

## **SCOTTISH BORDERS COUNCIL**

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held in Council Headquarters, Newtown St. Boswells and via Microsoft Teams on 30 March 2023 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, D. Moffat, S. Mountford, A. Orr, D. Parker, J. PatonDay, J. Pirone, C. Ramage, N. Richards, E. Robson, M. Rowley, S. Scott, F. Sinclair, E. Small, A. Smart, H. Steel, R. Tatler, E. Thornton-Nicol, T. Weatherston

Apologies:- Councillors S. Marshall, V. Thomson.

In Attendance:- Chief Executive, Director Education and Lifelong Learning, Director Infrastructure and Environment, Director Resilient Communities, Director Social Work and Practice, Director Strategic Commissioning and Partnerships, Acting Chief Financial Officer, Acting Chief Corporate Governance Officer, Clerk to the Council.

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

The Convener congratulated:-

- (a) Humza Yousaf on his appointment as First Minister for Scotland;
- (b) Prince Edward, Earl of Wessex, being conferred the title of Duke of Edinburgh by King Charles;
- (c) the Councils Road Safety Team, comprising Philippa Gilhooley, Gary Haldane, Sam Elliot, Ashley Semple, Karen McGrath and Ronan McKean, on their recent success at the Chartered Institute of Highways and Transportation Awards. There were over 200 entries and the Team was shortlisted in 2 categories relating to the introduction of 20 mph zones across the Council area. They were commended in the "CIHT Research Initiative of the Year" Award and won the "CIHT Road Safety Award. 2022". The Team were present at the meeting and the Convener re-presented their trophy;
- (d) those who had achieved success at the National Cross Country Running Championships in Falkirk on 25 February, namely Scout Adkin of Moorfoot Runners who won the women's race, Sara Green from Gala Harriers who finished fourth and Zoe Pflug also from Gala Harriers who had finished fifth;
- (e) Alastair Walker from Teviotdale Harriers who won the men's 65 age race at the British Cross Country Championships;
- (f) Borders athlete Guy Learmonth who had finished 5<sup>th</sup> in the 800 metres at the European Indoor Athletic Championships;
- (g) Stacey Downie from West Linton who had won silver in the Women's 35 400 metres at the World Masters Indoor Championships;
- (h) Gala Fairydean Rovers on winning the East of Scotland Cup on 25 March by defeating Linlithgow Rose;

- (i) Hawick RFC on winning the Premier League title after being unbeaten for the whole season; and
- (j) Stuart Hogg on winning his 100<sup>th</sup> cap for Scotland. He had announced his plans to retire after the World Cup later this year and the Convener commented on him being a great role model and ambassador for the Borders and wished him well for the future.

**DECISION**

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

**2. MINUTES**

The Minutes of the Meetings held on 16 and 23 February 2023 were considered.

**DECISION**

**AGREED that the Minutes be approved and signed by the Convener.**

**3. COMMITTEE MINUTES**

3.1 The Minutes of the following Committees had been circulated:-

Chambers Institution Trust	25 January 2023
Local Review Body	23 January 2023
Civic Government Licensing	27 January 2023
Jedburgh Common Good Fund	30 January 2023
Kelso Common Good Fund	31 January 2023
Planning & Building Standards	6 February 2023
Tweeddale Area Partnership	7 February 2023
Audit	13 February 2023
Executive	14 February 2023
Teviot & Liddesdale Area Partnership	21 February 2023
Chambers Institution Trust	22 February 2023
Civic Government Licensing	24 February 2023
Galashiels Common Good Fund	2 March 2023
Planning & Building Standards	6 March 2023
Executive	14 March 2023

3.2 With reference to paragraph 8.4 of the Minute of the Teviot and Liddesdale Area Partnership of 21 February 2023, Councillor Smart advised that she was the seconder of the Motion and not Councillor Scott.

**DECISION**

**APPROVED the Minutes listed above subject to the amendment of the Teviot and Liddesdale Area Partnership Minute to change Councillor Scott to Councillor Smart in paragraph 8.4**

**4. CHAMPIONS BOARD ANNUAL REPORT**

4.1 There had been circulated copies of a report by the Director of Social Work and Practice containing the Scottish Borders Champions Board Annual Report 2022/23. The report detailed the various statutory obligations placed on the Council in their role as Corporate Parent. The development of Champions Boards in Scotland was an approach to participation with care experienced children and young people which had been evolving since 2016. The aim of the approach was to enable children and young people with care experience to have both an individual and collective voice and influence in relation to the services they received. In 2020 the Corporate Parenting Operations Group tasked two Social Work practitioners with researching the Champions Board Approach to ascertain whether it could be adapted and developed for participation work with care experienced children and young people in Scottish Borders. The practitioners reviewed national Champions Board evaluation reports, and spoke to the national Champions Board network co-ordinator and colleagues in other authorities who were embedding the approach.

- 4.2 A paper was presented to the Corporate Parenting Operations Group in November 2020, recommending the implementation of the approach in Scottish Borders. The group supported the recommendations and in Spring/Summer 2021 recruitment was undertaken for a newly created 'Modern Apprentice Lead Young Person Champions Board' post. Funding was also sought via the Corra Foundation to create a Promise Implementation Officer post. Cory Paterson and Hannah Hawthorn were appointed respectively to the roles of MA Lead Young Person and The Promise Implementation Officer at Scottish Borders Council, and started working together in September 2021 to develop the approach in Scottish Borders. They were supported by a small team of dedicated colleagues from the Family Placement Team, Wheatlands Children's House, and the Community Learning and Development team. They also reported directly to the Corporate Parenting Operations Group about developments with the work. The Convener welcomed Cory Paterson to the meeting and he gave a presentation explaining the benefits of the Champions Board which gave care experienced young people a platform to express their views. He also advised that 2 hubs set up in the High Schools in Duns and Jedburgh had helped membership as it was difficult for people to travel to meetings in Galashiels. A further hub was to be set up in Hawick High School. Members thanked Cory for his presentation and were pleased to note that he was about to take up the post of Promise Project Worker for the Council.

#### **DECISION**

**AGREED to endorse the publication of the Scottish Borders Champions Board Annual report 2022/23.**

5. **SCOTTISH BORDERS PUBLIC PROTECTION COMMITTEE ANNUAL REPORT 2021/22**  
There had been circulated copies of a report by the Director Social Work and Practice in his role as Chief Social Work and Public Protection Officer summarising the activity of the Public Protection Committee (PPC) and associated Delivery Groups for the year 01 August 2021 – 31 July 2022. The Annual Report covered the main activities of the multi-agency Public Protection Committee, highlighting the continuing work being undertaken in the Scottish Borders to meet the Council's statutory duties to protect children and adults at risk of harm. The Report also included information relating to Child Protection, Adult Support and Protection, Violence Against Women and Girls, Justice Services and PREVENT together with statistical information relating to the PPC Performance Indicators and training and development activities. The continuing challenges related to the COVID-19 pandemic and associated restrictions, and the considerable work undertaken by staff and services to meet the needs of the most vulnerable members of our communities were also highlighted. The Director advised that the Independent Chair would normally present the report but he was unable to attend. Members welcomed the report and noted the increasing challenges being faced.

#### **DECISION**

**NOTED the content of the Public Protection Committee Annual Report 2021-2022.**

6. **TWEEDBANK EXPANSION – A COMMUNITY OF THE FUTURE**  
With reference to paragraph 7 of the Minute of 25 November 2021, there had been circulated copies of a report by the Director Infrastructure and Environment providing an update on the Tweedbank project and to reset the project, clearly setting out the desired outcomes of the project and the initial steps that needed to be taken to achieve this. The report set out the desired outcomes of the project, mapped to the Council Plan Priorities. It drew attention to key regional and national strategies, including the two growth deals that underpinned the key outcomes and deliverables that the Tweedbank project sought to achieve and would lever support for the project at a regional and national level. Details were provided regarding the key deliverables that the project sought to deliver over the next 15 years providing, further explanation summarising work recently undertaken, as well as providing analysis on the impact of the current economic climate and market conditions. The delivery plan was mapped out, setting out a series of proposed actions to build momentum and deliver a project that contributed to the ambitions for the Scottish Borders to be a green, fair and flourishing

region. This would involve through contributing to Net Zero ambitions, community wealth building, growing the economy, delivering thriving places and tackling poverty and inequality as well as helping to reduce risk and build market confidence. Members welcomed the report and highlighted that this was an exciting once in a life time opportunity. The importance of identifying a development partner and procuring a technical team to produce designs was highlighted. Mr Curry answered Members' questions and the concerns with regard to the future of Lowood House. It was noted that there would be further reports as the project developed. Councillor Mountford moved as an additional recommendation that officers bring a report to the Executive Committee outlining all of the options for the future of Lowood House and this was unanimously agreed.

**DECISION  
AGREED:-**

- (a) to approve Actions 1 – 6 as detailed in the report;**
- (b) that with reference to the Care Village and associated facilities, and if deemed appropriate following a fully costed appraisal as detailed in the report, to assign delegated powers to the Director Infrastructure & Environment, Acting Chief Financial Officer and the Chief Legal Officer to negotiate terms and value of any land transactions; and**
- (c) that a report on all of the options for the future of Lowood House be presented to the Executive Committee.**

**7. HEADSTONE SAFETY UPDATE**

There had been circulated copies of a report by the Director of Infrastructure and Environment proposing a review of the Headstone Safety programme and setting out the context, challenges and opportunities identified within the programme. The report explained that Scottish Borders Council managed 155 cemeteries and burial grounds across the region, of which 146 fell under a programme of routine Headstone Safety Inspection. While Government guidance stated lair holders were responsible for maintenance and repair of their headstones and memorials, Scottish Borders Council as a Burial Authority had a legal obligation to ensure public safety and, as far as was reasonably practicable, that cemeteries were maintained in a safe condition. The report set out a range of proposals following a review of operations including trialling works to re-erect any headstones laid flat. The report detailed the progress made under the 2018-2023 Inspection Regime with 38,742 checked so far out of a total of 46,435. During this time 1856 headstones had been laid flat due to safety concerns. However, this process was an emotive one and representations had been made via Elected Members to review this practice. The proposed approach was to develop a new Headstone Safety Policy, devise a refreshed Communications Strategy and explore re-erection of Headstones that had been made safe by laying flat through a pilot study. It was further suggested that a Headstone Reinstatement Pilot Study be undertaken at Lennel Cemetery to re-erect 81 headstones that had been laid flat. Members were supportive of the proposals and highlighted the importance of communication. Mr Curry reminded Members that they were welcome to observe the staff carrying out safety checks. Councillor Anderson moved that an additional recommendation be added "to ensure all work in cemeteries should be carried out with utmost respect while conducting works required, ensuring a culture of respectfulness was nurtured throughout the process" and this was unanimously agreed.

**DECISION  
AGREED to:-**

- (a) note the findings of the initial review into the headstone safety programme;**
- (b) approve the resumption of operations under the current Headstone Safety Inspection Programme;**

- (c) **approve a trial scheme at Lennel cemetery to undertake re-erection of headstones that had been laid flat;**
- (d) **to receive a further report detailing the findings of this trial; and**
- (e) **to ensure all work in cemeteries should be carried out with utmost respect while conducting works required, ensuring a culture of respectfulness was nurtured throughout the process.**

## 8. **PUBLIC TOILET PROVISION**

There had been circulated copies of a report by the Director of Infrastructure and Environment proposing a strategy for the future provision of Public Toilets in the Scottish Borders. Scottish Borders Council currently had 27 public toilets open for use and 14 which remained closed and would not reopen. Five key principles had been developed to inform how the Council proposed to support the future delivery of the remaining 27 public toilet facilities and these were:-

- The condition of public toilets influenced visitor and local perception of a community and there was a need to enhance the condition of the 27 facility operational toilet estate. To achieve this a programme of surveys and capital investment was needed.
- The Council would maintain the current operational estate including the provision of one Council provided facility per each major existing settlement.
- A phased approach to upgrading payment operated locking facilities would be implemented along with a move to accepting contactless payment facilities.
- Provisions would continue to be maintained for those who needed access for medical reasons and/ or emergency access via the RADAR mechanism.
- An appropriate cleaning and inspection regime had to be maintained on a daily basis with cleaning of public toilets undertaken once per day.

The Appendix to the report listed the proposed toilets. Councillor Mountford, as Executive Member for the service, highlighted the opportunities for communities to take over facilities and provided further clarification in respect of future provision which included the likely continuation of the facility at Kingsmeadows in Peebles by the Common Good Fund as it was located on land owned by them. Support for the toilets at St. Marys Loch was being withdrawn by the Council but the landowner was to keep them open. Members discussed the proposals in detail and highlighted the importance of good signage for visitors to all public facilities. The situation at Burnmouth was raised and it was agreed that an additional recommendation be added to reconsider the closure in consultation with the local Community and Ward Councillors. Councillor Sinclair suggested that further consultation and information was required before a final decision could be taken.

### Vote

Councillor Mountford, seconded by Councillor Small, moved approval of the recommendations contained in the report with the addition regarding Burnmouth.

Councillor Sinclair, seconded by Councillor Orr, moved as an amendment that the recommendations in the report be replaced as follows:-

- (a) Public consultation should be undertaken before any permanent change in service provision was agreed;
- (b) To ask officers to undertake consultation with communities on the future of toilet provision across the Scottish Borders; and

- (c) To ask officers to bring forward a report outlining the rationale for continuation or closure of each public toilet facility – to include public feedback, condition survey and any enhancement costs, projected usage, and alternative local provision.

On a show of hands Members voted as follows:-

Motion - 23 votes  
Amendment - 9 votes

The Motion was accordingly carried.

#### **DECISION**

##### **DECIDED:-**

- (a) to approve the future provision of Public Toilets across the Scottish Borders as detailed in the Appendix to the report;**
- (b) to assign delegated powers to the Director Infrastructure & Environment, Acting Chief Financial Officer and the Chief Legal Officer to negotiate the sale/disposal of facilities as part of the strategy; and**
- (c) that further discussions regarding the future of provision at Burnmouth be held with the community and local Ward Members.**

#### **9. UK SHARED PROSPERITY FUND**

There had been circulated copies of a report by the Director Resilient Communities providing an update on the UK Shared Prosperity Fund (UKSPF) for the Scottish Borders and seeking agreement on the proposals for delivery of the 2022/23 funding allocation. The report explained that the UKSPF was part of the UK Government's Levelling Up policy agenda. A Prospectus for UKSPF was published in April 2022 setting out three investment priorities - covering Communities and Place, Business Support, and People & Skills, and a separate Multiply programme for improving numeracy for employability purposes. Each local authority in Scotland was provided with an allocation over the financial years 2022/23 – 2024/25 for their administrative areas to be used to meet UKSPF investment priorities and Multiply objectives. The Scottish Borders funding allocation was £4,442,628 for UKSPF and £927,344 for Multiply, and this funding was split approximately 85% revenue and 15% capital. To access the funding allocation, local authorities were required to submit an investment plan setting out priorities and measurable outcomes to UK Government. The UKSPF plan for Scottish Borders Council was submitted in August 2022, and it was confirmed by UK Government officials on 5th December 2022 that the plan had been approved. Due to the likelihood of underspends at year-end in the 2022/23 allocation, the UK Government had allowed flexibility to move unspent funding into the 2023/24 financial year, based on credible investment plans being submitted through routine end of year reporting. To avoid any underspends being returned to the Department for Levelling Up, Housing and Communities (DLHUC), it was proposed that delegation was to be given to the Director of Resilient Communities and the Acting Chief Financial Officer in consultation with an enhanced Economic Development Elected Members Reference Group to make investment decisions using the 2022/23 allocation. This Group would take advice from two advisory groups, namely the Place Partnership and the Local Employability Partnership, to allocate the funding to appropriate projects and programmes in line with the approved investment plan. Members agreed to support this proposal.

#### **DECISION**

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

- (a) to note that the UK Government approved the Council's UK Shared Prosperity Fund investment plan as detailed in the report;**

- (b) to delegate authority to the Director of Resilient Communities and the Acting Chief Financial Officer in consultation with the Economic Development Elected Members Reference Group, the Convener of the Council and the Leader of the Independent Group, to allocate Scottish Borders UK Government Shared Prosperity Funding in line with the approved investment strategy, taking account of the recommendations of two advisory groups as detailed in the report; and**
- (c) that regular progress reports would be presented to the Executive Committee.**

**10. INDEPENDENT INQUIRY ACTION PLAN UPDATE**

With reference to paragraph 10 of the Minute of 15 December 2023, there had been circulated copies of a report by the Chief Executive providing the fourth formal update from the Inquiry Review Group which was established to progress the work identified following the independent investigation into the Council's handling of concerns raised about a former Scottish Borders Council employee. The report brought forward 6 remaining reporting templates relating to a number of actions and sought approval to consider these actions as complete. The report also sought approval that the action plan be considered complete, with any ongoing actions being required to progress as continuous improvement with delegated authority for the monitoring and approval of such actions being granted to the Chief Executive. A communications plan which outlined how the conclusion of actions and next steps would be communicated to stakeholders was contained in Appendix 2 to the report. Given the progress that had been made it was proposed that this would be the final formal update provided to Council and that consequently the action group which had overseen delivery of the action plan to date would cease to meet. The Chief Executive presented the report and thanked the relevant officers and Councillors L. Douglas and C. Hamilton for their work on ensuring that the Council's approach to Child Protection was as effective as it could be. Councillor Douglas and Councillor Hamilton also paid tribute to the officers involved.

**DECISION  
AGREED:-**

- (a) to approve the action templates contained in Appendix 1 to the report as being complete;**
- (b) to approve the proposed plan in Appendix 2 to the report for communication with stakeholders (Action 3c);**
- (c) that the Inquiry Action Plan Group would cease to meet and that any ongoing actions contained in the plan progress as continuous improvement; and**
- (d) that the Chief Executive assume delegated authority to monitor and approve any actions deemed to be ongoing.**

**11. SBC LOCAL CODE OF CORPORATE GOVERNANCE**

There had been circulated copies of a report by the Chief Executive proposing approval of the updated SBC Local Code of Corporate Governance, on recommendation by the Audit Committee. The report explained that Scottish Borders Council (SBC) was responsible for ensuring that its business was conducted in accordance with the law and proper standards, and that public money was safeguarded and properly accounted for, and used economically, efficiently and effectively. The SBC Local Code of Corporate Governance, which was consistent with the principles and recommendations of the CIPFA/SOLACE Framework 'Delivering Good Governance in Local Government' and the supporting guidance notes for Scottish authorities (2016), was previously revised and approved by Council on 28 June 2018. The SBC Local Code of Corporate Governance had been updated by the officer Governance Self-Assessment Working Group, on behalf of the Council Management Team (CMT). The updated SBC Local Code of Corporate Governance, contained in Appendix 1 to the report, required approval by Council to ensure this key document continued to be relevant and complete to reflect the appropriate framework for effective governance of the Council's

affairs and facilitate the exercise of its functions to deliver best value. The Audit Committee had the opportunity to scrutinise the updated Local Code of Corporate Governance for Scottish Borders Council at its meeting on 13 March 2023, and recommended it for Council approval, to assist with the 2022/23 annual assurance process.

#### **DECISION**

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

- (a) note the changes outlined in the report;**
- (b) approve the updated Local Code of Corporate Governance, as contained in Appendix 1 to the report; and**
- (c) note that the updated Local Code would be used for the 2022/23 annual assurance process.**

#### **12. CHARITABLE DE-REGISTRATION OF SBC COMMON GOOD FUNDS**

There had been circulated copies of a report by the Acting Chief Financial Officer advising of the intention by the Office of the Scottish Charity Regulator (OSCR) to remove the SBC Common Good Funds, charity number SC031538, from the Scottish Charity Register (the Register). The report explained that the 12 Common Good Funds (Coldstream, Duns, Eyemouth, Galashiels, Hawick, Innerleithen, Jedburgh, Kelso, Lauder, Melrose, Peebles and Selkirk) were registered with the Office of the Scottish Charity Regulator (OSCR) as 1 registered charity, registration number SC031538. A letter received from OSCR in December 2022, a copy of which was appended to the report, provided advance notification of the intention to remove the SBC Common Good Funds, registration number SC031538, from the Register, and outlined the reason for the decision, the process by which the Charity would be removed from the Register, and the effect of removal. OSCR had concluded that Scottish Borders Common Good was not a 'body' with a constitution distinct and separate from the Council that was capable of being entered in the Register. The Charity did not meet the charity test because it did not have purposes that consisted only of one or more of the charitable purposes in section 7(2) of the 2005 Act. Because it had been concluded that the Charity did not have wholly charitable purposes an assessment of public benefit had not been carried out. The Council's Chief Legal Officer and Acting Chief Financial Officer agreed with OSCR's conclusions that this was the correct approach. Following deregistration, annual accounts would not be prepared, audited and submitted to OSCR. The Common Good funds would instead be consolidated within the Council's statutory accounts. Outturn reports would continue to be presented to Common Good fund Committees setting out the annual income and expenditure associated with each fund and assets they held on their balances sheet at 31 March each year. Separate records would still be maintained for each Common Good fund and current monitoring arrangements would continue. Members accepted the position and received reassurance that this did not impact the non-domestic rates position for Common Good properties.

#### **DECISION**

**AGREED with the notification from OSCR to remove the SBC Common Good Funds, charity number SC031538, from the Register and therefore resolved not to challenge the OSCR decision.**

#### **13. SCHEME OF ADMINISTRATION – EXTERNAL SERVICES/PROVIDERS MONITORING GROUP**

There had been circulated copies of a report by the Acting Chief Corporate Governance Officer proposing a change and an increase to the membership of the External Services/Providers Monitoring Group to include the Executive Member for Community & Culture and one further member. The Scheme of Administration regulated, among other things, the constitution and membership of the Committees of Council. Any amendments to the Scheme could only be approved by full Council. At the moment, the Executive Member for Community & Culture was not a member of the External Services/Providers Monitoring



Group, and given that this Group monitored the performance of Live Borders, it was proposed that the membership of the Group was increased by two, specifically the Executive Member for Community & Culture and another member to achieve balance. Members supported this change and Councillor Tatler, seconded by Councillor Ramage, moved that Councillor Anderson be appointed as the other Member.

**DECISION**  
**AGREED to:-**

- (a) **amend the Scheme of Administration with regard to the constitution of the External Services/Providers Monitoring Group, to “Nine Elected Members of Scottish Borders Council, including the Executive Member for Service Delivery & Transformation and the Executive Member for Community & Culture.” ; and**
- (b) **to appoint Councillor Anderson as the other member to the Group.**

**14. CALENDAR OF MEETINGS**

There had been circulated copies of the draft Calendar of Meetings for the period August 2023 to July 2024. The Clerk to the Council advised that the meeting times for the Galashiels Common Good Fund Sub- Committee were to be changed from 3 p.m. to 4 p.m. She requested that Members delegate powers to each Committee to make any amendments to their meeting dates and times as required during the year.

**DECISION**  
**AGREED to approve the Calendar of Meetings as amended and to delegate powers to each Committee to make amendments to their own meetings if required during the year.**

**15. MOTION**

Councillor Steel, seconded by Councillor Weatherston, moved the following Motion as detailed on the agenda:-

“Following many complaints over several years from Sports Groups and parents of children, Scottish Borders Council agrees to write to the Scottish Government requesting an addition to the Dog Fouling (Scotland) Act 2003 to create a new offence. It is requested that it be made an offence for a person in charge of a dog to allow it to defecate at any time on a sports pitch or children’s play area.”

Councillor Steel and Councillor Weatherston spoke in support of the Motion which was unanimously approved.

**DECISION**  
**AGREED to approve the Motion as detailed above.**

**16. REPRESENTATIVES ON OUTSIDE BODIES – LIVE BORDERS**

It was noted that Councillor Brown had resigned her position from the Board of Live Borders so the resulting vacancy required to be filled. Councillor Moffat, seconded by Councillor Thornton-Nicol, moved that Councillor PatonDay be appointed and this was unanimously agreed.

**DECISION**  
**AGREED that Councillor PatonDay be appointed to the Board of Live Borders.**

**DECLARATIONS OF INTEREST**

Councillors PatonDay, Richards, Thornton-Nicol and Weatherston 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.

17. **LIVE BORDERS – FINANCIAL SUPPORT AND STRATEGIC REVIEW PROPOSAL**

With reference to paragraph 9 of the Minute of 15 December 2022, there had been circulated copies of a report by the Director Resilient Communities setting out a proposal to provide financial support of £550,000 within the current 2022/23 financial year to assist Live Borders with the significant financial pressures resulting from energy inflation, cost of living crisis and the slower return to pre-pandemic levels of visitor attendance and participation. It also proposed a joint Council/Live Borders Strategic Review to strengthen and improve partnership arrangements and ensure that, through engagement with communities and service users, services were re-established on a sustainable footing and aligned with the needs of customers and communities. The report detailed the challenging financial pressures that faced Live Borders as a result of the recent extraordinary rise in energy costs, reduced footfall and associated income reductions as a result of the cost of living crisis and the protracted recovery from the pandemic. In addition to these pressures other challenges included putting measures and products in place to deal with the rapid changes to the way services were consumed and accessed by customers and the drive for Net Zero by 2045. Short term-financial support of £550K was proposed within the current financial year (2022/23) to enable Live Borders to address these challenges. Recognising that these pressures continued into the medium and long term, the report also proposed that the Council and Live Borders undertake a wide-reaching review of its current partnership, funding and service delivery arrangements to ensure the Trust was sustainable in the long term and meeting the needs of communities and service users. Given these ongoing challenges, coupled with the significant expansion of the scope and scale of services provided by Live Borders in recent years the report recognised the need to renew and update the governance arrangements set out in the 2016 Service Provision Agreement (SPA). The proposed review would build on the joint SBC/Live Borders Service Redesign proposals agreed by Council in June 2021. The aim was to complete the review by end of October this year with the outcome informing the 2024/25 service and budget planning process. To enable this, it was proposed that external consultants with suitable experience and expertise were engaged to support the delivery and timely completion of the review. It was also proposed that a Joint Steering Group, based on the existing SBC/Live Borders Member/Trustee Group – and with additional representatives from both organisations - would oversee the delivery of the review and its outcomes. The group would be supported by a working group comprising officials from both organisations enabling the appropriate professional input as the review progressed. Members supported the approach of focussing on the future and the need for service redesign.

**DECISION**

**AGREED:-**

- (a) to provide financial support to Live Borders within the current financial year (2022/23) of £550,000 from the Recovery Fund to assist with the significant financial pressures faced by the Trust as a result of energy inflation, the cost of living crisis and ongoing the recovery from the Pandemic;**
- (b) to a joint Council/Live Borders strategic review, as set out in the report, with the aim of strengthening and improving partnership and service delivery arrangements and ensuring that the services delivered by Live Borders, on behalf of SBC under the terms of the SPA, were sustainable in the long term and met the current and future needs of Borders residents;**
- (c) to deploy funding of up to £50,000 from the Recovery Fund to enable the external facilitation of the review. This would allow appropriate additional external expertise and capacity to be sourced to assist with the completion of the review by the end of October 2023, thereby ensuring that the findings were able to inform the 2024/25 planning process;**
- (d) to note the continuing financial pressures facing Live Borders in 2023/24 might require further financial assistance to be provided to ensure the financial stability of the Trust; and**

- (e) that a Joint Steering Group based on the existing SBC/Live Borders Member/Trustees Group, as well as the Convener and a representative from the SNP Group, oversee the delivery of the Strategic Review as detailed in the report and that Councillor Thornton-Nicol would provide the name of the additional SNP representative to the Clerk to the Council after the meeting.

#### **MEMBERS**

Councillors PatonDay, Richards, Thornton-Nicol and Weatherston returned to the meeting.

18. **OPEN QUESTIONS**

The questions submitted by Councillors Begg, Robson, Ramage and Anderson were answered.

#### **DECISION**

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

19. **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**

20. **Minute**

The private section of the Council Minute of 16 February 2023 was approved.

21. **Committee Minutes**

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

The meeting concluded at 1.45 p.m.

**SCOTTISH BORDERS COUNCIL**  
**30 MARCH 2023**  
**APPENDIX I**

**OPEN QUESTIONS**

**Questions from Councillor Begg**

To the Executive Member for Environment and Transport

1. We strongly support effective systems that encourage re-use and recycling. This includes support for re-use hubs and doorstep recycling. In this respect:
  - (a) What are the financial consequences for the council with the potential loss of aluminium and steel recycling from our doorstep recycling system?
  - (b) How much additional benefit do we estimate the Deposit Return Scheme (DRS) will make to recycling rates in the Scottish Borders?
  - (c) Do we have any impact assessment of the DRS on the producers and retailers affected in the Scottish Borders?
  - (d) What plans are there to support re-use systems as an alternative to recycling?

Response from Councillor Linehan

- (a) In 2019, Zero Waste Scotland undertook a financial assessment of the Deposit Return Scheme, which identified a potential saving to the Council of £244,658.00 per annum against service baseline costs at that time. The majority of this saving came from the additional material removed from the general waste bin, which would have otherwise not been captured.

However it is important to recognise that these figures will have changed since 2019 as the Council has awarded a new residual waste contract and kerbside recycling contract.

- (b) More recent modelling of the Council's kerbside collection service indicates that the Council's recycling performance will reduce by around 0.1% as a result of the Deposit Return Scheme.
- (c) The Council is not have details regarding the impact on producers and retailers, other than to say that they will have been required to register with the scheme. Circularity Scotland as the Scheme Administrator may have more details in this regard.

It is worth noting that there is likely to be a financial impact on school catering and this is currently being assessed by officers.

The Council already supports a number of Re-Use schemes including, Homebasics, Just Cycle, Garden Tools Recycling Project and Hawick Men's Sheds via its Community Recycling Centres and various Service Level Agreements. Re-Use and the circular economy is also outlined in the Council's climate change plan as an area that requires further action/development. In response to that Officers are currently considering what additional support it can provide to an increasing number of organisations that are keen to pursue re-use opportunities. The aim is to be able to provide advice to kick start these operations and get them on to a sustainable footing.

2. The Scottish Borders website details what can and cannot be recycled. It has a 'top tips section' which states that we should 'recycle more effectively by washing, squashing and replacing lids of containers'. At a number of meetings people have been adamant that lids should be put in the Blue bin separately from their containers. Can the Executive member clarify whether the Scottish Borders recycling team want 'caps on or off' with particular reference to milk cartons?

### Response from Councillor Linehan

I can confirm that the Council's website has recently been updated and the advice to wash, squash and replace lids of plastic bottles is accurate and that this applies to milk cartons as well.

### **Questions from Councillor Robson**

#### 1. To the Executive Member for Estate Management and Planning

What steps are being taken to advise businesses of the necessity of obtaining planning permission when altering the structure or appearance of buildings in conservation areas?

#### Response from Councillor Mountford

You raise a valid point about the need for anyone – and not just businesses – to check whether permission is required for work in Conservation Areas: It is worth noting that not all works will require formal permission. Much of that guidance and advice (as well as the consequences of not having permission) exists on our website but that does, I accept, require someone to search it out.

There is an argument that this is every property owner's responsibility to check before carrying out work without the need for prompting by the Council but we can certainly look again at how we remind people of that responsibility.

As you know, we are currently reviewing our Conservation Area Management Plans which will address the issues to consider before carrying out work, including the need for permission. This review will allow us the opportunity for some additional publicity around work carried out in Conservation Areas more generally, including on where to find advice.

The Council's Development Management Service actively encourages pre-application discussions with our customers on proposed developments prior to the submission of planning and listed building consent applications. That also extends to queries about the need for permission.

Experienced agents acting on behalf of building owners also have a role to play and should be sufficiently familiar with the processes to know when to raise the need for permission as a query.

The Council's Heritage and Design Team provides specialist advice on proposed alterations for all building owners, including businesses within conservation areas to encourage work that preserves or enhances the character of the conservation area.

Having said all of that, it is equally important to say that any work is undertaken at the owner's own risk and may need to be restored in the event that it is considered unacceptable.

We therefore always recommend that guidance or advice is sought before embarking on works or submitting planning or related application.

#### 2. To the Executive Member for Service Delivery and Transformation

What preparations are in hand to facilitate the introduction of voter identification at forthcoming elections in the Borders; what plans are there to inform the public of this new requirement; whether there are costs to the Council in this regard, and if so, what estimate is available as to that additional cost?

#### Response from Councillor Rowley

The Electoral Registration Officer (ERO) is responsible for the issue of a Voter Authority Certificate (Voter ID) to electors who make an identity document application in terms of The Voter Identification Regulations 2022. It should be noted that these Regulations only apply to UK Parliamentary Elections.

### **Preparation**

ERO staff have received training in respect of the processing of Voter Authority Certificate applications through the ERO Portal which has been designed and developed by UK Government at no cost to the ERO. The ERO Portal went live on 16 January 2023.

Senior ERO staff have attended various seminars/briefings held by UK Government, Association of Electoral Administrators and the Electoral Commission.

### **Awareness**

The Electoral Commission commenced an awareness campaign in January which was aimed for the upcoming elections in England.

The ERO's Engagement Officer will work with SBC Communications and various stakeholders to raise awareness locally.

### **Costs**

Funding has been provided to the ERO from UK Government with the option of submitting a Justification Led Bid if additional costs are borne. The funding is based on projected demand and time taken to process an application. The impact on the ERO will not be known until the next UK election.

### Supplementary

Councillor Robson asked if the ERO could provide Members with simple text on the subject that they could use to get the message out. Councillor Rowley advised he would be happy to do that but closer to a UK Government election, when it would be most relevant.

### 3. To the Executive Member for Communities and Equalities

What proposals are there regarding the future use, change of use, or decommissioning of the housing in Maxmill Park, Kelso?

### Response from Councillor Tatler

The council are currently actively looking to identify alternative accommodation options to allow us to discontinue the use of Maxmill Park as temporary homeless accommodation. Due to significant demand for the provision of statutory temporary accommodation to homeless households and the corresponding lack of alternative options across the social housing landscape at present, this is proving challenging. The current use of the provision in Maxmill Park is minimal, however we recognise that the homeless service may be required to utilise these properties again should demand for this accommodation increase.

At present there has been no decision on the future use of the site and how this is utilised or disposed of by the council. Further investigations are expected to identify alternative uses, or a means to dispose of this site from council ownership once we have alternative options for meeting our statutory duty under homeless legislation.

### Supplementary

Councillor Robson asked if local Ward Members could be kept updated and Councillor Tatler confirmed he was sure this could be done.

### Questions from Councillor Ramage

#### To the Executive Member for Education and Lifelong Learning

1. I was contacted, by a parent, about her concern over inappropriate content that pupils were able to access while using their iPads. I understand that filtering is constantly updated by CGI and the National Cyber Security Centre, but I only realised recently that Apple Classroom, an app which allows teachers in the classroom to see what apps/ website pupils are using in class, was not working for a number of months.
  - Why was Apple Classroom not performing as expected and for how long?

- There are many parents across our area who need reassurance that all problems have been addressed and assurances that these problems do not happen again. Do you not agree?
- It has also been highlighted, by teachers that the use of iPads has doubled their workload as separate work has to be produced for pupils who are absent. Many teachers are in fact missing lunch and eating it in the car at the end of the day because of the heavier workload that technology has brought about. Surely this needs to be addressed?

Lastly it has been brought to my attention that pupils are expected to write on their iPads (a basic life skill that should be taught in schools) with their finger. Writing with a stylus or Apple Pencil, (costing £80) is not a natural way to learn to write as you have to constantly lift your hand plus only benefits those that can afford to buy a stylus. How will the Education Department address this?

#### Response from Councillor L. Douglas

The Council is confident that it has appropriate web filtering protection in place in all our schools and we are not aware of any incidences where pupils have been able to access content that is not appropriate to the age and stage of the pupil over the SBC IT network monitored by CGI. This network is subject to the strongest filtering controls. If Councillor Ramage can, however, provide specific examples where she believes our firewalls and content filtering has been bypassed and inappropriate content viewed in schools or on our devices, by pupils, then we will be happy to fully investigate the matter with CGI as a matter of the utmost concern.

#### • **Why was Apple Classroom not performing as expected and for how long?**

Apple Classroom is performing as expected in our schools. There was, however, a period of around 18 months when this was not the case for the following reasons

- An update to the Apple Classroom app resulted in a change to the way staff joined the app meaning caching servers in the schools needed technical work to be undertaken
  - Unfortunately we were not aware of this update in advance of it happening
  - All Inspire users had to change the domain name for their Apple ID as there was a clash with the corporate Apple domain. This was a large piece of work to plan a move for
  - This was an issue which was not unique to Scottish Borders, for example Glasgow and Edinburgh City Councils had the same problems.
  - Following the technical work, unfortunately the app was still not working as expected and the Inspire Team spent a significant length of time testing out scenarios and feeding this back to CGI to ensure that the platform was robust and appropriate support was in place before asking staff to use it again
  - Apple Classroom has however been working effectively for a number of months now, for the avoidance of doubt Apple Classroom is not the mechanism by which web filtering is undertaken and IT security contained.
- **There are many parents across our area who need reassurance that all problems have been addressed and assurances that these problems do not happen again. Do you not agree?**

Yes. From time to time problems may be encountered with the complex deployment and operation of IT. Parents should always contact their school in the first instance if they have a concern or need reassurance.

- **It has also been highlighted, by teachers that the use of iPads has doubled their workload as separate work has to be produced for pupils who are absent. Many teachers are in fact missing lunch and eating it in the car at the end of the day**

**because of the heavier workload that technology has brought about. Surely this needs to be addressed?**

The premise of this question needs to be verified.

Technology is a strong enabler to workload reduction and in particular for students who are absent, because they can still access their learning online at home through Glow or Showbie on their iPad, the need for staff to provide different learning or provide catch up materials following a pupil absence should be reduced.

The Inspire Team are available to support staff to ensure most effective use of technology to reduce workload. There is an extensive programme of professional learning available and the team are happy to be contacted to support individual or whole school bespoke packages where this is requested.

The intention behind the deployment of iPads is to enhance the education experience and to reduce teachers workload.

**Lastly it has been brought to my attention that pupils are expected to write on their iPads (a basic life skill that should be taught in schools) with their finger. Writing with a stylus or Apple Pencil, (costing £80) is not a natural way to learn to write as you have to constantly lift your hand plus only benefits those that can afford to buy a stylus. How will the Education Department address this?**

There is no expectation that pupils have to supply their own stylus. Schools have bought a variety of stylus' for use in class.

Handwriting is still taught as a skill at the appropriate stages in primary school using traditional tools and with the opportunity to practise on the iPad as a complimentary option.

We have been trialling a new handwriting app which will be rolled out. Use of this app has demonstrated an improvement in writing skills which are easily transferred from the iPad onto paper and could be a core tool in supporting closing the poverty related attainment gap. We are happy to share the pilot impact report.

As a result of this app being added, we are looking to support schools in purchasing a class set or more of high quality stylus that is good value for money and is very close to replicating the feel of a normal pencil

#### Supplementary

Councillor Ramage had been advised that teachers could not download the upgrade and asked that this be checked. Councillor Douglas asked Councillor Ramage to provide her with details of the actual instances where this had happened so that could be investigated.

2. What percentage of school staff have been absent in 2022 because of work related stress?  
How many AM3 forms have been completed in the last year? (Absent management forms)

#### Response from Councillor L. Douglas

Percentage absence for teachers with Anxiety, Stress, Depression & Mental Health Illness  
absence for 2021 (01/04/2021 – 31/03/22) = 0.78%

Percentage absence for teachers with Anxiety, Stress, Depression & Mental Health Illness  
absence for 2022 (01/04/2022 – 20/03/23) = 0.82%

The AM3 (Stress Management Report Form) is in place to enable employees to confidentially report work related and non work related incidents.

14 teachers have submitted AM3 forms in 2021



13 teachers have submitted forms in 2022

### **Question from Councillor Anderson**

#### To Executive Member for Education and Lifelong Learning

What is being done to promote positive behaviour in all our schools and if pupil behaviour towards our staff and other pupils is considered to be unacceptable, what actions are available to the Head Teacher and pastoral staff to deal with such issues?

#### Response from Councillor L. Douglas

The Inclusion Framework details the actions required to ensure the ongoing development of inclusive practices in all Learning Establishments within Scottish Borders Council. This framework reflects national policy and legislation and sets expectations relating to:

- The promotion of positive relationships and behaviour.
- Ensuring schools deliver inclusive practice through effective learning and teaching and maintain positive learning environments for all children and young people.
- Providing targeted support within local communities to meet the needs of our most vulnerable children, young people and families.
- Ensuring that exclusion is only ever used as a last resort and provide guidance to schools to ensure appropriate support is in place for the child or young person so that they are able to re-engage in education.

The Inclusion and Wellbeing Service provide advice, support and training as well as direct interventions in circumstances where pupil behaviours are cause for concern and all headteachers have access to this resource. Ensuring positive behaviour requires effective partnership working with parents and other agencies to meet the wider needs of our young people. This may include provision for meeting mental health needs or provision of suitable environments to allow a reset of behaviours. A specific example of this would be where a young person may be “hosted” in an alternative school for a period of time supported by a youth worker.

Exclusion is a last resort which can be effectively implemented in order to provide a short period of time for planning additional provision or support for a young person to return to school.

Following a Collaborative Improvement Exercise earlier this session, an action plan was created to ensure that all possible measures to support school in ensuring positive behaviour are implemented, as part of which, and following reviews of our policies on Respectful Relationships and Responsible Use of Mobile Technology are being presented to the next meeting of The Education Sub Committee.

#### Supplementary

Councillor Anderson asked for reassurance that smaller schools were not asked to deal with serious issues where they did not have the space. Councillor Douglas advised that Headteachers should contact officers in these instances and asked if Councillor Anderson could provide her with specific details.