

SCOTTISH BORDERS COUNCIL

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held online via Microsoft Teams on 31 March 2022 at 10.00 a.m.

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

Apologies:- Councillors J. Linehan, S. Marshall, T. Miers, S. Scott
In Attendance:- Chief Executive, Director Education and Lifelong Learning, Director Finance and Corporate Governance, Director Infrastructure and Environment, Director Resilient Communities, Director Social Work and Practice, Director Strategic Commissioning and Partnerships, Director Health and Social Care, Chief Legal Officer, Employment Relations Manager, Clerk to the Council.

1. **CONVENER'S REMARKS**

The Convener congratulated David Robertson, Kirsty Robb, Ian Angus and the rest of the Pension Team for winning the Pension Fund of the Year Award for the category "Assets under £2.5billion in value" at the recent Local Government Pension Fund Awards in London.

DECISION

AGREED that congratulations be passed to those concerned.

2. **MINUTE**

The Minute of the Meeting held on 10 March 2022 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:-

Berwickshire Area Partnership	27 January 2022
Teviot & Liddesdale Area Partnership	1 February 2022
Eildon Area Partnership	10 February 2022
Audit & Scrutiny	14 February 2022
Chambers Institution Trust	16 February 2022
Local Review Body	21 February 2022
Peebles Common Good Fund	23 February 2022
Civic Government Licensing	25 February 2022
Jedburgh Common Good Fund	28 February 2022
Executive	1 March 2022
Community Planning Strategic Board	3 March 2022
Planning & Building Standards	7 March 2022
Local Review Body	7 March 2022
Executive	21 March 2022

DECISION

APPROVED the Minutes listed above subject to paragraph 4 below.

4. **COMMITTEE RECOMMENDATIONS**

There had been circulated copies of a Minute extract from the meeting of the Jedburgh Common Good Fund Sub-Committee held on 28 February 2022 recommending that funding of £50k be approved as a contribution to the new Allerley Well Play Park.

DECISION

AGREED to approve the contribution of £50k from Jedburgh Common Good Fund towards the new Allerley Well Play Park.

5. **CAPITAL PROGRAMME 2022/23 - BLOCK ALLOCATIONS**

With reference to paragraph 11 of the Minute of 22 February 2022, there had been circulated copies of a report by the Director Finance and Corporate Governance seeking approval for the proposed individual projects and programmes within the various block allocations in the 2022/23 Capital Financial Plan. Appendices A-P attached to the report contained proposals for various projects to be allocated from the block allocations. These overall block allocation were approved in the 2022/23 Capital Financial Plan at the meeting of Scottish Borders Council on 22 February 2022. Not all projects had been fully identified at this point and as and when this information was available this would be brought to the Executive Committee for consideration as part of the quarterly monitoring reports. Members welcomed the planned projects.

DECISION

AGREED to approve the block allocation breakdowns contained in Appendices A-P attached to the report.

6. **LOCAL AUTHORITY COVID ECONOMIC RECOVERY FUND**

There had been circulated copies of a report by the Director Resilient Communities providing information on additional funding from Scottish Government that had been allocated to Local Authorities to provide a flexible response to economic recovery and provide additional support for low income households during financial year 2022/23. The report explained that Scottish Government had recently announced an £80m Local Authority COVID Economic Recovery (LACER) fund. The purpose of this funding was to help support local economic recovery and potentially provide some additional funding for low-income households. Scottish Borders Council had been allocated £1.724m. The proposals for this funding that had been developed were aligned to existing Strategies and plans and were focussed on the two target groups of local businesses and low-income households. The report detailed 3 areas to be approved immediately with a further report be brought to Council at the earliest opportunity with further proposals to support local businesses once an assessment process has been carried out that would use the remaining £0.317m. It was highlighted that all claims, monitoring and evaluation would be in accordance with the requirements of the Fund. Members welcomed the report and Ms Craig provided assurances regarding ensuring payments were made to the correct people and confirmed that vouchers could be provided if required. She also undertook to provide Members with a briefing note on the operation of "Scotland Loves Local".

DECISION

AGREED:-

- (a) to note the allocation of £1.724m from the Scottish Government Local Authority COVID Economic Recovery Fund to be allocated by Scottish Borders Council in Financial Year 2022/23;**
- (b) the proposed allocations of the funding for 2022/23 as detailed in the report;**
- (c) to delegate authority to the Director of Resilient Communities and the Director of Finance and Corporate Governance to distribute the allocations identified in the report; and**

- (d) that a further report be brought to Council at the earliest opportunity which would outline the further proposals to support businesses in accordance with the five principles of the funding scheme.**

7. MANAGING CUSTOMER ENGAGEMENT POLICY

There had been circulated copies of a report by the Director Resilient Communities proposing the amalgamation of the Vexatious Complaints and Correspondence Policy and the Unacceptable Actions and Behaviours Policy into one policy and to refresh the approach to managing unacceptable customer engagements. The report explained that the Scottish Public Services Ombudsman's (SPSO) Model Complaints Handling Procedure (MCHP) required all public services to have a policy in place to manage unacceptable customer behaviour. The Managing Customer Engagement Policy incorporated the Unacceptable Actions and Behaviours Policy that managed violent, aggressive, threatening or abusive behaviour into a refreshed policy that managed all types of unacceptable customer behaviour. The Managing Customer Engagement Policy also introduced the logging of every unacceptable customer engagement, so behavioural trends could be identified sooner and appropriate actions taken to protect officers. Officers were also empowered to escalate cases where they felt action needed to be taken or they were finding engagement with a particular customer problematic. A copy of the proposed policy was appended to the report. Members supported the introduction of this combined policy document.

DECISION

AGREED to:-

- (a) approve the policy, as contained in the Appendix to the report, and its implementation;**
- (b) amend the remit of the Complaints Review Group to include the powers to make the decision to apply the Managing Customer Engagement Policy; and**
- (c) amend the Scheme of Delegation, for the Chief Executive, to review, where an appeal was requested, the Complaints Review Group's decision to apply the Managing Customer Engagement Policy.**

8. HEALTH AND SOCIAL CARE INTEGRATION SCHEME REFRESH

There had been circulated copies of a report by the Director Health and Social Care proposing an updated Scheme of Integration in line with the Scottish Borders Council's obligations under the Public Bodies (Joint Working) (Scotland) Act 2014. The report explained that The Scottish Borders Scheme of Integration was a legally binding agreement between NHS Borders and Scottish Borders Council. The Scheme of Integration defined the scope of the Integration Joint Board, and Health and Social Care Partnership, along with the supporting arrangements to ensure the integrated planning and delivery of certain Social Care, Social Work and Health Services. In line with the practice for all Local Authorities and Health Boards, the Scottish Borders Council and NHS Borders were legally required to review, revise and publically consult on the Scheme of Integration every 5 years. Given the current pandemic pressures placed on both social care and health services, and the future national implications of the National Care Service, Local Authorities and Health Boards had been advised by the Scottish Government that a light touch review of their local Scheme of Integration was appropriate. In undertaking a light touch review, no major changes to the existing Scheme of Integration were identified. Changes within the Scheme related to updating the content to reflect the current context in each area, as opposed to the context in 2017, in order to ensure that it continued to comply with relevant legislation and policies. The national development of the National Care Service and the associated Community Health and Social Care Boards was currently 'a known unknown.' As a result, at this time no changes were required to be made to the Scheme of Integration as a result of this. Once there was further clarity on the scope and the local implications, an update to the Council would be provided. A range of stakeholders was contacted to advise them of the launch of

the light touch review consultation and how to access it via Scottish Borders Council's consultation and Survey Hub and 29 responses were received and these were summarised in the report. Changes to the Scheme of Integration were noted in Appendix 3 and the revised Scheme of Integration was included within Appendix 4 to the report. Mr Myers answered Members' questions on a number of areas including information sharing and working arrangements with the Chief Social Worker.

DECISION

AGREED:-

- (a) to note the process undertaken and findings;**
- (b) to approve the reviewed and updated Scottish Borders Scheme of Integration, as contained in Appendix 4 to the report;**
- (c) that the updated Scheme of Integration be submitted to Scottish Ministers for approval.**

9. AUDIT AND SCRUTINY COMMITTEE (AUDIT BUSINESS)

There had been circulated copies of a report by the Chairman of the Audit and Scrutiny Committee containing the Audit and Scrutiny Committee Annual/End of Term Report 2021/22 to all elected members which presented the performance in relation to its Terms of Reference and the effectiveness of the Committee in meeting its purpose, relating to its Audit functions. The report explained that it was important that the Council's Audit and Scrutiny Committee fully complied with best practice guidance on Audit Committees to ensure it could demonstrate its effectiveness as a scrutiny body (Audit functions) as a foundation for sound corporate governance for the Council. The CIPFA Audit Committees Practical Guidance for Local Authorities and Police 2018 Edition (hereinafter referred to as CIPFA Audit Committees Guidance) included the production of an annual report on the performance of the Audit and Scrutiny Committee against its remit (Audit functions) for submission to the Council. The Audit and Scrutiny Committee Annual/End of Term Report 2021/22, as contained in Appendix 1 to the report, was presented for consideration. Scottish Borders Council continued to be a lead authority in adopting this best practice. The Audit and Scrutiny Committee carried out self-assessments of Compliance with the Good Practice Principles Checklist and Evaluation of Effectiveness Toolkit from the CIPFA Audit Committees Guidance during their Informal Session on 14 February 2022 facilitated by the Chief Officer Audit & Risk. The members of the Committee considered the Annual/End of Term Report and supporting self-assessment documents at their meeting on 14 March 2022 and agreed that they accurately represented the results of the self-assessment exercise. The outcome of the self-assessments was a high degree of performance against the good practice principles and a high degree of effectiveness. Councillor Bell presented the report and thanked officers for their support. Members welcomed the report.

DECISION

AGREED to:-

- (a) acknowledge the performance of the Audit and Scrutiny Committee and its assurance to the Council as set out in its Annual/End of Term Report 2021/22, contained in Appendix 1 to the report; and**
- (b) endorse the Committee's recommendations set out in Appendix 1, as follows:**
 - (i) approve an extension to the appointment of the external members of the Audit and Scrutiny Committee (Audit functions) for one year to October 2022, noting that the current incumbents were in agreement to this;**

- (ii) **agree that other Committees should carry out self-assessments of fulfilling their remits as part of continuous improvement;**
- (iii) **provide the opportunity for the external members of the Audit Committee or equivalent and other Committees to be involved in the Induction Programme and ongoing Development Programme for Elected Members post-local government elections in May 2022;**
- (iv) **agree that the appointed Chair would have previously served on an Audit Committee or equivalent, where practicable;**
- (v) **endorse a further cycle of presentations by Directors on risks and mitigations to the Audit Committee or equivalent. In addition, the Audit Committee or equivalent should gain insights on the efficacy of the Council's risk management framework through benchmarking with other organisations; and**
- (vi) **agree that Informal/Development Sessions continue to be used for refresher briefing/training for Committee Members.**

10. **SEXUAL ENTERTAINMENT VENUES**

With reference to paragraph 8 of the Minute of 25 March 2021, there had been circulated copies of a report by the Director Finance and Corporate Governance detailing the terms of the draft sexual entertainment venues policy statement ("SEV Policy Statement) following Council's resolution to licence such venues in the Scottish Borders area. The report explained that at its meeting on 25 March 2021, Council passed a resolution in terms of Section 45B of the Civic Government (Scotland) Act 1982 as amended by the Air Weapons and Licensing (Scotland) Act 2015. Following the adoption of that Resolution, the Council had a statutory duty to publish a Draft Policy Statement. The stage 2 public consultation would then ask for views on that Draft Policy Statement. The policy would include matters such as the proposed appropriate number of SEVs (if any) to be permitted in the Scottish Borders, what localities were considered suitable (or unsuitable) for the operation of a SEV, and what measures the Council would expect applicants to have in place to address the following objectives:

- preventing public nuisance, crime and disorder;
- securing public safety;
- protecting children and young people from harm; and reducing violence against women.

The Resolution could not come into force until at least a period of one year had passed after it was adopted. Members considered that the number of venues in the Scottish Borders should be nil and supported the report.

DECISION

AGREED to:-

- (a) **approve the draft SEV Policy Statement; and**
- (b) **instruct the Director, Finance and Corporate Governance to conduct the stage 2 public consultation required on the content of the draft SEV Policy Statement and to report to Council on the outcome of the stage 2 consultation.**

11. **RECORDING OF COMMITTEE MEETINGS**

There had been circulated copies of a report by the Director Finance and Corporate Governance proposing that public Council committee meetings which were livestreamed

were recorded and such a recording kept for 180 days before being deleted. The report explained that at its meeting on 30 July 2020, in response to continuing public health concerns around the pandemic, Scottish Borders Council agreed that online meetings would be available to view via a livestream. From 10 August 2020, the public parts of Council and all committee meetings had been livestreamed at the time of the meeting. However, no recording of the meeting was made and was not therefore available to view after the meeting had finished. In order to promote democratic engagement with the Borders community, officers had been looking at the means to be able to record meetings and make these available to the public after the event, in compliance with GDPR Regulations. Confidential business was not livestreamed and it was not intended that this part of a meeting would be recorded. It was now proposed that when public business was being considered at any Council committee meeting which was livestreamed, these meetings would be recorded and made available to the public after the meeting through the link to the event livestream. This link would remain live for 180 days after the meeting and would then be automatically deleted. A notice to this effect would be placed on the agenda for the meeting. At the start of the meeting the Chair would announce whether the meeting was being livestreamed and recorded. The Chair would also have the discretion to terminate or suspend livestreaming and recording, either to receive advice from officers, or if in their opinion allowing livestreaming or recording to continue would prejudice the proceedings of the meeting. Unfortunately, the technology to be able to livestream and record physical/blended committee meetings would only be available at Council Headquarters for the foreseeable future, once work to install the technology was completed. Therefore any meetings which took place elsewhere would not be livestreamed or recorded unless they took place wholly online. Members fully supported the proposal as it promoted democratic engagement and increased transparency.

DECISION AGREED:-

- (a) to approve the recording of livestreamed Council committee meetings which would be available to view for 180 days after the meeting and thereafter be deleted;**
- (b) that a notice would be placed on agendas advising when a meeting was being recorded and at the start of such a meeting the Chair would announce whether the meeting was being livestreamed and recorded and by participating in the meeting, attendees gave consent for this;**
- (c) that the Chair would have the discretion to terminate or suspend livestreaming or recording, either to receive advice from officers, or if in their opinion allowing livestreaming or recording to continue would prejudice the proceedings of the meeting and this was added to Standing Order No. 16 (duties of Chairman); and**
- (d) to note that under the GDPR and Data Protection Act 2018, data collected during the livestream would be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available for 180 days after the meeting via the Council's website.**

12. EMPLOYEE VOLUNTEERING POLICY

There had been circulated copies of a report by the Director People, Performance and Change seeking approval of a proposal for Scottish Borders Council to include Employee Volunteering as part of the Employee Special Leave Policy. The proposal had been developed to encourage and assist employees to volunteer locally and to support the Council in engaging with the local community. Providing employees up to two paid days per year to volunteer (pro rata for part time employees) was a positive mechanism to support community engagement. It could improve employee morale and should help increase employee

engagement. Importantly, it would benefit the local community by providing support, whilst also allowing the development of increased skills and resources. Members supported the report and highlighted the likelihood of people volunteering if supported by their employer.

DECISION

AGREED to approve the Employee Volunteering Policy, as contained in the Appendix to the report, being incorporated into the current Special Leave Policy for immediate implementation

DECLARATIONS OF INTEREST

Councillors A. Anderson, D. Moffat and D. Parker 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.

CHAIRMAN

In the absence of the Convener, the Vice-Convener chaired the following item of business.

13. EMPLOYEE RECOGNITION IN RELATION TO COVID 19 PANDEMIC

There had been circulated copies of a report by the Director People, Performance and Change proposing that Scottish Borders Council consider making a tangible gesture that recognised and showed appreciation for the ongoing response and contribution of its employees to the COVID-19 pandemic. Options for providing employees with a demonstrable token of recognition were limited by cost and the difficulty in implementing without disruption to the business. As a consequence, it was felt the second option detailed in the report would be perceived as having value to employees, whilst at the same time having a low actual cost and disruption to the business. Any working time lost was likely to be mitigated through increased goodwill, and the feeling of being recognised and valued for the work done. In addition within schools the proposal would involve converting an existing in-service day within each locality. The granting of an additional day's wellbeing leave was regarded as having a high value to employees, whilst at the same time was relatively low in terms of direct costs. It was also a way of 'giving back' to the family of staff who may also have had to make sacrifices during this time. Members supported this proposal to recognise the work of staff during a difficult time.

DECISION

AGREED to grant all Council employees a wellbeing day off during 2022 as recognition of their exceptional response to the COVID-19 pandemic, with a financial adjustment for staff for whom this was not a practical option

MEMBERS

Councillors A. Anderson, D. Moffat and D. Parker re-joined the meeting and the Convener resumed the chair.

14. DRAFT CALENDAR OF MEETINGS AUGUST-DECEMBER 2022

There had been circulated copies of the proposed draft Calendar of Meetings for the period August to December 2022. It was noted that these dates may be subject to change following the forthcoming elections.

DECISION

AGREED to approve the Calendar of Meeting, as contained in Appendix I to this Minute.

15. OPEN QUESTIONS

The questions submitted by Councillors Robson, McAteer and H. Scott were answered.

DECISION

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

16. **VALEDICTORY**

The Convener invited those Members who were not seeking re-election in May to say a few words. Councillors A. Anderson, H. Anderson, Bell, Brown, Chapman, Fullarton, Haslam, Laing, Paterson, and Turnbull all took the opportunity to comment on their time as a Councillor and pay tribute to their fellow Councillors and the Officers who had assisted them over the years. Councillor Robson thanked everyone for their courtesy and friendship and wished those standing in the election well. Councillor Tatler wished those Members from Tweeddale well for the future and thanked Councillor Aitchison for his advice. Councillor Rowley also thanked those who were leaving, who between them had given over 130 years of Council service. The Convener concluded by thanking Members for his time as Convener, thanked officers for their support and commented on each of the Members who were not seeking re-election and in particular noted Councillor Paterson's 34 years of service. He then wished everyone all the best for the future.

MEMBERS

Councillors Moffat and Mountford left during the above item.

17. **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 III 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

18. **MINUTE**

The private section of the Council Minute of 10 March 2022 was approved.

19. **COMMITTEE MINUTES**

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

20. **INTERIM UPDATE – INSPIRE ACADEMY**

Councillor approved a report by the Director Education and Lifelong Learning. They noted progress to date and agreed the next steps.

The meeting concluded at 1.50 p.m.