

SCOTTISH BORDERS COUNCIL
SCRUTINY COMMITTEE

MINUTES of Meeting of the SCRUTINY
COMMITTEE held in COUNCIL CHAMBER,
COUNCIL HEADQUARTERS, NEWTOWN
ST BOSWELLS on Thursday, 26 November,
2015 at 10.00 am

Present:- Councillors G Logan (Chairman), W Archibald, K Cockburn, A Cranston,
I Gillespie, S Mountford, A Nicol and J Torrance.
Apologies:- Councillors R Stewart.
Also Present:- Councillor J Campbell.
In Attendance:- Corporate Transformation and Service Director, Democratic Services Team
Leader, Democratic Services Officer (J Turnbull).

1. **MINUTE**

There had been circulated copies of the Minute of 29 October 2015.

DECISION

NOTED for signature by the Chairman.

2. **SCRUTINY WORKING GROUP - GREAT TAPESTRY: PROPOSED TERMS OF REFERENCE**

With reference to paragraph 2(c) of the Minute of 29 October, there had been circulated a briefing note by the Corporate Transformation and Services Director detailing the proposed Terms of Reference for the Scrutiny Working Group. At the last meeting, the Committee had agreed to form a Scrutiny Working Group to examine the decision making process in respect of the Great Tapestry of Scotland project and ascertain if there were any lessons which could be learned for future projects. The Committee had also agreed to defer appointment to the Scrutiny Working Group until all members were present to participate in the decision. Councillor Cockburn asked if paragraph 2.2 of the Terms of Reference could be amended to include reference to the perceived lack of public consultation and to examine the extent to which this was a concern. The Corporate Transformation and Service Director, Mr Rob Dickson, advised that the scope of the proposed Terms of Reference was comprehensive in order that the Working Group could consider all aspects of the decision making process and ascertain if there were any shortcomings in that process. This could include reviewing public perception of the consultation process. Councillor Nicol commented that the working group should not be considering the Tapestry decision as such but reflecting and advising on the decision making process for future projects. Mr Dickson added that recommendations from the Scrutiny Working Group would be presented to officers for guidance when undertaking future such projects. The Committee agreed to the proposed Terms of Reference. The Committee then discussed the appointment of Members to the Scrutiny Working Group.

VOTE

Councillor Torrance, seconded by Councillor Archibald moved that the Scrutiny Working Group membership be: Councillors: Cockburn, Gillespie, Campbell and Garvie.

The Chairman, Councillor Logan, seconded by Councillor Cockburn moved as an amendment that the Scrutiny Working Group membership be: Councillors: Cockburn, Gillespie, Campbell, Garvie, Mountford and McAteer.

Adjournment

The Chairman requested an adjournment. The meeting was adjourned at 10.20 am and reconvened at 10.45 pm.

On a show of hands Members voted as follows

Motion - 5 votes
Amendment - 3 votes

The motion was accordingly carried.

DECISION

AGREED:-

- (a) **the Terms of Reference for the Scrutiny Working Group as detailed in the Briefing Note attached to the Agenda.**
- (b) **to appoint the Scrutiny Working Group as follows:**
 - Councillor K Cockburn**
 - Councillor I Gillespie**
 - Councillor J Campbell (co-opted)**
 - Councillor G Garvie (co-opted).**

3. 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 the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 4 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

4. SCRUTINY REVIEW REQUEST - TRANSPORT INTERCHANGE IN GALASHIELS

The committee agreed to receive an update at the March 2016 meeting.

PUBLIC BUSINESS

5. SCRUTINY REVIEWS - UPDATE ON SUBJECTS INCLUDED IN THE FUTURE SCRUTINY REVIEW PROGRAMME

With reference to paragraph 5 of the Minute of 29 October 2015, there had been circulated an updated list of subjects which the Scrutiny Committee had been asked to review and which included the source of the request, the stage the process had reached and the date, if identified, of the Scrutiny meeting at which the information would be presented. In addition, Members were also asked to consider further subjects for inclusion on this list for presentation at future meetings of the Committee. When deciding whether subjects would be reviewed by the Scrutiny Committee, Members required a clear indication from the initiator of the request as to which aspects of the subject they wished to be reviewed. This would enable the Committee to determine whether they subject was appropriate for consideration. Following discussion Members agreed that the Support for High Achievers in Schools review be brought to the March 2016 meeting. It was agreed that the review on Passenger Transport and Escorts requested by Councillor Torrance be amended to a review on School Transport and Escorts and the Committee would receive a short presentation in March 2016 on the issues to determine whether they wished to pursue this review further. With reference to the request from Greenlaw and

Hume Community Council to review outsourcing as adopted by other authorities, in particular outsourcing to a third sector organisation, the Committee requested that the Clerk contact the Community Council and ask for clarity on which aspects of the subject they wished to be reviewed.

6. **URGENT BUSINESS**

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the items 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 / make an early decision.

7. **DECLARATION OF INTEREST**

Councillors Cockburn and Gillespie declared an interest in the undernoted item in terms of Section 5 of the Councillors Code of Conduct as they were Trustees of BLST. However, in terms of Section 5.18(2)(i) they did not withdraw from the meeting as the interest was covered by a specific exclusion.

8. **REQUEST FROM THE ROYAL BURGH OF PEEBLES & DISTRICT COMMUNITY COUNCIL**

There had been circulated at the meeting, a request from the Royal Burgh of Peebles & District Community Council, requesting a review on the process that led to the decision to agree that Victoria Park, Peebles be the preferred location for the 3G pitch. In response to a question Mr Dickson advised that as the decision, made by Executive Committee, had been within the last six months it was therefore not eligible for review. Moreover, the call-in process was time limited and this had now elapsed. Mr. Hayworth, a member of Peebles & District Community Council was in attendance and stated that there appeared to have been an issue with the public consultation, in particular the leafleting of properties. The Victoria Park was used by the whole community and only the properties adjacent to the park had been asked to participate in the consultation. Mr Dickson advised that the Council's community engagement tool kit was adopted by the Community Planning Strategic Board, in May 2015. It might therefore be relevant for the Committee to consider the review request in the context of this engagement framework. In response to a question, officers advised that the avenue open to members of the public to review the decision following the 6 month period would be to submit a petition to the Petition and Deputations Committee. The Committee discussed the request and agreed to receive a presentation on the community engagement framework at the April 2016 meeting. In light of this presentation the Committee would then consider how they wished to proceed with the request from Peebles and District Community Council in relation to the 3G pitch.

DECISION

AGREED the proposed list of subjects for review by Scrutiny Committee, as appended to the Minute, and any further actions detailed against particular reviews.

9. **DATE OF NEXT MEETING**

The next meeting of the Scrutiny Committee would take place on Thursday 28 January 2016.

The meeting concluded at 11.30 am

Scrutiny Committee – Review Subjects

The following are those subject areas which have been requested for Scrutiny to consider and the stage they have reached:

| Source | Issue/Description | Stage | Proposed Scrutiny Committee meeting date |
|---|--|---|--|
| Ettrick and Yarrow Community Council | Great Tapestry of Scotland – to scrutinise the whole process through which the decision appears to have been taken by SBC Councillors to site the great tapestry of Scotland in a new-build at Tweedbank. In particular, to scrutinise the extent to which a full option appraisal was undertaken of all possible sites and that the detailed business case was presented for all options prior to any decision being made. | Short term Scrutiny Working Group established with membership as follows: Councillors Cockburn, Gillespie, Campbell and Garvie. | . |
| Ettrick and Yarrow Community Council – Allocation of Budgets for Road Maintenance and Repairs | To review the extent to which the SBC budget for road repairs and maintenance is sufficient to meet need and the not unreasonable expectation that roads will be maintained in a safe condition. Within this context, to particularly examine how the allocation of budget for <u>rural</u> roads is arrived at and whether more should be allocated. | Letter from CC dated 15 June 2015. Agreed to consider this. | 28 January 2016 |
| Councillor Bhatia | Protection of Private Water Supplies Protection of Private Water Supplies – <i>"in relation to Planning e.g. when a planning application is granted which requires an additional private supply or taking water from an existing private supply, how do existing householders ensure that their supply is protected? This may be purely a civil matter or the Council may have a role. This is further exacerbated with large forestry/windfarm applications."</i> | Presentation will include input from Planning, Environmental Health and SEPA | 18 February 2016 |
| Lib Dem Group | Implications of the Community Empowerment Act on the Council – <i>"there may be multiple implications of the Community Empowerment Act e.g. disposal of assets either SBC or Common Good, the transfer of local services to community groups who wish to take them on, future provision"</i> | Presentation from Shona Smith, Communities and Partnership | 18 February 2016 |

| Source | Issue/Description | Stage | Proposed Scrutiny Committee meeting date |
|----------------------|--|--|---|
| | <i>of allotments etc."</i> | Manager now scheduled. | |
| Scrutiny Committee | Financing arrangements for the Transport Interchange in Galashiels - to include subsidy arrangements and departure charges. | Consideration on whether to conduct a review of the financing arrangements for the Transport Interchange would be decided in March 2016. | Private update and short presentation in March 2016. |
| Councillor Logan | Support for High Achievers in Schools | | March 2016. Presentation by Service Director Children & Young People. |
| Councillor Torrance | School Transport and Escorts | | March 2016. |
| Greenlaw and Hume CC | <p>Local Authorities have for some time now had "their backs to the wall" with funding cuts and freezes. We know from dealings with various departments of SBC that activity levels are always being reviewed for yet more efficiencies. The reality however is that such reviews, after many years, will collide with the laws of diminishing returns. The efforts of the review in fact might outweigh the efficiencies delivered, some of which might be more theoretical than realisable.</p> <p>Another approach, often shied away from because of the implications for current staffing levels, is to consider whether any SBC activity could more efficiently and cost effectively be delivered by external service providers. Outsourcing can of course sound like a good idea, but years down the line can become an even bigger burden, if the terms and conditions have not</p> | To request the clerk ask the Community Council for further clarity. | |

| Source | Issue/Description | Stage | Proposed Committee date | Scrutiny meeting |
|--------------------|--|--|-------------------------|------------------|
| | <p>been properly thought through, and the relationship has not been nurtured and kept healthy.</p> <p>So outsourcing is not an easy option, or one that should be entered into lightly, but for any of the 32 local authorities in Scotland there is a potential short cut to identify really good outsourcing opportunities i.e. by looking at best practice in other LA's and learn from their outsourcing success stories.</p> <p>We think this is particularly relevant where the most obvious provider for outsourced services is a not for profit organisation. The example we have in mind is in the area of social services where SBC's neighbouring authority, Dumfries and Galloway, have outsourced debt and benefit advisory service provision completely to Citizens Advice Bureau (CAB).</p> <p>Like many Third Sector organisations operating on a national level, CAB can access a level of high quality trained volunteer resource, many from a professional background, that Local Authorities are simply unable to access. Like CAB many have a highly regarded reputation, network, and track record of performance delivery, which makes them an ideal partnership candidate, which already has deeply embedded credibility in the community.</p> <p>So our suggestion in summary is that SBC Scrutiny Committee should look at outsourcing success stories elsewhere in Scottish Local Authority bodies, in particular where the service has been outsourced to a third sector organisation.</p> | | | |
| Scrutiny Committee | Renewable energy – to include arrangements for biomass boilers at high schools. | Likely to be considered by the Executive | | |

| Source | Issue/Description | Stage | Proposed Committee date | Scrutiny meeting |
|---|---|--|-------------------------|------------------|
| | | Committee. <i>Scrutiny Review on hold.</i> | | |
| Royal Burgh of Peebles & District Community Council | <p>Review the process that led to the decision by the Council's Executive Committee to agree that Victoria Park, Peebles is the preferred location for a 3G pitch.</p> <p>This issue relates to how (and under what circumstances) community consultation is designed, planned and managed, and how the processes by which Council canvasses the views of local communities can be facilitated and improved upon.</p> | A presentation on the Community Engagement Framework be brought to the April 2016 meeting. Scrutiny then to decide how they wished to proceed. | April 2016 | |