

SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTES of Meeting of the EXECUTIVE COMMITTEE held in the Council Chamber, Council Headquarters, Newtown St Boswells and via MS Teams on Tuesday, 16th August, 2022 at 10.00 am

Present:- Councillors E. Jardine (Chairman), C. Hamilton, L. Douglas, J. Greenwell, S. Hamilton, J. Linehan, S. Mountford, D. Parker, E. Robson, M. Rowley, R. Tatler, E. Thornton-Nicol and T. Weatherston

Also Present:- Councillor W. McAteer

Apologies:- Councillor J. Pirone

Absent:- Councillor C. Cochrane

In Attendance:- Acting Chief Executive, Director Education and Lifelong Learning, Director Social Work and Practice, Director Strategic Commissioning and Partnerships, Financial Services Manager, Democratic Services Team Leader, Democratic Services Officer (D. Hall)

1. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 14 June 2022.

DECISION

APPROVED for signature by the Chairman.

2. **MONITORING OF THE GENERAL FUND REVENUE BUDGET 2022/23**

There had been circulated copies of a report by the Acting Chief Financial Officer which provided budgetary control statements for the Council's General Fund based on actual expenditure and income to 30 June 2022 along with explanations of the major variances identified between projected outturn expenditure/income and the current approved budget. The Council had started the new 2022/23 financial year with a number of pressures emerging regarding the current operating environment. Those included continuing impacts from the COVID-19 recovery period and unprecedented inflation levels in the wider economy causing both internal Council pressures and also pressures on critical service delivery partners. It was therefore proposed that the COVID-19 reserve, previously held to provide one-off funding to support the impacts of COVID-19, was redirected to a 'Recovery Fund'. The Recovery Fund would support the Council, and where appropriate its partners, through deployment of one-off funding to support the current operating environment including impacts of COVID-19 recovery, inflation pressures and wider operating constraints including staffing challenges. Due to the very challenging operating environment it remained essential that the Council continued to operate as efficiently as possible to ensure that any financial implications not yet clear could be managed as the financial year progressed. Forecasts had been completed at the first quarter of 2022/23 at the 30th June which projected the Council to be in a balanced position at the financial year end. The forecast position included the deployment of £4.249m of the Recovery Fund in order to balance the 2022/23 budget which resulted in a balance of £5.807m remaining to address future pressures. The Recovery Fund would be drawn down as required to meet identified financial pressures. Confirmed funding was in place for 2022/23 and was categorised as follows: funding provided by Scottish Government £0.156m, funding carried forward from 2021/22 through COVID-19 reserve £9.465m, funding included in the 2022/23 Financial Plan for COVID-19 response £0.069, and Assumed Local Mobilisation Plan (LMP) funding £0.366m. Total COVID-19 funding was £10.056m. COVID-19 funding was split between funding which had been ring-fenced to be used for a specific purpose (£1.974m), for example education recovery, LMP and admin funding, and that which could be used more generally by the

Council to address COVID-19 pressures (£8.082m). This included all residual COVID-19 funding carried forward from 2021/22 and full details of funding available were shown in Appendix 2 to the report. Financial plan savings of £12.027m were required to be delivered in 2022/23. An analysis of deliverability was shown in Appendix 3 of the report. Following the June month end £6.965m (58%) savings had been delivered permanently, £3.509m (29%) were profiled to be delivered by 31 March 2023 and £1.553m (13%) had been delivered on a temporary basis through alternative savings. Members praised the report and highlighted the encouraging level of permanent savings that had been made. With reference to recommendation (e), Councillor Rowley moved to amend the wording, replacing “note” with “welcome”, which was unanimously accepted.

DECISION

AGREED to:-

- (a) note the projected corporate monitoring position reported at 30 June 2022, the remaining pressures identified, the underlying cost drivers of this position and the identified areas of financial risk as reflected in Appendix 1 to the report;**
 - (b) approve the current COVID-19 reserve, previously held to provide one-off funding to support the impacts of COVID-19, be redirected to a ‘Recovery Fund’ to support the current operating environment including impacts of COVID-19 recovery, inflation pressures and wider operating constraints;**
 - (c) note the pressures of £4.249m detailed in Appendix 1 to the report being funded from the Recovery Fund in 2022/23 in order to balance the budget;**
 - (d) note the Recovery Fund resources detailed in Appendix 2 to the report;**
 - (e) welcome the progress made in achieving the Financial Plan savings in Appendix 3 to the report; and**
 - (f) approve the virements attached as Appendices 4 and 5 to the report.**
3. **MONITORING OF THE CAPITAL FINANCIAL PLAN 2022/23**
- There had been circulated copies of a report by the Acting Chief Financial Officer which provided an update on the progress of the 2022/23 Capital Financial Plan and sought approval for virements and the reallocation of funds. The monitoring tables in Appendix 1 of the report reported on actual expenditure to 30 June 2022. Key issues and highlights identified in those tables were summarised within the report. The June month end position reflected a projected outturn of £113.190m with a net budget variance of £0.342m, which included net timing movements from 2022/23 of £0.792m. A number of macro-economic factors continued to affect the Capital Plan in 2022/23. Unprecedented levels of inflation along with disruption in the construction materials supply chain continued to impact on the wider economy and consequently the Council. A surge in demand coupled with constraints on supply had led to price increases, shortages and longer lead times. The impact of that on tender prices for major projects and the wider Capital Plan continued to be assessed. Current legally committed projects had a small risk of impact and block programmes of work could operate within a cash constrained budget and were considered lower risk, however would impact on the scale of project delivery from the blocks. The most significant risk therefore was in the contracts tendered this year which may result in a budget pressure. Any financial implications from those market conditions would be reported through the regular budget monitoring cycle with any longer term impacts reflected in the financial planning process. In anticipation of inflationary pressures an inflation contingency of £1.253m was established at the 2021/22 year end to support potential budget pressures. Through the first quarterly monitoring process this contingency had been increased by a further £0.179m, giving a revised contingency of £1.432m to support the Capital Plan as the year progressed. The list of block allocations

approved for the year and various approved and proposed projects to be allocation from them within the 2022/23 Capital Plan was outlined in Appendix 2 to the report. The list of estimated whole project capital costs for single projects which would not be completed in the current financial year was outlined in Appendix 3 to the report. In response to a question regarding the size and ambition of the Plan in the face of rising inflation and costs, the Acting Chief Financial Officer explained that a number of large projects were ongoing and that she expected movement in the Plan as the year progressed. The Acting Chief Executive explained that the strategy to progress with the Plan involved going to market for tender as quickly as possible to get prices, before considering potential changes to the Plan. In response to a question regarding staffing capacity to deliver the Plan, the Acting Chief Executive, Mr David Robertson, confirmed that external project managers were used to balance the workload across the Council.

DECISION

(a) AGREED the projected outturn in Appendix 1 to the report as the revised capital budget and approved the virements required.

(b) NOTED:-

(i) the budget virements previously approved by Directors, detailed in Appendix 2 to the report, under delegated authority;

(ii) the final block allocations in Appendix 2 to the report; and

(iii) the list of whole project costs detailed in Appendix 3 to the report.

5. BALANCES AT 31 MARCH 2023

There had been circulated copies of a report by the Acting Chief Financial Officer which provided an analysis of the Council's balances as at 31 March 2022 and advised of the projected balances at 31 March 2023. The unaudited Council's General Fund useable reserve (non-earmarked) balance was £9.848m at 31 March 2022. The General Fund useable reserve was projected, at this early stage in the financial year, to be at least £8.421m at 31 March 2023 in line with the Council's Financial Strategy. The total of all useable balances, excluding development contributions, at 31 March 2023 was projected to be £39.126m, compared to £64.481m at 31 March 2022. The reduction in balances year to year was primarily due to the release of earmarked balances, carried forward from 2021/22, into the 2022/23 revenue budget and the deployment of £3.883m of the Recovery Fund in 2022/23. The projected balance on the Capital Fund of £7.303m would be affected by any further capital receipts, developer contributions, interest credited and any expenditure authorised to be financed from the Fund during the remainder of the financial year.

DECISION

NOTED:-

(a) the unaudited 2021/22 revenue balances as at 31 March 2022;

(b) the projected revenue balances as at 31 March 2023 as contained in Appendices 1 and 2 to the report; and

(c) the projected balance in the Capital Fund as contained in Appendix 3 to the report.

5. THE SCOTTISH BORDERS STRATEGIC EVENTS PLAN

5.1 With reference to paragraph 7 of the Minute of the Meeting held on 7 December 2021, there had been circulated copies of a report by the Director, Resilient Communities which provided a refreshed Strategic Events Plan for the Scottish Borders over a five year

period between 2022 and 2027. The report outlined the significant impact events had on the region and also the supporting role Scottish Borders Council had in the delivery of those events. The report explained that the Council successfully facilitated and supported a wide range of regional, national and international events, which in turn delivered a significant economic impact to the local economy. The refreshed events plan took into account the impact of the Covid-19 pandemic on the events sector, and placed an emphasis on sustainability, the environment and local communities. An operations Plan supported the strategy document and set out how the various strategic actions would be delivered. The report reflected the high level of ambition in the Scottish Borders in relation to the delivery of strategic events. That ambition would help secure further growth within the events sector, broaden the base and help attract more visitors to the area. The Chief Officer – Economic Development, Samantha Smith presented the report and highlighted that the Plan sought to provide a balance between financial and staffing support.

- 5.2 Members welcomed the report and expressed their optimism that the Plan would benefit the whole of the region. Ms Smith agreed to provide a briefing to all Elected Members. In response to a question regarding staffing arrangements and contract durations, Ms Smith explained that the desire was to recruit two full time members of staff for 18 months in order to focus on delivery. In response to a question regarding the use of suggestions rather than requirements in the report in the context of environmental issues, Ms Smith explained that the sustainability elements in the report were taken extremely seriously, that a balanced approach had been sought to promote constructive outcomes and undertook to assess the language used in the future. Regarding the allocation of profit to a private individual or company that did not directly result in community/social benefits to the Scottish Borders, the Chief Officer explained that a balance had to be reached between community led and business led events as both had positive impacts on the region. Events that were privately operated would potentially have their profits capped in accordance with subsidy controls, and was a key part of delivering benefits to the region, ensuring that events took place, and that money was not invested where it was not required. In response from a question from the Chairman regarding sporting development and the legacy rebound, Ms Smith explained that work was ongoing with a range of partners and that with more staffing further benefits could be achieved.

**DECISION
AGREED to:**

- (a) **approve the Scottish Borders Strategic Events Plan identified in Appendix A of the report; and**
- (b) **approve the Scottish Borders Operational Plan identified in Appendix B to the report.**
6. **PROPOSAL TO INCREASE THE HOURLY RATE PAID BY SCOTTISH BORDERS COUNCIL TO FUNDED EARLY LEARNING AND CHILDCARE PROVIDERS**
- There had been circulated copies of a report by the Director Education and Lifelong Learning which proposed an increase in the hourly rate paid by Scottish Borders Council to providers in the voluntary and private sectors for funded Early Learning and Childcare (ELC). Approximately one third of children eligible for a funded ELC place accessed their place in the private and voluntary sector in the Scottish Borders. The Council was dependent on those places to fulfil its statutory duty. The report explained that settings in this sector needed to remain financially viable and that the Scottish Government required Councils to establish and pay a rate that ensured sustainability. If a sustainable rate was not paid there was a risk of services in the private and voluntary sector closing, which would incur capital and revenue costs for the Council, would reduce choice and local provision for parents, particularly in more rural areas and would impact on communities. The closure of services that provided childcare paid for by parents would also have a negative impact on the local economy, with parents not able to access work or college.

Members welcomed the report, and expressed their agreement with the rationale behind the uplift. In response to a question regarding equity in the provision in the settings, the Director Education and Lifelong Learning explained that not all of the payments made were included within the paper, and undertook to examine the issue. Councillor Tatler raised the issue that reviews of the rate paid needed to be carried out on a more regular basis given the inflationary pressures present within the economy, and moved to include an additional recommendation that a review of the rate would be undertaken following the completion of the living wage review in September, which was unanimously accepted.

DECISION

AGREED to:-

- (a) **increase the hourly rate paid to providers in the private and voluntary sectors for the provision of funded ELC to £6.55 for 2 year olds and £6.21 for 3 and 4 year olds, backdated to August 2021;**
- (b) **an annual increase of the hourly rate for the remainder of the duration of the ELC Contract from 1st August 2023 – 31st July 2026 to provide long term security for the provision of funded ELC in line with increases in the real Living Wage for staff costs and the Fees and Charges increases for non-staff costs; and**
- (c) **to undertake a review of the hourly rate to providers following the completion of the Living Wage Review.**

7. PRIVATE BUSINESS

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 1 to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 8 and 9 of Part I of Schedule 7A to the Act.

8. MINUTE

The Private section of the Minute of the Meeting held on 14 June 2022 was approved.

9. PROPOSED INFLATIONARY UPLIFT FOR SUPPORTED LIVING PROVIDERS

A report by the Chief Officer IJB was approved.

The meeting concluded at 11.20 am