

## SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTE of Meeting of the EXECUTIVE COMMITTEE held in the Council Chamber, Council Headquarters, Newtown St Boswells, TD6 0SA on Tuesday, 2 February, 2016 at 12.30 pm

-----

Present:- Councillors S Aitchison (Chairman – Education Business), S Bell (Chairman – Economic Development Business)(from para 2.2 ), D Parker, (Chairman – Other Business), C Bhatia, J Brown, M J Cook, V Davidson, G Edgar, J Mitchell, D Moffat, D Paterson, R Smith.

Also Present:- Councillors I Gillespie, S Mountford, A Nicol, B White.

Apologies:- Councillor F Renton

In Attendance:- Chief Financial Officer, Service Director Children & Young People, Chief Officer Economic Development, Corporate Transformation and Services Director, Clerk to the Council, Democratic Services Officer (F. Walling).

### EDUCATION BUSINESS

Present:- Mrs J Aitchison, Ms A Ferahi, Mr D Moore, Mr J Walsh.

Apologies:- Mr G Donald, Mr G Jarvie, Miss E Page.

#### **CHAIRMAN**

Councillor Aitchison chaired the meeting for consideration of the Education Business. He welcomed Mrs Aitchison, Ms Ferahi, Mr Moore and Mr Walsh to this section of the Executive meeting and passed on apologies on behalf of Mr Donald, Mr Jarvie and Miss Page.

#### **1. SCHOOL ESTATE - PRE-CONSULTATION AND REVIEW**

- 1.1 With reference to paragraph 6 of the Minute of 20 January 2015, there had been circulated copies of a report by the Service Director Children and Young People providing an update on the proposed review of the school estate and seeking agreement to the content of the proposed pre-consultation with communities across the Scottish Borders. The report referred to the principles agreed by the Executive Committee (Education) which would guide a review of the school estate. The pre-consultation would seek to engage with all stakeholders to gather information and views regarding the quality and issues within the current school estate provision. The consultation would also seek views as to what the Council's future school estates provision should aspire to look like. The Council would analyse the feedback and information gathered from the pre-consultation and consider both the information from the public and the Council's own data in analysing the existing school estate. This information would then be used to identify a way forward as to how the school estate would be improved. The report further explained that Scottish Borders Council had produced a Small Schools Policy in 2007 which was attached as an Appendix. The Policy had been produced prior to the Schools (Consultation) (Scotland) Act 2010 and had never been fully implemented, nor had it ever been formally revoked or withdrawn. In light of the change in the statutory framework together with the introduction of the Curriculum for Excellence, this Policy was no longer considered to be relevant or compliant with the 2010 Act. It was therefore recommended that it should now, for the avoidance of confusion, be formally withdrawn.

- 1.2 The Service Director Children and Young People gave Members further information about the pre-consultation and review process by way of a powerpoint presentation. She stressed that the proposed pre-consultation would be carried out on an informal basis by engaging with communities, gathering information and sharing ideas before any formal process under the Schools (Consultation) (Scotland) Act 2010 was undertaken. The aim was to achieve a full, fair and rigorous consultation providing high quality and accurate information and documentation whilst ensuring high standards of transparency. There would be no pre-conceived ideas. The review would identify and consider a full range of possible options such as: status quo; catchment reviews; new build requirements; merger proposals; school closure and re-location of catchment; school re-design within a catchment area e.g. 2 – 18 years, 2- 8 years or 8-18 years campus; and any alternative proposals which may be presented during consultation. The pre-consultation would give the opportunity for all stakeholders to give feedback and there would be open pre-consultation events held in each of the 9 secondary schools in March 2016. There was also an imminent meeting with Parent Council representatives which could also result in further suggestions for engagement. The Service Director answered Members' questions which were in particular about the wording and content of the information provided as a basis for the pre-consultation, managing expectations and concerns, and catchment areas. The most important factor for consideration was the education of children and the best experience that could be achieved for them, and any future proposals would be based primarily on that. She gave assurance that the new build projects which were currently in the final stages of procurement would have sufficient flexibility to be able to take into account the conclusions of the review. In response to questions about placing requests and whether the Council could intervene at an early stage, where placing requests were having significant effects on school roles, she advised that Headteachers had the responsibility to promote their own schools and approach parents of prospective pupils in the catchment area on a one to one basis. Ultimately, however, the Council had a duty to respond to parents' placement requests. In conclusion Members were advised that the findings of the pre-consultation would be reported to Council on 19 May 2016 with a further report on proposals for the school estate being presented in August 2016.

**DECISION  
AGREED:-**

- (a) to the proposed pre-consultation on the school estate across the school communities of the Scottish Borders;**
- (b) that the outcome of the consultation be reported back to full Council on 19 May 2016;**
- (c) that the consultation include a consideration of key themes within the previously agreed principles of 'maximising educational opportunities', 'improving individual outcomes', 'sustainability', 'affordability', 'delivery of statutory educational duties', and 'future proof' within the School Estate Strategy;**
- (d) that the Service Director Children and Young People make a final check on the wording and language of the information in the paperwork going out as part of the consultation;**
- (e) that, following the pre-consultation and full Council's consideration of its outcomes, the Service Director Children and Young People prepare a set of school estate proposals to be brought back for consideration by Council in August 2016; and**
- (f) that Scottish Borders Council's Small Schools Policy, produced prior to the Schools Consultation Act 2010, be formally withdrawn.**

## **MEMBERS**

Councillor Bell joined the meeting during the above item of business. Councillor Aitchison left the meeting after the above item and re-joined at the beginning of the Economic Development business.

## **OTHER BUSINESS**

### **CHAIRMAN**

Councillor Parker took the Chair.

### **2. MINUTE**

The Minute of meeting of the Executive Committee of 19 January 2016 had been circulated.

### **DECISION**

**APPROVED for signature by the Chairman.**

### **3. SCOTTISH LANDFILL COMMUNITIES FUND**

There had been circulated copies of a report by the Chief Executive providing an overview of the Scottish Landfill Communities Fund (SLCF) and seeking agreement for the Council's provisional involvement in the scheme for 2015/16 and 2016/17. It was explained that SLCF was a tax credit scheme, linked to Scottish Landfill Tax, which encouraged Landfill Operators to voluntarily participate in providing funding to facilitate community and environmental projects in areas affected by landfill activity. The SLCF replaced the UK scheme in Scotland on 1 April 2015. SEPA was the Regulator of the Scottish scheme and BCCF Environmental was the Approved Body registered to receive funding generated by the scheme. The Council had actively and successfully participated in the UK scheme since 1999 and it was recommended that the Council continued to facilitate a landfill community fund through participation in the new SLCF scheme. As with the previous UK scheme, 90% of the SLCF budget would be funded from the Council's Scottish Landfill Tax liability with the additional 10% funded by the Waste Services budget as normal. The Council would continue to bear this 10% cost provisionally for 2015/16 and 2016/17 and would forego the need for projects to identify a Contributing Third Party payment. The report recommended the SLCF process for 2015/16 and 2016/17 only. During 2016/17 the impact of the new scheme would be assessed, particularly in relation to the Council's 10% budget commitment and any potential for the scheme processes to benefit from the use of the SBC Community Enhancement Trust. A key change under SLCF was that, in addition to being eligible to apply for Borders funds projects could apply to any Approved Body on the SEPA register and also apply to more than one Approved Body for the same project. This change may provide additional funds to Borders projects. However it may also result in the Borders generated funds being allocated elsewhere in Scotland.

### **DECISION**

**AGREED to:-**

- (a) participate in the SLCF through its Landfill Tax Liability credits for 2015/16 and 2016/17 (90% of fund);**
- (b) continue to provide the additional 10% of the fund from its Waste Services budget for 2015/16 and 2016/17; and**
- (c) consider a further report in December 2016 recommending the longer term approach to the SLCF from 2017/18 onwards.**

## **ECONOMIC DEVELOPMENT BUSINESS**

Apologies: Mr J Clark, Mr G Henderson

## **CHAIRMAN**

Councillor Bell chaired the meeting for consideration of the Economic Development business. He thanked Members for agreeing to re-schedule the start of the meeting to allow for a very constructive event which had taken place in Hawick that morning to discuss the situation in the town following the closure of Hawick Knitwear and other matters. He also thanked the Corporate Transformation and Services Director and Chief Officer Economic Development for organising the event which was attended by the Scottish Government Minister for Business Energy and Tourism and involved 30 businesses. This was followed by an equally useful meeting at Abbotsford involving the Minister and the Scottish Borders Tourism Partnership.

## **4. ECONOMIC DEVELOPMENT UPDATE**

- 4.1 With reference to paragraph 4 of the Minute of 3 November 2015, there had been circulated copies of a briefing note providing an update on recent Economic Development activities. The Chief Officer Economic Development, Mr Bryan McGrath, referred to the paper and highlighted the main points. Members asked for further information about the 7stanes Community Interest Company (CIC), which would cease trading on 31 March 2016. The Chairman gave assurance that 7stanes remained a powerful brand. He explained that once Leader funding had come to an end the organisation had been unable to generate sufficient funding from other sources to make it viable in the long term. The Company would be wound up in a phased manner with any remaining funds being distributed to other charitable organisations dealing with biking. Future promotion of the 7stanes trails would be managed by Forest Enterprise Scotland (FES) who had the resources and expertise to provide full marketing support to the project. Under the Business section of the update it was reported that Scotland's Employer Recruitment Incentive (SERI) Scheme had been put on hold by the Scottish Government. However the Chairman had been advised that Scottish Government would be re-launching a refined form of the scheme with a sharper focus.
- 4.2 The report that the Scottish Borders was the pilot area for the launch of 'Pub is The Hub' in Scotland was welcomed. The 'Pub is the Hub' organisation had worked with over 500 rural licensees in England and Wales, helping them to diversify their businesses through offering a range of additional services including retail shops, lunch clubs, library services and post offices. The Scottish Government announced a £30,000 grants fund to support publicans' investment in diversification projects, the initial projects being in Ettrick and Yarrow, Tweedsmuir and Newcastleton. With regard to the economic impacts (EI) of events during 2015, reported in the update, the Chief Officer Economic Development was asked how these were evaluated and whether any economic disadvantage was taken into account e.g. financial loss suffered by businesses as a consequence of road closures to support an event. Mr McGrath advised that there was some refinement in the way economic impact was measured and that there was an attempt to capture other economic effects in each evaluation.
- 4.3 In further discussion, Members expressed concern about the effect on the Borders economy of the significant delay in initial payments from Scottish Government to farmers under the new Basic Payment Scheme, which had been promised in December 2015. Due to sensitive cash flow issues in the agricultural sector this was having a serious effect, not just on farmers, but on other businesses along the supply chain. In view of the importance of the agricultural industry in the Scottish Borders it was agreed that the Council should support the efforts of the National Farmers Union, in this regard, and express its concern in a letter to the Cabinet Secretary for Rural Affairs, Food and Environment about this unsatisfactory situation. With regard to the new Scottish Borders, East Lothian and Fife Fisheries Local Action Group, which was the decision-making body for European Maritime Fisheries Fund local development applications, it was agreed that a letter be sent from the Leader to the Cabinet Secretary to express concern at the delay in the announcement on the value of funding allocated to Fisheries Local Action Groups in Scotland.

## **DECISION**

- (a) NOTED the update.**
- (b) AGREED that letters be sent from the Leader to the Cabinet Secretary for Rural Affairs, Food and Environment to express the Council's concern in relation to:-**
  - (i) the delay in initial payments to farmers under the Basic Payment Scheme; and**
  - (ii) the delay in the announcement of the value of funding allocated to Fisheries Local Action Groups.**

### **5. HIGHLIGHTING INNOVATION - MOUNTAIN BIKING**

Referring to the fact that 2016 had been designated Scotland's Year of Innovation, Architecture and Design, the Chairman introduced Graeme McLean, project manager for Developing Mountain Biking in Scotland (DMBinS), who was in attendance to give a short video and presentation on the innovations being developed at the Mountain Bike Centre of Scotland at Glentress. The Centre was spearheaded by a partnership between Scottish Cycling, DMBinS, Edinburgh Napier University, Borders College and Scottish Enterprise. In the video it was explained that Glentress Forest had over 300,000 visitors a year. Nationally it was estimated that mountain biking brought in over £150 million annually to the Scottish economy. The Mountain Bike Centre which was opened in June 2014 had engaged with over 100 businesses and effectively established a centre of open innovation, providing resources and expertise. The Centre provided business support, academic and research support and access to a huge number of consumers at the trail centre. Appropriate support could be given to new businesses in order to get a concept all the way from an idea to a commercialised product. The Centre also worked with established businesses to help them diversify into cycling products. There had been 25 business start-ups and the Centre had hosted 20 events. Examples were given of new businesses launched and the type of support and opportunities provided at the Centre. The Centre worked closely with Edinburgh Napier University and wanted to do more to link businesses with Scottish Universities. There were 14 academic partnerships and 10 research projects currently ongoing. A further goal was to attract international companies to Scotland, to attract inward investment and to use the facilities at Glentress to test and launch new products. Members expressed their interest in the work carried out at the Centre. Questions were asked on specific aspects and there was discussion about how this type of innovative support work for businesses could be replicated in other areas of the Borders. Other questions referred to work being carried out to develop mountain bike trails in Craik Forest and in the Ettrick and Yarrow valleys, the potential development of links with local schools, and the links with the railway. The Chairman thanked Mr McLean for the interesting presentation and for his attendance, and wished the Centre every success in the future.

## **DECISION**

**NOTED the presentation.**

### **6. DIGITAL SCOTLAND SUPERFAST BROADBAND ROLL-OUT UPDATE**

With reference to paragraph 6 of the Council Minute of 26 June 2013, there had been circulated copies of a report by the Corporate Transformation and Services Director providing an update on the progress being made in delivering the Digital Scotland Superfast Broadband (DSSB) programme in the Scottish Borders. The report explained that Scottish Borders Council had contributed strongly to the roll-out of the DSSB programme, providing £8.4m over two years to help extend the roll-out as far as possible in the Scottish Borders. To date, 70 new superfast broadband cabinets had been installed as part of the roll-out, enabling the provision of new services to over 17,500 premises in the Scottish Borders. The roll-out would continue until the end of 2017, aiming to serve

approximately 94% of all the premises in the area. The Scottish Government had also put in place the Community Broadband Scotland (CBS) programme to support those communities and locations where the DSSB roll-out would not reach. However officers were concerned about the limitations of this initiative. Although good progress was being made with the DSSB programme, there was a range of challenging issues still to be addressed in relation to providing superfast broadband services across the Scottish Borders. These issues presented a significant impediment to allowing all communities to access the Broadband services in an equitable way. The DSSB programme would cover less than 94% of premises in the Borders, which meant around 6% of premises, mainly in remoter rural areas, would not be covered by Superfast Broadband and may only have access to slower broadband services, or have no broadband access at all. There was a need for a national solution to this issue, for a programme to cover the remaining 5-6% of premises in the Scottish Borders and other areas of rural Scotland. It was proposed to raise these issues with the Scottish Government when the South of Scotland Alliance met the Deputy First Minister on 8 February 2016. In discussing the report Members raised serious concerns about the unsatisfactory situation of the apparent two levels of Broadband provision which was unacceptable to outlying areas. Attention was also drawn to apparent 'grey' areas where properties were quite proximate due to settlement pattern but which were still not within connection distances to the new superfast broadband cabinets. Members agreed with a suggestion that in remote areas the provision of radio broadband masts could perhaps be considered along with new development and included in the consideration of planning applications. It was also agreed that an updated list was required to indicate, within the DSSB programme, the numbers of premises in the Scottish Borders connected to Superfast Broadband, the number waiting for connection and the number who would not be connected. Members discussed the recommendations of the report. It was agreed the second recommendation should be strengthened but there was a division of opinion about the wording of the first:

#### VOTE

*Councillor Bhatia, seconded by Councillor Cook, moved that the first word of the first recommendation be changed from 'Welcome' to 'Note'.*

*Councillor Brown, seconded by Councillor Moffat, moved as an amendment that the wording of the first recommendation be unchanged.*

*On a show of hands Members voted as followed:-*

*Motion            5 votes  
Amendment    2 votes*

*The motion was accordingly carried.*

#### **DECISION**

- (a) DECIDED to note the progress made on delivering the Digital Scotland Superfast Broadband programme;**
- (b) AGREED to:**
  - (i) express concern at the range of issues affecting delivery of Superfast Broadband in the rural areas of the Scottish Borders;**
  - (ii) request the South of Scotland Alliance to discuss the Superfast Broadband connectivity issues raised in this report with the Deputy First Minister at their meeting on 8 February 2016; and**

**(iii) request an updated list to be circulated to Members indicating, within the DSSB programme, the number of premises in the Scottish Borders that:-**

- (1) were connected to Superfast Broadband;**
- (2) would be connected by the end of the programme; and**
- (3) would not be connected.**

## **MEMBERS**

Councillors Davidson and Edgar left the meeting.

### **7. BORDERS RAILWAY BLUEPRINT - UPDATE**

With reference to paragraph 8 of the Council Minute of 2 April 2015, there had been circulated copies of a report by the Corporate Transformation and Services Director providing an update on progress in delivering the Borders Railway Blueprint and other railway related project activity. The report recognised that the new Borders Railway represented a once in a generation opportunity to provide a step-change sustainable improvement in the Scottish Borders economy, and particularly in the economies and welfare of some of the disadvantaged communities. However, there was no guarantee that such uplift would occur on its own. The Council, along with its Borders Railway Blueprint partners, was therefore implementing a comprehensive programme of activities to promote economic development through strategies for business development, inward investment and tourism, as well as promoting greater accessibility to labour markets and education and training. The programme had been developed to provide the optimal environment, to realise these positive outcomes for the Scottish Borders economy and local communities. An infographic showing overall progress was attached as an Appendix to the report. Details were given of activities taking place under the themes: great locations for working and investing; great communities for living and learning; and great destinations to visit. It was noted that usage of the railway to date was much higher than predicted. Based on these rates a conservative annual projection would be around one million passengers, in comparison with the pre-opening projection of 647,000 passengers per annum. Members welcomed the update report. In response to questions the Director advised that monitoring information on the financial investment being made by the Council and partners in delivering the Blueprint strategy would be reported on a quarterly basis, the first due to be presented in March 2016. He confirmed that the first phase of the Central Borders Business Park would commence during summer 2016. With regard to the higher than predicted use of Tweedbank, Network Rail and ScotRail were aware that the car park had been at capacity on many occasions and were expected to work closely with the Council in looking at options to address this. It was noted that the development of housing land was now a priority area to be addressed, Scottish Government having facilitated a meeting of senior planners from Scottish Borders and Midlothian Councils to discuss the strategic role of the railway in creating a new 'development corridor' for Scotland. This would also be taken forward in discussions through the South East Scotland Strategic Development Planning Authority.

#### **DECISION**

**AGREED to:-**

- (a) welcome the major commitment being shown by the Council and its Borders Railway Blueprint partners towards maximising the economic benefits of the new railway to the Scottish Borders; and**
- (b) request that the Corporate Transformation and Services Director submit further update reports to the Executive Committee on a regular basis to provide monitoring information on the financial investment being made by the Council and Partners in delivering the Blueprint Strategy.**

### **8. PRIVATE BUSINESS**

**ITEMS LIKELY TO BE TAKEN IN PRIVATE  
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 9 of part 1 of schedule 7A to the Act.

9. **MINUTE**

The Committee approved the private Minute of 19 January 2016.

10. **URGENT BUSINESS - MATTER ARISING FROM THE MINUTE.**

The Committee considered a matter arising from the Minute.

*The meeting concluded at 3.10 pm*