

SCOTTISH BORDERS COUNCIL

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held in the Council Headquarters, Newtown St. Boswells on 26 May 2022 at 10.00 a.m.

Present:- Councillors W. McAteer (Convener), J. Anderson, D. Begg, P. Brown, C. Cochrane, J. Cox, L. Douglas, M. Douglas, J. Greenwell, C. Hamilton, S. Hamilton, E. Jardine, J. Linehan, N. MacKinnon, S. Marshall, D. Moffat, S. Mountford, A. Orr, D. Parker, J. PatonDay, J. Pirone, C. Ramage, N. Richards, E. Robson, M. Rowley, S. Scott, F. Sinclair, E. Small, A. Smart, H. Steel, R. Tatler, V. Thomson, E. Thornton-Nicol, T. Weatherston

In Attendance:- Chief Executive, Director Finance and Corporate Governance, Chief Legal Officer, Clerk to the Council

CHAIR

The Convener welcomed everyone to the meeting and advised that the public business in this meeting was being livestreamed for public view and also recorded. By participating in the meeting, attendees have given consent for this. The recording would be available through the link to the event livestream on the Council website for public viewing for 180 days afterwards. The recording would then be automatically deleted after this time. Everyone was reminded that the Council did not allow any other recording of the meeting than this one.

1. CONVENERS COMMENTS

The Convener wished the Jim Clark Rally every success over the coming weekend.

2. DEPUTE LEADER

The Council considered the appointment of the Depute Leader. Councillor Jardine, seconded by Councillor Small, moved that Councillor S. Hamilton be appointed. There being no other nominations Councillor Hamilton was duly appointed.

DECISION

AGREED that Councillor S. Hamilton be appointed as Depute Leader.

3. SCHEME OF REMUNERATION

With reference to paragraph 17 of the Minute of 27 August 2020, there had been circulated copies of a report by the Director Finance and Corporate Governance seeking approval for amendments to the existing Scheme of Remuneration that would apply to the New Political Administration of Scottish Borders Council formed after the Local Government election of 5 May 2022. Payments to Councillors were governed by The Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007. The Regulations specified that, in the case of Scottish Borders Council, a maximum of 14 "Senior Councillors" may be appointed to positions of responsibility, in addition to the Convener and the Leader of the Council. The payment level to these latter two roles was included in the Regulations. The total allowed budget for Senior Councillors (excluding the Convener and Leader) was limited by Regulation to £342,524. Following consideration of the responsibilities to be borne by Senior Councillors, a Scheme of Remuneration had been drawn up that sought to recognise the differing significance of what was involved in each role. Details of the Scheme were contained in the Appendix to the report, along with the proposed payment rates for each role. The Leader explained the changes which had been made to Executive Portfolios and advised that these would be kept under constant review.

DECISION

AGREED that the Scheme of Remuneration be amended so that the 13 posts (excluding the Leader and Convener) detailed in the Appendix to the report be designated as Senior Councillors with their remuneration set at the levels shown.

ADJOURNMENT

The meeting was adjourned for 10 minutes to resolve a technical issue with the livestreaming equipment.

4. INTERIM SCHEME OF ADMINISTRATION

With reference to paragraph 15 of the private Minute of 22 February 2022, there had been circulated copies of a report by the Director Finance and Corporate Governance proposing amendments to the current Scheme of Administration to take account of the new Portfolio holders and the consequential impact on committee memberships and advised that a further report would be brought forward in due course with additional changes to the Scheme. The report explained that the new Administration of Scottish Borders Council had put forward changes to its Portfolio holders and as a consequence, an amended Scheme of Administration required to be approved. As Councillors wished to review the committee structure, other changes to the Scheme would also be brought forward following further discussion. An Interim Scheme of Administration was appended to the report, which highlighted in red the changes to the existing Scheme. Details of the specific changes were contained in the report. Councillor Jardine, seconded by Councillor Thornton-Nicol, moved an amendment to the recommendations in the following terms:-

- “(a) Approve the Interim Scheme of Administration attached in the Appendix to the report, subject to the following:
- (i) the membership of the Executive Committee being increased from 12 to 15 to include the Leader and two Elected Members from out-with the Administration;
 - (ii) remove the requirement that members of the Audit & Scrutiny Committee were not members of the Executive Committee;
 - (iii) increase the membership of the Audit & Scrutiny Committee to 10; and
 - (iv) remove the requirement that the Convener chaired the Pension Fund Committee.
- (b) Delegate authority to the Chief Executive, in consultation with the Leader, to establish a Cross-Party Working Group - the membership of which would reflect the overall political make-up of the Council - no later than 9 June 2022 to work on proposals for changes to the Scheme of Administration; and
- (c) Further changes to the Scheme of Administration being brought to the August meeting of Scottish Borders Council.

The amendment was unanimously approved.

DECISION

AGREED the recommendations as detailed above.

5. MEMBERSHIP OF COMMITTEES AND WORKING GROUPS

The Council considered the appointment of Members to various Committees, Sub-Committees and Working Groups in accordance with the interim Scheme of Administration, approved at paragraph 4 above. Councillor Jardine moved approval or noting of the Councillors who had been nominated to take up these appointments and this was unanimously approved.

DECISION

AGREED to approve the appointments as detailed in Appendix I to this Minute.

6. REPRESENTATIVES ON OTHER BODIES

There had been circulated copies of a list detailing the other bodies to which the Council were required to appoint representatives. Councillor Jardine moved approval of the Councillors who had been nominated to take up these appointments and this was unanimously accepted. It was noted that in some instances the Council would like greater representation than before and that these bodies would be written to and asked if they would be happy to accept additional representation. If this was not accepted reconsideration of these appointments would be dealt with at a future meeting of Council.

DECISION

AGREED:-

- (a) to approve the list of appointments as contained in Appendix II to this Minute; and
- (b) that the Groups highlighted in orange on the appendix be requested to grant the Council further places and, should any group refuse such a request, that the matter of membership be revisited at a future meeting of Council.

7. PROPOSAL FOR BLENDED AND ONLINE COMMITTEE MEETINGS

There had been circulated copies of a report by the Chief Executive proposing that, where the technology permitted, formal meetings of Council would be held either in a blended way or wholly online. The purpose of this report was to give flexibility to Council, with Members being able to access meetings online using MS teams, or any alternative that was subsequently selected, or attending the meeting in person. The conduct of meetings in a blended way would be the default position. Meetings would only be held fully in person if previously agreed with the Chair, and notified on the published committee agenda. The report explained that since April 2020 in response to the COVID pandemic, Scottish Borders Council had conducted formal committee meetings online by remote access. At its meeting on 26 March 2020, Council agreed to suspend formal meetings of the Council in a format whereby Members and officers previously gathered together in person, and to replace such formal face to face meetings with meetings held remotely using Microsoft Teams online technology. This step was taken to minimise the risk of infection from COVID19, with Council Standing Orders being amended accordingly. At its meeting on 30 July 2020, Council agreed that the holding of remote meetings would continue and this decision had not yet been formally revoked. Officers, along with the Council's IT provider, CGI, had worked to identify the necessary technology to hold blended meetings. However, as a result of global shortages in IT equipment that technology was only now in the process of being installed in the Council Chamber. It was proposed that, where the technology was available, blended meetings would going forward be the default and the norm for formal committee meetings. This would promote flexibility for both Members and officers, as well as helping to achieve the Councils climate change ambitions of reducing carbon emissions, by reducing travel across the Borders. It would also make the best use of the technology currently available and would allow for the potential impact of any new or changing COVID or other restrictions moving forward. Blended meetings could only currently take place in the Council Chamber. If meetings did not take place in the Council Chamber then full online meetings would be necessary due to the requirement to livestream proceedings for public viewing. In such circumstances meetings would then be held wholly online via Microsoft Teams, or any such alternative technology that may replace that in future. It was anticipated that committee meetings would only be called as wholly physical meetings with the approval of the Chair, and only normally where circumstances dictated that was the best option. This would be notified on the published agenda for the meeting in advance of the meeting being held. Although the technology was now being installed in the Council Chamber, an interim continuation of meetings by remote access was still being proposed until full testing of the functionality and user awareness had been completed. During June, it was proposed to pilot and test the use of blended meetings and should this prove successful then meetings could

move to blended meetings before the end of June 2022. Members expressed their support for the proposals.

DECISION

AGREED that:-

- (a) once testing of the functionality of the technology in the Council Chamber had been completed successfully, that blended meetings of Council committees would become the default position;
- (b) in the event that blended meetings are not able to take place, then meetings would take place wholly online, and meetings would be called as physical meetings only where the Chair of the meeting agreed to this in advance of the agenda of the meeting being issued;
- (c) the following changes were made to Standing Orders to account for future blended meetings:
 - Meetings of the Council*
 - (i) Standing Order No. 8 – Addition “*Where a meeting is being held in terms of Section 43 of the Local Government in Scotland Act 2003 i.e. as a blended meeting, then public access to that meeting will either be in the meeting room with any Members present, or if no Members are present in a meeting room, or online through a livestream of the meeting.*”;
 - Duties of Chairman*
 - (ii) Standing Order No. 16(b) – amend to read “ensuring that a fair opportunity is given to all Members to express their views on any item of business, *whether they are present physically in a meeting room or through remote access*, in accordance with the terms of these Standing Orders;
 - (iii) Standing Order No. 16 – new addition (l) “*taking reasonable steps to enable effective participation by Members, officers and members of the public whether they are present physically or by remote-access; failure of technology impacting on participation in a meeting by a Member may not necessarily require the meeting to be halted.*”; and
 - Debate*
 - (iv) Standing Order No. 30 – amend to “Every motion or amendment shall require to be moved and seconded, and, if required by the Chairman shall be in writing and shall be handed *or sent electronically* to the proper officer and read to the meeting...”

8. URGENT BUSINESS

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Convener was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to keep Members informed.

9. KIRKING OF THE COUNCIL

The Convener advised that he would like to arrange the Kirking of the Council. However, before making any arrangements he would welcome feedback from other Members.

DECISION

AGREED that Members provide the Convener with their views on the holding of a Kirking of the Council.

The meeting concluded at 10.45 a.m.