

# **SCOTTISH BORDERS COUNCIL**

MINUTE of BLENDED MEETING of the SCOTTISH BORDERS COUNCIL held in Council Headquarters, Newtown St. Boswells and Microsoft Teams on 25 August 2022 at 10.00 a.m.

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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, F. Sinclair, E. Small, A. Smart, H. Steel, R. Tatler, V. Thomson, E. Thornton-Nicol, T. Weatherston

Apologies:- Councillor S. Scott.

In Attendance:- Acting Chief Executive, Director Education & Lifelong Learning, Director Infrastructure and Environment, Director Resilient Communities, Director Social Work & Practice, Director Strategic Commissioning & Partnerships, Joint Director of Health & Social Care, Acting Chief Financial Officer, Chief Legal Officer, Clerk to the Council.

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## **1. CONVENER'S REMARKS**

- 1.1 The Convener congratulated the Borders athletes who had competed in the recent Commonwealth Games in Birmingham and in particular the medal winners Stephen Clegg from Newcastleton, Gregor Swinney from Peebles, Rory Stewart from Galashiels and Samantha Kinghorn from Gordon.
- 1.2 The Convener commented on the welcome return of the Tour of Britain cycling race to the Borders on Monday 5 September with the stage starting in Hawick, touring around the Borders and finishing in Duns.
- 1.3 The Convener congratulated the young people at senior stages in Borders Schools who had undertaken formal exams for the first time since 2019 and paid tribute to the strong set of results achieved.

## **DECISION**

**AGREED that congratulations be passed to those concerned.**

## **2. MINUTES**

The Minutes of the Meeting held on 23 June and 12 July 2022 were considered. With reference to Appendix II of the Minute of 23 June 2022, listing the response to open questions, Councillor Begg asked that the full answer provided to him but not read out at the meeting be included and this was agreed.

## **DECISION**

**AGREED that the Minutes be approved and signed by the Convener, subject to the addition of further information to Appendix II of the Minute of 23 June 2022.**

## **3. COMMITTEE MINUTES**

The Minutes of the following Committees had been circulated:-

Hawick Common Good Fund	7 June 2022
Chambers Institution Trust	8 June 2022
Peebles Common Good Fund	8 June 2022
Audit & Scrutiny	9 June 2022

Berwickshire Area Partnership	9 June 2022
Police, Fire & Rescue and Safer Communities Board	10 June 2022
Planning & Building Standards	13 June 2022
Jedburgh Common Good Fund	13 June 2022
Executive	14 June 2022
Community Planning Strategic Board	16 June 2022
Local Review Body	20 June 2022
Kelso Common Good Fund	21 June 2022
Coldstream Common Good Fund	22 June 2022
Melrose Common Good Fund	27 June 2022
Tweeddale Area Partnership	27 June 2022
Pension Fund	29 June 2022
Pension Board	29 June 2022
William Hill Trust	29 June 2022
Lauder Common Good Fund	29 June 2022
Cheviot Area Partnership	29 June 2022
Eildon Area Partnership	30 June 2022
Planning & Building Standards	4 July 2022
Peebles Common Good Fund	12 July 2022
Local Review Body	18 July 2022
Hawick Common Good Fund	27 July 2022

## **DECISION**

**APPROVED** the Minutes listed above.

### **4. ANTI-POVERTY STRATEGY – COST OF LIVING SUPPORT**

There had been circulated copies of a report by the Director Resilient Communities proposing that, in recognition of the significant challenges that households were facing because of the increasing costs of living, the Council establish a financial support package and, along with key partners, immediately establish both strategic and operational multi-agency groups to respond to the needs of communities. The report explained that the current cost of living crisis was already affecting many residents in the Scottish Borders, and it was clear that this situation would significantly worsen as we moved towards autumn and winter. It was acknowledged that there was a significant number of supports already in place, but in a similar way that the Council and partners responded during the Covid-19 pandemic and the current Ukrainian crisis, we needed to build on what was currently being provided and step up with immediate action to further support those in need. Scottish Borders Council, along with Community Planning Partners and any other relevant partners, must prepare for these unprecedented and exceptional autumn and winter pressures on our communities and put plans in place to provide practical, as well as financial assistance and support as a priority. The proposal was to set up strategic and operational multi-agency officer groups with representatives from across the Community Planning Partnership and other external organisations that were either already providing support or assistance, or could have the potential to do so. The purpose of both these multi-agency groups would be to generate agile and rapid response proposals/ideas/actions/support plans to alleviate some of the impacts of the cost of living crisis, and would report into the Anti-Poverty Members Reference Group as well as provide regular briefings to Members in relation to local requirements and response. As reported through the 2021/22 outturn report, approved by the Executive Committee on 14 June 2022, the Council delivered a £1.4m underspend in 2021/22 which was directed to reserves at the financial year end. In response to the current cost of living crisis it was now proposed to release this underspend from the Council's reserves to provide £1.2m support to communities during 2022/23. The remaining £200k would be released to top up existing financial support to businesses which would be presented to Members for approval in a future report. There would also be a requirement to report to the Community Planning Partnership, as this action was also a key priority within their 12 month Work Plan. Director of Resilient Communities, Mrs Craig, advised that work was underway with the Communications Section to publicise this support. Members supported the proposals. Mrs Craig answered Members' questions and confirmed that the most appropriate methods of

payment would be sought to ensure support reached the purchases to which it was aimed. The excellent work of the CAB was also highlighted. The support for businesses was also welcomed. The need to make older people aware of pension credits was also emphasised.

## **DECISION**

### **AGREED:-**

- (a) **to approve the creation of a short term multi-agency Cost of Living Crisis Strategic Group and an Operational Officers Group in order to provide an enhanced response to the exceptional autumn and winter pressures our communities were facing;**
- (b) **that these multi-agency groups would report into the Anti-Poverty Members' Reference Group and the Community Planning Partnership and provide regular briefings to Members in relation to local requirements and response across each of our five localities;**
- (c) **to release £1.2m underspend from 2021/22 outturn from reserves to provide support to communities during 2022/23 and:**
  - (i) **allocate £585k of this to allow immediate dispersion of financial support as detailed in the report; and**
  - (ii) **to delegate authority to the Director of Resilient Communities, in consultation with the members of the Anti-Poverty Members Reference Group, to allocate the remaining £615k as required.**

## **5. MOTION BY COUNCILLOR ANDERSON**

Councillor Anderson, seconded by Councillor Thornton-Nicol, moved approval of the following Motion as detailed on the agenda:-

"That Scottish Borders Council calls upon the UK Government to act now over the current fuel and energy crisis prior to winter and ensure the costs of the main fuels used come down to an affordable level for all in society. In particular it calls upon the (UK) Government to reinstate the previous cap of £1,277.00 (as of 01.11.21) on home fuel prices."

Councillor Richards, seconded by Councillor Marshall, moved as an amendment that the Motion be amended to include the words "Scottish and" before "UK Government".

Councillor Sinclair, seconded by Councillor PatonDay, moved as a further amendment to add the following wording on to the last sentence of the Motion: "...and to remove VAT from household fuel bills without delay."

Councillor Anderson accepted both of these amendments and both he and Councillor Thornton-Nicol spoke in support of the Motion which was unanimously approved

## **DECISION**

**AGREED that Scottish Borders Council called upon the Scottish and UK Governments to act now over the current fuel and energy crisis prior to winter and ensure the costs of the main fuels used came down to an affordable level for all in society. In particular it called upon the (UK) Government to reinstate the previous cap of £1,277.00 (as of 01.11.21) on home fuel prices and to remove VAT from household fuel bills without delay.**

## **DECLARATION OF INTEREST**

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

## 6. **SOUTH OF SCOTLAND CYCLING STRATEGY**

There had been circulated copies of a report by the Director Infrastructure and Environment setting out a draft Cycling Strategy for the South of Scotland which looked at a ten year period between 2022 and 2032. A copy of the draft Strategy was appended to the report. The strategy document and associated action plan had been primarily developed by South of Scotland Enterprise, within a partnership approach incorporating national, regional and local partners including Scottish Borders Council and Dumfries and Galloway Council. The document sought to capture all of the active travel opportunities and help harness the ambition that was currently found throughout the South of Scotland. The document also looked to deliver a legacy from the Cycling World Championships that would be coming to the South of Scotland in 2023. The development of a cycling strategy was a key action in the delivery plan of the Regional Economic Strategy and was endorsed by the Regional Economic Partnership (REP). It was planned to launch the Cycling Strategy in September 2022 at the next meeting of the Convention of the South of Scotland which coincided with the Scottish Borders hosting Stage Two of the Tour of Britain, starting in Hawick and finishing in Duns. Members welcomed the report and highlighted the need for appropriate facilities infrastructure for cyclists in locations such as Innerleithen to mitigate impacts on local residents. In response to a request for good communication with communities, the Director confirmed that the Council would work with communities in advance of the World Championships.

### **DECISION**

#### **AGREED to:-**

- (a) **approve the South of Scotland Cycling Strategy contained in Appendix A to the report; and**
- (b) **approve the associated Ten Year Action Plan contained in Appendix B to the report**

## 7. **MEMBERSHIP OF REGIONAL ECONOMIC PARTNERSHIP**

There had been circulated copies of a report by the Director Resilient Communities seeking agreement to renew the membership of the South of Scotland Regional Economic Partnership. The report explained that when the South of Scotland Regional Economic Partnership (REP) was established, it was agreed the members would initially be appointed for a period of two years. As the REP had been operating since September 2020, membership should now be renewed. The biennial membership review also provided an opportunity to reconsider the overall composition of the REP. It was proposed that the membership of the REP was widened to incorporate Members from Regional NHS Boards (NHS Borders and NHS D&G), Historic Environment Scotland, South of Scotland Destination Alliance (SSDA) and Young Person's representatives, with one drawn from each local authority area. It was further proposed that representation from Scottish Enterprise (SE) was removed as they had been included to support the transition period to support the creation of SOSE. The Third Sector and Registered Social Landlords were to be removed from the open recruitment process and REP membership assigned to representatives nominated by each of the Third Sector Interfaces and by Registered Social Landlords. There would be closer engagement on regional transport issues impacting the local economy achieved through the inclusion of both Regional Transport Partnerships (SWestrans and SEStran) as members of a re-established Regional Transport Working Group. This group would supply information to the REP as required and would be able to attend meetings of the REP when requested. The process of open recruitment would commence in September for representatives from the private sector, social enterprises, and communities, noting that current REP members could apply again.

### **DECISION**

**AGREED to approve the proposals outlined in the report for the renewal of the South of Scotland Regional Economic Partnership membership.**

## **MEMBER**

Councillor Rowley re-joined the meeting.

### **8. NATIONAL CARE SERVICE (SCOTLAND) BILL CONSULTATION RESPONSE**

There had been circulated copies of a report by the Joint Director of Health and Social Care Integration proposing approval of the attached Scottish Borders Council response to the Scottish Parliament Health, Social Care and Sport Committee 'Call for Views' and 'Your Priorities' for the National Care Service (Scotland) Bill consultation. The report explained that following the introduction of the National Care Service (Scotland) Bill to the Scottish Parliament on 20 June 2022, as part of stage 1 of the Scottish Parliamentary legislative process, the Scottish Parliament Health, Social Care and Sport Committee launched a 'Call for Views' and a 'Your Priorities' consultation on 8 July 2022. Both consultations were due to close on 2 September 2022. The 'Call for Views' includes general questions about the Bill, questions about the Financial Memorandum, and the option to provide more detailed comments on individual sections of the Bill. It was primarily aimed at groups and organisations who were looking to input their views on the Bill. The 'Your Priorities' consultation offered an opportunity to ask questions or to highlight specific hopes or concerns about the Bill. The proposals, which were set out in the report, were significant and would result in a fundamental change to the role of local government in Scotland, if implemented. Amongst the recommendations, to help drive improvement in the sector, was the establishment of a National Care Service in Scotland. Members welcomed the robust response to the proposals and commented on a range of suggestions which they felt were unworkable. It was proposed that Scottish Borders offered to become a pathfinder area to ensure that people were at the forefront of the proposals. Officers were urged to have a business case ready as there would be competition to gain pathfinder status.

## **DECISION**

### **AGREED to:-**

- (a) endorse the response detailed in Appendix A to the report as the Scottish Borders Council's consultation response to the Scottish Parliament Health, Social Care and Sport Committee's consultation as part of stage 1 of the National Care Service (Scotland) Bill legislative process;**
- (b) support a local test of change in line with the purpose of the proposed National Care Service in partnership with NHS Borders and the Scottish Borders Health and Social Care Integration Joint Board, within the current legislative framework; and**
- (c) endorse the approach that the Leader be remitted to write to the Minister for Mental Health and Social Care setting out the proposal for a Scottish Borders test of change as per the recommendation at paragraph (b) above.**

### **9. REVIEW GROUP UPDATE IN CONNECTION WITH INDEPENDENT INQUIRY**

With reference to paragraph 5 of the Minute of 23 June 2022, there had been circulated copies of a briefing paper by the Director Education and Lifelong Learning. The paper advised that work had now commenced in respect of all actions, as listed in the Action Plan, and in particular, work was ongoing in respect of the following elements:

- ***Outcome 4:*** Review and improvement of child protection training: a sub-group of the Public Protection Committee Training Group had drafted a matrix which ensured that the training met the needs of specific staff groups and was delivered at appropriate intervals and with robust methods of assessment.
- ***Outcome 5:*** review and improvement of the Scottish Borders Child Protection Procedures. This action was progressing in line with the implementation of revised national procedures.

- Outcome 10(a) and 10(b): Auditing of existing tools and processes for communicating with parents was informing the areas for focused consultation with stakeholders, which would in turn inform a fuller review of communication methods and practice. Due to the correlation between these actions, it was intended that those continued to be delivered concurrently. There was likely to be an extension to the original timescale for delivery due to the scale of this outcome.
- Outcome 12: Ensure there was a clear process where any referrals concerning a staff member to the Child Protection Unit was, by default, copied to the HR Case Management System (failsafe measure).

It was noted that following the summer break meetings were now back to every two weeks.

#### **DECISION**

**NOTED the update.**

### **10. DIGITAL STRATEGY UPDATE AND OVERVIEW OF DIGITAL TRANSFORMATION PROGRAMME**

With reference to paragraph 5 of the Minute of 13 May 2021, there had been circulated copies of a report by the Director Strategic Commissioning and Partnerships providing an update on the delivery of work supporting elements of Scottish Borders Council's Digital Strategy. It set out the progress on digital transformation which had been made since May 2021 and described the planned programme of digital transformation through to Quarter one of the next financial year. The Council's digital vision was for the Borders to become a smart rural region. In achieving this vision, it aimed to be an open, transparent organisation, where staff at all levels were empowered to make decisions. This required an organisation that was both data driven and risk aware, with a common purpose defined through the clear outcomes and aspirations set out in the Council plan. Realising this vision required the ongoing transformation and continual improvement of services, underpinned by digital technologies. The Council's strategic approach to mobilising and empowering the frontline workforce, capturing relevant, rich and accurate data that supported improved understanding of service delivery and outcomes, along with a wide reaching service redesign and a robust approach to performance management would make significant progress towards achieving that vision. The Council's Digital Transformation Programme would continue to move the Council forward in the journey towards achieving these goals, both through leveraging the existing digital capabilities and through the introduction of significant new enterprise level integrations and capabilities. The report provided details of a proposal to run a nine month Pathfinder project within the Digital Transformation Programme to evaluate the total impact of four highly interdependent work streams across the Social Work service. The evaluation of this Pathfinder would then be used to inform future decisions on the appropriate use of technology to support transformation across all other service areas. The Director Social Work and Practice outlined the benefits that this work would have for staff, allowing them to spend more time with clients and less time in front of a screen in the office. Members welcomed the proposals.

#### **DECISION**

**AGREED:-**

- to approve the updated position on the Digital Strategy supporting the Council Plan, and the 4 priority work streams which would deliver improvements in outcomes for Borders citizens in their interactions with the Council as well as efficiencies for staff;**
- to approve the Benefits Case and Change management plan presented in the report;**

- (c) that the findings of the Pathfinder Project would be used to inform the plans and priorities for a further structured programme of service redesign, integration of information systems and digital transformation across all other SBC services; and
- (d) that the Pathfinder forecast position would be reported to the Executive Committee as a core part of SBC's regular financial monitoring and reporting.

11. **REVISED DEVOLVED SCHOOL MANAGEMENT SCHEME**

There had been circulated copies of a report by the Director Education and Lifelong Learning seeking approval of a revised Scheme of Devolved School Management (DSM) and agreement that the revised Scheme be implemented and published in academic year 2022/23. The report explained that all Local Authorities were required to review and update their Scheme of Devolved School Management by August 2022. Headteachers and officers had worked collaboratively to draft a Scheme which was transparent and which empowered Headteachers to manage resources flexibly and responsively. A copy of the proposed DSM Scheme was contained in Appendix 1 to the report. The report detailed the changes which had been made to the Scheme and budget statements reflecting the new allocations had been prepared. Headteachers had planned resources for the academic year 2022/23 on the basis of the new Scheme. Virements were required to reallocate budgets between services within Education as part of the realignment to support the revised DSM Scheme and these were contained in Appendix 2 to the report. Councillor Leigh Douglas spoke in support of the report and proposed that recommendation (c) be amended to read "agree that adaptations to respond to service needs were ongoing with a formal review cycle of 3 years being implemented and any changes be reported to the Education Executive Committee. Members welcomed the report which allayed initial fears raised by parents. In response to a question on early years funding, the Director advised that there would be a Members briefing on the expansion of early years provision.

**DECISION**

**AGREED:-**

- (a) to approve the revised DSM Scheme, as contained in Appendix 1 to the report, for implementation from August 2022;
  - (b) to the publication and submission to Scottish Government of the revised Scheme;
  - (c) that adaptations to respond to service needs were ongoing with a formal review cycle of 3 years being implemented and any changes be reported to the Education Executive Committee; and
  - (d) to approve the virements as detailed in Appendix 2 to the report.
12. **SCOTTISH BORDERS RESPONSE TO THE REGIONAL TRANSPORT STRATEGY**
- With reference to paragraph 4 of the Minute of 27 January 2022, there had been circulated copies of a report by the Director Infrastructure and Environment providing an update on the Council's response to South-East of Scotland Regional Transport Partnership (SEStrans) Draft Regional Transport Strategy on 11 February and the subsequent work undertaken by officers to secure changes to the Draft Strategy which is to be considered for approval at the SEStran Board meeting in September 2022. The Council had approved a comprehensive set of comments on the Draft Regional Transport Strategy to SEStran which was submitted on 11 February 2022 that highlighted the need for the strategy to better reflect priorities in the Scottish Borders and other rural challenges and opportunities. The consideration of the Draft Regional Transport Strategy by SEStrans Board on the 18 March 2022 was deferred to allow discussion and agreement of revised text to be agreed with Scottish Borders Council. Revised text at key sections of the Draft Regional Transport Strategy had been agreed and it

was now proposed to take the final version of the Strategy to the SEStran Board in September 2022 for approval.

## **DECISION**

**AGREED that the Scottish Borders Council representatives on the SEStran Board approve the revised version of the Regional Transport Strategy that incorporated the alternative text agreed with officers, as detailed in the report.**

### **13. LICENSING OF SHORT TERM LETS**

There had been circulated copies of a briefing note by the Chief Legal Officer which updated Members on the requirements of the new mandatory licensing system for short term lets which local authorities were required to establish by 1 October 2022. It was explained that on 19 January 2022, the Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022 was approved by the Scottish Government. The Order came into effect on 1 March 2022 and inserted new legislative provisions into the Civic Government (Scotland) Act 1982. Prior to the introduction of the legislation, there was no requirement to licence short-term lets and, therefore, local authorities did not have the ability to regulate these types of premises. The licensing scheme was brought in by the Scottish Government with the aim to ensure short-term lets were safe, address issues faced by neighbours, to facilitate local authorities in knowing and understanding what was happening in their area, and handling complaints effectively. It also enabled local authorities to ensure the people providing short-term lets were suitable. The legislation aimed to make sure that the economic and tourism benefits from short-term lets were balanced with the needs and concerns of local communities. The note outlined the two tier approach to implementation, the licensing process, the types of licence that could be applied for and the fees. A draft short-term lets licensing policy was currently being finalised for Members to consider, with a view thereafter of carrying out a short public consultation of three weeks on the terms of the draft policy. Upon the conclusion of the public consultation the responses would be collated and the findings reported to the Council's Civic Government Licensing Committee prior to the Licensing Policy being finalised. In response to a question, the Chief Legal Officer undertook to check the cost of licences for joint premises.

## **DECISION**

**NOTED the position.**

### **14. REVIEW OF INTERIM SCHEME OF ADMINISTRATION**

- 14.1 With reference to paragraph 4 of the Minute of 26 May 2022, there had been circulated copies of a report by the Acting Chief Executive proposing initial changes to the Interim Scheme of Administration and changes to Standing Orders, with a further report to be presented to Council in September 2022. At its meeting held on 26 May 2022, Scottish Borders Council agreed to the establishment of a Cross-Party Working Group to work on proposals for changes to the Interim Scheme of Administration. The Working Group had wide ranging discussions and its work continued but included in this report were the initial changes being proposed so far. The report contained the proposed changes to the Interim Scheme of Administration and the details were contained in the Appendix to the report. There were also changes being proposed to Standing Orders to amend the publication dates of agendas/papers for meetings from seven days prior to a meeting to ten days; and to further widen debate at meetings on Motions. The report also contained further proposals from the Working Group covering a pilot change of timing for a Council meeting; potentially allowing members of the public to submit questions for a Council meeting in a similar way to those submitted by Elected Members; a review of the Employee Council; and the future removal of the Community Planning Strategic Board as a Council committee linked to the current review of the Community Planning Partnership. The report gave details of which committee meetings should be held in a blended way (in the Chamber at Council HQ and online via Microsoft Teams) and which should be, for the main part, held wholly online (via Microsoft Teams) to take account of the current climate emergency and to assist with greater public engagement. The public business for these meetings would continue to be livestreamed and recorded. There were no known external venues out-with Council HQ at



the moment with the technology/capacity to livestream or record such meetings, so any physical meetings held out-with HQ could not currently be livestreamed or recorded.

14.2 Members generally supported the proposals but highlighted the need to keep the Scheme under continual review. Councillor Mountford moved that recommendation 3.1(e) “to amend the start time of the October or November meeting of Scottish Borders Council from 10am to 2pm and to review that impact thereafter” be deleted and to renumber the remaining recommendations accordingly. This was unanimously approved.

## **DECISION AGREED:-**

- (a) **to make the following changes to the Interim Scheme of Administration (as detailed in the Appendix to the report):**
- (i) **Section II, Provisions applicable to all Committees – amend the wording in the second sentence to add clarity, so it read: “It shall be delegated to the Chief Executive or the Clerk to the Council to make the final determinations, in consultation with the Convener (Council) or Leader (Executive) or appropriate Chair, on whether or not an item of business should be included on an agenda.”**
  - (ii) **Section III – Council Sub-Committees (Major Contracts Governance Group) – the functions to monitor the performance of Live Borders be moved from the Executive Committee to this Group and the name of the Group was changed to the External Services/Providers Monitoring Group to better reflect that remit;**
  - (iii) **Section IV – Executive Committee and Education Performance Sub-Committee –**
    - **The Leader would chair all meetings of the Executive Committee**
    - **The removal of the Education Performance Sub-Committee**
    - **The establishment of an Education Sub-Committee of the Executive**
    - **That the current teacher, parent council, and pupil representatives on the Executive Committee moved to the Education Sub-Committee**
    - **The religious representatives became non-voting members of the Education Sub-Committee, in line with the other non-voting members of the Sub-Committee**
    - **The Education functions in the Executive Committee and the functions of the Education Performance Sub-Committee would be moved to the Education Sub-Committee**
    - **Seven Elected members would be appointed to the Education Sub-Committee, namely the Executive Member for Education & Lifelong Learning (Chair), the Executive Member for Developing Our Children & Young People, two other members of the Administration, the Champion for Opportunities for Young People, the Champion for Education & Young People and one other member not on the Administration;**
  - (iv) **Section V – Audit and Scrutiny Committee –**
    - **The removal of the Audit & Scrutiny Committee**
    - **The establishment of an Audit Committee, comprising 10 Elected Members and two non-voting members from an external source**
    - **The establishment of a Scrutiny & Petitions Committee, comprising 10 Elected Members**
    - **The audit and risk functions of the Audit & Scrutiny Committee would move to the Audit Committee**

- **The scrutiny and petitions/deputations functions of the Audit & Scrutiny Committee would move to the Scrutiny & Petitions Committee;**
- (b) **that a further report be brought back to the next meeting of Council to allow Members to consider a proposal to invite a number of service users to attend - as non-voting members - those meetings of the External Services/Providers Monitoring Group for those meetings where Live Borders performance was being considered;**
  - (c) **to appoint the existing Elected Members on the Audit & Scrutiny Committee to both the Audit Committee and the Scrutiny & Petitions Committee;**
  - (d) **to amend the following Standing Orders:**
    - (i) **Standing Order No. 8 to read: “Notice of the time and place of a meeting of the Council, and copies of any written reports to be considered, shall be given by the proper officer not later than ten days before the meeting by being left at or sent by post or communicated by e-mail to the usual place of residence of every member of the Council.”;**
    - (ii) **Standing Order No. 33 to read: “A motion to which no amendment is moved may be the subject of debate at the sole discretion of the Chair, if the subject matter is considered by the Chair to be of special interest to the meeting, otherwise the motion will be declared carried.” ;**
    - (iii) **Standing Order No. 35 to read: “At the discretion of the Chair, a member may address the Council more than once on any motion or amendment. A member may speak to a Point of Order or in explanation of some material part of a speech made by them which they believe to have been misunderstood or in reply to a question addressed to them through the Chair.”**
  - (e) **that officers would bring a report to the next meeting of Council for consideration of a process for the inclusion of questions from the public at Council meetings;**
  - (f) **that officers undertake a review of the purpose and function of the Employee Council and a report be brought back to Council in due course on the most appropriate vehicle for future employee engagement, including whether the Employee Council should remain within the Scheme of Administration in future;**
  - (g) **in principle to the removal of the Community Planning Strategic Board as a formal committee of Council, once the current review of the Community Planning Partnership is completed;**
  - (h) **that each Area Partnership would consider holding an annual event to showcase its work and the outcomes of the projects which it had grant-funded;**
  - (i) **that the following Committee meetings be held in a blended way (with Members/Officers/the public attending in the Chamber at Council HQ or online via Microsoft Teams): Scottish Borders Council; Executive Committee; Civic Government Licensing Committee; Planning & Building Standards Committee; Local Review Body; Pension Fund Investment & Performance Sub-Committee; Staffing Appeals Committee; Education Appeals Committee; Asset Transfer Appeals Committee; and Scottish Borders Licensing Board;**

- (j) **that the following meetings be held wholly online via Microsoft Teams: all Common Good Fund Sub-Committees; William Hill Trust; External Services/Providers Monitoring Group; Education Sub-Committee; Audit Committee; Scrutiny & Petitions Committee; Sustainable Development Committee; Pension Fund Committee; JCG: Staff; JCG: Teachers; Police, Fire & Rescue, and Safer Communities Board; Community Planning Strategic Board; Area Partnerships; Local Licensing Forum; Police CAT Members Oversight Group; Anti-Poverty Members Reference Group; Community Council Scheme Review Working Group; and Regional Economic Strategy Reference Group; and**
- (k) **to note that the Chair of a committee retained the option to request meetings be held in person, taking account of travel for Members, Officers and other attendees, and also the potential impact on public engagement and attendance.**

**15. PARTICIPATION REQUEST FROM SCOTTISH BORDERS COMMUNITY COUNCILS' NETWORK**

There had been circulated copies of a report by the Director Resilient Communities presenting a Participation Request submitted to Scottish Borders Council by Scottish Borders Community Councils' Network (SBCCN) seeking to work with the Community Planning Partnership to "give the community perspective and knowledge as a member of the [Community Planning Partnership Strategic] Board at the highest level in determining policies that effect the community." Participations Requests were introduced in April 2017 under the Community Empowerment (Scotland) Act 2015. They were a way for communities to get involved in improving services provided by public authorities such as Scottish Borders Council. It was proposed that the Participation Request was agreed and the process (Outcome Improvement Process) put in place to achieve the identified aim of the Request was that SBCCN became a member of the Community Planning Partnership Strategic Board - a committee of Scottish Borders Council and therefore covered by the Council's Scheme of Administration. In response to a question on who the member would be, the Director confirmed this would be for the SBCCN to decide.

**DECISION  
AGREED:-**

- (a) **to SBCCN's Participation Request;**
- (b) **that SBCCN be invited to join the Strategic Board with the Chair representing the Network; and**
- (c) **that the necessary amendment was made to the Council's Scheme of Administration.**

**16. PROTOCOL ON RELATIONSHIPS BETWEEN POLITICAL GROUPS, ELECTED MEMBERS AND OFFICERS**

There had been circulated copies of a report by the Acting Chief Executive seeking approval for a Protocol on Relationships between Political Groups, Elected Members and Officers. The report explained that the Councillors Code of Conduct, issued as required by the Ethical Standards in Public Life etc. (Scotland) Act 2000, set out the conduct expected of every Elected Member in Scotland. To complement this, and to give further clarity to both Elected Members and Officers in this Council, a draft Protocol had been produced on Relationships between Political Groups, Elected Members and Officers. The purpose of the Protocol was to guide Elected Members and Officers of the Council in their relations with one another; to develop co-operative relationships between Members; assist with Ward management; and provide a framework within which members of Political Groups within the Council were able to operate individually and collectively. The Draft Protocol was contained in the Appendix to the report. It was noted that there were no new elements contained in the protocol but gathered relevant information into one document.

## **DECISION**

**AGREED to approve the Draft Protocol for Relationships between Political Groups, Elected Members and Officers contained in the Appendix to the report.**

### **17. APPOINTMENT OF SELECTION COMMITTEE – EXTERNAL MEMBERS OF AUDIT COMMITTEE**

There had been circulated copies of a report by the Chief Officer Audit and Risk seeking approval to appoint a Selection Committee for the purpose of interviewing, selecting and appointing persons for the positions of External Members of the Audit Committee (now separate from Scrutiny as agreed at paragraph 14 above). Scottish Borders Council had had at least two External Members on its Audit Committee since 2002 to improve independence and objectivity and to ensure that the Committee's role in the scrutiny process would be robust as a key part of the Council's governance and in line with best practice. The appointment of the two existing External Members of the Audit and Scrutiny Committee (Audit business only) would end on 31 October 2022. A recruitment advertising process would commence soon. Approval was sought for the appointment of a Selection Committee for the purpose of interviewing, selecting and appointing persons as External Members of the Audit Committee. Furthermore, the Scottish Borders Health and Social Care Integration Joint Board (IJB) was looking to appoint an External Member to its Audit Committee and it was proposed to utilise the same recruitment advertising process. The IJB would approve its own process for interviewing, selecting and appointing a person as External Member of the IJB Audit Committee. Councillor Thornton-Nicol, Chair of the Audit Committee, paid tribute to the existing external members and the expertise they brought to their role.

## **DECISION**

**AGREED to:-**

- (a) appoint a Selection Committee, comprising the Chair and Vice Chair of the Audit Committee, and the Executive Member for Service Delivery & Transformation for the purpose of interviewing, selecting and appointing persons as External Members of the Audit Committee; and**
- (b) note that the same recruitment advertising process would be utilised for the External Member of the IJB Audit Committee, and that the IJB would approve its own process for interviewing, selecting and appointing a person as External Member of the IJB Audit Committee.**

### **18. APPOINTMENT TO OUTSIDE BODIES**

It was reported that the Council required to appoint a Tweeddale Councillor as a member of the Tweed Valley Tourism BID. Councillor Thornton-Nicol, seconded by Councillor Moffat, proposed Councillor Marshall Douglas be appointed. Councillor Parker, seconded by Councillor Small, moved that Councillor Tatler be appointed. There being two nominations, and in terms of Standing Order 43(b), the vote was conducted by secret ballot.

## **VOTE**

<i>Councillor M. Douglas</i>	-	<i>11 Votes</i>
<i>Councillor Tatler</i>	-	<i>19 Votes</i>
<i>Abstentions</i>	-	<i>3</i>

*Councillor Tatler was duly appointed.*

## **DECISION**

**DECIDED that Councillor Tatler be appointed as the Council's representative on the Tweed Valley Tourism BID.**

### **19. MOTION BY COUNCILLOR THORNTON-NICOL**

The Motion was withdrawn from the agenda.

**DECISION  
NOTED.**

20. **REMITTS OF COUNCIL CHAMPIONS**  
The report was withdrawn from the agenda.

**DECISION  
NOTED.**

21. **OPEN QUESTIONS**  
The question submitted by Councillor Sinclair was answered.

**DECISION  
NOTED the reply as detailed in Appendix I to this Minute.**

22. **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**

23. **Minutes**  
The private sections of the Council Minutes of 23 June and 12 July 2022 were approved.
24. **Committee Minutes**  
The private sections of the Committee Minutes as detailed in paragraph 3 of this Minute were approved.
25. **Emergency Powers Report = Bus Service 101/102 Dumfries to Edinburgh**  
Members noted a decision taken under the emergency powers procedure.

*The meeting concluded at 1.00 p.m.*

**SCOTTISH BORDERS COUNCIL**  
**25 AUGUST 2022**  
**APPENDIX I**

**Question from Councillor Sinclair**

To Executive Member for Estate Management & Planning

How many public toilets were closed due to Covid-19 response and which of these toilets still remain closed?

Response from Councillor Mountford

The Council has 41 public toilets distributed across 29 settlements and communities.

At the start of the pandemic all toilets were closed.

In August 2020, we reopened 16 facilities in key locations with an enhanced cleaning regime. A further 11 facilities were reopened from August 2021.

27 facilities are currently operating, with the exception of Earlston where there is a temporary but now protracted problem with the locking mechanism. Officers are working with our suppliers to resolve this issue as quickly as possible.

14 facilities remain closed. These are:

- Burnmouth
- Eyemouth Harbour
- Jedburgh Lothian Park
- Croft Park and Shedden Park in Kelso
- Bank Street Gardens and the High Street Car Park in Galashiels
- Greenyards in Melrose
- Scotts Place in Selkirk
- Stow
- Howegate and Volunteer Park in Hawick
- School Brae and Eastgate Car Park in Peebles

In Eyemouth, Jedburgh, Kelso, Galashiels, Melrose, Selkirk, Hawick and Peebles, the Council owns more than one facility and have sought to provide one operating facility in each of these towns. All disabled toilets are open.

Supplementary

Councillor Sinclair asked what the timeframe was for opening all facilities and Councillor Mountford advised that there were no current plans to re-open but officers were keeping the situation under review and would bring forward a report with recommendations for the future of these facilities at the earliest opportunity.