

SCOTTISH BORDERS COUNCIL

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL via Microsoft Teams on 28 October 2021 at 10.00 a.m.

Present:- Councillors D. Parker (Convener), S. Aitchison, H. Anderson, J. Brown, S. Bell, K. Chapman, C. Cochrane, G. Edgar (from para. 8), J. A. Fullarton, J. Greenwell, C. Hamilton, S. Hamilton, S. Haslam, E. Jardine, H. Laing, J. Linehan, W. McAteer, D. Moffat, S. Mountford, C. Ramage, N. Richards, E. Robson, M. Rowley, H. Scott, S. Scott, E. Small, R. Tatler (from Para. 9), E. Thornton-Nicol, G. Turnbull, T. Weatherston

Apologies:- Councillors A. Anderson, S. Marshall, T. Miers, D. Paterson.

In Attendance:- Chief Executive, Director Education and Lifelong Learning, Director Finance and Corporate Governance, Director Social Work and Practice, Director Strategic Commissioning and Partnerships, Chief Legal Officer, Clerk to the Council.

1. CONVENER'S REMARKS

- 1.1 The Convener advised that Mr Rob McCulloch-Graham was retiring from his post as Chief Officer for Health & Social Care. Mr McCulloch-Graham had had a long career in public service and on behalf of the Council he wished him a long and happy retirement.
- 1.2 The Convener congratulated Councillor Scott Hamilton on his recent marriage in Cyprus to Camilla.
- 1.3 The Convener paid tribute to the work of staff during the overnight flooding issues in Hawick and Peebles.

DECISION

AGREED that congratulations be passed to those concerned.

2. MINUTE

The Minute of the Meeting held on 23 September 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:-

Local Review Body	16 August 2021
Hawick Common Good Fund	17 August 2021
Chambers Institution Trust	18 August 2021
Peebles Common Good Fund	18 August 2021
William Hill Trust	24 August 2021
Lauder Common Good Fund	24 August 2021
Tweeddale Area Partnership	24 August 2021
Selkirk Common Good Fund	31 August 2021
Duns Common Good Fund	2 September 2021
Berwickshire Area Partnership	2 September 2021
Teviot & Liddesdale Area Partnership	7 September 2021
Galashiels Common Good Fund	9 September 2021
Executive	14 September 2021
Major Contracts Governance Group	14 September 2021
Kelso Common Good Fund	14 September 2021

Pension Fund	16 September 2021
Sustainable Development	17 September 2021
Audit & Scrutiny	20 September 2021
Eildon Area Partnership	23 September 2021
Planning & Building Standards	4 October 2021

DECISION

APPROVED the Minutes listed above subject to paragraph 4 below.

4. COMMITTEE RECOMMENDATION

There had been circulated copies of a recommendation by the Executive Committee at its meeting held on 14 September 2021 relating to an amendment to the Procurement and Contract Standing Orders regarding the method of appointing consultants.

DECISION

AGREED to approve the amendment of the Procurement & Contract Standing Orders to provide for the approval by Directors of the appointment of consultants.

5. SCOTTISH BORDERS COUNCIL FINAL REPORT AND ACCOUNTS 2020/2021

There had been circulated copies of a report by Audit Scotland, the Council's Auditors, together with a report by the Director, Finance and Corporate Governance, and a copy of the Annual Accounts 2020/21. The Director's report explained that the audit appointment of Audit Scotland for Scottish Borders Council accounts included the requirement to provide an auditor's report for the Council as well as related charities. KPMG had continued to provide the external audit of the Council subsidiary Bridge Homes. 2020/21 represented the fifth year of Audit Scotland undertaking the External Audit of the Council's Annual Accounts with the process now completed. Audit Scotland had prepared the Annual Audit Report and had provided an unqualified independent audit opinion. The Annual Audit Report summarised Audit Scotland's conclusions, including:

- An unqualified audit opinion;
- Audit Scotland concurred with management's accounting treatment and judgements;
- Audit Scotland concluded positively in respect of financial management, financial sustainability, governance and transparency and best value.

Audit Scotland identified six recommendations for improvement requiring action along with one follow-up to prior year recommendations. These had been accepted by management and would be enacted within the agreed timescales. As required under the Local Authority Accounts (Scotland) Regulations 2014, the audited Annual Accounts for Scottish Borders Council, SBC Common Good Funds, the SBC Charitable Trusts, Bridge Homes LLP, Lowood Tweedbank Ltd and Scottish Borders Council's Pension Fund had been presented to and considered by the Audit and Scrutiny Committee on 21 October 2021. Audit and Scrutiny Committee agreed to recommend approval of the various accounts to Council, with the exception of Bridge Homes LLP where the accounts were noted pending completion of the audit. The KPMG audit of Bridge Homes was not finally concluded when the report was considered by Audit and Scrutiny Committee on 21 October 2021. However, the Director did not expect there to be any issues with the auditors sign off and it would be submitted to the Council in November for approval. The Convener praised the work of the Director and his team for their work in producing the accounts, and in particular Mrs Kirsty Rob, for the Pension Fund accounts.

DECISION

(a) AGREED to approve the following Audited Accounts:-

- (i) the Scottish Borders Council's audited Annual Accounts for the year to 31 March 2021;**
- (ii) the Scottish Borders Council's Pension Fund audited Annual Accounts for the year to 31 March 2021;**

- (iii) the Scottish Borders Council Common Good Funds (Charity SC031538) audited Annual Accounts for the year to 31 March 2021;
 - (iv) the SBC Welfare Trust (Charity SC044765) audited Annual Accounts for the year to 31 March 2021;
 - (v) the SBC Education Trust (Charity SC044762) audited Annual Accounts for the year to 31 March 2021;
 - (vi) the SBC Community Enhancement Trust (Charity SC044764) audited Annual Accounts for the year to 31 March 2021;
 - (vii) the SBC Ormiston Trust for Institute (Charity SC019162) audited Annual Accounts for the year to 31 March 2021;
 - (viii) the Scottish Borders Council Charitable Trusts (Charity SC043896) audited Annual Accounts for the year to 31 March 2021; and
 - (ix) Lowood Tweedbank Ltd Annual Accounts for the year to 31 March 2021 (Note Lowood Tweedbank Ltd Annual Accounts were not required to be externally audited as they were exempt under the Companies Act 2006 relating to small companies).
- (b) **AGREED** that approval of the Bridge Homes LLP Accounts to 31 March 2021 would be deferred until the next meeting of Scottish Borders Council in November, but this would have no impact on the final audit position.

6. **ANNUAL TREASURY MANAGEMENT REPORT 2020/2021**

There had been circulated copies of a report by the Director Finance and Corporate Governance presenting the annual treasury management activities undertaken during the 2020/21 financial year. The report explained that the CIPFA Code of Practice on Treasury Management in the Public Services (the Code) required an annual report on treasury management to be submitted to Council following the end of each financial year. The report highlighted the Council's treasury activity undertaken in the year ended 31 March 2021 and the performance of the Treasury function. Appendix 1 to the report was the annual report of treasury management activities for 2020/21 and contained an analysis of performance against targets set in relation to Prudential and Treasury Management Indicators. The performance comparisons reported were based on the revised indicators agreed as part of the mid-year report approved on 17 December 2020. The Appendix showed the Council's borrowing requirement to fund the capital investment undertaken during 2020/21, how much the Council actually borrowed against the sums budgeted, and the level of external debt within approved limits. During the year, the Council had again, where possible, deferred borrowing using surplus cash rather than undertaking new borrowing. However, the Council did undertake temporary borrowing for cash flow purposes during the year, amounting to £15m. Treasury management activity for the year had been undertaken in compliance with approved policy and the Code. The Council remained under-borrowed against its Capital Financing Requirement (CFR) at 31 March 2021. It was noted that the Audit and Scrutiny Committee had also reviewed the report.

DECISION

NOTED that treasury management activity in the year to 31 March 2021 was carried out in compliance with the approved Treasury Management Strategy and Policy as detailed in this report and in Appendix 1 to the report

7. **NATIONAL CARE SERVICE FOR SCOTLAND CONSULTATION – SCOTTISH BORDERS COUNCIL RESPONSE**

There had been circulated copies of a report by the Director Social Work and Practice seeking approval for Scottish Borders Council's proposed response to the Scottish Government's consultation on the National Care Service (NCS). The report explained that the report of the Independent Review of Adult Social Care, published in February this year, had found issue with implementation of social care policy and was critical of current commissioning and procurement activity. In August 2021, the Scottish Government published its consultation on the creation of a NCS in Scotland. The proposals set out within the consultation document were significant and would result in a fundamental change to the role of local government in Scotland, if implemented. The scope of services proposed for inclusion in the NCS was also far broader than was initially anticipated and included services relating to adult social care, children's services, community health, addiction, justice, and social care in prison. Following discussion with Members, a draft Council response had been prepared and this was contained in Appendix A to the report. Members thanked officers for their work on the proposed response which had cross party support. Members agreed that while there were many positive elements in the Feeley Report, the loss of local accountability and local democratic oversight was a major concern.

DECISION

AGREED to approve the draft consultation response contained in Appendix A to the report as the Scottish Borders Council response to a National Care Service for Scotland Consultation.

8. **UNACCOMPANIED ASYLUM SEEKING CHILDREN – UK NATIONAL TRANSFER SCHEME**

There had been circulated copies of a report by the Director Education and Lifelong Learning providing an overview on the United Kingdom Unaccompanied Asylum Seeking Children (UASC), National Transfer Scheme (NTS). This was in addition to other migration schemes in which Scottish Borders Council (SBC) already participated. The report explained that large numbers of UASC had arrived in the UK, predominantly in Kent. Such was the pressure on Council Services in the South of England that urgent national support was being sought through a NTS. While the scheme was voluntary, it could be mandated if support was not forthcoming, and the Home Secretary had existing powers to mandate transfers under Section 27 of the Immigration Act 2016. The Home Office had estimated 650 UASC participating in the NTS per annum, with 45 UASC (6.9%) allocated to Scotland per distribution cycle, although numbers may vary depending upon arrivals. The Council was currently hosting 2 UASC who had arrived in the Scottish Borders unannounced out-with the scope of the NTS. The COSLA Leaders Meeting on 27 August 2021 had agreed that Scottish Local Government would participate in the NTS on the basis that Scottish Local Authorities would only accept young people who were 16 or over, unless by exception. It was noted that Scottish Borders would be expected to take 2 UASC within each cycle and it was anticipated that there would be 2-3 cycles within the first year. UASC would be designated as "looked after children" until they were 18 and thereafter as "care leavers" and would be eligible for support until they were 26. Members were happy to support the proposals.

DECISION

AGREED:-

- (a) **to note the position regarding Unaccompanied Asylum Seeking Children National Transfer Scheme and that Scottish Borders Council should comply with the request for urgent national support for this vulnerable group; and**
- (b) **that Scottish Borders Council allow Officers to comply with other mandated national Migration Schemes as the need arose.**

MEMBER

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

9. **INSPIRE LEARNING - UPDATE**

There had been circulated copies of a report by the Director Education and Lifelong Learning providing an update on the work of the Inspire Learning Programme during 2020/2021. The report explained that over the last two years Inspire Learning had built a platform of success with the strategic deployment of iPads for every learner from P4-S6, all teaching staff, including Early Years practitioners and the delivery of shared class devices for P1-3. The Council was already starting to improve outcomes for young people through the provision of equitable access to the best tools for learning, regardless of socio-economic background. The Council had, to date, won two national awards (LGC) and a commendation from the MJ Awards for its Inspire Learning Programme and had even been lauded as an exemplar by the Deputy First Minister during an interview on national television. The Inspire Learning Team had shared their expertise in embedding digital technology at the heart of education with LA's and organisations across Scotland, the UK, and internationally with school leaders as far away as Singapore and the USA, as well as being invited to share their learning as digital leaders at UNESCO's world education event earlier this year. Closer to home, the Inspire Learning Programme had played a critical part in supporting the delivery of learning during the challenging circumstances of the pandemic ensuring that young people in the Borders had access to lessons and staff support throughout the extended periods of lockdown and blended learning. While the Inspire Learning Programme had successfully deployed the infrastructure to support the transformation in digital education across Borders schools, and had started on the journey to develop enhanced digital skills for teachers and young people, with many successes to celebrate, the journey to delivering the broader vision for digital education in the Borders had really only just started. The Programme continued to strive to "make the Borders the best place in the world to teach, learn and live". Appended to the report was the Inspire Learning Programme Data Report 2021 which contained detailed information relating to the Programme. Ms Catherine Thomson, the Quality Improvement Officer for the Programme, was present to answer Members' questions including how parents would be involved. She confirmed that there was a 4 yearly refresh for the iPads and that schools were currently being upgrade to Windows 10. Members welcomed the report and congratulated officers on the success of the Inspire Learning programme.

DECISION

NOTED the update on the ongoing work and progress of the Inspire Learning Programme through the COVID-19 Pandemic.

MEMBER

Councillor Tatler joined the meeting during consideration of the above item and Councillor C. Hamilton left the meeting at the conclusion of its consideration.

10. **SESPLAN BUDGET RATIFICATION AND CESSATION**

There had been circulated copies of a report by the Director Infrastructure and Environment seeking ratification of the decisions of the SESplan Joint Committee at its meeting on 4 October 2021 relating to the formal cessation of meetings of the Committee and the finalisation of its budget. The report also updated Members on the new arrangements for spatial planning in Edinburgh and the South East of Scotland. The report explained that the SESplan Joint Committee considered two reports at its meeting on 4 October relating to the transfer of regional spatial planning responsibilities and cessation of SESplan and the final accounts, audit report and closing financial statement. Copies of these reports were attached as Appendix A to the report. They set out the background to the changing arrangements for spatial planning in the South East of Scotland as a consequence of the legislative change being introduced by the Planning (Scotland) Act 2019. The recommendations contained in both reports were agreed unanimously. Councillors Mountford and Bell, the Council's Members of the Joint Committee, welcomed the report.

DECISION

AGREED:-

- (a) to note that the responsibilities for Regional Spatial Planning had transferred from the SESplan Joint Committee to the City Deal Elected Member Oversight Committee;
- (b) that there should be no further meetings of the SESplan Joint Committee and that the Committee's constitution be amended to remove the requirement to meet twice annually;
- (c) the SESplan final accounts and the return of the remaining balances to the six SESplan Local Authorities;
- (d) that to support regional spatial planning work, part of the remaining SESplan funding balance would be used to appoint a Planning Officer, on a part-time, time limited basis, to provide a strategic planning capability within the City Region Deal Programme Management Office (PMO); and
- (d) to note that the existing SESPlan Project Board (officer working group) would be renamed the Strategic Planning Advisory Group with the chair of that group becoming a member of the City Region Deal Directors Group.

11. **UK PARLIAMENTARY CONSTITUENCY BOUNDARY REVIEW 2023**

There had been circulated copies of a report by the Director Finance and Corporate Governance giving details of the Boundary Commission for Scotland's initial proposals of its 2023 Review of UK Parliament Constituencies in Scotland which impacted on a number of constituents in the Council's Tweeddale East Ward. The report explained that the current UK Parliament constituencies had remained unchanged since 2005. The initial proposals for the 2023 Review by the Boundary Commission for Scotland retained the current constituencies covering the Scottish Borders, namely Berwickshire, Roxburgh & Selkirk, and Dumfriesshire, Clydesdale & Tweeddale. However, the average electorate per constituency across the UK used for the Review was 73,393, and the electorate in any constituency must be within +/- 5% of this. The electorate was taken from the 2 March 2020 Electoral Register and based on this, the Dumfriesshire, Clydesdale & Tweeddale constituency had 68,874 electors, which was out-with the 5% tolerance. The initial proposals of the Commission made changes to both constituencies which would result in the electorate in Berwickshire, Roxburgh and Selkirk reducing to 73,779 and that in Dumfriesshire, Clydesdale and Tweeddale increasing to 73,593. To achieve this change, the Commission was proposing to move Polling District 2F (908 electors) in the Council's Tweeddale East Ward from the Berwickshire, Roxburgh and Selkirk constituency to the Dumfriesshire, Clydesdale and Tweeddale constituency. This would mean that the whole of the Tweeddale East Ward would come within that latter constituency. There would be a number of consultation periods over the course of the Review. The first consultation period for the Initial Proposals finished on 8 December 2021. In early 2022, the Commission would conduct a second consultation for 6 weeks, when it published responses to the first consultation. The Commission would also hold between two and five Public Hearings around Scotland. In late 2022, the Commission would conduct a four week public consultation on its revised proposals. Once the Review was completed, the Commission's recommendations would be submitted in a report to the Speaker before 1 July 2023. Members highlighted the need to encourage communities in the consultation process.

DECISION

NOTED the initial proposals for the Review of UK Parliament Constituencies 2023 which would mean, should these be accepted, that all of the electorate in the Council's Tweeddale East Ward would be within the Dumfriesshire, Clydesdale and Tweeddale Constituency for UK Parliament elections.

MEMBER

Councillor C. Hamilton rejoined the meeting.

12. **MOTION BY COUNCILLOR AITCHISON**

Councillor Aitchison, seconded by Councillor H. Anderson, moved approval of the following Motion as detailed on the agenda:-

“Noting the letter of September 2021 from Ms Francesca Osowska, Chief Executive of Nature Scotland, addressed to ‘Stakeholders’ (see attached copy), and noting the inextricable relationship between the Climate and Nature emergencies and the necessity of taking ‘strong and bold action to halt biodiversity loss’, Scottish Borders Council agrees that, on behalf of the Council, the Council Leader shall sign the ‘Edinburgh Declaration’ (see attached copy) on the development of the post-2020 Global Biodiversity framework.”

Councillor Aitchison and Councillor Anderson spoke in support of the Motion which was unanimously approved.

DECISION

AGREED to approve the Motion as detailed above.

13. **OPEN QUESTIONS**

The questions submitted by Councillors Ramage, McAteer and Bell were answered.

DECISION

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

MEMBER

Councillor Fullarton left the meeting.

14. **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

15. **Committee Minutes**

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

16. **Inspire Academy – Building On Success**

Members approved a report by the Director Education and Lifelong Learning on the Inspire Academy.

MEMBER

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

The meeting concluded at 1.05 p.m.

SCOTTISH BORDERS COUNCIL
28 OCTOBER 2021
APPENDIX I

Question from Councillor Ramage

To Executive Member for Economic Regeneration and Finance

Vacant and derelict sites can affect our communities. There are £50 million pounds available from Scottish Government to transform these sites. Have SBC made any applications to this fund?

Response from Councillor Rowley

The simple answer is, not yet, and this is because of requirements in the grant application guidance.

The Planning Policy Team, who manage the Council's Vacant & Derelict Land Survey, have updated the survey this year. The survey identifies that the Scottish Borders has 72 hectares of land classified as vacant and derelict.

The team have also undertaken some initial research to examine potential options for funding bids, focussing in the first instance on sites that are in the Council's ownership.

The fund application guidance stipulates that a feasibility study of the options must be undertaken before applying for grant aid (guidance 4.1), and in 4.3 states we need to "...bring forward project proposals that have been developed with the involvement and support of relevant communities, as well as third sector, private and public sector partners as appropriate." It will therefore require more detailed work before we are in a position to make credible bids and as a result, we will not be submitting a bid for the fund by the current deadline of 12 November 2021.

Officers have been in discussion with Scottish Government officials and it is anticipated that a further round of funding bids is likely to be available in March 2022.

The emerging joint approach to Placemaking and the associated work to develop Local Place Plans will provide the mechanism for communities and a range of partners to engage in and guide the development of options for future bids. It is hoped that the appointment of the various community engagement officers will be completed in the coming weeks and that they will provide capacity to support the necessary work to develop bids for next year's funding round.

The Council is keen to take advantage of available funding to maximise investment in the Borders, and this is demonstrated by the significant amount of work that has gone into developing bids for the Community Renewal Fund and work underway in respect of the Levelling up Fund.

We will take that time to carry out the necessary work to ensure that future bids are robust and credible and have the best chance of being successful.

Supplementary

Councillor Ramage asked if she could see the updated register. Councillor Rowley advised that it currently contained about 70 sites but was constantly being reviewed and updated. This was an ongoing piece of work but he was confident that the work being done would benefit bids for all funding applications.

Question from Councillor McAteer

To Executive Member for Wellbeing, Sport and Culture

There is growing evidence that a number of Borders sporting clubs and organisations are facing a very uncertain future with for example the demise of a number of old established junior rugby clubs in Hawick and many local cricket clubs struggling to fulfil fixtures. While the Covid pandemic has

influenced the situation there is a wider more profound concern that young people in particular are not progressing their chosen sport beyond High School. Much of this I understand is because they don't feel supported or motivated to participate in some team based sports. In 2011 this authority in its joint physical activity, sport and physical education strategy said there has never been a more important time or need for the development of physical activity, sport and physical education. In addition we pronounced that 'we are fortunate in Scottish Borders to have a proud sporting heritage as well as a unique landscape to play in and take part in activity'. Can the executive member explain what action Scottish Borders Council has underway to help our young sportspeople and the various sporting clubs and organisations to ensure we can maintain our proud sporting heritage. In addition can he explain what agreed plans are in place to update and reinvigorate the current strategy given these worrying challenges?

Response from Councillor Jardine

There is national and local evidence that Covid-19 has had a negative impact on some sports clubs who have not returned to pre pandemic levels.

Live Borders continues to invest in the local Clubsport Network, offering grants for clubs and individuals to train, perform, upgrade facilities, develop new initiatives and improve the quality and quantity of coaches and volunteers in the area. The Live Borders partnership with the Clubsport network to offer a specific Covid recovery grant scheme has also benefited Borders clubs in returning from long periods of inactivity.

The Active Schools network and Sports Development services of Live Borders continue to provide the first fundamental involvements in structured sport and physical activity. The links forged between Live Borders education and local clubs has ensured that children and young people are more aware than ever of how to take those positive first experiences and transition into the community in a way that reinforces the mind-set of lifelong participation.

Sport and participation in teams is an important wellbeing opportunity for all of our young people and is one which is strongly encouraged across all of our schools.

In primary school, core and extra-curricular activities are celebrated through participation in festivals and inter-school competition. Live Borders Active schools co-ordinators in each locality foster strong links with local clubs and societies to offer taster sessions and pro-actively promote pathways into activities at club level.

Secondary schools offer a wide range of team competition through extra-curricular activities which are run by staff and in many cases by local clubs. PE staff identify opportunities for young people to access clubs and sports club are again actively promoted through high school communication channels.

Some clubs have developed very strong partnerships with the school curricular offering to provide a clear pathway through the sport, an example of this is that between Melrose Rugby Club and Earlston High School and associated Primary Schools.

As a critical strategy for the Borders I have requested and agreed with officers a strategy for physical activity, sport and physical education is urgently required and is being commissioned which will be brought before council by Spring 2022.

Question from Councillor Bell

To Executive Member for Economic Regeneration and Finance

As private business on 17th June 2021 this Council agreed a short list of project bids to be submitted to the UK Community Renewal Fund. Councillors were told at that time of urgency occasioned by the fact that spending on successful projects would require to be made by the end of March 2022. Councillors were also told that a decision on funding for successful applications would be made "by the end of July 2021". It is now the end of October. What has happened?

Response from Councillor Rowley

We have not yet been advised of the outcome of these applications and whether they have been successful. The Council has been in regular contact with the UK Government's Scotland Office to receive updates and it is our current understanding that a decision by the UK Government on the applications is expected soon. The Council has maintained contacts with applicants throughout this period to make them aware of the situation and of course as soon as we are made aware we will share the details.

Supplementary

Councillor Bell commented that the delay could impact some projects and asked if Councillor Rowley would write to the relevant Secretary of State to ask for flexibility around the completion dates for projects to take account of the 3 months lost. Councillor Rowley confirmed he shared this concern and was happy to pursue an extension if required.