Fund Sub-Committee has:

- (i) refused the request; or
- (ii) agreed to the request but the decision notice relating to the request specifies material terms or conditions which differ to a significant extend from those specified in the request; or
- (iii) failed to issue a decision within the statutory period.”

16. COMMITTEE MEMBERSHIP

Members considered the following appointments:

- (a) A member of the Administration as a replacement for Councillor Haslam on the Sustainable Development Committee; and
- (b) A replacement for Councillor Greenwell on the IJB and IJB Audit Committee.

Councillor Haslam, seconded by Councillor Mountford, moved that Councillor Linehan be appointed to all 3 vacancies.

DECISION

AGREED that Councillor Linehan be appointed to the Sustainable Development Committee, the IJB and the IJB Audit Committee.

17. MOTION BY COUNCILLOR PATERSON

Councillor Paterson, seconded by Councillor McAteer, moved his Motion as detailed ion the agenda in the following terms:-

“Scottish Borders Council reaffirms its 100% commitment to extending the Borders Railway to Carlisle via Hawick and Newcastleton, and if possible, instigates a meeting with the Transport Ministers of the UK Government and the Scottish Government to hopefully leave both Parliaments in no doubt about the strength of feelings from the many people south of Tweedbank for the Borders Railway to be extended as quickly as possible.”

Councillor Paterson spoke in support of his Motion. Councillor Haslam asked if he would remove the word “hopefully” and this was agreed. Members unanimously approved the Motion.

DECISION

AGREED to approve the Motion as detailed above subject to the removal of the word “hopefully”.

MEMBERS

Councillors Linehan and H. Scott left the meeting.

18. **OPEN QUESTIONS**

The questions submitted by Councillors S. Hamilton and Robson were answered.

DECISION

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

19. **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

20. **Committee Minutes**

The private sections of the Committee Minutes as detailed in paragraph 3 of this Minute were approved.

DECLARATION OF INTEREST

Councillor Ramage declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

21. **UK Community Renewal Fund - Shortlisted Projects for the Scottish Borders**

Members approved the list of bids to the Scottish Borders Community Renewal Fund for submission to the UK Government.

The meeting concluded at 3.00 p.m.

SCOTTISH BORDERS COUNCIL
17 JUNE 2021
APPENDIX I

OPEN QUESTIONS

Question from Councillor S. Hamilton

To Executive Member for Children and Young People

To ask the Executive Member how much has Scottish Borders Council paid to SQA for exam and assessment services in 2019/20 and 2020/21?

Reply from Councillor C. Hamilton

SQA fees for Scottish Borders

2020-21	£540,772	No exam diet – demonstrated attainment -assessed by teachers
2019-20	£547,938	No exam diet – inferred attainment- submitted by teachers
2018-19	£556,600	Exam diet - externally marked
2017-18	£547,767	Exam diet – externally marked

Supplementary

Councillor S. Hamilton noted that the Council had paid the SQA over £1m over the past 2 years and asked if the Council was requesting a refund. Councillor C. Hamilton advised that this was currently being discussed by CoSLA.

Question from Councillor Robson

To Executive Member for Adult Wellbeing

Can the Executive Member advise, given Section 75 4 (b) of the Housing (Scotland) Act 2006, whether retrospective assessments can and will be undertaken to determine qualification for grant aid for housing aids and adaptations especially in the light of lockdowns during the pandemic.

Reply from Councillor Weatherston

A Local Authority may approve an application for a grant or loan only if, in its opinion, all of the conditions in subsection (4) (so far as applicable) are satisfied. Those conditions are framed by two stages of works: 1) Works to be done or 2) Works in process of being carried out. Grants applications cannot therefore be made for works which are completed.

We cannot engage in a course of “retrospective assessments” for works that have been completed. Where works have commenced any assessment would be based on the situation that the assessor is able to observe at that time.

However, if we receive a grant application in respect of works which have commenced, but which have not yet completed, then that application can be considered if there were good reasons for the works having already commenced.

Whether or not the lockdown is a part of a good reason will depend on the particular circumstances of the application.

Before any grant is approved an assessment of need for the individual will be required to be carried out and a grant will only be approved if that assessment can evidence that the works being undertaken are necessary to meet the individuals assessed needs.