

SCOTTISH BORDERS COUNCIL

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held in Via Microsoft Teams on 10 March 2022 at 10.00 a.m.

Present:- Councillors D. Parker (Convener), S. Aitchison, A. Anderson, H. Anderson, S. Bell, J. Brown, K. Chapman, C. Cochrane, G. Edgar, J. A. Fullarton, J. Greenwell, C. Hamilton, S. Hamilton, S. Haslam (from paragraph 5), 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

In Attendance:- Chief Executive, Director Education and Lifelong Learning, Director Infrastructure and Environment, Director Social Work and Practice, Financial Services Manager, Chief Legal Officer, Clerk to the Council.

1. CONVENER'S REMARKS

The Convener paid tribute to the work of volunteers and resilience groups. He advised that from the very start of the pandemic we saw people coming together to join their local Resilience Group or set up new groups as required. These volunteers worked tirelessly at a very challenging time to support the vulnerable by providing services such as shopping, prescription collections or a friendly voice at the end of the phone. While it was not possible to quantify the number of hours or amount of support they provided it was massive, the like of which even in the Borders had never been seen before. The most humbling thing about all of this was that they were not asked to do it, they just did. It was impossible to single out any one individual or particular group for particular praise because every action, however small, that every volunteer performed in their community made a difference to someone and deserve our heartfelt thanks.

DECISION

AGREED to applaud the work of the volunteers and community resilience groups concerned.

2. MINUTES

The Minutes of the Meetings held on 27 January, 18 February, 22 February and 25 February 2022 were considered.

DECISION

AGREED that the Minutes be approved and signed by the Convener.

3. COMMITTEE MINUTES

The Minutes of the following Committees had been circulated:-

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|-----|--------------------------------------|------------------|
| (a) | Planning & Building Standards | 10 January 2022 |
| (b) | Audit & Scrutiny | 13 January 2022 |
| (c) | Executive | 18 January 2022 |
| (d) | Tweeddale Area Partnership | 18 January 2022 |
| (e) | Chambers Institution Trust | 19 January 2022 |
| (f) | Cheviot Area Partnership | 26 January 2022 |
| (g) | Berwickshire Area Partnership | 27 January 2022 |
| (h) | Teviot & Liddesdale Area Partnership | 1 February 2022 |
| (i) | Executive | 8 February 2022 |
| (j) | Eildon Area Partnership | 10 February 2022 |

DECISION

APPROVED the Minutes listed above.

4. IMPLEMENTATION OF ACTIONS IN RELATION TO INDEPENDENT INQUIRY

4.1 With reference to paragraph 1 of the Minute of 25 February 2022, there had been circulated copies of a report by the Chief Executive regarding the preparation of an action plan to deal with the recommendations arising from the independent inquiry. This followed on from the conclusion of the Independent Inquiry into the Council's handling of concerns raised about a former Scottish Borders Council employee, who was subsequently charged with five counts of assaulting children and a further charge of abusive behaviour at a school in the Scottish Borders. On 25 February 2022, Council accepted the recommendations contained within the Inquiry Report by Andrew Webster QC and noted that the Chief Executive would prepare an action plan to address the Inquiry recommendations. The Action plan was appended to the report. The action plan has been prepared, setting out the steps the Council needed to now take to address the identified failings, and to meet the Inquiry recommendations. It was recognised that some of the work set out in the plan had potentially far-reaching remits, in that it touched upon, not only the specific service areas mentioned within the Inquiry Report, but also had relevance across the entire breadth of the Council. Accordingly, it was anticipated that the action plan would grow and evolve as implementation progressed. In order to ensure that the identified improvements were achieved, it was considered necessary to put in place a system of governance and oversight which would remain in place until the Council could be satisfied that the necessary improvements had been established, implemented and tested successfully. The Chief Executive highlighted the main points and advised that budget would be needed to allow implementation of the actions. Members in general welcomed the action plan.

4.2 Councillor H. Anderson moved the following amendments to the recommendations in the report:-

- To amend Recommendation 2.1(a) to read "to endorse the Action Plan (attached as Appendix 1), and that this adequately reflects the work required to implement the Inquiry recommendations; this is subject to the inclusion of the following wording at the end of the sentence in Action 14(d) "having particular regard to the barriers perceived in such situations".
- To amend Recommendation 2.1(b) to read – "to agree to establish a Review Group, tasked with overseeing the performance of the action plan, in consultation with the Portfolio holder for Education and a member of the Opposition."
- To add to the end of Recommendation 2.1(c) – "however, in the event of the new Administration after the election continuing to exclude Opposition members from the Executive Committee of the Council, then reviews of progress and action must be submitted instead to full Council for approval and action".

4.3 Councillor Tatler moved as a further amendment that Recommendation 2.1(c) be amended to read "to bring before the full Council updates on the work of the Review Group and the approval of any resultant changes to policy or procedure". Councillor Anderson agreed to accept this amendment to replace her suggested re-wording after being given assurances that there would be monthly updates on progress to Council.

4.4 Members discussed the report in detail and accepted the proposed amendments to the recommendations.

**DECISION
AGREED:-**

- (a) to endorse the Action Plan, as contained in Appendix 1 to the report, and that this adequately reflected the work required to implement the Inquiry recommendations; this was subject to the inclusion of the following wording at the end of the sentence in Action 14(d) "having particular regard to the barriers perceived in such situations";**

- (b) to establish a Review Group, tasked with overseeing the performance of the action plan, in consultation with the Portfolio holder for Education and a member of the Opposition; and**
- (c) to bring before the full Council monthly updates on the work of the Review Group and the approval of any resultant changes to policy or procedure.**

MEMBER

Councillor Haslam joined the meeting.

5. CLIMATE CHANGE ROUTE MAP – PRIORITY ACTION PLAN 2022/24

- 5.1 With reference to paragraph 10 of the Minute of 17 June 2021, there had been circulated copies of a report by the Director Infrastructure and Environment seeking approval of the draft 'Climate Change Route Map - Priority Action Plan 2022/24' as set out in Appendix 1 to the report. The report explained that at its meeting on 17 June 2021, Scottish Borders Council approved a 'Scottish Borders Climate Change Route Map' ('the CCRM') and agreed that 'a plan of priority actions to be undertaken over the next two years' be developed and brought back to Council for approval. It was proposed that progress and delivery of the Priority Action Plan be overseen and scrutinised by the Sustainable Development Committee, with a consolidated report presented annually to full Council. Council was also asked to note that the Priority Action Plan would continue to develop and incorporate additional workstreams. These developments would be reported to the Sustainable Development Committee.
- 5.2 The CCRM set a strategic direction for the Council and its partners and communities to move to a net zero emissions Scottish Borders economy by 2045, in line with the national target set by the Scottish Government. The CCRM was structured around 5 Themes, each consisting of 5 Milestones. These Themes were:
 - Building Resilience
 - Decarbonising our Transport Use
 - Nature-based Solutions to Climate Change
 - Lowering our Energy Consumption
 - Decarbonising our Waste Management
- 5.3 The priority actions specified in Appendix 1 to the report responded to the Milestones identified within the themes of CCRM. Clearly, it would not be possible to deliver everything at the same pace or time, so an assessment had been undertaken to determine which actions should be prioritised over the next two years. Members supported the proposals and made particular mention of the demand responsive transport pilot. The importance of good communication was also highlighted.

DECISION

AGREED:-

- (a) to approve the draft 'Climate Change Route Map - Priority Action Plan 2022/24' ('the Priority Action Plan'), as set out in Appendix 1 to the report;**
- (b) that progress and delivery of the Priority Action Plan be overseen and scrutinised by the Sustainable Development Committee, and reported annually to full Council; and**
- (c) to note the additional actions set out in the report to be developed by officers during 2022 and reported to the Sustainable Development Committee as early as practicable in the new Council term.**

MEMBER

Councillor Aitchison left the meeting.

DECLARATION OF INTEREST

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

6. LOCAL DEVELOPMENT PLAN

With reference to paragraph 7 of the Minute of 25 September 2020, there had been circulated copies of a report by the Director Infrastructure and Environment dealing with the representations received relating to the proposed Local Development Plan (LDP). It sought agreement to take the representations/issues to Examination for consideration by independent Scottish Government Appointed Persons (Reporters) prior to their report back to Council for further consideration. It further sought agreement to the proposed response to the representations / issues received on the Proposed Plan as set out in Appendix A to the report. Appendix A to the report summarised the representations/issues to the Proposed LDP, and provided a proposed response as to the Council's view. The report proposed resolution to those representations that did not constitute a significant change to the policies or proposals within the Plan. It also identified where it was proposed to direct the Reporter to consider changes to the Plan that were considered to be non-significant. Appendix B to the report set out summaries of those responses that supported/noted and/or provided comments on the content of the Plan which had not been subject to objection by other parties. Those responses would not be considered as part of the Examination, but were presented to the Council for completeness. It was recommended that the unresolved representations along with those where the Council proposed a resolution were remitted for consideration by the independent Scottish Government Reporter(s) to the Examination. The ensuing report by the Reporter(s) would subsequently be considered by the Council before moving towards adoption. It was also explained that in addition to Appendices A and B it was also a requirement to submit a proposed Action Programme, contained in Appendix C to the report; a Habitats Appraisal Record contained in Appendix D to the report; and a Report on conformity of the Council's consultation processes to its published Participation Statement contained in Appendix E to the report. It was also noted that the new Planning (Scotland) Act 2019 proposed a number of changes to the planning system and the emerging National Planning Framework, which would be a significant factor in guiding how LDPs were implemented and might have implications on the Examination depending upon when it was enacted. Members thanked all officers involved in undertaking this work. Members expressed disappointment regarding the proposed removal of protection from the route of the former railway leading to Hawick and Newcastleton and the implications this might have for the extension of the Borders Railway.

DECISION

AGREED:-

- (a) the responses and recommendations set out in Appendix A to the report in respect of the representations/issues submitted to the Proposed Local Development Plan;**
- (b) to remit all representations/issues to the Proposed Local Development Plan to Examination for consideration by the independent Scottish Government Reporter(s);**
- (c) to note the additional comments received on the Proposed Local Development Plan as set out in Appendix B to the report;**
- (d) to delegate authority to the Service Director of Infrastructure and Environment to make minor edit changes to Appendices A and B to the report;**

- (e) to note the Proposed Action Programme in Appendix C to the report, the Habitat Regulation Appraisal in Appendix D to the report and the Report on Participation Statement in Appendix E to the report; and
- (f) to receive the report prepared by the independent Scottish Government Reporter(s) prior to final consideration of the Scottish Borders Local Development Plan.

MEMBERS

Councillors Aitchison and Rowley re-joined the meeting.

7. MOTION BY COUNCILLOR ROWLEY

Councillor Rowley, seconded by Councillor Greenwell, moved approval of the Motion as detailed on the agenda in the following terms:-

“Whilst the eyes of the world are rightly on the utterly appalling events in Ukraine there are still positive things happening around the world. There is a beacon of light here in the Borders

Could I commend to council the extraordinary achievement of my constituent, David Melrose, who is currently competing in the Paralympic in Beijing. He's in the curling team.....

David is a former Council employee, he's an active member of the local community in Berwickshire and a key member of Duns Community Council. He's an inspiration.

Whilst helping his community as a Fire Service reservisthe received massive life-changing injuries that confined him to a wheelchair

Despite that he's fought back. He's continued his community involvement but impressively he's taken-on the challenge of elite sport at an international level.”

Councillors Rowley and Greenwell spoke in support of the Motion which was unanimously approved

DECISION

AGREED to approve the Motion as detailed above.

8. MOTION BY COUNCILLOR THORNTON-NICOL

Councillor Thornton-Nicol, seconded by Councillor Linehan, moved approval of the Motion which had been published with the agenda papers in the following terms:-

“This Council is aware that we have people living with Dementia in the Scottish Borders. We understand that, occasionally, sadly, people go missing and the more people are looking for them, the better the chance of them being found quickly.

Purple Alert is a community minded app which can be downloaded to any smart phone. This app was developed by Alzheimer Scotland, Police Scotland people living with Dementia, their carers and more.

The app will provide alerts to individuals who have signed up in a geographical area when a registered person with Dementia goes missing. This extends the network of people who are aware of the missing individual and are able, where possible, to look for them. It provides guidance on how the system works and how to report a sighting.

As Scottish Borders Council moves to be a Smart Digital Rural Area through the Digital Transformation strategy, we have an opportunity to download Purple Alert to every Council smart phone and help and support those living with Dementia in a very simple, cost free, way.

Council will ensure that every smart phone recipient is encouraged to register on the app. Council will also advise partners of Purple Alert and encourage them to have all staff registered.”

Councillors Thornton-Nicol and Linehan spoke in support of the Motion which was unanimously approved.

DECISION

AGREED to approve the Motion as detailed above.

9. **URGENT BUSINESS**

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Convener was of the opinion that the items dealt with in the following two paragraph should be considered at the meeting as a matter of urgency, in view of the need to make an early decision.

10. **URGENT MOTION BY COUNCILLOR ROWLEY**

Councillor Rowley, seconded by Councillor Bell, moved approval of the Motion which had been published with the agenda papers in the following terms:-

“Scottish Borders Council wishes to record its horror at the events in Ukraine and the suffering and devastation being inflicted on the Ukrainian people by an unjustified, ongoing and brutal act of war.

We hope the Borders will offer welcoming arms to those seeking refuge from conflict in due course

Whilst regret, condemnation and solidarity are important to record, we recognise that practical help is vital and needs to be efficient and swift.

Organisations across the Borders are already mounting their own relief plans, there are currently vans being driven from the Borders into Europe, packed full of supplies generously donated by local residents. Those efforts are entirely commendable.

However, it has become clear in recent days that the scale of the event and the complexity of logistics mean that in the immediate term the most effective way for us to deliver aid to the people who need it most is to use the organisations that are experts in disaster relief and currently have folk on the ground both in and around Ukraine.

The Disasters Emergency Committee seems to be the best way of doing that with a partnership over 27 experienced relief charities. They estimate 18 million people will be affected and 4 million people displaced. The scale of the task is huge, but they have skilled people in Ukraine and in neighbouring countries now able to deliver relief where it is needed.

We ask that the Chief Executive make prominent use of all of SBC's communications assets and social media outlets to communicate that the best way of helping now is to enthusiastically support the work of the DEC with donations and to encourage Borderers to do so, but also to highlight the independent work by many people, businesses, organisations and charities across the Scottish Borders who are running individual initiatives”

Councillors Rowley and Bell spoke in support of the Motion. The Convener advised that in light of the subject matter of this Motion he would allow contributions from all Members if they wished. Members spoke in support and the Motion was unanimously approved.

DECISION

AGREED to approve the Motion as detailed above.

MEMBER

Councillor Aitchison left the meeting

11. **URGENT MOTION BY COUNCILLOR PATERSON**

Councillor Paterson, seconded by Councillor Edgar, moved the following Motions:-

“Scottish Borders Council calls for Councillor Mark Rowley to resign as Leader, given he is now employed by SOSE.”

Councillors Paterson and Edgar spoke in support of the Motion.

Councillor Mountford, seconded by Councillor S. Hamilton, moved as an amendment that the Motion be rejected.

At the request of Members, the Chief Legal Officer provided guidance on the Councillors Code of Conduct and advised that there had been a recent change to the section in respect of conflict of interest which she quoted and highlighted that it related to public perception.

During the discussion of the Motion, Councillor H. Scott, seconded by Councillor S. Scott, moved in terms of Standing Order 36 “that the question be now put”.

VOTE

For - 16 votes

Against - 16 votes

Abstention due to technical difficulties - 1

There being an equality of votes the Convener exercised his casting vote against the Motion.

The discussion of the original Motion therefore continued and Members expressed views for and against the Motion. At the conclusion of the debate the vote was conducted as follows:-

VOTE

Motion - 15 votes

Amendment - 16 votes

Abstentions - 2

The Amendment was accordingly carried.

DECISION

DECIDED that the Motion be rejected.

MEMBER

Councillor Marshall left the meeting during the following item.

12. **OPEN QUESTIONS**

The questions submitted by Councillor H. Scott were answered.

DECISION

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

13. **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

14. **Minute**

The private section of the Council Minute of 18 February 2022 was approved.

15. **Committee Minutes**

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

16. **Disposal of Homes Owned by Bridge Homes Limited Liability Partnership**

Members approved a report by the Director Infrastructure and Environment.

The meeting concluded at 2.10 p.m.

SCOTTISH BORDERS COUNCIL
10 MARCH 2022
APPENDIX I

Questions from Councillor H. Scott

To Executive Member for Children and Young People

1. The Chair of Galashiels Academy Parent Council, on behalf of the other secondary school chairs in the Borders, has expressed concern at the reduction in the amount allocated to schools in the form of devolved school management (DSM) budgets. In the budget passed by SBC on 22 February it was stated that £2.9m would be allocated to recruit 49 new teaching and 26 support staff in our schools.
 1. Will this money be included in the devolved school management (DSM) budgets, or will it be administered centrally?
 2. Will DSMs be reduced or increased in 2022/23 and in future years, and in either case by how much?

Reply by Councillor C. Hamilton

1. I can confirm that the additional monies will be reflected within the revised Devolved School Management Scheme, currently being drafted by headteachers and senior officers and which will be implemented in the new financial year.
 2. The addition of this £2.9m means that the overall amount to be devolved to schools increases in 2022/23. The total amount devolved in 2021/22 was £58,399, 000 and in 2022/23 this will be at least £61,768, 000. Funding devolved to schools is generally calculated in response to school rolls so it is not possible to identify specific values beyond the coming financial year at this point.
2. On 25 November 2021, Scottish Borders Council unanimously approved a motion submitted by me:

“That this Council consults with secondary pupils and staff in the Scottish Borders, on proposals to install gender neutral toilets in the new Galashiels Community Campus, and Peebles High School, the aim to learn and implement lessons for the improvement of those arrangements from those schools and campuses where they are currently in use.”

 1. At what stage in its development is this consultation?
 2. When will it be circulated, and to whom?
 3. What question(s) will be asked?

Reply by Councillor C. Hamilton

1. Pupils from Kelso High and Jedburgh Campus will be asked to comment on their respective new build schools with specific questions on the organisation of the toilets, this information will be used along with details of other gender neutral examples e.g. those in The Tapestry building to consult with students and staff in Galashiels Academy and Peebles High School.
2. This will form part of the consultation process to be undertaken with pupils and staff across both schools on the wider design and plans for each school. These stakeholder events are scheduled to be held in Autumn of this year.
3. Specific questions have not been devised for this purpose.

Supplementary

Councillor Scott expressed his disappointment at the lack of progress in 4 months since his motion. He asked that Councillor Hamilton liaise with officers to report back at the final meeting of Council.

To Executive Member for Infrastructure, Travel and Transport

1. Whilst the building of the new Galashiels Community Campus is to be welcomed, some current users of the Focus Community Centre and its Management Committee, are concerned that whilst some groups might move to the Campus, others may wish to stay at the Focus Centre. This has led in turn to some wondering what future the Focus building has once the building of the Campus is complete.
 1. Has any decision been made as to the removal or retention of the Focus Centre building once the Campus is fully operational?
 2. If it is to be removed, when is that likely to occur?

Reply from Councillor Edgar

No decision has been made in relation to the Focus Community Centre following the opening of the Galashiels Community Campus, scheduled for 2025. While the Council owns and maintains the building, the Focus Centre like the other community centres across Scottish Borders, is operated by a Management Committee reporting to Live Borders. Officers from both Scottish Borders Council and Live Borders will monitor the use of the Focus Centre with the Management Committee following opening of the Galashiels Community Campus.

2. On 6 February 2020, I met with officers from SBC and Live Borders where much needed repairs in Stow Town Hall, were identified and later begun, especially in relation to dampness and the ingress of rainwater.
 1. Have all the necessary repairs been completed?
 2. If not what remains to be done and what is the estimated completion date?

Reply from Councillor Edgar

Due to the extensive dry rot outbreak, works have taken far longer than anticipated. Works are almost complete – there is one first floor room which needs to be re-floored. An order has been placed and Officers are awaiting confirmation of start and completion dates which are subject to material availability and the contractor's availability. Once dates are confirmed these can be shared.

Supplementary

Councillor Scott asked that the Community Council be kept updated with progress.