

**Please find attached the Public Minutes in respect of  
Item 7 on the agenda for the above meeting**

7.	<p><b>Committee Minutes</b></p> <p>Consider Minutes of the following Committees:-</p> <ul style="list-style-type: none"> <li>(a) Peebles Common Good Fund 23 November 2016</li> <li>(b) Tweeddale Area Forum 23 November 2016</li> <li>(c) Berwickshire Area Forum 1 December 2016</li> <li>(d) Cheviot Area Forum 7 December 2016</li> <li>(e) Pension Fund Committee 8 December 2016</li> <li>(f) Pension Board 8 December 2016</li> <li>(g) Galashiels Common Good Fund 8 December 2016</li> <li>(h) Eildon Area Forum 8 December 2016</li> <li>(i) Teviot &amp; Liddesdale Area Forum 13 December 2016</li> <li>(j) Lauder Common Good Fund 14 December 2016</li> <li>(k) Civic Government Licensing 16 December 2016</li> <li>(l) Local Review Body 19 December 2016</li> <li>(m) Planning &amp; Building Standards 9 January 2017</li> <li>(n) Executive 17 January 2017</li> <li>(o) Teviot &amp; Liddesdale Area Forum 17 January 2017</li> <li>(p) Civic Government Licensing 20 January 2017</li> <li>(q) Local Review Body 23 January 2017</li> <li>(r) Scrutiny 26 January 2017</li> <li>(s) Innerleithen Common Good Fund 26 January 2017</li> <li>(t) Executive 31 January 2017</li> <li>(u) Jedburgh Common Good Fund 1 February 2017</li> <li>(v) Kelso Common Good Fund 1 February 2017</li> </ul> <p>(Please see separate Supplement containing the public Committee Minutes.)</p>	5 mins
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(a)	Peebles Common Good Fund	23 November 2016
(b)	Tweeddale Area Forum	23 November 2016
(c)	Berwickshire Area Forum	1 December 2016
(d)	Cheviot Area Forum	7 December 2016
(e)	Pension Fund Committee	8 December 2016
(f)	Pension Board	8 December 2016
(g)	Galashiels Common Good Fund	8 December 2016
(h)	Eildon Area Forum	8 December 2016
(i)	Teviot & Liddesdale Area Forum	13 December 2016
(j)	Lauder Common Good Fund	14 December 2016
(k)	Civic Government Licensing	16 December 2016
(l)	Local Review Body	19 December 2016
(m)	Planning & Building Standards	9 January 2017
(n)	Executive	17 January 2017
(o)	Teviot & Liddesdale Area Forum	17 January 2017
(p)	Civic Government Licensing	20 January 2017
(q)	Local Review Body	23 January 2017
(r)	Scrutiny	26 January 2017
(s)	Innerleithen Common Good Fund	26 January 2017
(t)	Executive	31 January 2017
(u)	Jedburgh Common Good Fund	1 February 2017
(v)	Kelso Common Good Fund	1 February 2017

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**SCOTTISH BORDERS COUNCIL**  
**PEEBLES COMMON GOOD FUND SUB-COMMITTEE**

MINUTE of MEETING of the PEEBLES  
COMMON GOOD FUND SUB-COMMITTEE  
held in the Council Chamber, Council Offices,  
Rosetta Road, Peebles on 23 November 2016  
at 5.00 p.m.

Present:- Councillors W. Archibald (Chairman), S. Bell, K. Cockburn, G. Garvie, G. Logan.  
Community Councillor L Hayworth.

Apologies:- Councillor C. Bhatia.

In Attendance:- Solicitor (G. Nelson, from para 4), Senior Finance Officer (J. Yallop),  
Estates Surveyor (A. Graham), Democratic Services Officer (K. Mason).

Member of the Public:- 1.

**1.1 MINUTE**

The Minute of Meeting of Peebles Common Good Fund Sub-Committee of 31 August 2016 had been circulated.

**DECISION  
NOTED.**

- 1.2 With reference to paragraph 7 of the Minute, Community Councillor Hayworth advised that the Royal Burgh of Peebles and District Community Council was setting up a working group in regard to an audit of the sports and leisure facilities in Peebles and the use of parks and open spaces would fall into this. A series of questions would be drawn up including parks and public spaces and it was hoped that a public engagement event would be held in the Burgh Hall.

**DECISION  
NOTED.**

**2. MONITORING REPORT FOR 3 MONTHS TO 30 SEPTEMBER 2016**

There had been circulated copies of a report by the Chief Financial Officer providing details of the income and expenditure for the Peebles Common Good Fund for the six months to 30 September 2016 and full year projected out-turn for 2016/17 and projected balance sheet values as at 31 March 2017. Appendix 1 to the report provided a projected Income and Expenditure position. This showed a projected surplus of £7,110 for the year. Appendix 2 to the report provided a projected Balance Sheet to 31 March 2017. It showed a projected decrease in the reserves of £30,330. Appendix 3 to the report provided a breakdown of the property portfolio showing projected rental income for 2016/17 and actual property expenditure to 30 June 2016. Appendix 4 to the report showed the value of the Newton Fund to 30 June 2016. The Senior Finance Officer highlighted the main points in the report and answered Members' questions. Members unanimously agreed to add to the recommendations that a further £52,000 be invested in the Newton Fund, and there would be a corresponding transfer of the same amount between revenue and capital reserves. This would leave a projected cash balance invested with Scottish Borders Council of £25k at the end of the year.

**DECISION  
AGREED:-**

- (a) the projected Income and Expenditure for 2016/17 as detailed in Appendix 1 to the report as the revised budget for 2016/17;
- (b) to note the projected Balance Sheet value as at 31 March 2017 as detailed in Appendix 2 to the report;
- (c) to note the summary of the property portfolio as detailed in Appendix 3 to the report;
- (d) to note the current position of the investment in the Newton Fund as detailed in Appendix 4 to the report; and
- (e) that a further £52,000 be invested in the Newton Fund, and there would be a corresponding transfer of the same amount between revenue and capital reserves.

### 3. APPLICATIONS FOR FINANCIAL ASSISTANCE

#### DECLARATION OF INTEREST

Councillor Garvie declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and took no part in the discussion.

(a) **Peebles Golf Club**

There had been circulated copies of an application for financial assistance from Peebles Golf Club in the sum of £5,000 to be used to fund the buildings costs of a proposed 3 bay driving and swing studio which would include floodlighting. Members discussed the application in detail and the Estates Surveyor advised that a planning application lodged by Peebles Golf Club was being processed. In general Councillors were supportive of the application and Councillor Bell advised that this was a visitor asset and was disappointed that the encouragement for visitors to use the facility was not mentioned and he asked that this comment be passed on to the Golf Club. Community Councillor Hayworth advised he had sought the views of community councillors on the application and some concern had been expressed bearing in mind that most of the grant funding set aside for this year had been spent and because of the reserves and assets the Golf Club had. Members were minded to grant the application.

#### DECISION

**AGREED to grant the sum of £5,000 to Peebles Golf Club towards the building costs of a proposed 3 bay driving and swing studio which would include floodlighting, subject to (a) appropriate planning consents being in place; and (b) all other funding applications being successful.**

(b) **Peebles Lawn Tennis Club**

There had been circulated copies of an application for financial assistance from Peebles Lawn Tennis Club in the sum of £10,000 towards the court/floodlighting project. It was noted that the Club planned to replace 3 old blaes courts and install new floodlighting. Members of the Tennis Club's Sub-Committee for the court development project, Mr Gordon Russell and Mr Adrian Moir were present and they gave background information into the Tennis Club's plans, in particular they discussed problems and answered Members' questions relating to flooding, other sources of funding, and floodlighting issues. It was hoped that the provision of an all-weather facility would see an increase in club membership and it was noted that the courts would be playable between October and April. Members were minded to approve the application.

#### DECISION

**AGREED to grant the sum of £10,000 to Peebles Lawn Tennis Club towards the court/floodlighting project, subject to (a) appropriate planning consents being in place; and (b) all other funding applications being successful.**

**4. KINGSMEADOWS ROAD CAR PARK, PEEBLES**

With reference to paragraph 6 of the Minute of 31 August 2016, the Solicitor advised in relation to the Kingsmeadows Road car park that the relevant Traffic Regulation was 40 years old and that there was not a specific provision to prevent overnight parking of camper vans. However the Traffic Regulation did enable vehicles to be removed if they were unremoved for more than 2 days in the car park. When asked where the information had come from about people staying in caravans/camper vans overnight, Community Councillor Hayworth advised that a note expressing concern about the issue had been sent to the Community Council's public access box. Members agreed that this was not a problem at the moment and agreed that meantime no action be taken, however a request was made to ascertain clarification from the Legal Department on the current position in relation to existing the Traffic Regulation Orders within car parks in Peebles

**DECISION**

**AGREED that the Legal Department be asked to prepare a report for consideration at a future meeting on the current position in relation to the existing Traffic Regulation Orders within car parks in Peebles.**

*The meeting concluded at 6.00 p.m.*

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**SCOTTISH BORDERS COUNCIL**  
**TWEEDDALE AREA FORUM**

MINUTE of the MEETING of the  
TWEEDDALE AREA FORUM held in  
the Council Offices, Rosetta Road,  
Peebles on 23 November 2016 at 6.30  
p.m.

Present:- Councillors W. Archibald (Chairman), S. Bell, K. Cockburn, G. Garvie, G. Logan.  
Community Councillors R. Howard, C. Lewin, M. McIntosh, G. Parker, R. Tatler, J. Taylor, G. Tulloch.

Apology:- Councillor C. Bhatia.

In Attendance:- Neighbourhood Assistant Area Manager, Inspector T. Hodges, (Police Scotland), Democratic Services Officer (K. Mason).

Members of the Public:- Approximately 30.

**ORDER OF BUSINESS**

1. The Chairman varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting.
2. **MINUTE**  
There had been circulated copies of the Minute of the Meeting held on 23 August 2016.

**DECISION  
NOTED.**

3. **MINUTES – A72 ACTION SUB-COMMITTEE**  
There had been circulated copies of the Minutes of Meetings of the A72 Action Sub-Committee held on 6 September and 20 October 2016. The Chairman of the A72 Action Sub-Committee, Councillor Cockburn thanked members of the Sub-Committee for the work carried out and asked that the recommendations as detailed in the minute of 20 October 2016 be endorsed by the Tweeddale Area Forum. Members discussed a proposed amendment to the recommendations, submitted by Community Councillor Lewin in the following terms “that the Action Sub-Committee’s future activities should be extended to include the A701 and the A703”, and agreed that although not to be part of the recommendations listed below, that the request be forwarded to the next group or its successors to take forward. Community Councillor Tatler requested that a further recommendation be added in the following terms “that there be an audit or review of street furniture” and this was unanimously accepted, and added to recommendation (g).

**DECISION**

\* **AGREED to recommend that:-**

- (a) **the Tweeddale Area Forum, or its successors, create an action group, in the next Council term, comprising of Councillors (both local and with relevant portfolios), Community Councillors, and other interested parties such as local parliamentarians, and the group should also take into account how future works on the A72 could benefit business development in Tweeddale, such as cycling tourism;**

- (b) the replacement of the existing anti-skid surfacing at the approaches to The Nest Roundabout be considered in future Road Maintenance Programmes;
- (c) Officers be asked to investigate the provision for a crossing for cyclists on the Innerleithen Road, Peebles beyond the entrance to the Peebles Hotel Hydro to facilitate a connection with the multi-use path where it came out at Whitestone Park and that meantime, Community Councillor Tatler would liaise with the developers of the Hydro Gardens houses to ascertain if access could be provided through the estate;
- (d) Officers explore the possible provision of a traffic island in the middle of the road where the 30 mph limit was at the west end of Clovenfords to stop vehicles speeding before leaving the village;
- (e) Officers recognise the strategic importance of the A72 in light of the volume of traffic it carried when determining Council's roads budgets;
- (f) the Tweeddale Area Forum, or its successors, request Officers to provide a further report on the condition of the A72 to be brought to the Area Forum, or its successors, at a future date (to be agreed), and that the report requested indicate whether the spend, or repairs, to the road infrastructure were comparable in any of the following 3 sections of the A72; West of Peebles, East of Peebles, and in Peebles;
- (g) Officers prepare an audit or review of the signage and street furniture on the A72;
- (h) the A72 Woodend – Tighnuilt section be given consideration in the Council's Capital Plan, as budgets allow;
- (i) the Area Forum, or its successors, consider and act on any information that may come from any forthcoming, or future investigations into vehicle collisions and vehicle related accidents on the A72; and
- (j) Officers investigate the possibility of reducing the speed limit at the junction of the A72 and the A701.

#### 4. **SPEED LIMIT REVIEW**

There had been circulated copies of a report by the Chief Officer, Roads proposing to introduce a 40 mph speed limit in the vicinity of Caerlee Corner. The report explained that the A72 at Caerlee Corner was assessed in the 2015 Speed Limit Review for a 30 mph speed limit extension and did not meet the criteria. Local Members and the local Community Council requested that the site be re-assessed for a 40 mph buffer zone supported by the continuing accident record and the high degree of local concern. Members commended the proposal.

#### **DECISION**

**APPROVED** the amendment to The Scottish Borders Council Various Roads (40 mph Speed Limit) Order 2004 to include the section of A72 shown in Appendix A and described in Appendix B to the report.

#### **ORDER OF BUSINESS**

5. As discussed in paragraph 1 above, at this juncture of the meeting it had been agreed to consider the report on Disabled Persons Parking Spaces – Traffic Regulation Order. However, the Chairman, having been advised that members of the public who had expressed their intention to be present at the meeting when discussions took place in relation to the report had not yet arrived because according to the information detailed on the agenda the item would not be considered until around 7.20 p.m., agreed to hear the following presentations before considering the report, to allow for the members of the public to be present. Councillors Cockburn and Logan expressed their dissent at this change in the order of business.

#### **PRESENTATION – DRAFT SUPPLEMENTARY GUIDANCE ON HOUSING**

6. Mr Charles Johnston, Principal Officer – Plans & Research, Environment and Infrastructure gave a presentation on the Council's requirement for proposed housing sites to meet housing land requirements. The Council had approved draft Supplementary Guidance (SG) identifying proposed sites on 10 November to go out for public consultation. Mr Johnston advised that the Reporter from Scottish Government had identified a shortfall in housing in the Scottish Borders of 916 units. He explained that the criteria set for housing land included that the development should be in keeping with the settlement and local area and that the required infrastructure was either committed or would be funded by the developer. Five or more units were required for the site, developer interest; infrastructure issues, transport, and contamination assessment were also key considerations. A call for sites had identified 113 sites which had been submitted from third parties; 165 sites had been assessed in total. Stage 1 of the assessment of the site was the initial Red Amber Green (RAG) assessment which was against set criteria and this process had eliminated some sites. Stage 2 was a detailed assessment of potential sites and consultation with internal and external parties. Stage 3 was the identification of preferred and alternative sites. The Reporter had now confirmed that 811 units were required in the Scottish Borders. The units had been identified approximately as follows: 60% in the Central Borders, 20% in Berwickshire and 20% in Northern Scottish Borders. The proposed sites in Tweeddale were (a) Caerlee Mill, Innerleithen; Rosetta Road mixed use, Peebles; and March Street Mills, Peebles. Mr Johnston then answered questions about the specific sites identified. The Chairman thanked Mr Johnston for his informative presentation.

#### **DECISION NOTED.**

#### **PRESENTATION – COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015**

- 7.1 Clare Malster, Communities and Partnerships Team, was in attendance to give a presentation on the Community Empowerment (Scotland) Act 2015. In her introduction Ms Malster advised that although the Act, which was made up of 11 parts, received Royal Assent on 24 July 2015, it was recognised that further regulations and guidance were required for most parts of the legislation. Part 2 was about Community Planning and more specifically local organisations working to benefit the local community. This would be carried out through joint working, agreeing joint policies and making sure partners knew what each other was doing. Community Planning Partners, who had a statutory duty, were the Scottish Fire and Rescue Service, Police Scotland, NHS Borders, Scottish Enterprise and Scottish Borders Council (SBC). All these partners had the same statutory responsibility. The Local Outcomes Improvement Plan (LOIP) replaced Single Outcome Agreements. The LOIP would contain the outcomes for the Scottish Borders that were a priority for the Community Planning Partnership. Appropriate community groups must be consulted when developing the LOIP. Subject to the approval of Scottish Parliament the legislation would come into force on 20 December 2016.
- 7.2 Locality plans focused on smaller areas, and again appropriate community groups must be consulted. Part 3 of the Act concerned Participation Requests. Ms Malster explained that a participation request was a request that could be made by a community participation body which believed it could improve the outcome of a service. The request must be agreed unless

there were reasonable grounds for refusal. It was hoped that this part of the Act would come into force in February/March 2017. Part 4 of the Act dealt with Community Right to Buy. Ms Malster explained that communities with populations over 10,000, would now be able to use community right to buy. Part 5 of the Act was regarding Asset Transfer requests. Assets were land or buildings owned by public authorities. Public authorities would be required to publish a register of their assets and Scottish Borders Council had published their register on their website. Ms Malster went on to explain that a group could request to buy or lease land from a public authority if it had a written constitution, was open to anyone in the community, was community led and was for the benefit of the community. This part of the Act would come into force on 23 January 2017. Part 8 of the Act was the requirement for all Councils to publish a list of all their Common Good properties, Councils would have to consult with community councils or other community groups before selling or changing the use of any of their common good properties. Part 9 of the Act dealt with allotments. The Act set out a standard size of 250 square metres for an allotment and applications for allotments would be required to be submitted in writing. Part 10 was in respect of public decision making. This part of the Act would give Scottish Ministers the power to require that public authorities, such as SBC, promoted and supported the involvement of the community in the decision and activities of the organisation. In concluding her presentation, Ms Malster advised that further information on the Act could be found on the website at: [communityengagement@scotborders.co.uk](mailto:communityengagement@scotborders.co.uk) The Chairman thanked Ms Malster for her informative presentation.

## **DECISION**

**NOTED the presentation.**

### **DISABLED PERSONS PARKING PLACES – TRAFFIC REGULATION ORDER**

- 8.1 There had been circulated copies of a report by the Chief Officer Roads advising that the purpose of the report was to amend the Scottish Borders Council (Disabled Persons Parking Places) Order 2015. The report explained that since the making of the original order in 2015 a number of additional requests had been received, as well as bays which were no longer required and had been removed. The report detailed the amendments within the Tweeddale area as part of a region-wide Traffic Regulation Order (omitting those which were no longer required since the beginning of consultation). Mr Gary Haldane, Assistant Engineer – Road Safety and Traffic Management answered Members' questions. In regard to the recommendation to remove the most south westerly bay located at South Park West, Peebles, Mr Aston asked that Members take account of all the email correspondence to them from his wife asking, for the reasons stated, that the bay located at South Park West be not removed. He asked Members to remember that he was disabled.
- 8.2 Councillor Bell advised he was going to leave the table to speak on behalf of those residents who supported the recommendation that the bay be removed. He advised he would take no part in any vote which might take place following the debate. Councillor Logan asked that his dissent be recorded in relation to Councillor Bell's action. Councillor Bell advised that he had taken legal advice in regard to speaking on behalf of those wishing the bay to be removed in accordance with the recommendations of the Officer. He explained that when he was elected he had taken the view that one of his responsibilities was to speak for those who did not have a voice. He had visited the site and formed a view himself, he had spoken to Mr and Mrs Aston who had been friendly and helpful and had also spoken to the objectors who had asked Mr Bell to speak on their behalf. He was saddened by the different views but advised he had in the past driven a lorry and it was his view that he would not be able to turn a lorry in the area in question and it would be dangerous to reverse out of the area. He pointed out that the Council refuse department had also indicated the difficulties experienced by their drivers. In response to a question raised by Councillor Logan, the Assistant Engineer – Road Safety and Traffic Management advised that Mr

and Mrs Aston had been informed in a letter that if there were any objections to the disabled bay being in place that it might be removed; clearly provision of the bay had not worked out. The Neighbourhood Assistant Area Manager advised if the parking bay remained there could also be issues in regard to the provision of winter maintenance along the street which might result in the road not being gritted meaning refuse vehicles would be unable to empty the bins.

#### **VOTE**

*Councillor Logan, seconded by Councillor Cockburn moved that the disabled parking bay located at South Park West provided for Mr Aston be not removed.*

*Councillor Garvie, seconded by Councillor Archibald, as an amendment moved acceptance of the Officer's recommendations to remove the parking bay located at South Park West.*

*On a show of hands, Members voted as follows:-*

<i>Motion</i>	-	<i>2 votes</i>
<i>Amendment</i>	-	<i>2 votes</i>

*The Chairman exercised his casting vote in favour of the amendment, and accordingly the recommendations contained within the Officer's report were approved.*

#### **DECISION**

- (a) **APPROVED the amendment of disabled parking places in the Tweeddale Area listed in Appendix A to the report (as amended by removals) to The Scottish Borders Council (Disabled Persons Parking Places) Order 2015.**
- (b) **AGREED that the area where the parking bay was to be removed at South Park Bay be marked "keep clear".**

#### **PRESENTATION - BUSINESS GATEWAY**

- 9. Ms Annie Watt, Business Gateway Growth Adviser was present to give a presentation on Business Gateway. Business Gateway was part of the economic development department of the Council and part of the National Business Gateway network. Business Gateway worked closely with Scottish Enterprise and their core business was giving advice and information. Business Gateway offered:- start up support and advice; growth support and advice; enquiry fulfilment research service; workshops and access to public sector finance sources. Their team's specialisms were textiles; manufacturing; food and drink; renewables; tourism; access to finance; ICT; and social enterprise. Ms Watt gave details on sources of finance available and additional support linkages. The Chairman thanked Ms Watt for her informative presentation.

#### **DECISION NOTED.**

#### **PUBLIC HOLIDAYS**

- 10. There had been circulated copies of the proposed local public holiday dates for 2017 in the Tweeddale Area.

#### **DECISION**

**AGREED to determine the Public Holidays for the Tweeddale Area for 2017 as detailed in the report.**

## 11. OPEN QUESTIONS

- (a) With reference to paragraph 3 of the Minute of the Tweeddale Area Forum of 23 August 2016, Mandy Taylor, Business Partner, On A Shoe String, understood that more information on the proposed traffic island – Peebles Old Town A72, would be available at tonight's meeting. Councillor Cockburn advised that he had met with Ms Taylor and other businesses to consider the issues. He understood that the provision of a traffic island was unlikely because it would create more challenges. The Neighbourhood Assistant Area Manager advised of the intention to have dropped kerbs at either side of the road at the top of the Old Town. Further information would be available at the next meeting of the Tweeddale Area Forum.

### DECISION

- (a) **NOTED the position.**  
(b) **AGREED that an update on the position would be made available at the next meeting of the Tweeddale Area Forum.**
- (b) Mr Robert Balfour referred to accidents in the Manor, Stobo and Lyne area and on the B7201 between Stobo and Drumelzier where there had been 48 accidents. The Neighbourhood Assistant Area Manager would take forward these concerns to the Road Safety and Traffic Manager.

### DECISION

**AGREED that the Neighbourhood Assistant Area Manager would take forward concerns about accidents in the Manor, Stobo and Lyne area and on the B7201 between Stobo and Drumelzier to the Team Leader, Road Safety and Traffic Manager.**

## 12. COMMUNITY COUNCIL SPOTLIGHT

- (a) Community Councillor Howard referred to a feasibility study for the cycle path from Walkerburn to Clovenfords. It was hoped that £10,000 could be released from SB Local Small Schemes towards the study and it was noted that there was also a possibility of funding from SEStran. Members were supportive of the initiative.

### DECISION

**NOTED the position.**

- (b) Community Councillor Lewin referred to rural transport in the Broughton area, explaining there was no taxi service and it was too expensive to hire a taxi to come from Peebles. There was no bus service on a Sunday and during the week only a limited service was provided. In conversation with Tweed Wheels and also with the Council's Transport Group through Margaret Smal he was working towards producing a leaflet for the elderly and disabled to advertise affordable community transport available from Tweed Wheels. It was also hoped that an arrangement would be put in place with Tweed Wheels for group transport. He had asked the Democratic Services Officer to forward him a contact list of all the Tweeddale Community Councils to ensure Community Councils were given details of the planned service. He advised there was likely to be a small schemes request to help with this initiative and asked Members for their support.

### DECISION

**NOTED.**

- (c) Community Councillor Tatler advised he was contacting the other Community Councils in Tweeddale with a view to forming a Tweeddale Community Council Network. The Royal Burgh of Peebles and District Community Council was also planning to undertake an Audit of the Sports and Leisure Facilities in Peebles and District.

**DECISION  
NOTED.**

**13. POLICE SCOTLAND**

Inspector Hodges advised that having been seconded to manage the Safer Communities Department at Scottish Borders Council for the past year, he was delighted to return to the Community Inspector role for the North of the Scottish Borders. He thanked Inspector Mike Bennett for his excellent stewardship in his absence and was pleased to advise Inspector Bennett remained working in the area as one of the 24/07 Response Team Inspectors. From a Community perspective Inspector Hodges advised his old team remained in place and in particular here in Tweeddale there were Sergeant Duncan Marker, PC Diane Sorrel (Peebles), PC Niki Craig (Tweeddale West), PC Chris Burnside (Tweeddale East) and PC Shona Furness (LIO). Since 1 April 2016 Tweeddale had had 6 housebreakings reported and the Community Investigation Unit based at Galashiels continued to investigate these crimes and the links with similar crimes in the neighbouring areas. Car theft remained a rare crime in Tweeddale but a couple had taken place this year and were subject to ongoing investigation. This was in conjunction with colleagues from Midlothian and Edinburgh where it was highly suspected the culprits were based and where this type of crime was more prevalent. Inspector Bennett had previously highlighted the increase in thefts of pedal cycles in particular in Tweeddale East as an emerging trend at the last Tweeddale Area Forum. A substantial amount of proactive work had been undertaken in this respect but 5 additional thefts had been reported since late August 2016. Inspector Hodges urged owners to take all reasonable steps to ensure additional security both at home and when transporting cycles by car was considered. There had been 3 internet/phone-based frauds reported in relation to vulnerable victims but no bogus caller related crimes within Tweeddale since the last meeting on 23 August 2016. A Division Team was dedicated to disturbing and detecting those involved in the supply and distribution of controlled drugs to our Communities and part of that team were based in Galashiels and carried out regular proactive, intelligence work in the Tweeddale area. As reported at the last Forum, there had recently been an increase in the number of detections for drink driving in the Scottish Borders, with people being caught in rural locations, having been drinking at a village pub and then choosing to drive home. Police Scotland's message was very simple - if you are intending driving, do not drink. Members of the public were encouraged to report all drink drivers either directly to the police on 101 or anonymously to Crimestoppers on 0800 55 111. 50 parking tickets had been issued from the end of August until 21 November. Inspector Hodges was in the final stages of planning and resourcing the annual Festive Initiative which would concentrate on the licensed trade, shop lifting and safety on our roads. Police Officers would also be working closely with the High School to ensure the Christmas dances were safe and enjoyable events.

**DECISION  
NOTED.**

**14. SCOTTISH FIRE AND RESCUE SERVICE**

There was no update.

*The meeting concluded at 8.50 p.m.*



# Public Document Pack

## SCOTTISH BORDERS COUNCIL BERWICKSHIRE AREA FORUM

MINUTES of Meeting of the  
BERWICKSHIRE AREA FORUM held in  
Council Chamber, Newtown Street, Duns on  
Thursday, 1 December 2016 at 6.30 pm

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- Present:- Councillors M. J. Cook (Chairman), J. A. Fullarton and J. Greenwell.  
Community Councils:- Ayton – John Slater; Cockburnspath and Cove – Pauline Hood; Coldingham – Rhona Goldie; Coldstream and District – Martin Brims; Edrom, Allanton & Whitsome – Trixie Collin; Foulden, Mordington and Lamberton – Howard Doherty; Gavinton, Fogo and Polwarth – Keith Dickinson; Gordon and Westruther – Trevor Jones; Lammermuir – Mark Rowley; Reston and Auchencrow – Barrie Forrest; Swinton and Ladykirk – James Brown.
- Apologies:- Councillors D. Moffat, J. Campbell and F. Renton.  
Station Manager M. Acton, Scottish Fire and Rescue Service; Mr J. Alexander, Scottish Ambulance Service; Ms T. Wintrup, Health and Social Care Integration Partnership.  
Community Councils:- Burnmouth; Duns; Hutton and Paxton.
- In Attendance:- Inspector John Scott, Police Scotland; Mr A Pattinson, NHS Borders; Democratic Services Officer (P Bolton).

1. **WELCOME AND INTRODUCTIONS**

The Chairman welcomed those present to the meeting.

2. **ORDER OF BUSINESS**

The Chairman varied the order of business as shown on the Agenda and the Minute reflects the order in which the items were considered at the meeting.

**DECISION  
NOTED.**

3. **MINUTE**

There had been circulated copies of the Minute of 1 September 2016.

**DECISION  
APPROVED the Minute for signature by the Chairman.**

4. **BERWICKSHIRE FLAG - MATTER ARISING FROM MINUTE OF 13 DECEMBER 2015**

With reference to paragraph 11 of the Minute of the meeting of 2 June 2016, the Chairman provided a verbal update on progress made for the development and flying of a Berwickshire flag on the north side of the Scotland/England border at Lamberton Toll. He explained that following email correspondence with officers at Northumberland Community Council (NCC), this matter was presented at its Area Committee North on 14 November 2016. Confirmation had now been received that the Area Committee was supportive of the proposal “that a degree of co-operation and co-ordination in our flag flying would be something that NCC would welcome and support.” The Chairman awaited an extract of the Minute of that meeting of 14 November and once received, would include it in his representation to Transport Scotland requesting authority to fly “other flags” in addition to a Saltire at Lamberton Toll.

## **DECISION**

(a) **NOTED.**

(b) **AGREED that following receipt of the extract of the meeting of the Northumberland Area Committee North, the Chairman would make a submission to Transport Scotland in respect of flying flags on the north side of the Scotland/England Border at Lamberton Toll.**

### **5. LOCAL DEVELOPMENT PLAN SUPPLEMENTARY GUIDANCE ON HOUSING**

The Chairman welcomed Mr Charles Johnston, Principal Officer Plans and Research to the meeting to give a presentation on the Council's response to the requirement from Scottish Government to propose sites to meet housing requirement. Mr Johnston explained that, following an examination report, a shortfall of 916 units had been identified in the Scottish Borders. The Reporter's recommendations had been incorporated in the Local Development Plan adopted by SBC in May 2016. There had been a total of 165 sites assessed which comprised those identified in the Local Development Plan and locations put forward by third parties. As a result of detailed assessment of potential sites and consultation with internal and external parties, a number of "preferred" and "alternative" sites had been identified and SBC subsequently approved draft Supplementary Guidance identifying proposed sites on 10 November 2016. A public consultation would take place from 5 December 2016 to 30 January 2017 and would provide an opportunity for comments to be submitted on the draft document. It was acknowledged that for those Community Councils that met less than monthly, the consultation period could be rather short. Mr Johnston confirmed that in such situations, an explanation along with comments submitted would be considered. He went on to explain the next steps following the consultation and it was noted that the findings and conclusions would be presented to SBC Elected Members during the summer of 2017. The presentation listed the identified sites within Berwickshire, giving details of the indicative capacity of each along with any particular site requirements. Mr Johnston explained that some sites had been categorised as "alternative" to provide other options should any of the preferred sites be removed or withdrawn. It was noted that there were 3 preferred sites across Berwickshire, namely Ayton (6 units); Coldstream (100 units); and Reston (38 units) with a further 3 alternative sites at Greenlaw (65 units); Reston (78 units) and Duns (100 units). Mr Johnston advised that the full draft Supplementary Guidance and further information was available on the Council's website and comments/responses to the public consultation could be submitted by email ([localplan@scotborders.gov.uk](mailto:localplan@scotborders.gov.uk)) or in writing to the Planning Policy and Access Team at Council Headquarters. Mr Johnston then answered specific questions about the sites identified within Berwickshire. The Chairman thanked Mr Johnston for his presentation.

## **DECISION**

**NOTED the presentation.**

### **6. COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015**

6.1 The Chairman welcomed Clare Malster, SBC's Strategic Community Engagement Officer to the meeting to give a presentation on the Community Empowerment (Scotland) Act 2015. In her introduction Ms Malster explained that although the Act had received Royal Assent on 24 July 2015 it had been recognised that further regulations and guidance would be required for most parts of the legislation. Ms Malster advised that the Act comprised 11 parts in total but that she would highlight a few sections which would have immediate relevance to local communities. Part 2 related to Community Planning and more specifically, local organisations working to benefit the local community. This would be done through joint working, agreeing joint policies and making sure that all partners knew what the others was doing. A number of Community Planning Partners had a statutory duty in terms of Community Planning, namely Scottish Fire and Rescue Service, Police Scotland, NHS Borders, Scottish Enterprise and Scottish Borders Council. The

Local Outcomes Improvement Plan (LOIP) which replaced Single Outcome Agreements under the new Act, would include the outcomes for the Scottish Borders which had been identified as priority areas for the Community Planning Partnership. Appropriate community groups must be consulted when developing the LOIP and subject to approval of the Scottish Parliament, the legislation would come into force on 20 December 2016.

- 6.2 In addition to the LOIP, Locality Plans would focus on smaller areas ie the Area Forum regions and again appropriate community groups would be consulted during development of the Plans which would be published by the end of October 2017. Part 3 of the Act dealt with Participation Requests which were requests from the community that asked for them to be involved in a process that would improve an outcome which they would specify. It was noted that that all Participation Requests would be reported to the Scottish Government. Community Right to Buy had existed for some time and had now been extended under Part 4 of the Act. Communities with populations over 10,000 would now be able to use Community Right to Buy, thus enabling more community groups to purchase land in this way. Part 5 of the Act dealt with Asset Transfer Requests. The definition of an asset was land or buildings owned by public authorities and under the Act, public authorities would be required to publish a register of their assets. Groups which met the criteria would then be able to make a request for the transfer of ownership of such assets. Requests to lease any land or building owned by a public authority could be made by groups that met the relevant criteria, ie they had a written constitution; were open to all members of that community; were community-led; comprised mostly of members from that community; was for the benefit of the served community; and used surplus funds/assets within the community. Subject to approval of the Scottish Parliament, the legislation would come into force on 23 January 2017. It was noted that SBC currently published its Register of Assets on the Council website and that it was not required to include roads and sewage works. The presentation also included a list of public organisations to which Asset Transfer requests could be made. With regard to Common Good property, Part 8 of the Act states that all Councils would have to create and publish a list of all common good property and would be required to consult with Community Councils and other community groups before selling or changing the use of any common good property. Part 9 of the Act covered allotments, the way in which applications for use could be made and set the standard size for each unit to be 250 square metres. Public decision making was covered in Part 10 of the Act and laid down that Scottish Ministers would have the power to require that public authorities, such as Scottish Borders Council, promoted and supported the involvement of the community in the decisions and activities of the organisation. At the present time, Ministers had not set out exactly what this would mean but reserved the right to do so at a later date. In response to a question about guidance or regulations for pricing Asset Transfers, Ms Malster advised that the public authority could determine this to be a notional amount if this was deemed appropriate. Ms Malster also clarified that for the purpose of the Act, "Community" could apply to Berwickshire as a whole, as well as much smaller communities within the area. The Council's website at [scotborders.gov.uk/communityempowerment](http://scotborders.gov.uk/communityempowerment) contained a wide range of information on the new Act, including links to further data and to other organisations. Communities and individuals were encouraged to access this information or to contact the Community Engagement Team at [communityengagement@scotborders.gov.uk](mailto:communityengagement@scotborders.gov.uk) or 01835 826626. The Chairman thanked Ms Malster for her attendance and suggested that further detail would be presented to the Forum at a later date.

## **DECISION**

**NOTED the presentation.**

## **7. PENSION WISE**

The Chairman welcomed Mr Iain Heard to the meeting to inform Members on Pension Wise. Mr Heard, a Pension Wise Guidance Specialist, emphasised that Pension Wise provided guidance rather than advice and went on to explain that it was a free and impartial government service which had been set up to help people to understand what

their options were in respect of defined contribution pensions (DCPs.) He advised that Pension Wise was established at the end of March 2015, to be in place in advance of the pension reforms and new freedoms which took effect in April of that year. A number of agencies were involved in Pension Wise – the Department of Work and Pensions (DWP), Citizens' Advice, the Pensions Advisory Service (TPAS) and the Financial Conduct Authority (FCA) – and the service was available to those individuals nearing and over 50 years of age with a DCP. Guidance sessions were arranged on a request basis and individuals received a letter summarising the discussion. Users of Pension Wise were happy with the service and satisfaction rates were currently in excess of 90%. Access to Pension Wise was provided online at [www.pensionwise.gov.uk](http://www.pensionwise.gov.uk); by telephone to 0800 138 3944; and face to face by contacting one of the six local Citizens' Advice Bureau. In response to questions, Mr Heard advised that guidance sessions could be set up for groups but confidentiality requirements determined that individual circumstances would not be discussed in such a setting. Pension Wise was not remitted to give guidance on State Pension issues however CAB staff might be able to offer advice in some circumstances. The Chairman thanked Mr Heard for his presentation on what could be a complicated subject.

#### **DECISION**

**NOTED the presentation.**

#### **8. DISABLED PERSONS PARKING PLACES**

There had been circulated copies of a report by the Chief Officer Roads on proposed amendments to The Scottish Borders Council (Disabled Persons Parking Places) Order 2015. The report explained that the proposed amendment had undergone statutory consultation and details were included at Appendix A of the report. One comment had been received from Duns Community Council in respect of the two disabled parking spaces in Glebe Park, as detailed in Appendix B of the report. Ms Elliot advised that in this case, both of the original applicants referred to were still "qualifying persons" under the Act. Ms Elliot clarified a number of points raised by Members and confirmed that there were three spaces which were no longer required, namely one each at Winterfield Gardens, Duns; Queen's Road, Eyemouth; and The Avenue, Eyemouth. Information that assisted in maintaining up to date records of Disabled Parking Spaces was welcomed from local communities. The Chairman thanked Ms Elliot for her attendance.

#### **DECISION**

**APPROVED the amendment of disabled parking spaces in the Berwickshire Area as detailed in Appendix A (as amended by removals) to The Scottish Borders Council (Disabled Persons Parking Places) Order 2015 as appended to this Minute.**

#### **9. POLICE SCOTLAND**

There were circulated copies of the Police Scotland report for the period up to 30 November 2016. Inspector Scott advised that local Police Officers continued to carry out dedicated parking patrols to both enforce legislation and discourage inconsiderate parking. Road checks would increase in the lead up to Christmas in an effort to deter drink drivers and advice relating to inter driving would be available as necessary. During the current reporting period, there had been 11 drugs-related offences with 6 of these incidents resulting in the recovery of controlled drugs. Rural crime continued to cause concern among local communities and following attendance at a recent awareness day, local Police Officers had received training in data-tagging for plant and agricultural vehicles (not including quad bikes.) Further information was available from the local Community Police Office and online at [enquiries@cesarscheme.org](mailto:enquiries@cesarscheme.org) A Rural Crime Prevention Day was scheduled at Harbro near Duns on 2 December and would include general security advice as well as information on keeping horse tack secure. The report also provided information on how intelligence could be used to apprehend individuals involved in hare coursing across the Scottish Borders and on keeping safe throughout the festive season. The Chairman thanked Inspector Scott for his attendance.

**DECISION**  
**NOTED the report.**

10. **SCOTTISH FIRE AND RESCUE SERVICE**

There had been circulated copies of a report by the Scottish Fire and Rescue Service (SFRS) informing the Forum of SFRS activity since 1 September 2016. The Chairman reported that due to unforeseen circumstances, Station Manager Acton was unable to attend the meeting to present the report. In summary, there had been 8 occurrences of fires in houses/buildings with no casualties recorded; 8 open fire incidents with no casualties; 7 Special Service incidents again with no casualties; and 32 non-deliberate unwanted fire alarm signals. The report went on to inform Members of activity which had occurred and which was currently taking place in Berwickshire and the measures being taken to address issues identified within the area. The winter Thematic Action Plan was now underway, the focus of which was festive fire safety; electric blankets; portable heaters; and candles. The report also provided an update on the recruitment and retention of firefighters and it was noted that vacancies for Retained Duty Firefighters currently existed in Duns (3), Eyemouth (4) and Coldstream (3).

**DECISION**  
**NOTED the report.**

11. **NHS BORDERS**

The Chairman welcomed Mr Alasdair Pattinson, General Manager - Primary & Community Services to the meeting. Mr Pattinson explained the current situation in respect of medical cover at Duns Community Hospital. He advised that notification had been received from the local GP practice of the non-renewal of the contract for coverage of the 18 beds within the hospital. NHS Borders now provided an enhanced medical cover directly. Members noted that development sessions were currently taking place in respect of the NHS Borders Locality Plan and would include: Clinical Strategy in the Borders; Winter Planning; Joint Integration Service for Older People; and GP Contracts and Services. Following on from the discussion, the Chairman advised the Forum of recent communication with Mr John Raine, Chairman of the Board of NHS Borders in relation to representation at Berwickshire Area Forum, noting that Board meetings coincided with those of the Forum. Mr Raine had indicated that he would look to resolve this issue as we moved into 2017 and the Chairman would update the Forum in due course.

**NOTED.**

12. **OPEN QUESTIONS**

12.1 A1

A request was made for representatives from Transport Scotland and Amey to be invited back to a meeting of the Forum to provide an update on progress and completion of work previously discussed. The Chairman would investigate the possibility and report back to the Forum as appropriate.

**DECISION**

**AGREED that an approach be made to Transport Scotland and Amey regarding the possibility of representatives from each agency attending a meeting of the Berwickshire Area Forum to provide an update on progress and completion of work previously discussed.**

12.2 SBConnect

Scottish Borders Council produced a regular information publication called SBConnect which was delivered to every household in the Scottish Borders. It was noted that Berwickshire did not have a high profile within SBConnect and discussion followed in respect of how this could be addressed. It was agreed that this matter would be referred to a future meeting of the Berwickshire Area Forum.

**DECISION**

**AGREED** that his matter be referred to a future meeting of the Berwickshire Area Forum.

12.3 Cheviot Pilot

SBC Elected Members were asked if there had been a progress report from the Cheviot Pilot and if it was in the public domain. The Chairman intimated that he was unaware of any report at this time. Following discussion, the Forum noted its support for Berwickshire participating in any further trial.

**DECISION**

**NOTED.**

13. **COMMUNITY SPOTLIGHT**

Broadband Provision in Berwickshire

It was noted that Broadband provision in Berwickshire was still a matter for concern and this was not expected to be resolved into 2018. Further information about the Scottish Government Scheme was available on the web. There continued to be serious under-delivering of services and the discussion which followed raised questions relating to the way in which BT organised and delivered the service.

**DECISION**

**NOTED:-**

- (a) **the concerns raised; and**
- (b) **that further updates would be presented to the Berwickshire Area Forum in due course.**

14. **FUTURE AGENDA ITEMS**

Items for future Agendas were discussed and reference was made to paragraphs 11.1; 12.1, 12.2; and 13 of this Minute. The items now listed for future meetings were:-

- (a) NHS Borders Locality Plan;
- (b) update on progress and completion of work on A1;
- (c) raising the profile of Berwickshire within SBConnect; and
- (d) Broadband Provision in Berwickshire.

**DECISION**

**NOTED.**

15. **DATES OF FUTURE MEETINGS**

Future meetings of the Berwickshire Area Forum were scheduled for:-

2 March 2017;  
15 June 2017.

**DECISION**

**NOTED.**

***The meeting concluded at 8.45 pm***

## Appendix A

### Allanton

B051	Main Street (east side)	<b>REMOVE</b>
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### Ayton

B069	High Street (north side)	45m east of junction with The Crofts, east for 6.6m
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### Burnmouth

B098	Cowdrait (north east parking area)	most westerly bay
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### Chirnside

B086	East Croftsfield (south side)	25m east of junction with Park View
B025	Main St East End	<b>REMOVE</b>

### Cockburnspath

B071	Croftsacre (north side)	north westerly bay in turning head
B081	Croftsacre (north side)	east bay in parking area outside no25/27
B084	Crofts Road (south west leg)	south west parking bay

### Coldingham

B070	Priors Walk (north west leg)	3rd most northerly bay in parking area
B103	Hallbank (north side)	30m west of junction with St Abbs Road, west for 6.6m

### Coldstream

B080	Duns Road (east side)	16m south of The Lodge junction, south for 6.6m
B082	Cheviot Terrace (west side)	30.5m north of Home Place junction, north for 6.6m
B085	Hillview (north east parking area)	4th most westerly bay
B092	Duns Road (east side)	66m south of junction with Nursery Road, south for 6.6m
B093	Duke Street (north side)	98m east of junction with roads leading to Leet Street, east for 6.6m

## Duns

B079	Winterfield Gardens (west leg of west square)	30m south of north leg, south for 6.6m
B088	Earlsmeadow (north east parking area)	most south easterly bay
B094	Glebe Park (west leg parking area)	most easterly bay on south side
B095	Hawthorn Bank (east cul-de-sac)	most north easterly parking bay
B096	Winterfield Gardens (north leg of west square)	8m west of main drag of Winterfield Gardens, west for 6.6m
B097	Glebe Park (west leg parking area)	most easterly bay on north side
B042	Willis Wynd	<b>REMOVE</b>

## Eyemouth

B073	Queens Road (north west side)	40m north of junction with Broad Street, north for 6.6m
B074	North Street (east side)	63m north of junction with Northburn Road, north for 6.6m
B075	Deanhead Road (south west parking area)	most northerly parking space
B076	Coldingham Road (north side)	23m west of junction with Hurkur Crescent, west for 6.6m
B077	Deanhead Drive (south west parking area)	3rd most easterly bay
B078	Queens Road (north west side)	129m north of junction with Broad Street, north for 6.6m
B083	Gungreen Circle (west parking bays)	3rd bay in from Johns Road
B089	The Avenue (between Lairds Hill junctions)	most northerly parking space for 6.6m
B090	Upper Houndlaw (west side)	3m south of junction with Beach Avenue, south for 6.6m
B101	Beach Avenue (south west side)	33m south east of junction with Hurkur Crescent, south east for 6.6m
B043	Hinkar Way	<b>REMOVE</b>

## Leitholm

B102	Cotter Lea (west to east running leg)	most northerly of 2 bays
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## Gordon

B100	Main Street (north side)	41m east of junction with Sunnybraes, east for 6.6m
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## Reston



B099	Main Street (south side)	73m west of junction with The Orchard, west for 6.6m
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### St Abbs

B072	Briery Law (east side)	layby area at north end
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## SCOTTISH BORDERS COUNCIL CHEVIOT AREA FORUM

MINUTE of Meeting of the CHEVIOT AREA FORUM held in The Town Hall, The Square, Kelso on Wednesday, 7 December, 2016 at 6.30 pm

Present:- Councillor T Weatherston (Chairman), J Brown, A Nicol, S Scott, R Stewart.  
Community Councillors E McNulty, J Taylor, D Ogilvie, N Jarvis, D Weatherston.

Apologies:- Councillor S Mountford, Community Councillors J Bassett, C Cook, A Drummond; Ms C Gillie (NHS Borders), Mr M Acton, Station Manager.

In Attendance:- Area Neighbourhood Manager (Mr A Finnie), Inspector Scott (Police Scotland – J Division), Road Safety, Traffic Management Technician, Democratic Services Officer (Ms J Turnbull).

Members of the Public:- 1

### 1. **WELCOME AND INTRODUCTIONS.**

The Chairman welcomed everyone to the meeting.

### 2. **MINUTE.**

- 2.1 There had been circulated copies of the Minute of the Meeting of the Cheviot Area Forum of 14 September 2016.
- 2.2 With reference to paragraph 11(b)(2) it was agreed that the minute be amended to reflect that the cost of installation of the Bronze Panel was £2,524.00 not £680.00

### **DECISION**

**AGREED to approve the Minute for signature by the Chairman, subject to the above amendment.**

### 3. **COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015**

- 3.1 Clare Malster, Communities and Partnerships Team, was in attendance to give a presentation on the Community Empowerment (Scotland) Act 2015. In her introduction Ms Malster advised that although the Act, which was made up of 11 parts, received Royal Assent on 24 July 2015, it was recognised that further regulations and guidance were required for most parts of the legislation. Part 2 was about Community Planning and more specifically local organisations working to benefit the local community. This would be carried out through joint working, agreeing joint policies and making sure partners knew what each other was doing. Community Planning Partners, who had a statutory duty, were the Scottish Fire and Rescue Service, Police Scotland, NHS Borders, Scottish Enterprise and Scottish Borders Council (SBC). All these partners had the same statutory responsibility. The Local Outcomes Improvement Plan (LOIP) replaced Single Outcome Agreements. The LOIP would contain the outcomes for the Scottish Borders that were a priority for the Community Planning Partnership. Appropriate community groups must be consulted when developing the LOIP. Subject to the approval of Scottish Parliament the legislation would come into force on 20 December 2016.

- 3.2 Locality plans focused on smaller areas, one of these being Cheviot, and again appropriate community groups must be consulted. Part 3 of the Act concerned Participation Requests. Ms Malster explained that a participation request was a request that could be made by a community participation body which believed it could improve the outcome of a service. The request must be agreed unless there were reasonable grounds for refusal. It was hoped that this part of the Act would come into force in February/March 2017. Part 4 of the Act dealt with Community Right to Buy. Ms Malster explained that communities with populations over 10,000, would now be able to use community right to buy. Part 5 of the Act was regarding Asset Transfer requests. Assets were land or buildings owned by public authorities. Public authorities would be required to publish a register of their assets and Scottish Borders Council had published their register on their website. Ms Malster went on to explain that a group could request to buy or lease land from a public authority if it had a written constitution, was open to anyone in the community, was community led and was for the benefit of the community. This part of the Act would come into force on 23 January 2017. Part 8 of the Act was the requirement for all Councils to publish a list of all their Common Good properties, Councils would have to consult with community councils or other community groups before selling or changing the use of any of their common good properties. Part 9 of the Act dealt with allotments. The Act set out a standard size of 250 square metres for an allotment and applications for allotments would be required to be submitted in writing. Part 10 was in respect of public decision making. This part of the Act would give Scottish Ministers the power to require that public authorities, such as SBC, promoted and supported the involvement of the community in the decision and activities of the organisation. To conclude her presentation, Ms Malster advised that further information on the Act could be found on the website at: [communityengagement@scotborders.co.uk](mailto:communityengagement@scotborders.co.uk)
- 3.3 The Chairman advised that Cheviot, having a population of over 10,000, would be able to utilise the community right to buy. In answer to a question regarding the Act in respect of leisure facilities and property owned by Historic Scotland, Ms Malster stated that she would investigate and advise out with the meeting. Ms Malster clarified that a community group could only exercise the right to buy if the owner of the property or land wished to sell. However, if the land was in the ownership of the Council, the Council had to give a reasonable reason to refuse the request. For example, if the land was required for operational reasons. The Chairman thanked Ms Malster for the informative presentation.

## **DECISION**

**NOTED the presentation.**

## **4. DRAFT SUPPORT GUIDANCE ON HOUSING**

- 4.1 The other presentation of the evening was from Mr Charles Johnston, Principal Officer – Plans & Research, Environment and Infrastructure. Mr Johnston began by stating that his presentation detailed the Council's requirement for proposed housing sites to meet housing land requirements. The Council had approved draft Supplementary Guidance (SG) identifying proposed sites on 10 November to go out for public consultation. Mr Johnston advised that the Reporter from Scottish Government had identified a shortfall in housing in the Scottish Borders of 916 units. He explained that the criteria set for housing land included that the development should be in keeping with the settlement and local area and that the required infrastructure was either committed or would be funded by the developer. Five or more units were required for the site, developer interest, infrastructure issues, transport, and contamination assessment were also key considerations. A call for sites had identified 113 sites which had been submitted from third parties; 165 sites had been assessed in total. Stage 1 of the assessment of the site was the initial Red Amber Green (RAG) assessment which was against set criteria and this process had eliminated some sites. Stage 2 was a detailed assessment of potential sites and consultation with internal and external parties. Stage 3 was the identification of preferred and alternative sites. The Reporter had now confirmed that 811 units were required in the Scottish Borders. The units had been identified approximately as follows: 60% in the Central

Borders, 20% in Berwickshire and 20% in Northern Scottish Borders. Mr Johnston further advised that finding new sites had been challenging and the process generated a range of opinions.

- 4.2 Mr Johnston went on to discuss the sites which had been identified in the Cheviot area. The first preferred site he discussed was at Tweed Court, Kelso. The site had a 20 unit capacity, and a strong street frontage onto the existing street. Another preferred site was at Nethershot with the capacity for 100 units. Access to this site would be through the adjoining site with the access to the longer term housing site safeguarded. The former High School site had been identified as a preferred site, with a 50 unit capacity. The existing building was a Main B listed building and demolition would only be considered if there were overriding, environmental, economic, social or practical reasons. Alternative sites had been identified at Dick's Croft in Ancrum, with the capacity for 60 units. The site boundaries required extensive structural landscape planting to create a suitable definition to the edge of the buildings and the road bounding the site required to be widened for two way flow. The other alternative site was at Hendersyde, Kelso which had capacity for 190 units, this site would be for development in the longer term.
- 4.3 Mr Johnstone concluded his presentation by stating that the public consultation on the draft SG had begun and would end on 30 January 2017. All responses would be considered by the Planning Policy and Access Team and there would be further internal consultation/discussion on any issues raised. Responses on the consultation could be sent to [localplan@scotborders.gov.uk](mailto:localplan@scotborders.gov.uk) or to the Team at Council Headquarters. Mr Johnstone would also be pleased to assist with any queries on the process, his telephone number was 01835 826671.
- 4.4 There followed a discussion and Members highlighted that there was already an issue with lack of parking in Kelso, and asked if this had been taken into consideration when identifying potential sites. Mr Johnston responded that the Roads Planning officers had been consulted on the proposed sites in terms of access. However, parking had not been raised as an issue as part of the consultation, but he would refer this back for comments. In answer to further questions, Mr Johnston advised that no new sites had been identified in Jedburgh. There were already a number of allocated sites in Jedburgh but there was little interest from developers. He would investigate if any of the sites earmarked for industrial use could be used for other purposes. However, there was always a balance, in not giving up land which had been allocated for another function. He confirmed that the former Kelso High School site was the only land in the Council's ownership as part of the SG in the Cheviot area. There followed a discussion on the lack of sites identified in rural communities. Mr Johnstone advised that there were approximately 88 settlements in the Scottish Borders. If sites were allocated in such rural locations it would be most unlikely developers would wish to build houses there. Also, there was doubt as to whether there would be enough interest from people wanting to live in smaller rural communities. With regard to the Kelso High School site there would be consultation with Historic Scotland regarding development of the existing building. The Chairman thanked Mr Johnston for the informative presentation.

## **DECISION**

**NOTED the presentation.**

## **5. DISABLED PERSONS PARKING PLACES TRO**

With reference to paragraph 29 of the Private Minute of the Cheviot Area Forum held on 1 April 2015, there had been circulated copies of a report by the Chief Officer, Roads which proposed to amend the Scottish Borders Council (Disabled Persons Parking Places) Order 2015. The report explained that since the original Order in 2015 a number of additional requests had been received, as well as bays which were no longer required and had been removed. The report detailed the amendments within the Cheviot area as part of a region-wide Traffic Regulation Order (omitting those which were no longer required since the beginning of the consultation). Ms S Elliott was in attendance and advised that

since the TRO had been prepared and advertised, a number of disabled bays were now not required and had been removed. These bays would not be included in the final TRO and were shown as struck off in the draft schedule shown in Appendix A to the report. In answer to a question, Ms Elliot advised that bays were installed as advisory bays then the consultation with Members and neighbours was carried out. However, bays were only refused on traffic management or road safety issues. Officers were in the process of reviewing the consultation process and would email Members with details once the review had been completed.

#### **DECISION**

**AGREED to approve the amendment of disabled parking places in the Cheviot Area listed in Appendix A to the report (as amended by removals) to The Scottish Borders Council (Disabled Persons Parking Places) Order 2015.**

#### **6. SPEED LIMIT REVIEW 2016**

With reference to paragraph 9 of Minute of the Meeting of 4 February 2015, there had been circulated copies of a report by the Chief Officer, Roads which proposed to introduce a part time 20mph speed limit in the vicinity of the new High School on Angraflat Road, Kelso. The report explained that as part of the construction of the new school, the introduction of the part-time speed limit was in the interest of road safety for children travelling to and from school. The report detailed the background to the proposal and financial implications. Councillor Stewart asked for clarification on the reasons why the speed limit at Eastern & Western Ulston had not been included as part of the Speed Limit Review. Ms Elliott advised that she would consult with the Road Safety & Traffic Management Team Leader for clarification and advise Members out with the meeting.

#### **DECISION**

**AGREED the amendment to The Scottish Borders Council (Various Streets, Kelso) (20mph Speed Limit) Order 2005 to include the sections of road shown in Appendix A and described in Appendix B to the report.**

#### **7. POLICE FORCE OF SCOTLAND - 'J' DIVISION SPOTLIGHT.**

- 7.1 Inspector John Scott was present at the meeting to update the Cheviot Area Forum on performance, activities and issues across the Ward for the period up to 30 November 2016. The Ward Plan Priorities for Jedburgh and District were highlighted as Drug Dealing and Misuse, Road Safety, Anti-Social Behaviour and Rural Crime. During the reporting period, Inspector Scott advised that three individuals were charged with possessing controlled substances. A 40 year old male was found in charge of a vehicle, which he had crashed on the Kelso to Maxton road. The male had consumed alcohol and was also found to be in possession of a controlled substance. He was charged with various road traffic offences and was kept in police custody for appearance the following day. Police Scotland would remain visible in the community to develop intelligence on people who dealt in and use controlled drugs. Work with partners continued, combining education and enforcement strategies. Intelligence from the public was crucial in relation to drug matters whether that was persons being in possession or persons dealing drugs, Completely anonymous information could be left on Crimestoppers on 0800 555 111.
- 7.2 In relation to Rural Thefts, a fire was reported at West Mains Farm, Ancrum. This resulted in three large haystacks and tractor, with significant monetary value being totally destroyed. This was only a week after a fire had been reported at the same farm, where a combine harvester and hay were destroyed. Extensive enquiries were ongoing into both these incidents.
- 7.3 In terms of Road Safety, tragically a fatal accident occurred on the evening of Saturday 19 November 2016 on the A698 at Knowesouth. There were two vehicles involved and the driver of one of the vehicles sustained fatal injuries. Full traffic collision investigation was carried out in an effort to establish the cause of the accident and the information was still being analysed. Discussions were ongoing between Police and Scottish Borders Council

to explore whether any road improvements could be introduced at this location. A number of road checks had been carried out during the reporting period, which resulted in one driver being given a warning for the anti-social use of a vehicle in Jedburgh. A number of drivers had been charged with various road traffic offences following incidents or accidents over the last three months. One person was charged with drink driving (in addition to the male who crashed a vehicle as mentioned above). Five people were charged with careless driving. One of these incidents involved a vehicle striking a motorbike and the motorcyclist sustaining a number of broken bones from which he should make a full recovery. A driver of a Peter Hogg bus lost control of the bus while carrying passengers as it travelled down Canongate, swerving as it went, hitting a wall and another vehicle then continuing to travel towards Duck Row Bridge where it became partially impaled on the bridge parapet, almost landing in the Jed Water. Extensive examination of the vehicle and inquiries were carried out, resulting in the driver being charged with dangerous driving. A report has been submitted to the Procurator Fiscal. Five people had been detected and charged for driving without insurance and other driving related documentation offences.

- 7.4 In terms of Anti-Social Behaviour a number of individuals in Jedburgh had been charged with causing a breach of the peace. These incidents were isolated and there was no pattern to them. Of particular concern was an incident of attempted murder that occurred in October in Inchmyre estate in Kelso. This incident required a large number of officers to gather the evidence available. The officers working on the enquiry recognised the significant support from the community who reported key information. A local man was arrested and has been remanded in custody pending court proceedings. A further incident reported to the police on the 30<sup>th</sup> October resulted in a man being seriously assaulted in the Square, Kelso. A man was arrested and appeared at court in relation to this incident. Anyone who is the victim of antisocial behaviour, should report this at the time of the incident to the police or if it was an ongoing issue, this could be reported to the Antisocial Behaviour Unit helpline on 0800 028 5711.
- 7.5 Business premises in Station Yard, Kelso were forcibly entered overnight and a quantity of cash was stolen, enquiries were ongoing in relation to the incident. In terms of Drink Driving Offences, there had been 3 instances of drink driving in the Kelso area in the reporting period, calls were continually received from the public in relation to this and the police would always act on these calls. This would form a key part of the local festive initiative and officers would be carrying out road checks the morning after Christmas parties, the simple message was if in doubt do not risk driving. Officers continued to patrol Kelso town centre and would enforce parking offences during the festive initiative. The festive period was a busy time for all communities with an increase in social events, shopping and family gatherings. The increase in activity resulted in higher alcohol consumption, gatherings of diverse groups at social functions, higher volumes of people within licensed premises, and increased traffic on the roads at a time when inclement weather conditions could prove hazardous. Historically the Police saw an increase in incidents and crimes over the festive period, specifically relating to violence and domestic abuse which peaked and a rise in overall disorder and road traffic offences. Often these incidents presented a significant risk to the safety of members of the public and emergency responders. In response to this, Police Scotland had put in place a detailed plan to focus on key areas as described, with a greater emphasis on Keeping People Safe. The plan for Lothians and Scottish Borders (J Division) was tailored to the local area and fed into the overarching National initiative.
- 7.6 Police Scotland consultation continued and Inspector Scott asked that all community councils promoted this across their communities. They were interested in hearing from all sections of the community including minority groups and young people, as all views would shape the future priorities of the police in the area. The online consultation was open all year which allowed everyone to participate when it suited them and gave the flexibility of being able to re-submit the consultation if their priorities changed. The link for the survey is <https://www.surveymonkey.co.uk/r/8LMB9WX>

In answer to a question, Inspector Scott advised that from 31 December 2016 it would be an offence to use, possess or acquire an air weapon in Scotland, without holding an air weapon certificate. Old weapons, such as family heirlooms also required an air weapon certificate.

## **DECISION**

**NOTED the report.**

### **8. SCOTTISH FIRE & RESCUE SERVICE.**

- 8.1 Although not present at the meeting, Mr Matt Acton, Station Manager had circulated a report informing the Cheviot Area Forum of Scottish Fire and Rescue Service activity since the last meeting on 14 September 2016. The report detailed that during the period of the report there had been 4 House Fires (3 x accidental and 1 x deliberate), Fire – Open 10, occurrence of Special Services 8 and 31 unwanted Fire Alarm Signals. In relation to partnership working, The Scottish Fire and Rescue Service (SFRS), Community Action Team (CAT) within the Scottish Borders core work centred on the on-going delivery of the SFRS Home Fire Safety Visit (HFSV) policy. The team continued to expand its partnership working with key agencies including Police Scotland, Health, Social Care and Housing in order to focus on members of local communities at High Risk from fire and achieve outcomes in helping to reduce overall numbers of accidental dwelling fires.
- 8.2 Fire prevention and protection activity over recent years had been key to reducing the number of fires, casualties and losses in Scotland thus minimising the economic and social impact of fire on communities. The seasonal community safety calendar provided the catalyst for a number of initiatives and schemes throughout the calendar year.
- 8.3 Activity which was ongoing within the Cheviot Ward area included Scottish Fire and Rescue Service staff in all local stations providing Home Fire Safety Visits all year round. The visits provided the householder with a home visit, focussing on identifying and reducing the risks of fire in the home. Smoke detectors with a 10-year battery life were provided as part of this free service; Firesharp was an initiative for Primary 6 pupils, providing face-to-face education within local Primary schools on matters of fire risk and prevention; The SFRS Safeguarding Policy and Procedure for Protection of Children and Adults at Risk of Harm was implemented to link into adult and child protection. The introduction of the policy had created closer ties with Social Services within Scottish Borders and ensured those people and families that fire crews identified as at risk were brought to the attention of Social Services and had resulted in joint visits to homes to reduce risk to those occupiers. A strong partnership was being developed with the local Domestic Abuse Advocacy Service and involvement in MARAC (Multi Agency Risk Assessment Conference). The Local Authority Liaison Officer (LALO) and Scottish Borders Station Manager for Prevention and Protection were fully involved in all local MARAC processes, attending the monthly conferences and all steering group meetings. Road Safety Community Action Team (CAT) had delivered road safety awareness to Borders College campus in Hawick and to secondary schools throughout the Scottish Borders with the support of the local whole time personnel from Galashiels and Hawick. Fire Safety Audits provided a targeted examination of business premises and their relevant documents to ascertain how the premises were being managed regarding fire safety. The enforcement officer also engaged with members of staff to confirm their level of fire safety awareness. Unwanted Fire Signals were being addressed by phased intervention actions which identified premises which were producing ‘false alarms’, provided guidance on how to reduce a reoccurrence. In a pioneering partnership between the Scottish Fire and Rescue Service (SFRS) and British Heart Foundation (BHF), all 356 of SFRS’s fire stations were equipped with a BHF donated ‘Call Push Rescue’ training kit and each station now acted as a base for local people to learn vital cardiopulmonary resuscitation (CPR) skills and potentially save someone’s life if they go into cardiac arrest. It took just 30 minutes to learn CPR using the Call Push Rescue kit



and community groups were able to contact their local fire station to arrange a time to go to a station, watch the training DVD, and practice with the kit.

- 8.4 The LALO was in post within Scottish Borders Council HQ in order to improve partnership working, with a particular focus on the elderly and more vulnerable members of society. The primary aims of the partnership activity were to help ensure the safety and welfare of vulnerable persons throughout the community, and to seek to reduce the overall numbers of accidental dwelling fires, fire casualties and fire fatalities in homes. Crews were actively involved in the Winter Thematic Action Plan which was currently underway and focussed on; Festive fire safety; Electric blankets; Portable heaters and Candles

**DECISION**

**NOTED the report.**

9. **ENGAGEMENT BY NHS BORDERS REPRESENTATIVE**

As there was no representative present from NHS Borders, there was no update given.

**DECISION**

**NOTED.**

10. **NEIGHBOURHOOD SMALL SCHEMES AND QUALITY OF LIFE**

With reference to paragraph 8 of the Minute of 3 February 2016, there were circulated at the meeting copies of Appendices A and B which detailed the current position in terms of the Neighbourhood Small Schemes and Quality of Life Scheme previously approved. The Area Neighbourhood Manager advised that the allocated budget (£56,628) for small schemes was available through Neighbourhood Services for the Cheviot Area in 2016/17. There remained £14,128 for future schemes, although any budget remaining at the close of the financial year would be lost as there was no carry forward provision. In addition, a budget of £31,072 was available for Quality of Life Schemes in the Cheviot Area in 2016/17. It had previously been agreed that this budget would be split equally between Kelso and District and Jedburgh and District Wards. There was a remaining budget of £8,563 in Kelso and District Ward and £8,719 in Jedburgh and District Ward for future schemes. Mr Finnie was in attendance and advised that in respect of the Neighbourhood Small Scheme for Kelso and District the Spring bedding plants for Morebattle had been ordered and delivered. In Jedburgh and District the repair and repainting of the railings at The Bountrees would be undertaken by the Criminal Justice Team in the Spring. In St Boswells Village, three street name plates had been upgraded and a fourth was being manufactured. At Eckford Cemetery the main gate had been painted for Remembrance Sunday, the railings and pedestrian gate would be repainted in the spring by the Criminal Justice Team. With respect to the Quality of Life scheme, Mr Finnie further advised that the financial contribution to the Apple Press Project had been agreed and the transfer of funds to Lanton Community would be arranged in the near future.

**DECISION**

**(a) NOTED:-**

**(i) The following new Neighbourhood Small Schemes agreed by e-mail:-**

<b>(1) Diamond Jubilee Tree in Bridge End Park, Kelso</b>	<b>£ 60</b>
<b>(2) Provision of 600 no. spring bedding plants for Morebattle in Bloom</b>	<b>£ 130</b>
<b>(3) Repair/repaint railings at Bourtrees, Jedburgh</b>	<b>£1,619</b>
<b>(4) Re-lining of parking bays at the Glebe Car Park, Jedburgh</b>	<b>£1,075</b>

- |      |  |        |
|------|--|--------|
| (5)  | Financial contribution towards Biodiversity project Ancrum CC & Biodiversity Group | £ 210  |
| (6)  | Upgrade Street Names Plates in St Boswells Village                                 | £ 590  |
| (7)  | Refurbish gates and railings at Eckford Cemetery                                   | £ 370  |
| (8)  | Installation of ramp at A68 Underpass, Jedburgh                                    | £7,500 |
| (9)  | Reinstatement of damaged verge on A699 St Boswell Buccleuch Chase Jct.             | £1,941 |
| (10) | Installation of additional lighting column on Riverside Walk, Jedburgh             | £1,260 |
- (ii) To delegate authority to the Service Director Neighbourhood Services to allocate the funds for the current financial year to Neighbourhood Small Schemes, subject to consultation with and approval by all six members of the Cheviot Area Forum via email.
- (b) **NOTED:-**
- The following new Quality of Life Schemes previously approved by e-mail:-
- |     |  |         |
|-----|--|---------|
| (1) | Diamond Jubilee Tree- Installation Plaque  | £ 60    |
| (2) | Contribution to upgrade Festive Lighting for Kalewater Community Council                   | £ 811   |
| (3) | Contribution towards supply & install basketball posts etc. for St Boswells Primary School | £ 1,680 |
| (4) | Contribution towards heated defib. cabinets for Eckford, Crailing & Nisbet CC              | £ 1,332 |
| (5) | Land search in respect of The Glebe, Ancrum  | £ 400   |

11. **PROPOSED PUBLIC HOLIDAY 2017**

There had been circulated copies of the proposed local public holidays for 2017 in the Jedburgh and Kelso area.

**DECISION**

**AGREED** to determine the Public Holidays for Jedburgh and Kelso as set out in Appendix A to this Minute.

12. **OPEN QUESTIONS.**

There were no issues raised.

**DECISION**

**NOTED.**

13. **COMMUNITY COUNCIL SPOTLIGHT.**

There were no issues raised.

**DECISION**

**NOTED** the report.

14. **FUTURE AGENDA ITEMS**

The Chairman asked all present for future agendas items.

**DECISION**

**NOTED.**

15. **DATE OF NEXT MEETING - CHEVIOT AREA FORUM.**

The Chairman confirmed that the next meeting of the Cheviot Area Forum was scheduled for Wednesday, 1 February 2017 in Jedburgh.

**DECISION**

**NOTED the date of the next meeting of the Cheviot Area Forum and that the venue was to be confirmed.**

*The meeting concluded at 7.50 am*

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# **PUBLIC HOLIDAY DATES - 2017**

## **JEDBURGH**

NEW YEAR 2017	MONDAY 2 and TUESDAY 3 JANUARY
MERCHANTS' HOLIDAY	MONDAY, 6 MARCH
SPRING	MONDAY, 27 MARCH
MAY DAY	MONDAY, 1 MAY
CALLANTS' FESTIVAL (Annual Festival Week 2nd – 8 <sup>th</sup> July)	FRIDAY, 7 AND SATURDAY, 8 JULY
ANNUAL TRADES	*COMMENCE ON MONDAY, 24 JULY FOR TWO WEEKS
AUTUMN	MONDAY, 2 OCTOBER
CHRISTMAS	MONDAY, 25 AND TUESDAY 26 DECEMBER
NEW YEAR 2018	MONDAY 1 AND TUESDAY 2 JANUARY

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## **KELSO**

NEW YEAR 2017	MONDAY 2 and TUESDAY 3 JANUARY
SPRING	MONDAY, 27 MARCH
MAY DAY	MONDAY, 1 MAY
MAY / JUNE (This date replaced Spittal Trip holiday)	MONDAY, 29 MAY
ANNUAL CIVIC WEEK (Annual Civic Week 16 <sup>th</sup> – 22 <sup>nd</sup> July)	*FRIDAY, 21 AND SATURDAY, 22 JULY
AUTUMN	MONDAY, 2 OCTOBER
CHRISTMAS	MONDAY, 25 AND TUESDAY 26 DECEMBER
NEW YEAR 2018	MONDAY 1 AND TUESDAY 2 JANUARY

\* most shops and offices remain open.

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# SCOTTISH BORDERS COUNCIL PENSION FUND COMMITTEE AND PENSION BOARD

MINUTES of Meeting of the PENSION FUND  
COMMITTEE AND PENSION BOARD held  
in Council Chamber, Council Headquarters,  
Newtown St Boswells. on Thursday, 8  
December 2016 at 10.00 am

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Present:- Councillors B White (Chairman), J. Campbell, G. Edgar, S. Mountford,  
S. Aitchison, Mr M Drysdale, Ms C Stewart, Ms K M Hughes and Mr P Smith.  
Apologies:- Councillors M. J. Cook, G. Logan, J. G. Mitchell, Mr E Barclay, Ms L Ross and  
Mr C Hogarth, J Mitchell, Mr A Barclay, Mr C Hogarth, Ms L Ross.  
In Attendance:- Capital & Investments Manager, Chief Officer – Audit & Risk, Mr D O'Hara  
and Mr T Hodgson (KPMG), Mr A Haseeb (Audit Scotland), Democratic  
Services Officer (J Turnbull).

## 1. **MINUTE**

There had been circulated copies of the Minute of the Meeting of 15 September 2016.

### **DECISION**

**NOTED for signature by the Chairman.**

## 2. **MATTERS ARISING FROM THE MINUTE**

With reference to paragraph 2.5 of the Minute, the Chief Financial Officer, Mr Robertson, advised that the Actuary had been consulted and had agreed to the proposed changes to the Fund's strategy. A report would now be presented to the March meeting of the Pension Fund Committee and Pension Board.

### **DECISION**

**NOTED that the report on the new investment strategy would now be presented to the 16 March 2017 joint meeting.**

## 3. **BUSINESS PLAN PERFORMANCE UPDATE**

3.1 There had been circulated a report by Chief Financial Officer providing members of the Committee and Board with an update on delivery of actions within the approved Business Plan. The 2016/17 – 2018/19 Business Plan for the Pension Fund was approved by the Committee and Board on 16 June 2016. Included within the plan were key objectives and actions with target dates. As part of the Risk Register update, approved at the Committee and Board on 15 September 2016, it had been agreed that a mid-year progress report on the Business Plan actions would be presented at the December 2016 meeting. A further progress report and update would also be presented to the June 2017 meeting.

3.2 There were 14 performance measures and target dates during 2016/17 contained within the Business Plan. These were detailed in Appendix 1 to the report, with a progress update. Of these, five performance measures had been completed, three remained on track to be completed within their targeted timescales and six were currently behind target. Due to the implementation of the (ERP) Enterprise Resource Planning system and the resulting resource constraints, the actions for the Communication Strategy and review of Additional Voluntary Contribution Scheme provision would not meet the target dates. Revised target dates of September 2017 and March 2018 were therefore recommended.

- 3.3 In answer to questions, Mr Robertson explained that to ensure targets were met for implementation of the new ERP system; key staff were managing two systems to enable parallel testing to take place in a live environment. This had resulted in resource constraints and delays in the implementation of the actions required to complete the Communication Strategy and the review of Additional Voluntary Contribution Provision. Mrs Robb confirmed that the Action Update, presented to the June meeting, would be amended to include when an action had been completed.

#### **DECISION**

(a) **NOTED the progress of the 2016/17 actions within the Business Plan.**

(b) **AGREED**

(i) **The revised target date of 30 September 2017 for development and implementation of an effective Communication Strategy;**

(ii) **The revised target date of 31 March 2018 for the review of Additional Voluntary Contribution Scheme Provision; and**

(iii) **A further update be presented at the June 2017 meeting.**

#### **4. RISK REGISTER UPDATE**

4.1 With reference to paragraph 4 of the Minute of 8 December 2016, there had been circulated a report by Chief Financial Officer which formed part of the risk review requirements. The report provided members with an update on the progress of the management actions to mitigate risks, a review of new risks and highlighted changes to risks contained in the Risk Register. Identifying and managing risk was a corner stone of effective management and was required under the Council's Risk Management Policy and process guide and CIPFA's guidance "Delivering Governance in Local Government Framework 2007". It was further reflected and enhanced in the "Local Government Pension Scheme" published by CIPFA. Appendix 1, to the report, detailed the risks within the approved Risk Register which identified management actions and the progress of these actions to date. The recent vote to leave the European Union was highly likely to have an impact on the Pension Fund. While the actual timing and consequence of the change was unknown, it was evident that the Pension Fund investment strategy would have to adapt over time as the implications become known.

4.2 Members noted that one of the key actions was the appointment of Northern Trust as the new Custodian from 1 December 2016. Risk 4.1 - changes in composition of Pension Fund membership was discussed. Mr Robertson advised that the majority of staff were already enrolled in the Fund. The risk was to the liquidity of the Fund, and there being insufficient assets to meet future liabilities, which was an ongoing issue. He highlighted that further restructuring of local government in Scotland would be a major risk to the Fund. It was hoped that there would be a full consultation by the Scheme Advisory Board on any changes which might affect the Pension Fund's investment returns, cost and efficiency. The Fund and Board would be kept updated.

#### **DECISION**

(a) **NOTED**

(i) **The management actions progressed as contained in Appendix 1; and**

(ii) **The emerging position with regard to "Brexit" continued to create uncertainty; no new quantifiable risks had been identified since the last review.**

(b) **AGREED to a key risk review being undertaken in March 2017 and reporting of progress on risk management actions.**



5. **SCHEME ADVISORY UPDATE**

There had been circulated the Scottish Local Government Pension Scheme Advisory Bulletin (October 2016) for information. With regard to the Structure Review, the Capital and Investment Manager, Mrs Robb, advised that the second draft had been produced. Officers from Lothian and Strathclyde Pension Funds were on the working group for this. The recommendations contained in the Review ranged from one fund to the status quo and assumptions were more robust than seen in previous reviews. Mrs Robb further advised that the Transparency Code was progressing and Fund Managers had been asked to provide information. Mrs Robb went on to discuss training and that Fiduciary Duty training would be provided prior to the meeting on 16 March. The training would be provided in-house by the Council's legal team. Members were also asked to note that KPMG had undertaken the governance review and were preparing their report to be delivered to the Scheme Advisory Board. The best practice guidance on cessation valuations had not yet been issued.

**DECISION**

**NOTED the updates.**

6. **INFORMATION UPDATE**

- 6.1 There had been circulated a briefing paper by Chief Financial Officer. In summary: Lothian Pension Fund had been granted Financial Conduct Authority (FCA) authorisation. The Chief Financial Officer was exploring whether there would be opportunities for joint working and investment in their Infrastructure Investment Strategy.
- 6.2 The Local Government Pension Scheme (LGPS) Conveners' Group had discussed investment in Scottish Infrastructure. The next meeting was scheduled for 21 December; the Chief Financial Officer would be attending.
- 6.3 Nine members of the Pension Fund and Board had fully met their training requirements. Information on a training event on 12 December had been circulated. The training would cover: Role of Custodian; Pension Administration; Investment in Infrastructure and Alternatives; and, Environment, Social, Governance Policies. The Pensions and Lifetime Savings Association would also host a conference on 8 – 10 March 2017. Members were not required to attend all days, but could select their preference. An agenda would be circulated when received.
- 6.4 Due to Visit Scotland nearing "exiting employee" status they wished to put a bond in place to avoid a cessation valuation being required. They are proposing this across all Pension Funds they were members of. The Bond was being underwritten by Scottish Government and was being prepared. It was also noted that the Auto Enrolment of employees, who had previously opted out, had resulted in 21 employees being re-enrolled into the scheme. Members appreciated the update and it was agreed that it be presented to every meeting.

**DECISION**

**AGREED to present an Information Update to every meeting of the Pension Fund Committee and Pension Board.**

7. **ITEMS LIKELY TO BE TAKEN IN PRIVATE**

**AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business contained in the following items on the ground that they involved the likely disclosure of exempt information as defined in paragraphs 6 and 8 of the part 1 of Schedule 7A to the Act.**

8. **MINUTE**

The Committee noted the Private Minute of the meeting of 15 September 2016.

9. **ACTION SHEET UPDATE**  
The Committee noted the master Action Sheet update.
10. **PENSION FUND APPOINTMENT SUB-GROUP**  
The Committee noted the Private Minute of the Meeting of the Pension Fund Sub-Committee of 3 November 2016.
11. **INVESTMENT REPORT - QUARTER TO 30 SEPTEMBER 2016**  
The Committee noted the Private Minute of the Meeting of the Pension Fund Sub-Committee of 3 November 2016.
12. **PROPERTY INVESTMENT UPDATE**  
The Committee noted and agreed a report by Chief Financial Officer.
13. **PROCUREMENT UPDATE AND IMPLEMENTATION**  
The Committee noted and agreed a report by Chief Financial Officer.

***The meeting concluded at 11.50 am***

# SCOTTISH BORDERS COUNCIL PENSION BOARD

MINUTE of Meeting of the PENSION BOARD held in Council Chamber, Council Headquarters, Newtown St Boswells on Thursday, 8 December 2016 at 12.30 pm

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Present:- Councillors S. Aitchison (Vice-Chairman), Mr P Smith, Ms C Stewart, Mr M Drysdale and Ms K M Hughes.  
Apologies:- Councillors Mr E Barclay, Ms L Ross and Mr C Hogarth  
In Attendance:- Capital & Investment Manager, Democratic Services Officer (J Turnbull)

## 1. **MINUTE**

There had been circulated copies of the Minute of the Meeting of 15 September 2016.

### **DECISION**

**NOTED for signature by the Chairman.**

## 2. **JOINT MEETING OF PENSION COMMITTEE AND PENSION BOARD**

- 2.1 The Board discussed the joint meeting and asked if removing funds from equities would penalise the Fund, as equities had performed well? Mrs Robb advised that although equity performance was strong at the moment, the markets were still volatile and inflation was also likely. Fund managers also considered that equities were overpriced. It was therefore considered prudent to move funds to an inflation risk type investment with a guaranteed income. The difficulty for Fund managers was trying to gauge when best to move from equities and this would be gradual process. The Board discussed KPMG's report. They were surprised that the report had not mentioned Italy and the fracturing of Europe as a concern. However, they were in agreement with the decisions made at the joint meeting.
- 2.2 Mrs Robb went on to discuss training requirements. Board members who had attended the Baillie Gifford training event in October had found it informative. However, the second one by LGC had been difficult to understand. Mrs Robb stated that training was useful to raise awareness and that the more events they attended, the more comfortable and knowledgeable about the subject they would become. She advised of a three day training event in March. This would be intensive and Board members were not expected to attend all three days. She advised Board members to choose which days they would find most interesting and select accordingly. An agenda would be circulated when available.
- 2.3 The Board then discussed collaboration between Councils. Mrs Robb advised that officers would need to ensure that the governance was in place if collaborating with other Pension Funds. Joint working need not be restricted to Scottish Funds, the duty of the joint Committee and Board being to ensure the provision of the best investment for the Pension Fund.

## 3. **DATE OF NEXT MEETING**

The next meeting of the Pension Board was scheduled to take place on 16 March 2017.

**DECISION  
NOTED.**

*The meeting concluded at 1.25 pm.*

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# SCOTTISH BORDERS COUNCIL GALASHIELS COMMON GOOD FUND SUB COMMITTEE

MINUTE of Meeting of the GALASHIELS  
COMMON GOOD FUND SUB COMMITTEE  
held in the Transport Interchange,  
Galashiels, on Thursday, 8 September, 2016  
at 5.00 pm

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Present:- Councillors B White (Chairman), S. Aitchison, B Herd and J. G. Mitchell;  
Community Councillor R. Kenney.  
In Attendance:- Managing Solicitor, People and Court (C. Donald), Capital & Investments  
Manager (K. Robb), Democratic Services Officer (F. Walling).

Public - 1

## 1. **MINUTE.**

- 1.1 There had been circulated copies of the Minute of 12 May 2016.

### **DECISION**

#### **NOTED the Minute**

- 1.2 With regard to paragraph 3 of the Minute, the Chairman referred to a communication from the Estates Surveyor giving an update with regard to the Ladhope Tree Planting project. The planting design had been guided and approved by the Forestry Commission and the plans had been supported by the Langlee Community Woodland group. Detailed planting design in terms of proportion of each species was being finalised in order to input public consultation which was still to be arranged.

### **DECISION**

#### **NOTED**

## 2. **FINANCIAL MONITORING REPORT FOR 3 MONTHS TO 30 JUNE 2016**

There had been circulated copies of a report by the Chief Financial Officer providing details of the income and expenditure for the three months to 30 June 2016, full year projected out-turn for 2016/17 and projected balance sheet values as at 31 March 2017. Capital and Investments Manager, Kirsty Robb, highlighted the main points of the report and appendices. Appendix 1 to the report provided a projected Income and Expenditure position which showed a projected deficit of £55 for the year and a projected closing cash balance of £6,478. The projected Balance Sheet as at 31 March 2017, in Appendix 2 to the report, showed a projected decrease in the Revaluation reserves of £36,247 due mainly to the projected depreciation charge. Appendix 3 provided a breakdown of the property portfolio. There was no rental income and no property expenses for the properties owned by the Common Good. With regard to non-property related income, the proposed budget for 2016/17 was based on a distribution to 2.0% from the Newton Fund Investments which would be subject to the overall performance of the fund. An amount of £3,000 had also been projected for income received from donations from the Ladhope Estate and Ex Provost Mercer Bequest. There had been no requests for financial assistance as at 30 June 2016 leaving a total unallocated Grants budget of £2,000. The current position of the investment in the Newton Fund was shown in Appendix 4. The market value of Galashiels Common Good investments at 30 June 2016 had yielded a 6% unrealised gain on the total invested to date. Ms Robb advised that there would be a seminar for Trustees on 19 October 2016, at Council Headquarters. In addition to the presentation of the annual accounts for the charitable funds and an update on Trust reorganisation, the seminar would be attended by Newton Fund managers who would be available to answer questions.

## **DECISION**

- (a) AGREED the projected Income and Expenditure for 2016/17 in Appendix I to the report.**
- (b) NOTED within the appendices to the report:-**
  - (i) the projected Balance Sheet value as at 31 March 2017 in Appendix 2;**
  - (ii) the summary of the property portfolio in Appendix 3; and**
  - (iii) the current position of the investment in the Newton Fund in Appendix 4.**

### **3. APPLICATION FOR FINANCIAL ASSISTANCE**

There had been circulated copies of an application for financial assistance from Mr Ian Middlemass, on behalf of Reivers Sports Bar, Galashiels. A grant of £900 was requested to refurbish the pool tables at the Reivers Sports Bar and to improve the entrance to the hall to bring it up to a good standard. Mr Middlemass and Mr Kieren Riddell, attended the meeting to provide further information and answer Members' questions. Mr Middlemass explained that £6,000 had been invested in pool tables at the Reivers Sports Bar and that last year there had been 3 major pool competitions in which the best players in the UK had taken part. These competitions were of significant benefit to the local economy with the associated demand for accommodation and facilities. With the success of the competitions around £450 had recently been donated to local charities and there were plans in place to raise more money and to become self-sufficient. The pool tables were also used by local young people and people with special needs, with coaching being provided and junior competitions being planned. The room was fitted with CCTV. The popularity of the facility had led to the need to refurbish the tables. A committee and bank account had recently been set up and the group had also just affiliated with the Scottish Pool Association, with the result that the Reivers Bar was now on the Association's list of venues. In response to questions Mr Middlemass emphasised that there was no bar in the pool hall and no under-18s were allowed in the bar area. In this respect the room was the only facility available for young people to play pool within the Borders. Members indicated that they were in support of the development of this pool facility particularly as a resource for young people. However they were not comfortable with the application in its present form, were concerned that the group did not yet have a club or constitution and did not believe the Common Good Fund to be an appropriate source of funding. Mr Kenney advised the applicants to set up a club and to seek advice and affiliate with Club Sport Ettrick and Lauderdale. This would then entitle the club and members to access financial assistance that was on offer through various schemes. The Chairman thanked Mr Middlemass and Mr Riddell for attending and wished them well with their project.

## **DECISION**

### **AGREED:-**

- (a) to support in principle the development of a club to promote the sport of pool at the Reivers Sports Bar; but**
- (b) not to give a grant for the refurbishment of the pool tables as there would be more appropriate sources of funding available once the club was established.**

*The meeting concluded at 5.35 pm*

# SCOTTISH BORDERS COUNCIL EILDON AREA FORUM

MINUTE of Meeting of the EILDON AREA FORUM held in the Waverley Chambers, Transport Interchange, Galashiels on Thursday, 8 December 2016 at 6.30 pm

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- Present:- Councillors B White (Chairman), S. Aitchison, M Ballantyne (from para 2), G Edgar, I. Gillespie, B Herd, D. Parker, J. Torrance.  
Community Council representatives:- J. Hazle (Galashiels), T Cotter (Lilliesleaf, Ashkirk & Midlem), D & R Purvis (Tweedbank), J. Paton-Day (Earlston), J. Mackenzie (Stow). A. Smith (Lauderdale), R. French (Newtown & Eildon), Inspector A. Hodges (Police Scotland), J McLaren, Employee Director (NHS Borders).
- Apologies:- Councillors V. M. Davidson, J. Mitchell. Stephen Mitchell (Scottish Fire & Rescue Service). Ettrick & Yarrow Community Council, R. Kenney.
- In Attendance:- Neighbourhood Area Manager (C Blackie), Democratic Services Officer (F Walling).
- 18 members of public.

## 1. **MINUTE**

There had been circulated copies of the Minute of 8 September 2016.

### **DECISION**

**APPROVED for signature by the Chairman.**

## 2. **PARTNER UPDATES**

### 2.1 **NHS Borders**

In his update, Employee Director John McLaren firstly gave some statistics about waiting times for unscheduled care at the Borders General Hospital. For the most recent week for which data was available (w/e 27 November 2016) 94.3% patients were seen within 4 hours, which was slightly below the expected target of 95%. The equivalent figure for the previous week was 89.9%. Mr McLaren referred to the challenge of delayed discharge from the hospital and the pressures it created. He explained that delayed discharge was the term given to when a patient was clinically ready to move on to an appropriate care setting but where no such setting was available. During the w/e 27 November 2016 there were 34 patients unable to be discharged. The Health and Social Care Integrated Joint Board were carrying out a detailed piece of work to address this challenge. Mr McLaren went on to explain about the 'tree of light' at the Borders General Hospital. NHS Borders were inviting people to dedicate a light on the special Christmas tree outside the Chaplaincy Centre to honour those people who were in their thoughts and memories. In conclusion of his report Mr McLaren referred to the Scottish Health Awards 2016 held in November and congratulated three of the finalists who were from the Scottish Borders, namely Clare Gillespie (Therapist); Isobel Burton (Dentist); and Dr Ruth Dorward (Doctor). Mr McLaren answered questions which were in particular about the difficulty of recruiting doctors across the country and the development of allied health practitioners to complement the work of GPs.

### 2.2 **Police Scotland**

Inspector Tony Hodges gave a verbal report and answered questions on issues raised. In particular there were questions and discussion about the recently introduced smoking ban in cars where there were children aged 18 years or under present. Inspector Hodges confirmed that this ban did not include the smoking of e-cigarettes. Questions were also asked about policy in relation to the issue of parking tickets.

### 2.3 **Scottish Fire and Rescue Service**

Recently appointed Station Manager at Galashiels, Stephen Mitchell, was unable to attend the meeting but had forwarded a written report. This highlighted Scottish Fire and Rescue Service (SFRS) activity in the Eildon area since the last meeting of the Area Forum. Following a summary of Response and Resilience activity the report went on to list and detail areas of partnership working and ongoing Prevention and Protection work in the Eildon area. As in all local stations SFRS staff provided home fire safety visits all year round. These focussed on identifying and reducing the risks of fire in the home. Smoke detectors with a 10 year battery life were provided as part of this free service. Following the partnership working with TD1 and Community Learning Development delivering the pilot diversionary project for youths through the holidays, which was referred to in the last report, SFRS were exploring the potential benefits to individuals involved through longer term mentoring. For Primary 6 pupils, the initiative Firesharp provided face to face education within local primary schools on matters of fire risk and prevention. Moving into winter the community safety calendar and thematic action plan would focus activities on the following areas: winter and festive safety; chimney safety, stoves and carbon monoxide; use of candles and tea lights; alcohol, cooking and smoking; and vulnerable persons.

#### **DECISION**

**NOTED the updates.**

### 3. **REQUEST FOR CONFIRMATION OF STOPPING UP ORDER FOR PART OF A708 AT CORBY LINN, SELKIRK**

There had been circulated copies of a report by the Service Director Assets and Infrastructure seeking approval of the Stopping-Up order for part of the A708 at Corby Linn, Selkirk. The report explained that part of the northern branch of the A708 by Corby Linn, Selkirk, had been removed as part of the Selkirk Flood Protection Scheme. Traffic was now routed along the southern branch of the A708 following recent improvements to the local road network. The works detailed were not covered by the Flood Risk Management (Scotland) Act 2009 under which the Selkirk Flood Prevention Scheme was being undertaken, therefore a retrospective Stopping-Up Order was required to formalise the works which had been undertaken to date. A plan showing the area in question was included in an appendix to the report.

#### **DECISION**

**AGREED:-**

- (a) **to approve the stopping-up of part of the A708 at Corby Linn, Selkirk, this being a length of approximately 52 metres as shown in the appendix to the report.**
- (b) **to delegate authority to confirm the Order to the Council's Chief Legal Officer, subject to there being no substantive objections.**

### 4. **SPEED LIMIT REVIEW 2016**

There had been circulated copies of a report by the Chief Officer, Roads, proposing to extend the 30 mph speed limit on Haughhead Road, Earlston. The report explained that a Scottish Borders-wide Speed Limit Review had been carried out in 2015 to consider the representations which had been made or on sites which officers had identified as warranting investigation. Haughhead Road, Earlston was assessed and did not meet the criteria set out by the Scottish Government for a lower speed limit. However further



concerns were received from members of the public and it was agreed to re-engage with Police Scotland and recommend the extension of the 30 mph speed limit. The extent of the proposed speed limit was shown in Appendix A to the report and described in Appendix B. Statutory consultation on the proposals was carried out and no comments or objections were received during this period.

#### **DECISION**

**AGREED to approve the amendment to The Scottish Borders Council Restricted Roads Order 1985 to include the section of road shown in Appendix A and described in Appendix B to the report.**

#### **5. DISABLED PERSONS PARKING PLACES - TRAFFIC REGULATION ORDER**

There had been circulated copies of a report by the Chief Officer, Roads, proposing amendments to The Scottish Borders Council (Disabled Persons Parking Places) Order 2015. The report explained that The Disabled Persons Parking Places (Scotland) Act 2009 imposed a duty on Local Authorities to provide advisory on-street parking places for disabled persons. Since the Traffic Regulation Order was prepared and advertised a number of disabled bays were not now required and had been brought to the Council's attention for removal. These bays would not be included in the final TRO and were shown as struck off in the draft schedule included as an appendix to the report. Statutory consultation on the proposals had been carried out and no adverse comments or objections were received.

#### **DECISION**

**AGREED to approve the amendment to the Scottish Borders Council (Disabled Persons Parking Places) Order 2015 in respect of disabled parking places in the Eildon Area listed in Appendix A to the report (as amended by removals).**

#### **6. SMALL SCHEMES AND QUALITY OF LIFE PROJECTS**

Neighbourhood Area Manager, Craig Blackie, gave a verbal update on the progress of schemes and projects under the Small Schemes and Quality of Life budgets. He advised that there was less than £1,700 remaining from the total of £74,000 in the Small Schemes budget for the Eildon area. With regard to the Quality of Life budget there remained £4,700, £640 and £900 in the Galashiels & District, Leaderdale & Melrose and the Selkirkshire wards, respectively. Councillor Parker welcomed the fact that Councillors and Community Councillors had identified worthwhile projects of community benefit on which to spend this money. It was noted that there were projects in mind on which to spend the remaining funds.

#### **DECISION**

**NOTED the update.**

#### **7. COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015**

Shona Smith, from the Communities and Partnerships Team, was in attendance to give a presentation on the Community Empowerment (Scotland) Act 2015. In her introduction Ms Smith advised that although the Act received Royal Assent on 24 July 2015 it was recognised that further regulations and guidance were required for most parts of the legislation. The Act was made up of 11 parts. The presentation highlighted the main sections. Part 2 was about Community Planning and more specifically local organisations working to benefit the local community. This would be done through joint working, agreeing joint policies and making sure partners knew what each other was doing. Community Planning Partners who had a statutory duty in this regard were Scottish Fire and Rescue Service, Police Scotland, NHS Borders, Scottish Enterprise and Scottish Borders Council. The Local Outcomes Improvement Plan (LOIP), which replaced Single Outcome Agreements, would contain the outcomes for the Scottish Borders that were a priority for the Community Planning Partnership. Appropriate community groups must be consulted when developing the LOIP. Subject to the approval of the Scottish Parliament the legislation would come into force on 20 December 2016. Locality plans focused on

smaller areas, one of these being Eildon, and again appropriate community groups must be consulted as part of their development. Part 3 of the Act concerned Participation Requests. Ms Smith explained that a Participation Request was a request from the community that asked for them to be involved in a process that would improve an outcome about which they would specify. Under Part 4 of the Act communities with populations over 10,000, such as Hawick and Galashiels, would be able to use community right to buy. Although there was previously a right to buy the Act would enable more community groups to buy land in this way. Part 5 of the Act concerned Asset Transfer Requests. Public Authorities would be required to publish a register of their assets. Under the legislation a group would be able to make a request for the sale or lease of any land or building owned by a public authority. Subject to approval of the Scottish Parliament, the legislation would come into force on 23 January 2017. With regard to Common Good property, under Part 8 of the Act, all Councils would have to create and publish a list of all common good property. Councils would have to consult with Community Councils and other community groups before selling or changing the use of any common good property. Part 9 of the Act concerned allotments and set out a standard size of 250 square metres. Public decision making was covered in Part 10 of the Act. This would give Scottish Ministers the power to require that public authorities, such as Scottish Borders Council, promoted and supported the involvement of the community in the decisions and activities of the organisation. However, at present, the Ministers had not set out exactly what this would mean but reserved the right to do so at a later date. In response to a question about financial implications associated with implementation of the Act, Ms Smith explained that although there was no specific funding there was a recognised shift of funding from public bodies to community partners.

#### **DECISION**

**NOTED the presentation.**

#### **8. ALLOCATION OF HOUSING IN THE SCOTTISH BORDERS - EILDON AREA**

The Lead Officer Plans and Research, Charles Johnston, gave a presentation to the Area Forum on the Council's response to the requirement from Scottish Government to propose sites to meet housing requirement. Mr Johnston explained that, following an examination report, there had been an identified shortfall of 916 units in the Scottish Borders. The reporter's recommendations had been incorporated in the Local Development Plan adopted in May 2016. There had been 165 sites assessed in total, including those put forward by third parties and those identified in the Local Development Plan. Following detailed assessment of potential sites and consultation with internal and external parties a number of "preferred" and "alternative" sites were identified. On 10 November 2016 Council had approved a draft Supplementary Guidance identifying proposed sites. There would be a public consultation period on the draft Supplementary Guidance running from 5 December 2016 to 30 January 2017 which would refer to preferred sites, alternative sites and proposed site requirements. The presentation went on to show the locations of the identified sites within the central areas of the Borders, giving details of the indicative capacity of each and the particular site requirements. In terms of preferred sites there were 3 in Galashiels providing a total of 50 units, 1 in Newstead providing 6 units, 2 in Selkirk providing 105 units and 1 at Tweedbank providing 300 units. In respect of alternative sites there was 1 in Galashiels providing 26 units, 1 in Newstead providing 23 units and 2 in Selkirk providing a total of 27 units. Mr Johnston advised that the full draft Supplementary Guidance and further information was available to view on the Council's website and he gave details of where to send responses to the public consultation, the principle way being by email to [localplan@scotborders.gov.uk](mailto:localplan@scotborders.gov.uk). He confirmed that all responses would be considered and an update of the findings and conclusions referred back to elected Members in the Summer of 2017. Mr Johnston then answered questions about the specific sites identified.

#### **DECISION**

**NOTED the presentation.**

9. **YOUTH RURAL POVERTY AND HOMELESSNESS IN GALASHIELS**

The Chairman welcomed to the meeting Yvonne Smith and two young people from the Galashiels based TD1 Youth Hub. Ms Smith explained that she was a 4<sup>th</sup> year student at Queen Margaret's University and, with a scholarship from the Carnegie Trust, was carrying out a study of youth rural poverty and homelessness in Galashiels. She added that she was from Galashiels, although not currently living there at present. Ms Smith had worked closely with young people from TD1 and, as part of the study had given them a camera and asked them to take photographs of what they saw in Galashiels. The photographs taken were shown in a presentation. Whilst viewing the slides, which focused on areas of neglect around the town, Members noted the content but expressed concern, questioning how these were linked to the issues of rural poverty and homelessness. Ms Smith emphasised that the pictures were examples of what was seen in Galashiels through the eyes of the young people concerned and that the young people often felt that their voice was not heard. In the discussion that followed, the Galashiels Councillors offered to meet Ms Smith and the young people from TD1 Youth Hub to discuss, in an informal setting, the issues that they wished to raise about the town. It was agreed that the Democratic Services Officer would email Ms Smith asking her to contact the Councillors with a view to arranging a meeting with the young people.

**DECISION  
NOTED:-**

- (a) **the presentation; and**
- (b) **that the Democratic Services Officer would email Ms Smith asking her to contact the Galashiels Councillors with a view to arranging an informal meeting with the young people from the TD1 Youth Hub to discuss the issues they wished to raise.**

10. **COMMUNITY COUNCIL SPOTLIGHT**

Lilliesleaf, Ashkirk and Midlem Community Councillor, Tom Cotter, drew attention to concerns raised locally about excessive speed of vehicles through the village of Midlem and asked at what stage further action should be taken to address this. The Chairman suggested that Mr Cotter should contact the police in Selkirk and also raise the issue with the local elected Members. In response to a question from Newtown and Eildon Community Councillor Roger French, about the feasibility study being carried out in relation to the extension of the Borders Railway, Councillor Parker advised that work was being carried out by Transport Scotland and that it was hoped there would be a public consultation later next year.

**DECISION  
NOTED.**

11. **OPEN QUESTIONS**

There were no open questions.

**DECISION  
NOTED.**

12. **REQUESTS FOR FUTURE AGENDA ITEMS**

No items were brought forward.

**DECISION  
NOTED.**

13. **DATE OF NEXT MEETING**

The next meeting would be held on Thursday 9 March 2017 at 6.30 pm at the Transport Interchange, Galashiels.

*The meeting concluded at 8.05 pm*

# SCOTTISH BORDERS COUNCIL TEVIOT AND LIDDESDALE AREA FORUM

MINUTES of Meeting of the TEVIOT AND LIDDESDALE AREA FORUM held in Lesser Hall, Town Hall, Hawick on Tuesday, 13 December 2016 at 6.30 pm

Present:- Councillors: G Turnbull (Chairman), S Marshall, W McAteer, D Paterson, R Smith, Community Councillors Mr C Griffiths (Hobkirk).  
Apologies:- Councillor A Cranston, Community Councillor Mrs M Short (Hawick).  
In Attendance:- Neighbourhood Area Manager (Mr F Dunlop), Station Manager Mr R Bell (Scottish Fire and Rescue Service), Inspector Carol Wood (Police Scotland), Democratic Services Officer (J Turnbull).  
Members of the Public 7

## 1. ORDER OF BUSINESS

The Chairman varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting.

## 2. MINUTE

There had been circulated copies of the Minute of the meeting held on 15 November 2016.

### DECISION

**AGREED to approve the Minute.**

## 3. MATTERS ARISING FROM THE MINUTE

With regard to paragraph 13 of the Minute of 15 November 2016, Councillor Smith advised that seven young people had been invited to participate in Bailleul's 50<sup>th</sup> anniversary celebrations. There had been no interest received as yet; if anyone was interested they should contact Councillor Smith.

### DECISION

**NOTED.**

## 4. DISABLED PERSONS PARKING PLACES - TRAFFIC REGULATION ORDER

With reference to paragraph 5 of the Minute of 21 April 2015, there had been circulated copies of a report by the Chief Officer, Roads which proposed to amend the Scottish Borders Council (Disabled Persons Parking Places) Order 2015. The report explained that since the original Order in 2015 a number of additional requests had been received, as well as bays which were no longer required and had been removed. The report detailed the amendments within the Teviot and Liddesdale area as part of a region-wide Traffic Regulation Order (TRO) (omitting those which were no longer required since the beginning of consultation). Ms S Elliot was in attendance and advised that since the TRO had been prepared and advertised, a number of disabled bays were no longer required and had been brought to officers' attention for removal. These bays would not be included in the final TRO and were shown as struck off in the draft schedule shown in Appendix A to the report circulated with the Agenda.

### DECISION

**AGREED to approve the amendment of disabled parking places in the Teviot and Liddesdale Area listed in Appendix A to the report (as amended by removals) to The Scottish Borders Council (Disabled Persons Parking Places) Order 2015.**

## 5. **COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015**

5.1 Ms Shona Smith, from the Communities and Partnerships Team, was in attendance to give a presentation on the Community Empowerment (Scotland) Act 2015. In her introduction, Ms Smith advised that although the Act received Royal Assent on 24 July 2015, it was recognised that further regulations and guidance were required for most parts of the legislation. The Act was made of 11 parts. Part 2 of the Act was about Community Planning and more specifically local organisations working to benefit the local community. This would be carried out through joint working, agreeing joint policies and making sure partners knew what each other was doing. Community Planning Partners, who had a statutory duty, were Scottish Fire and Rescue Service, Police Scotland, NHS Borders, Scottish Enterprise and Scottish Borders Council. The Local Outcomes Improvement Plan (LOIP) replaced Single Outcome Agreements. The LOIP would contain the outcomes for the Scottish Borders that were a priority for the Community Planning Partnership. Appropriate community groups must be consulted when developing the LOIP. Subject to the approval of Scottish Parliament the legislation would come into force on 20 December 2016.

5.2 Locality plans focused on smaller areas, one of these being Teviot, and again appropriate community groups must be consulted. Part 3 of the Act concerned Participation Requests. Ms Smith explained that a Participation Request was a request that could be made by a community participation body which believed it could improve the outcome of a service. The request must be agreed unless there were reasonable grounds for refusal. It was hoped that this part of the Act would come into force in February/March 2017. Part 4 of the Act dealt with Community Right to Buy. Ms Smith explained that communities, with populations over 10,000, would now be able to use Community Right to Buy. Part 5 of the Act was regarding Asset Transfer requests. Assets were land or buildings owned by public authorities. Public authorities would be required to publish a register of their assets; Scottish Borders Council had published their register on their website. Ms Smith went on to explain that a group could request to buy or lease land from a public authority if it had a written constitution, was open to anyone in the community, was community led and was for the benefit of the community. This part of the Act would come into force on 23 January 2017. Part 8 of the Act was the requirement for all Councils to publish a list of all their Common Good properties, Councils would have to consult with community councils or other community groups before selling or changing the use of any of their Common Good properties. Part 9 of the Act deal with allotments. The Act set out a standard size of 250 square metres for an allotment. Applications for allotments would be required to be submitted in writing. Part 10 was in respect of public decision making. This part of the Act would give Scottish Ministers the power to require that public authorities, such as SBC, promoted and supported the involvement of the community in the decision and activities of the organisation. To conclude her presentation, Ms Smith advised that further information on the Act could be found on the website at: [communityengagement@scotborders.co.uk](mailto:communityengagement@scotborders.co.uk)

5.3 There followed a discussion on allotments. Ms Smith advised that SBC were trying to encourage people to take up allotments. However, there was little interest. Members noted that the Act gave power to communities and would be an opportunity for them to become actively involved to benefit their community. However, it was highlighted that many communities would need support and guidance. Ms Smith confirmed that officers would be available to give advice and to attend community council meetings if required. Ms Smith added that there would also be changes to the granting of Community Choice funding as it would no longer be controlled by local authorities. The part of the Act relating to Common Good properties was discussed and Ms Smith advised that community groups required to be consulted before SBC made any changes or sold a Common Good properties. She suggested that community groups be involved in any conversations around decisions involving Common Good properties. Community groups would also be able to participate in the decisions affecting their community, for example, SBC's budget setting process. In answer to a question regarding the former Hobkirk Primary School building, Ms Smith advised that each Asset Transfer request would be

dealt with on an individual basis. Consideration as to funding, what services the community council proposed to provide, operational control and maintenance of the asset would need to be established. The Communities and Partnership Team would be available to give advice and guidance on the procedure to follow. The Chairman thanked Ms Smith for the informative presentation.

**DECISION**

**NOTED the presentation.**

**6. NEIGHBOURHOOD SMALL SCHEMES AND QUALITY OF LIFE**

With reference to paragraph 7 of the Minute of 15 November 2016, there had been circulated a report by Service Director Neighbourhood Services seeking approval for proposed new Neighbourhood Small Schemes and Quality of Life Schemes from the Area Forum. The following Neighbourhood Small Schemes had been requested for consideration by Teviot and Liddesdale Members: installation of drop kerbs at the entrance to Wilton Park Road and adjacent to the main entrance to Wilton Lodge Park, Hawick; installation of drop kerbs at the entrance to Murray Place, Denholm; and installation of timber fencing to create a bin storage area at Wilton Crescent, Hawick. The following Quality of Life Scheme had been requested for consideration by Members: financial contribution to Escape Youth Services towards their delivery of the Hawick Music Initiative project.

**DECISION**

**(a) AGREED the following new Neighbourhood Small Schemes for implementation:-**

- (i) Installation of drop kerbs at the entrance to Wilton Park Road and adjacent to the main entrance to Wilton Lodge Park, Hawick, £2,370**
- (ii) Installation of drop kerbs at the entrance to Murray Place, Denholm; and £1,760**
- (iii) Installation of fencing to provide a bin storage area At Wilton Crescent, Hawick. £1,143**

**(b) AGREED a financial contribution from the Quality of Life Scheme to Escape Youth Services towards their delivery of the Hawick Music Initiative project. £2,500**

**(c) NOTED:-**

- (i) the updates on previously approved Neighbourhood Small Schemes as detailed in Appendix A to the report; and**
- (ii) the updates on previously approved Quality of Life Schemes as detailed in Appendix B to the report.**

**7. POLICE SCOTLAND**

**7.1** Inspector Carol Wood, Police Scotland, was in attendance to update the Teviot and Liddesdale Area Forum on performance, activities and issues across the Ward. A report had been circulated prior to the meeting. The Ward Plan Priorities for Teviot and Liddesdale were highlighted as Drug Dealing and Misuse, Road Safety, Violent Crime and Antisocial Behaviour. In summary, Inspector Wood reported that with regard to the Drug Dealing and Misuse priority, two males had been found in possession of a class B drug and had been dealt with and reported accordingly. A 43 year old female was reported for the possession of a class B drug following a drugs house search. A 19 year old male had been arrested for an offence and once in custody was found in possession of a quantity of

tablets. It was suspected these tablets were class C prohibited substance and once analysed, the relevant charges would be preferred against the male. Police Scotland continued to receive intelligence from the public in relation to drug matters and encouraged this. Completely anonymous information could be left on Crimestoppers on 0800 555 111.

- 7.2 In terms of the Road Safety priority, Community officers continued to give attention to areas where they had received complaints of speeding and inconsiderate driving. Officers patrolled in identified locations and carried out periodic road checks to positively influence driver behaviour. Officers would continue to educate drivers at every opportunity and communicate with young drivers who travelled to meeting points to meet with friends and other car enthusiasts. Officers paid particular attention to these drivers and the vehicles and thorough examinations were conducted of their vehicles to ensure compliance with road vehicle construction and use regulations. It was essential that complaints about driving behaviour were notified to the police via 101 at any time.
- 7.3 Tragically, a fatal accident occurred on the evening of Saturday 19 November on the A698 at Knowesouth. A full traffic collision investigation had been carried out in an effort to establish the cause of the accident. Information gleaned from this would have a bearing on any future discussions on actions needed to be taken at this location.
- 7.4 Vehicles continued to receive parking tickets in the 30 minute zone in Hawick High Street, North Bridge Street and O'Connell Street. The police would give illegal parking attention whenever possible. Other incidents included a charge of dangerous driving and four incidents of driving without insurance. There were also two fixed penalty tickets issued for the use of a mobile phone whilst driving and one for speeding. The National Festive Drink Driving campaign was underway. There would be an increase in road checks throughout the day and night in order to deter drink driving and detect those who continued to drive under the influence. The public were encouraged to report drink drivers either to the police on 101 or Crimestoppers on 0800 555 111.
- 7.5 In respect of the Violent Crime priority there were no robberies reported during November. However, there were two serious assaults. Four males had been charged with an assault on 12 November at North Bridge Street and reported to the Procurator Fiscal.
- 7.6 With regard to Antisocial Behaviour, police continued to give attention to the Howegate area at weekends and at other areas where youth problems had been reported. Throughout November there were eight official police warnings given for antisocial behaviour and two fixed penalty tickets issued.
- 7.7 The Police continued to ask communities to contribute to the Your View Counts consultation. The online consultation was open all year. The link for the survey is <https://www.surveymonkey.co.uk/r/8LMB9WX>
- 7.8 There followed a discussion and Members highlighted that parked cars were affecting businesses on the High Street. There was also concern with speeding in the Burnfoot area and litter at The Haugh. In answer to questions, Inspector Wood advised that the police required a specific complaint to enable investigation of CCTV. With regard to the traffic at The Loan and the safety of children, this was being investigated and there would be a discussion when the results from the speed monitoring equipment had been analysed. The school have also given parents safety messages. The new CCTV equipment was working and had a wide coverage. There would be increased foot patrols in the area and any beggars would be dealt with.

## **DECISION**

**NOTED the report.**



## 8. **ALLOCATION OF HOUSING IN THE SCOTTISH BORDERS - TEVIOT AND LIDDESDALE AREA**

- 8.1 The other presentation of the evening was from Mr Charles Johnston, Principal Officer – Plans & Research Environment and Infrastructure. Mr Johnston began by stating that his presentation detailed the Council's requirement for proposed housing sites to meet housing land requirements. The Council had approved draft Supplementary Guidance (SG) identifying proposed sites on 10 November to go out for public consultation. Mr Johnston advised that the Reporter from Scottish Government had identified a shortfall in housing in the Scottish Borders of 916 units. He explained that the criteria set for housing land included that the development should be in keeping with the settlement and local area and that the required infrastructure was either committed or would be funded by the developer. Five or more units were required for the site, developer interest, infrastructure issues, transport, and contamination assessment were also key considerations. A call for sites had identified 113 sites which had been submitted from third parties; 165 sites had been assessed in total. Stage 1 of the assessment of the site was the initial Red Amber Green (RAG) assessment which was against set criteria and this process had eliminated some sites. Stage 2 was a detailed assessment of potential sites and consultation with internal and external parties. Stage 3 was the identification of preferred and alternative sites. The Reporter had now confirmed that 811 units were required in the Scottish Borders. The units had been identified approximately as follows: 60% in the Central Borders, 20% in Berwickshire and 20% in Northern Scottish Borders. Mr Johnston further advised that finding new sites had been challenging and the process generated a range of opinions.
- 8.2 Mr Johnston went on to discuss the sites that had been identified in the Teviot and Liddesdale area. The first preferred site he discussed was at Leishman Place. This site had a five unit capacity and had been suggested by a Housing Association. Another preferred site was at Henderson Road, with the capacity for six units. The next preferred site was at Fairhurst Drive. This would be a redevelopment site with 10 units. The final site was an alternative site – a longer term project, this was 60 units at Burnfoot. There were issues in addressing the water course within this site. Mr Johnston went on to advise that there were already a number of sites which had previously been identified in the area that had not been taken forward.
- 8.3 Mr Johnstone concluded his presentation by stating that the public consultation on the draft SG had begun and would end on 30 January 2017. All responses would be considered by the Planning Policy and Access Team and there would be further internal consultation/discussion on any issues raised. Responses on the consultation could be sent to [localplan@scotborders.gov.uk](mailto:localplan@scotborders.gov.uk) or to the Team at Council Headquarters. Mr Johnstone would also be pleased to assist with any queries on the process, his telephone number was 01835 826671. The Chairman thanked Mr Johnston for the interesting presentation.

### **DECISION**

**NOTED the presentation.**

## 9. **SCOTTISH FIRE & RESCUE SERVICE**

- 9.1 There had been circulated a report from Station Manager Russell Bell, Hawick Fire Station, presenting information on response and resilience activities for the month of November 2016. In summary, Mr Bell reported that during the period of the report there had been one house fire (small fire in kitchen extinguished by removal); two open fires (one woodland deliberate and one outdoor faulty electrical equipment); five Special Service occurrences and eight Unwanted Fire Alarm Signals. In relation to Water Rescue training, the station had now received a dedicated Mercedes Sprinter van with towing trailer and boat to allow a full deployment to a water rescue incident. Once training was completed, a live status would be placed against Hawick as a Water Rescue Station. The high volume pump which had previously been reported to be leaving Hawick, would remain until the required training had been carried out at its new destination (Dundee).

- 9.2 Fire prevention and protection activity ongoing within the Teviot and Liddesdale area included: Road safety awareness training, a classroom based consequence giving a demonstration of a road traffic collision scene detailing the crew's responsibilities, actions and techniques. Driving Into the Future which was an initiative at educating new/potential drivers. This initiative had been running at Hawick High School and had received encouraging feedback from both students and staff. Firesharp which was for Primary 6 pupils, providing face to face education on fire risk and prevention. Mr Bell further advised that the Out of Hospital Cardiac Arrest extended trial period had now ended. A report had been passed to the Scottish Fire and Rescue Service's Strategic Leadership Team with recommendations that trial stations continued to offer the service and that it was rolled out to all stations in Scotland via a three year delivery plan.

**DECISION  
NOTED.**

10. **OPEN QUESTIONS**  
There were no open questions.

**DECISION  
NOTED.**

11. **COMMUNITY COUNCIL SPOTLIGHT**

- 11.1 Hobkirk Community Councillor Mr Cliff Griffiths, expressed concern that it had been reported that there had been discussion regarding the rerouting of heavy traffic from Towerdyke to Bonchester Bridge. The discussion had taken place without consultation with Hobkirk Community Council or Ward Elected Members. Mr Griffiths added that there would be a major problem in altering the junction and an impact on the nearby falconry business. The Ward Councillors added that this was a road safety issue and there were a number of considerations. There had been no consultation and it would appear that the proposal would move heavy traffic to another area without considering the impact. Councillors Turnbull and Smith advised that they had been acting in their role as representatives on the Timber Transport Group. The issue had been raised at the September Area Forum following a presentation from Mr James England, South of Scotland Timber Transport Officer and they had pursued with Mr England following the meeting. The discussion had been around the funding for a feasibility study and all considerations would be looked at during the study.

- 11.1 Mr Griffiths further advised that Hobkirk where setting up a Community Trust, they were at the early stages as there were issues with the electoral register. Another response had been received from a windfarm developer.

**DECISION  
NOTED the report.**

12. **DATE OF NEXT TEVIOT AND LIDDESDALE AREA FORUM MEETING**  
The next meeting of the Teviot and Liddesdale Area Forum was scheduled for Tuesday, 17 January 2017 at 6.30 pm in the Lesser Hall.

**DECISION  
NOTED.**

***The meeting concluded at 8.25 pm***

# SCOTTISH BORDERS COUNCIL

## LAUDER COMMON GOOD FUND SUB-COMMITTEE

MINUTES of Meeting of the LAUDER  
COMMON GOOD FUND SUB-COMMITTEE  
held in The Leader's Office, Council  
Headquarters, Newtown St Boswells on  
Wednesday, 14 December 2016 at 2.00 pm

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Present:- Councillors D. Parker (Chairman), I. Gillespie and J. Torrance.  
Apologies:- Community Councillor A. Smith  
In Attendance:- Capital and Investment Manager (K Robb), Principal Solicitor (H MacLeod),  
Estates Manager (N Hastie), Democratic Services Officer (P Bolson).

### 1. **MINUTE**

There had been circulated copies of the Minute of 2 August 2016.

### **DECISION**

**NOTED for signature by the Chairman.**

### 2. **LAUDER COMMON LAND - CONSIDERATION FOR TREE PLANTING**

The Chairman welcomed Mr David Kennedy, Woodland Officer with the Forestry Commission and Mr Hugh Chalmers from the Tweed Forum who were in attendance to provide Members with information about the opportunity to plant trees on areas of Lauder Common land. Members were advised that the Forestry Commission was working to a strong agenda for tree planting at the current time, with the existing grant scheme attracting EU Funding of 50% at the current time. Mr Kennedy explained the environmental benefits of planting, such as provision of shelter for wildlife, improved management of river flow and pollution control. In terms of costs to the landowner, this was very much dependent on the scale and type of planting as detailed in the Appendix to this Minute. Mr Chalmers went on to explain the process for submitting an application to the Forestry Commission and confirmed that a number of plantings had taken place across the Borders. In response to a question from Members on the level of maintenance that would be necessary for new plantings, Mr Kennedy explained that the initial maintenance would normally last for between 5 and 10 years and grants could be available during the first 5 years. Grants could also be available to local communities to develop walkways and paths within the plantings however, it was noted that the population of Lauder did not meet the required criteria for this funding. Further questions arose in terms of ownership of the tree harvest when the planting was on Common Good land. Following discussion, Members agreed that more specific information was required and Mr Kennedy was therefore invited to develop a formal proposal for consideration at a future meeting of the Lauder Common Good Fund Sub-Committee. The proposal should include data to allow potential legal and planning issues to be addressed in advance of any formal consultation with Lauder Community Council and the wider community. The Chairman thanked Mr Kennedy and Mr Chalmers for their attendance.

(a) **NOTED the presentation.**

(b) **AGREED to receive a formal proposal from Mr Kennedy, Woodland Officer with the Forestry Commission in respect of tree planting on Lauder Common Good land for consideration.**

### 3. **FINANCIAL MONITORING REPORT FOR PERIOD TO 30 SEPTEMBER 2016.**

There had been circulated copies of the Monitoring Report for the period to 30 September 2016 along with the full year projected out-turn for 2016/17 and projected balance sheet values as at 31 March 2017. Appendix 1 to the report provided a projected Income and Expenditure and showed a projected surplus of £50 for the year. The projected balance

sheet at Appendix 2 showed a projected decrease in the level of reserves of £11,443. The property portfolio was detailed in Appendix 3, presenting a projected rental income of £10,965 for 2016/7 and actual property expenditure of £3,306 for the period of the report. The increase from the total cash invested in the Newton Fund up to 30 September 2016 stood at £18,940 and details were included in Appendix 4 to the report. Ms Robb advised Members that further return on investment had been received since the report was circulated and these would be included in the next monitoring paper to the Sub-Committee. Ms Robb further advised that there were no officer concerns in relation to the Newton Fund. Following discussion, it was agreed that a further £10,000 be invested in the Newton Fund with immediate effect.

(a) **NOTED:-**

- (i) **the projected balance sheet value as at 31 March 2017 as detailed in Appendix 2 to the report;**
- (ii) **the summary of the property portfolio as detailed in Appendix 3 to the report; and**
- (iii) **the current position of the investment in the Newton Fund as detailed in Appendix 4 to the report.**

(b) **AGREED:-**

- (i) **the projected Income and Expenditure for 2016/17 as detailed in Appendix 1 to the report; and**
- (ii) **that a further £10,000 be invested in the Newton Fund with immediate effect.**

4. **APPLICATION FOR FINANCIAL ASSISTANCE**

The Chairman agreed that an Application for Financial Assistance on behalf of Lauder Amateur Dramatic Society be considered under Urgent Business. The application was on behalf of Lauder Amateur Dramatic Society for £500 to assist with the cost of staging the annual production by the Society. The application explained that year on year, costs had been rising and in addition, the show being produced in March 2017 required a more complicated stage setting which would require a higher outlay by the Society. In considering the application, Members noted that the accounts submitted were for 2015 and Members were of the opinion that more up to date accounts were required prior to any financial assistance being released. It was agreed, therefore, that subject to Lauder Amateur Dramatic Society providing the required up to date accounts, financial assistance in the sum of £500 would be granted to Lauder Amateur Dramatic Society.

**DECISION**

**AGREED that, subject to Lauder Amateur Dramatic Society providing the required up to date accounts, financial assistance in the sum of £500 would be granted to Lauder Amateur Dramatic Society.**

5. **NEXT MEETING**

Members noted that the next meeting of Lauder Common Good Fund Sub-Committee would take place on Tuesday 21 February 2017.

***The meeting concluded at 2.55 pm***

**SCOTTISH BORDERS COUNCIL**  
**CIVIC GOVERNMENT LICENSING COMMITTEE**

MINUTE of Meeting of the CIVIC  
GOVERNMENT LICENSING COMMITTEE  
held in COMMITTEE ROOMS 2 AND 3,  
COUNCIL HEADQUARTERS, NEWTOWN  
ST BOSWELLS on Friday, 16 December  
2016 at 10.50 a.m.

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Present:- Councillors W. Archibald (Chairman), J. Campbell, B. Herd, G. Logan,  
D. Paterson, R. Stewart, T. Weatherston, B. White.  
Apologies:- Councillor J. Torrance, J. Greenwell.  
Absent:- Councillor R. Stewart.  
In Attendance:- Managing Solicitor – Property and Licensing, Licensing Team Leader,  
Licensing Standards and Enforcement Officers (Mr M. Wynne and Mr I.  
Tunnah, Democratic Services Officer (F Henderson), Inspector T. Hodges,  
P.C. C. Lackenby - Police Scotland.

1. **MINUTE**

The Minute of the Meeting of 18 November 2016 had been circulated.

**DECISION**

**APPROVED and signed by the Chairman.**

2. **LICENCES ISSUED UNDER DELEGATED POWERS**

There had been circulated copies of lists detailing the Civic Government and Miscellaneous Licences issued under delegated powers between 10 November 2016 and 7 December 2016.

**DECISION**

**NOTED.**

**STANDARD OF MEDICAL ASSESSMENT – WORKING GROUP FINDINGS**

3. There had been circulated copies of a briefing note by Mr Kirk, the Managing Solicitor which updated members on the finding of the working group set up by the Committee to assess the need to implement a policy to follow in connection with the standard of medical assessments to be undertaken by taxi drivers and private hire drivers. The briefing note explained the background to the establishment of the Working Group and the Working Group findings. The Committee considered the briefing note and agreed that a report and policy would be brought to a future meeting for consideration and recommendations.

**DECISION**

**AGREED that a report and draft policy be brought to a future meeting for consideration and recommendation to Council.**

4. **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 they involved the likely disclosure of exempt information as defined in paragraph 12 of part 1 of Schedule 7A to the Act.**

## **SUMMARY OF PRIVATE BUSINESS**

1. **GRANT OF TAXI DRIVER LICENCE – MICHAEL McCANN**  
The Committee noted that Mr McCann had withdrawn his application.

### **MINUTE**

2. The Private section of the Minute of 18 November 2016 was approved.

*The meeting concluded at 11.10 a.m.*

# SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW  
BODY held in the Council Chamber, Council  
Headquarters, Newtown St Boswells, TD6  
0SA on Monday, 19 December 2016 at  
10.00 am

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Present:- Councillors R. Smith (Chairman), J. Brown (Vice-Chairman), M. Ballantyne,  
J. Campbell, J. A. Fullarton, I. Gillespie, D. Moffat, S. Mountford and B White

In Attendance:- Chief Planning Officer, Managing Solicitor – Property and Licensing,  
Democratic Services Officer (F. Walling).

## 1. **REVIEW OF APPLICATION 16/00844/FUL**

There had been circulated copies of the request from Mr J M and R Bayne, per Ferguson Planning, 54 Island Street, Galashiels, to review the decision to refuse the planning application in respect of the erection of 2 No. dwellings for holiday let and associated infrastructure works on land north west of 4 Rink Farm Cottages, Galashiels. Included in the supporting papers were the Decision Notice; Notice of Review; officer's report; consultations; and a list of relevant policies. In an initial discussion of the proposals Members recognised the strength of the economic case that was put forward as part of the application for high class holiday accommodation on the proposed sites. Their ensuing debate focused on whether that economic case was sufficient to outweigh any potential impact of the development on the landscape. After lengthy discussion, a majority of Members were of the opinion that they could not make a decision on the application without a site visit. There was no opposition to the proposal to defer consideration of the case to allow an unaccompanied site visit to take place.

### **DECISION**

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

- (a) **the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997; and**
- (b) **the review could not be considered without further procedure in the form of an unaccompanied site visit to take place on a date to be arranged.**

## 2. **REVIEW OF APPLICATION 16/01114/FUL**

There had been circulated copies of the request from Cleek Poultry Ltd, The Tractor Shed, Kirkburn, Cardrona, to review the decision to refuse the planning application in respect of erection of poultry cold store/hay store in Field No 0328, Kirkburn, Cardrona. Included in the supporting papers were the Decision Notice; Notice of Review; officer's report; papers referred to in the report; consultations; and a list of relevant policies. Members' discussion focused on the potential visual impact of the proposed new building, which was an extension to a previously approved cold store building. They noted that no business case had been submitted to support economic justification for the development and, with reference to the wide range of proposals that had previously been put forward for this piece of land, commented again on the need for the applicant to produce a masterplan to set out objectives in a coherent way for the smallholding.

**DECISION**

**AGREED that:-**

- (a) the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;
- (b) the review could be considered without the need for any further procedure on the basis of the papers submitted;
- (c) the proposal would be contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and
- (d) the officer's decision to refuse the application be upheld for the reasons detailed in the Appendix to this Minute.

*The meeting concluded at 11.05 am*



**SCOTTISH BORDERS COUNCIL**  
**PLANNING AND BUILDING STANDARDS COMMITTEE**

MINUTE of MEETING of the PLANNING AND  
BUILDING STANDARDS COMMITTEE held  
in the Council Headquarters, Newtown St.  
Boswells on 9 January 2017 at 10.00 a.m.  
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Present: - Councillors R. Smith (Chairman), M. Ballantyne, J. Brown, J. Campbell, I. Gillespie, D. Moffat, S. Mountford, B. White.  
Absent:- Councillor J. Fullarton.  
In Attendance:- Chief Planning Officer, Principal Roads Planning Officer, Solicitor (Ron Kirk), Democratic Services Team Leader, Democratic Services Officer (F Henderson).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 5 December 2016.

**DECISION**

**APPROVED for signature by the Chairman.**

2. **APPLICATIONS**

There had been circulated copies of reports by the Service Director Regulatory Services on applications for planning permission requiring consideration by the Committee.

**DECISION**

**DEALT with the application as detailed in the Appendix to this Minute.**

3. **APPEALS AND REVIEWS**

There had been circulated copies of a report by the Service Director Regulatory Services on Appeals to the Scottish Ministers and Local Reviews.

**DECISION**

**NOTED that:-**

- (a) **there remained one appeal outstanding in respect of Land North West of Whitmuir Hall, Selkirk.**
- (b) **a review request had been received in respect of the Erection of poultry cold store/hay store at Field No 0328 Kirkburn, Cardrona - 16/01114/FUL.**
- (c) **the Local Review Body had upheld the Appointed Officers decision to refuse the erection of poultry cold store/hay store at Field No 0328 Kirkburn, Cardrona - 16/01114/FUL.**
- (d) **there remained one review outstanding in respect of North West of 4 Rink Farm Cottages, Galashiels**
- (e) **there remained one Section 36 PLI outstanding in respect of Whitebrae Wind Farm), land South East of Glenbreck House, Tweedsmuir.**

*The meeting concluded at 12.50 p.m.*

## **APPENDIX I**

### **APPLICATIONS FOR PLANNING PERMISSION**

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
16/01061/FUL	Erection of four dwellinghouses, access landscaping and associated infrastructure works	Land South and West of Wellnage House, Duns

Decision: Continued to the next available meeting of the Planning and Building Standards Committee to enable a site visit to be held.

#### **VOTE**

*Councillor Moffat, seconded by Councillor Campbell moved that a site visit be arranged prior to a decision being taken on the application.*

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

*For - 4 votes*

*Against - 4 votes*

*There being an equality of votes, the Chairman exercised his casting vote in favour of holding a site visit. It was accordingly decided that a site visit be held.*

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
16/00243/PPP	Erection of two Dwellinghouses	Land East of Langbank Cottage, Swinton

Decision: APPROVED subject to the following conditions, legal agreement for developer contributions and informatives:

1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:

(a) the expiration of three years from the date of this permission, or

(b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.

Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

3. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

4. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

5. The first application for the approval of matters specified in conditions pursuant to this decision shall be accompanied by a detailed design statement for the dwellings hereby approved.  
Reason: To ensure a satisfactory form of development appropriate to its setting.
6. The finished floor levels of the building(s) hereby permitted shall be consistent with those indicated on a scheme of details which shall first have been submitted to and approved in writing by the Local Planning Authority. Such details shall indicate the existing and proposed levels throughout the application site.  
Reason: To ensure that the proposed dwellings are not at risk from surface water flooding issues and to avoid ponding against the proposed buildings.
7. No development shall commence until detailed proposals for flooding mitigation measures from the nearby water course, including SUDS, are submitted to and approved in writing by the local planning authority and thereafter no development shall take place except in strict accordance with the approved scheme.  
Reason: In order to prevent any increase in surface water flood risk to North Lodge.
8. The development hereby approved shall be constructed of natural slate on the roof only. Any alternative roofing materials shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site.  
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
9. No development shall commence until precise details of both surface water and foul water drainage, as well as details of the water supply, have been submitted to and approved by the local planning authority.  
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water and to ensure the site is adequately serviced with water without a detrimental effect on the water supplies of existing properties.
10. No development shall commence until details of all proposed means of enclosure shall be submitted to and approved in writing by the Local Planning.  
Reason: To enable the proper effective assimilation of the development into its wider surroundings.
11. The vehicular access to the site to be formed to approved specification DC-6 (copy attached to this decision) or alternatively DC-2 (a copy of which is attached to this decision). The access shall incorporate a service lay-by.  
Reason: In the interests of road safety and to ensure a satisfactory form of development.
12. No development shall commence on the dwellings hereby approved until one passing place per unit is formed on the minor public road leading to the site. The passing places shall be formed to approved specification DC-1 (attached), at locations which shall first be agreed on site with the local planning authority.  
Reason: In the interests of road safety.
13. No development shall commence until a pre-construction condition survey of the minor public road leading to the site has been carried out and the results lodged with the local planning authority. A post-construction condition survey shall also be carried out within 3 calendar months of the occupation of the dwellings hereby approved, the results of which shall be lodged with the local planning authority.  
Reason: To ensure the condition of the road is monitored before and after construction.

14. Two parking spaces shall be provided within the boundary of each plot before the dwellings hereby approved are occupied. The parking shall be properly consolidated and maintained in perpetuity thereafter.

Reason: To ensure that parking is provided clear of the public road.

### **Informatives**

1. The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess, flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>. Please note that SEPA are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.
2. The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Scottish Borders Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.
3. Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at:  
SEPA Galashiels, Burnbrae, Mossilee Road, Galashiels, Borders, TD1 1NF, Tel – 01896 754797.

### VOTE

*Councillor Gillespie, seconded by Councillor Campbell moved that a site visit be arranged prior to a decision being taken on the application.*

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

*For - 2 votes*

*Against - 6 votes*

*It was accordingly decided that no site visit be held.*

### NOTE

Mr Hugh Garrett, applicant spoke in support of the application.

### Reference

16/01223/FUL

### Nature of Development

Erection of dwellinghouse and double garage

### Location

Land North West of The Sidings, Lye Road, Darnick

Decision: APPROVED subject to the following conditions, legal agreement for developer contributions and informatives:

1. Notwithstanding the references on plan AL\_0\_101G no development shall commence until a detailed plan and specifications for improvement works to Lye Road, incorporating resurfacing and new lighting along its length between the site entrance and junction of the road to the east (adjacent Fullarton), have been

submitted to and approved by the Planning Authority. The works shall be carried out in accordance with the approved plan and specifications and shall be implemented prior to occupancy of the dwellinghouse

Reason: A detailed scheme of improvements to Lye Road is required in order to ensure the road is capable of serving additional traffic generated by the construction and use of the dwellinghouse, and in a manner which minimises impacts on existing users of the road during the works, maintains residential amenity and minimises visual impacts, including potential effects on existing trees

2. No development shall commence until written evidence is provided on behalf of Scottish Water to confirm that mains water and foul drainage connections shall be made available to serve the development, and until a surface water drainage scheme has been submitted to and approved by the Planning Authority. Mains services and approved surface water drainage measures shall be operational prior to occupancy of the dwellinghouse

Reason: To ensure the development can be adequately serviced

3. No development shall commence until a scheme to identify and assess potential contamination on site, in addition to measures for its treatment/removal, validation and monitoring, and a timescale for implementation of the same, has been submitted to and approved by the Planning Authority. Once approved, the development shall only proceed in accordance with the approved scheme

Reason: To ensure that potential contamination within the site has been assessed and treated and that the treatment has been validated and monitored in a manner which ensures the site is appropriate for the approved development.

4. No development shall commence until a schedule (including samples where required by the Planning Authority) of the external materials, finishes and colours of the house, garage and hard surfacing has been submitted to and approved by the Planning Authority. The development shall be completed using the approved schedule of materials, finishes and colours

Reason: The materials and colours specified in the application plans and drawings require further consideration to ensure they are visually sympathetic to the context

5. No development shall take place except in strict accordance with a scheme of soft landscaping and boundary treatment works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:

- i. location and detailed schedule of new trees, shrubs, hedges and grassed areas, incorporating those proposals identified on the approved site plan, and additional planting and landscaping,
- ii. design details of boundary fencing specified on the site plan
- iii. a programme for completion and subsequent maintenance.

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings

6. The area allocated for parking and turning on the approved site plan shall be properly consolidated, surfaced and drained before the dwellinghouse is occupied, and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure there is adequate space within the site for the parking and turning of vehicles

7. Before development commences, protective fencing (of a specification compliant with BS5837:12) shall be erected along the route identified on the approved site plan AL\_0\_101G and shall not be removed until all construction works are complete. There shall be no works (including utilities) or storage undertaken within the protected area unless agreed in writing with the Planning Authority. Following

completion of the development, trees and hedges within the site shall be retained and shall not be removed, lopped or otherwise disturbed without the prior approval of the Planning Authority

Reason: To protect and retain trees and hedges that will assist with the visual integration of the development with its surroundings

#### Information for the applicant

Solid fuel heating installations can cause smoke and odour complaints and Planning Permission for this development does not indemnify the applicant in respect of nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted Planning Permission. It is recommended, therefore, that:

- the flue should be terminated with a cap that encourages a high gas efflux velocity.
- the flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.
- the appliance should only burn fuel of a type and grade that is recommended by the manufacturer.
- if you live in a Smoke Control Area you must only use an Exempt Appliance. <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s> .
- in wood burning stoves you should only burn dry, seasoned timber. Guidance is available on [http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)
- treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel. Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/00865/FUL	Part change of use of dwellinghouse And garden ground to wedding venue and erection of Tee-pees	Hartree House Scottish Borders

Decision: APPROVED with delegated powers granted to the Chief Planning Officer in conjunction with the chairman to revise suggested conditions to address requirements of the P&BS Committee and subject to the following conditions:

1. The part change of use to a wedding venue hereby approved shall be for a limited period of two years from the date on the consent  
Reason: To enable the Local Planning Authority to review the matter at the end of a limited period
2. No development shall take place until a scheme of mitigation for noise, arising from wedding events, has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
  - How background noise levels shall be assessed in accordance with the recommendations contained within the Noise Council Code of Practice on Environmental Noise Control at Concerts (the Code of Practice).
  - Details of how noise levels arising from weddings shall be assessed in accordance with the recommendations contained in the Noise Council Code of Practice on Environmental Noise Control at Concerts (the Code of Practice).
  - Noise levels arising from weddings shall not exceed the limits set out in Section 3 of the Code of Practice.

- Details of how the sound system shall be operated and monitored  
Reason: to ensure that the residential amenity of the nearby residential properties is maintained.
3. No development shall take place until the background noise assessment as set out in the noise mitigation scheme has been submitted to and approved in writing by the planning authority.  
Reason: to ensure that the residential amenity of the nearby residential properties is maintained.
  4. No music either amplified or otherwise and no amplified speeches shall be played after midnight on the day of each wedding event.  
Reason: To protect the residential amenity of local residents.
  5. No other sound system shall be used for music or speeches other than the system approved under condition 2 above.  
Reason: To protect the residential amenity of local residents.
  6. Maximum of 15 wedding events per calendar year.  
Reason: To protect the residential amenity of local residents.
  7. No more than two wedding events within one calendar month without the prior approval of the planning authority  
Reason: To protect the residential amenity of local residents
  8. No development shall take place until a traffic management plan has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
    - Details of traffic agreements to be adopted during the set up phase, the wedding event and the clearance of the site.
    - Confirmation that all vehicular traffic associated with the wedding event shall use the main entrance only.
 Reason: to ensure that additional traffic does not go through a small residential area in the interests of road safety and that emergency vehicles have access to the site at all times.
  9. The part change of use to a wedding venue hereby approved shall be operated in strict accordance with the scheme of mitigation for noise as approved under condition 2 above and the traffic management place approved under condition 8 above for each wedding event.  
Reason: to ensure that the residential amenity of the nearby residential properties is maintained.
  10. No fireworks or other pyrotechnics shall be discharged, or fireworks displays held, and no Chinese lanterns shall be released into the atmosphere at any wedding event.  
Reason: To protect the residential amenity of local residents and avoid disturbance to farm stock in the vicinity of the site.

NOTE

Mr Alan France, Mrs Martine Purves and Dr Graham Dobbie, local residents spoke against the application.

Mr Michael Goddard, applicant spoke in support of the application.

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## **SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE**

MINUTE of Meeting of the EXECUTIVE COMMITTEE held in the Council Chamber, Council Headquarters, Newtown St Boswells on Tuesday 17 January 2017 at 10.00 a.m.

Present:- Councillors S. Aitchison (Chairman – Education Business), C. Bhatia, J. Brown, M. Cook, G. Edgar, J. G. Mitchell, D. Moffat, D. Parker (Chairman), D. Paterson, F. Renton, R. Smith.

Also Present:- Councillors I. Gillespie, J. Fullarton.

Apologies:- Councillors S. Bell, V. Davidson; Mr G. Jarvie, Mr D. Moore, Mrs J. Aitchison.

In Attendance:- Chief Executive, Depute Chief Executive (People), Service Director Children and Young People, Chief Financial Services Officer, Corporate Transformation and Services Director, Clerk to the Council, Democratic Services Officer (F. Henderson).

### **EDUCATION BUSINESS**

Present:- Ms A. Ferahi, Mr G. Donald, Miss E. Page.

#### **CHAIRMAN**

Councillor Aitchison chaired the meeting for that part which considered Education business.

#### **1. SCOTTISH BORDERS EQUESTRIAN SUCCESS**

There were present at the meeting 6 of the 12 riders representing Selkirk High School, Kelso High School, Jedburgh Grammar School, Peebles High School, and Morebattle and Sprouston Primary Schools, who had been selected for the NSEA Championships at the Addington Manor Equestrian Centre, Buckingham. The girls explained that they had a 700 mile round trip with 18 ponies over 4 days, which had been carefully planned. The total cost of the trip had been £20,000 (£800 per horse) which had been funded through fund raising and support from Local Businesses. Although not winning any first prizes, all the riders had all achieved fantastic results - especially on the first day when the "Linton Team" won 2 championships and were also part of a winning Scottish Nations Cup team. There were 980 ponies and about 40 teams or individuals in each competition, with many more teams who would have liked to have attended but did not qualify, so qualifying was a massive achievement in itself. The girls highlighted the benefits gained from competing in such a competition and thanked their respective schools, Local Businesses and their families for supporting them. Mrs Gillian McFadyen, Team Manager, further explained that as a result of the riders doing well they would be entered for a higher age group class in 2017 and would compete against under 19 yr olds. Mrs McFadyen highlighted that it was funding at grass roots level which was required along with work towards hosting a National Qualifier Event within the Borders. Councillor Bhatia made a request that Equestrianism be included as a sport along with rugby, football and hockey when allocating funding, as the Borders had a strong history of riding and had two Olympic Medal Winners. In response, the Service Director Children and Young People explained that there was an ambition to hold a National Qualifier event within the Borders and investigations were underway to identify funding for such an event. The Chairman thanked the girls for their excellent presentation and wished them well for the future.

**DECISION  
NOTED.**

**2. QUALITY IMPROVEMENT FRAMEWORK – EDUCATION**

- 2.1 There had been circulated copies of a report by the Service Director Children and Young People which presented the Quality Improvement Framework (QIF) for Education, as detailed in Appendix 1 to the report, setting out a quality improvement infrastructure which embedded national policy and guidance developments into practice in all education provisions; an approach to quality improvement focused on raising standards in all education provisions; and the collaboration taking place with regard to quality improvement at all levels within education provisions in the Scottish Borders and with a range of partners locally and nationally. The report highlighted the impact of the QIF to date. Scottish Borders Council was ambitious to have an Education Service that was excellent, with an unrelenting focus on quality improvement as the key driver in achieving this ambition. THE QIF had been devised to focus all staff at all levels in raising standards. The 3 strands within the QIF were: interpretation, analysis and cascading of national and international policy and guidance into daily practice in education settings; improving performance across the range of quality practice standards and indicators through a range of self-evaluation activities and processes; identifying and sharing of best practice through local and national collaborative professional learning activities within and across education provisions and local authorities.
- 2.2 The implementation of the QIF set out in Appendix 1 to the report had resulted in the following progress being achieved: significant improvement in performance of the quality indicators in all Early Learning and Childcare settings in the Scottish Borders; early intervention and targeted support in a range of schools raising the performance of quality indicators to satisfactory level and above; good practice in schools and early years settings being identified and shared with local and national practitioners; a focus on 'closing the gap' and raising attainment for key groups of learners; a strong and robust focus on quality improvement across all education settings; a key commitment to 'looking inwards', 'looking outwards' and 'looking forwards' in all education provisions; a significant number of schools participating in national improvement activities; greater collaboration locally and nationally by lead officers and Headteachers; improvement in the quality of moderation and attainment levels in the National Improvement Framework; and improved quality of leadership across all education provisions. The Service Director Children and Young People gave further explanation of some aspects of the QIF document and invited feedback. Members of the Committee discussed the Framework, specifically referring to the resources needed; scope within the Framework for innovation along with associated risks; achievement vs. attainment; the provision of examples of successful closing of the attainment gap and greater equity; and the holistic approach to 'children's services' within the Children and Young People Service incorporating education and social work support.

**DECISION**

**AGREED to acknowledge the place of the Quality Improvement Framework in securing continuous improvement in Scottish Borders Council Education provisions.**

**3. NAMING OF ADDITIONAL SUPPORT NEEDS PROVISION IN EARLSTON**

With reference to paragraph 1 of the Minute of the Meeting held on 16 August 2016, there had been circulated copies of a report by the Service Director Children and Young People which requested approval to formally name the new Additional Support Needs Building in Earlston, following the statutory consultation undertaken in terms of the Schools (Consultation) (Scotland) Act 2010 on the proposals and the non-statutory consultation undertaken on the naming of the School. The report detailed the background, the consultation undertaken and suggested names for the New Additional Support Needs Provision. The Service Director Children and Young People advised that there would be a

Headteacher appointed to the new facility who would have responsibility for all Special Needs Children across the Scottish Borders. It was also reported that to acknowledge that children attending the facility would be from all over the Borders the rooms within the new facility would be named after previous facilities – Caddon, Tweed, Eildon, Minto and Teviot. The formal opening of the school was likely to take place in March 2017, and Members would receive an email inviting them to visit the school on 25 January 2017.

#### **DECISION**

- (a) **AGREED that the new Additional Support Needs Building in Earlston be formally named as ‘Leader Valley School’.**
  
- (b) **NOTED that a Member visit to the Leader Valley School would be held on Wednesday, 25 January 2017.**

#### **URGENT BUSINESS**

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item 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.

#### **4. MEMBERSHIP**

The Chairman advised that Mr Jo Walsh, the Catholic Church Representative, had recently resigned from the Executive Committee. The Chairman acknowledged the contribution Mr Walsh had made to Education in the Borders firstly as a Teacher, then Adviser and latterly as the Religious representative on the Education Executive, Education Committee and the Executive Committee.

#### **DECISION**

**AGREED to acknowledge Mr Walsh’s contribution to Education in the Borders.**

#### **ADJOURNMENT**

The meeting adjourned at 11 a.m. and reconvened at 11.15 a.m.

#### **MEMBER**

Councillor Edgar left the meeting at the conclusion of the Education Business.

#### **OTHER BUSINESS**

#### **CHAIRMAN**

When the meeting reconvened, Councillor Parker took the Chair for the remaining business.

#### **1. MINUTE**

The Minute of meeting of the Executive Committee of 29 November 2016 had been circulated.

#### **DECISION**

**APPROVED for signature by the Chairman.**

#### **1. EARMARKING OF REVENUE BUDGET FROM 2016/17 INTO 2017/18**

There had been circulated copies of a report by the Chief Financial Officer which sought approval from the Executive to earmark £1.215m available budget from 2016/17 into 2017/18 to support the 2017/18 – 2021/22 Financial Plans as detailed in Appendix I to the report. The report explained that the Council was preparing proposals to present the Financial Plan for 2017/18 – 2021/22 and an opportunity had arisen within 2016/17 to assist

bridging the funding gap within the Financial Plan by identifying surplus budget in 2016/17. This would allow appropriate adjustments to be made to the Financial Plan being presented to Council on 9<sup>th</sup> February 2017.

#### **DECISION**

**APPROVED the earmarking of budget from 2016/17 into 2017/18 to support the 2017/18 – 2021/22 Financial Plan as detailed in Appendix 1 to the report.**

#### **2. BORDERS RAILWAY – SCOTTISH BORDERS COUNCIL CONTRIBUTION**

There had been circulated copies of an update report by the Chief Financial Officer on the current position of the Borders Railway contribution and to consider a revised approach to the payment profile of the remaining balance. The report explained that the development of the Borders Railway resulted in an undertaking between Scottish Borders Council and Transport Scotland for the Council to contribute a share of £30m towards the costs. The total Scottish Borders Council share was agreed at £15.3m at 2012 prices. The agreement also allowed £6.8m of costs previously incurred being offset against the £15.3m, leaving a balance of £8.4m to be paid over 30 years from the day the first train ran. The remaining balance was subject to RPI inflation and had an agreed payment profile which could be flexed if required. Due to the low interest rates and the risk from inflation it was proposed the outstanding balance of £7.7m was fully paid now, utilising the Council's borrowing powers and that the funds subsequently be recouped from developer contributions as they were received in future years. For cashflow purposes this would require borrowing to be undertaken, which would be within approved limits and prudential indicators. A range of sensitivity options had been modelled against future inflation projections. Payment of the outstanding balance of funds as at 31/3/2016 would mitigate future inflation risk and was estimated to save £4.3m based on assumption of future RPI increasing at 2.5% per annum.

#### **DECISION**

**(a) APPROVED the payment of the remaining liability in a single instalment.**

**(b) NOTED the required borrowing for cashflow purposes.**

**(c) AGREED to authorise the Chief Financial Officer to repay the contributions due to Transport Scotland under the terms of the Borders Railway funding agreement under delegated authority in consultation with the Council Leader and Depute Leader (Finance).**

#### **4. SCOTTISH LANDFILL COMMUNITIES FUND**

There had been circulated copies of a report by the Service Director Neighbourhood Services which provided an overview of the performance of the Scottish Landfill Communities Fund (SLCF) in 2016/17 and sought agreement for the Council's involvement in the Scheme in 2017/18. The report explained that the 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. SEPA was the Regulator of the Scottish Scheme and responsible to Revenue Scotland. BCCF Environmental was the Approved Body registered to receive funding generated by the scheme. The report went on to explain that 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 had been the case previously. The Council would continue to bear the 10% cost provisionally for 2017/18 and would forego the need for projects to identify a Contributing Third Party payment. During 2016/17, a total of 9 projects were funded - totalling £195,601 - which supported overall total project costs of £1,241,000. The Communities and Partnership Manager together with the newly appointed Funding Officer, Claire Penny, were present to answer Members' questions.

**DECISION  
AGREED to:-**

- (a) continue to participate in the SLCF through its Landfill Tax Liability credits for 2017/18 (90% of fund);**
- (b) continue to provide the additional 10% of the fund from its Waste Services budget for 2017/18; and**
- (c) note the progress of SLCF in 2016/17.**

*The meeting concluded at 11.25 a.m.*

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# SCOTTISH BORDERS COUNCIL TEVIOT AND LIDDESDALE AREA FORUM

MINUTES of Meeting of the TEVIOT AND LIDDESDALE AREA FORUM held in Lesser Hall, Town Hall, Hawick on Tuesday, 17 January 2017 at 6.30 pm

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Present:- Councillors: G Turnbull (Chairman), A Cranston, S Marshall, W McAteer, D Paterson, R Smith, Community Councillors Mrs G Crew (Denholm), Mr J Curtis (Hobkirk), Mr I Robson (Upper Teviotdale & Borthwick Water), Mr R Scott (Upper Liddesdale & Hermitage), Mrs M Short (Hawick).

Apologies:- Community Councillor Mr C Griffiths (Hobkirk), Mr W Roberts (Denholm) Inspector Carol Wood.

In Attendance:- Neighbourhood Area Manager (Mr F Dunlop), Police Sergeant T Quinn (Police Scotland), Democratic Services Officer (J Turnbull).

Members of the Public 12

## 1. WELCOME

The Chairman advised that he had attended a public meeting on flood protection which had been held by Scottish Borders Council's (SBC) Emergency Planning Officer; further public meetings would be held on 18 and 19 January and he encouraged attendance. There would also be leaflets distributed to all properties at risk of flooding giving advice on the assistance available. It was noted that Hawick Community Council, the Resilience Group, Hawick Flood Group and Ward Councillors would assist with the distribution of the leaflets. The Emergency Planning Officer would facilitate.

## DECISION NOTED.

## 2. MINUTE

There had been circulated copies of the Minute of the meeting held on 13 December 2016.

## DECISION AGREED to approve the Minute.

## 3. NEIGHBOURHOOD SMALL SCHEMES AND QUALITY OF LIFE

3.1 With reference to paragraph 6 of the Minute of 13 December 2016, there had been circulated a report by Service Director Neighbourhood Services seeking approval for proposed new Neighbourhood Small Schemes and Quality of Life Schemes from the Area Forum. The following Neighbourhood Small Schemes had been requested for consideration by Teviot and Liddesdale Members: Paint benches in bus shelter at Mart Street and Trinity Gardens, Hawick; Clean Lawson Bridge, Laurie Bridge and Langlands Bridge, Hawick. The following Quality of Life Scheme had been requested for consideration by Members: Install handrail at steps leading to St Mary's Kirkyard off Drumlanrig Square, Hawick; Install staggered wooden fences at Courses footpath, Chesters.

3.2 Mr Dunlop informed that any unspent Small Schemes budget would not be carried forward to the following year. The Chairman advised that the Hawick and Hermitage

Ward Councillors had requested that the Langlands' Bridge's deck be painted and the deck surface improved and that Thomson Bridge be cleaned. Members were also working with Amey, Transport Scotland and Officers to house a new bus shelter at Newmill, Teviot. The remainder of the budget would be used for pothole repairs within Wellogate Cemetery, upgrading the CCTV system to ensure that it was fit for purpose, and pothole repairs within the Hawick and Hermitage Ward. Mr Dunlop advised that he would prepare costings for these additional schemes for the February meeting of the Forum. Discussion followed on whether the Hawick and Denholm Councillors had been consulted regarding contributing towards the bridge cleaning and they believed that they had not been approached.

## **DECISION**

### **(a) AGREED the following new Neighbourhood Small Schemes for implementation:-**

- (i) Paint benches in bus shelters at Mart Street and Trinity Gardens, Hawick. £ 218**
- (ii) Clean Lawson Bridge Laurie Bridge and Langlands Bridge, Hawick; and £ 894**

### **(b) AGREED the following new a financial contribution from the Quality of Life Schemes for implementation:-**

- (i) Install handrail at entrance to St Mary's Kirkyard, Hawick £ 425**
- (ii) Install staggered wooden fences at Courses footpath, Chesters £ 107**

### **(c) NOTED:-**

- (i) the updates on previously approved Neighbourhood Small Schemes as detailed in Appendix A to the report; and**
- (ii) the updates on previously approved Quality of Life Schemes as detailed in Appendix B to the report.**

## **4. POLICE SCOTLAND**

4.1 Police Sergeant Tom Quinn, Police Scotland, was in attendance to update the Teviot and Liddesdale Area Forum on performance, activities and issues across the Ward. A report, by Inspector Carol Wood, had been circulated prior to the meeting. The Ward Plan Priorities for Teviot and Liddesdale were highlighted as Drug Dealing and Misuse, Road Safety, Violent Crime and Antisocial Behaviour. In summary, with regard to the Drug Dealing and Misuse priority, PS Quinn advised that a 23 year old male had been charged twice after being found in possession of a class B drug and had been dealt with accordingly. Following a house search in Burnfoot a man and woman had been charged with being concerned in the supply of drugs after substances were found within the home address. Police Scotland continued to receive intelligence from the public in relation to drug matters and encouraged this.

4.2 In terms of the Road Safety priority, Community officers continued to give attention to areas where they had received complaints of speeding and inconsiderate driving. Police Scotland continued to link with SBC in obtaining data for areas of complaint, and, where appropriate, had discussions on road improvements. The camera safety vehicle continued to make an appearance in the Teviot and Liddesdale area. To find out where the camera safety vehicle would be located go to [www.lbsafetycameras.co.uk](http://www.lbsafetycameras.co.uk). Officers patrolled in identified locations and carried out periodic road checks to positively influence driver behaviour. Officers would continue to educate drivers at every opportunity and



communicate with young drivers who travelled to meeting points to meet with friends and other car enthusiasts. Officers paid particular attention to these drivers and the vehicles and thorough examinations were conducted of their vehicles to ensure compliance with road vehicle construction and use regulations. In certain circumstances, vehicles could be seized by Police where there was evidence that the vehicle was being driven carelessly, or off road. It was essential that complaints about driving behaviour were notified to the police via 101 at the time.

- 4.3 Vehicles continued to receive parking tickets and drivers were warned for parking longer than they should or for breaching yellow line restrictions throughout the town. The police would continue to give illegal parking attention whenever possible. Incidents included two vehicles being seized for having no insurance. A male had also been charged with a number of driving offences including disqualified driving. There were also two fixed penalty tickets for speeding, both on the A7 at Colterscleugh.
- 4.4 In respect of the Violent Crime priority there was one robbery reported in Hawick during December but no serious assaults. One of the males had been arrested at the scene and a positive line of enquiry was being followed to apprehend the other male.
- 4.5 With regard to Antisocial Behaviour, high visibility patrols had been carried out, with the aim of reducing disorder and delivering high levels of public reassurance. Throughout December there were six official police warnings given for antisocial behaviour.
- 4.6 The report also highlighted that during the festive period there were very few arrests within the Hawick area. There had been a number of drink drivers detected across the Borders, but very few of them were from the Teviot and Liddesdale area.
- 4.7 PS Quinn concluded the report by advising that Police Scotland continued to ask communities to contribute to the Your View Counts consultation. The online consultation was available on <https://www.surveymonkey.co.uk/r/8LMB9WX>
- 4.8 There followed a discussion and it was noted that Hawick and Hermitage ward councillors would meet with Inspector Wood and PC Lauder regarding speed checks on The Loan. PS Quinn advised that the festive campaign had been positive and antidotal evidence showed that there had been less street disorder than the previous year. However, there had been a similar level of telephone calls. Police Scotland continued to have a good relationship with the public and he reminded that completely anonymous information could be left on Crimestoppers on 0800 555 111.
- 4.9 In answer to a question by a member of the public regarding the Disc Parking Scheme, Members clarified that there would be a feasibility study in March and a decision on the Scheme would not be made until the outcome of that study was known.

## **DECISION**

**NOTED the report.**

## **5. SCOTTISH FIRE & RESCUE SERVICE**

- 5.1 There had been circulated a report from Station Manager Russell Bell, Hawick Fire Station, presenting information on response and resilience activities for the month of December 2016. In summary, the report detailed that during the period of the report there had been four house fires (one small fire in living room, one small fire in bedroom and two chimney fires); seven Special Service occurrences and 13 Unwanted Fire Alarm Signals. Hawick Retained crew had received flood first responder training. This skill set equipped staff to be effective during flooding incidents such as assessing flooded premises and assisting with rescues during low level flooding.
- 5.2 The out of hospital cardiac arrest trial period had now ended. A report had been passed to the Strategic Leadership Team with recommendations that trial stations continued to

offer the service and that it be rolled out to all stations in Scotland via a three year delivery plan.

- 5.3 The report also detailed fire prevention and protection activity ongoing within the Teviot and Liddesdale area including: Road safety awareness training, a classroom based consequence lecture which gave a demonstration of a road traffic collision scene detailing the crew's responsibilities, actions and techniques; Driving Into the Future which was an initiative at educating new/potential drivers, the initiative had been running at Hawick High School and had received encouraging feedback from both students and staff; Firesharp which was for Primary 6 pupils, providing face to face education on fire risk and prevention; Fire Safety Audits which provided a targeted examination of business premises and their relevant documents to ascertain how the premises were being managed regarding fire safety.
- 5.4 The report also highlighted that the Winter season thematic period had now commenced and the Fire and Rescue Service had to report their level of success against a range of indicators including: reduction of the overall number and severity of accidental fires in the home, reduction of the overall and severity of accidental fire casualties and fatalities and minimising the number of accidental fires and fire casualties in the home involving persons over 60 years of age.
- 5.5 Members discussed the report and it was agreed to request that the Station Manager update the Forum on the impact the reduction of three firefighters and the changes to shift patterns would have at Hawick Fire Station.

#### **DECISION**

**AGREED to request the Station Manager provide an update at the next meeting on the impact of the reduction of three firefighters and changes to shift patterns at Hawick Fire Station.**

#### **6. OPEN QUESTIONS**

##### **6.1 Dog Fouling**

Councillor Paterson, Executive Member for Environmental Services, responded to the recent Hawick Community Council meeting where concerns had been expressed about dog fouling. Councillor Paterson advised that he was as frustrated as anyone about the impact that dog fouling had on communities. Dog fouling was caused by a small minority of irresponsible dog owners who took little pride in the appearance of their town and villages and how their lack of action impacted on their neighbours' lives. SBC's Responsible Dog Ownership Strategy outlined a range of measures which aimed to change behaviour and included engaging with communities and volunteers. Enforcement was only part of the Strategy and an ongoing pilot was in place which focused on this. Extensive intelligence held by SBC was used to deploy Enforcement Officers. However, with only two Enforcement Officers assigned to cover the whole of the Borders this was challenging. With decreasing and finite resources the solution to the problem could not solely lie with SBC and enforcement. Councillor Paterson advised that he was happy to meet with community councils to discuss the issue, share what has been done elsewhere and the role they could play. He encouraged the public to continue to report instances of dog fouling and provide as much information as possible to allow the appropriate action to be taken. This could be done via telephone or through SBC's website. Exact locations, times of day, descriptions of dogs and owners would assist to target enforcement activity to deliver results. Mrs Short, Chairman of Hawick Community Council, thanked Councillor Paterson for his response and advised that Hawick Community Council would take up his offer to work together to eradicate the problem.

**DECISION  
NOTED.**

## 6.2 **Great Tapestry of Scotland**

A member of the public asked for Members and Hawick Community Council's view on the Great Tapestry of Scotland? With an increase to the council tax and Council savings to be made, the Tapestry model and business case appeared flawed and he asked that the project should not proceed. All Members and the Chairman of Hawick Community Council advised that they were against the project. Members explained the rationale for their decision which included the requirement for each Council department to make cuts to their budgets and this could be cuts to staffing; the cost of servicing the debt for the tapestry would be £260k per annum and they were not convinced that the business case was workable; and, the lack of Heritage Lottery funding towards the project. However, the decision to proceed with the project had been made by Council. It was clarified that the removal of the trees at Tweedbank had been carried out as the trees had required maintenance; this had not cost £300k, this amount had been for the whole project.

### **DECISION**

**NOTED the objection of Members to the Great Tapestry of Scotland Project.**

## 6.3 **Bridge at Sunderland Hall**

A member of the public enquired at the cost of works to the Sunderland Hall Bridge which had been reported as £3.2m. It was felt that the cost could have been better spent on roads maintenance and the community hospital. It was noted that the exact expenditure would be advised outwith the meeting.

## 6.4 **A7 at Mosspaul**

A member of the public complained about the delay in the repairs to the A7 at Mosspaul. Councillor Paterson advised that the road was a trunk road and not the Council's responsibility. However, he would pursue with Amey.

## 6.5 **Wilton Hill Road, Hawick**

A member of the public also referred to the poor road condition at Wilton Hill. Councillors McAteer and Marshall would pursue.

### **DECISION**

**NOTED.**

## 7. **COMMUNITY COUNCIL SPOTLIGHT**

7.1 Denholm Community Councillor, Mrs Gwen Crew, advised that there had been no meeting in December. There was one vacancy on the Community Council which would hopefully be filled at their next meeting. Mrs Crew thanked Police Scotland for carrying out speed checks in the village; several motorists driving over the speed limit had been detected. However, there was still an issue with speeding along Jedward Terrace and the Community Council considered that the 30 mph sign should be located further out of the village. A police report might assist with the request for the sign to be moved. Mrs Crew further advised that Main Street, Denholm was to be closed for resurfacing on 23 and 24 January, the alternative route was of concern as the grass verges had not been repaired for a considerable length of time, larger vehicles would be re-routed through a major diversion. Mrs Crew expressed concern at the size of the documents they were receiving for windfarm applications, the last application relating to Pine Burn had been over 600 pages, which did not encourage accessibility by community councils or the public.

7.2 Hawick Community Councillor, Mrs Marion Short, advised that they had also received the application for Pine Burn windfarm; they were arranging a sub-group meeting to discuss the application and to coordinate a response. Mrs Short had also attended the flood protection meeting that afternoon and advised that SBC were also promoting, via a leaflet, flood protection products such as door guards and flood sacks for use of residents in flood prone premises. Mrs Short had also been invited to the commissioning service for Hawick Street Pastors on 28 January. PS Quinn advised that the scheme worked extremely well in Galashiels. The Street Pastors' targeted alcohol issues and would assist the Police

and make the streets safer in the evening. Mrs Short further advised that a meeting would take place next week with representative from Amey to discuss Dovemount Place and roundabout.

- 7.3 Upper Liddesdale and Hermitage Community Councillor, Mr Robert Scott advised that the Community Council's first meeting of 2017 would be held on Monday 23 January. Items on the agenda included co-option of a member and Energiekontor presentation on Pine Burn windfarm.
- 7.4 Hobkirk Community Councillor, Mr John Curtis advised that at their last meeting the principal discussion had been on the Pine Burn windfarm application. There had also been an enthusiastic discussion about the possibility of taking over the former Hobkirk Primary School building and the possible formation of a Community Trust. The Chairman of the Village Hall Committee would be circulating a questionnaire to residents for their views on the proposal. Mr Curtis also referred to the continual closure of the A7 by Amey which meant diversions around unsuitable roads. There were also three areas of the route between Hawick and Langholm which were on the verge of collapse; with a similar problem at The Dunk. The road condition was affecting tourism and industry.
- 7.5 Upper Teviot and Borthwick Water Community Councillor, Mr Ian Robson advised that the Community Council had also received the Pine Burn windfarm application and they were concerned at the transport plan. They also now had three defibrillators and were investigating storage cabinets to house them. The A7 had also been discussed and it had been noted that maintenance on some of the minor routes had been carried out and this was welcomed.

#### **DECISION**

- (i) **AGREED to report the issues with the A7 to the next meeting of the A7 Action Group; and**  
(ii) **NOTED the reports.**

#### **8. DATE OF NEXT TEVIOT AND LIDDESDALE AREA FORUM MEETING**

The next meeting of the Teviot and Liddesdale Area Forum was scheduled for Tuesday, 21 February 2017 at 6.30 pm in the Lesser Hall.

**DECISION  
NOTED.**

***The meeting concluded at 7.45 pm***

**SCOTTISH BORDERS COUNCIL**  
**CIVIC GOVERNMENT LICENSING COMMITTEE**

MINUTE of Meeting of the CIVIC  
GOVERNMENT LICENSING COMMITTEE  
held in the COUNCIL CHAMBER/  
COMMITTEE ROOM 1, COUNCIL  
HEADQUARTERS, NEWTOWN ST  
BOSWELLS on Friday, 20 January 2017 at  
11.00 a.m.

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Present:- Councillors W. Archibald (Chairman), J. Campbell, B. Herd, G. Logan,  
D. Paterson, T. Weatherston, B. White.  
Apologies:- Councillors J. Greenwell, R. Stewart, J. Torrance.  
In Attendance:- Solicitor (Caroline Kubala), Licensing Team Leader, Licensing Standards and  
Enforcement Officers (Mr M. Wynne and Mr I. Tunnah, Democratic Services  
Officer (F Henderson), Inspector T. Hodges, P.C. C. Lackenby, P.C. P.  
Robertson - Police Scotland.

1. **MINUTE**  
The Minute of the Meeting of 16 December 2016.

**DECISION**  
**APPROVED and signed by the Chairman.**

2. **LICENCES ISSUED UNDER DELEGATED POWERS**  
There had been circulated copies of lists detailing the Civic Government and  
Miscellaneous Licences issued under delegated powers between 18 December 2016 and  
11 January 2017.

**DECISION**  
**NOTED.**

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 they involved the likely  
disclosure of exempt information as defined in paragraph 12 of part 1 of Schedule  
7A to the Act.**

**SUMMARY OF PRIVATE BUSINESS**

1. **GRANT OF TAXI DRIVER LICENCE – SCOTT PATERSON**  
The Committee considered an application for the grant of a Taxi Driver Licence submitted  
by Scott Paterson and agreed that the Licence be granted.

- MINUTE**  
2. The Private section of the Minute of 16 December 2017 was approved.

*The meeting concluded at 11.15 a.m.*

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# SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW  
BODY held in the Council Chamber, Council  
Headquarters, Newtown St Boswells, TD6  
0SA on Monday, 23 January 2017 at  
11.00 am

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Present:- Councillors R. Smith (Chairman), J. Brown (Vice-Chairman), M. Ballantyne,  
J. Campbell, J. A. Fullarton, I. Gillespie, D. Moffat, S. Mountford and B White

In Attendance:- Chief Planning Officer, Managing Solicitor – Property and Licensing,  
Democratic Services Team Leader, Democratic Services Officer (F. Walling).

## 1. **CONTINUATION: REVIEW OF APPLICATION 16/00844/FUL**

With reference to paragraph 1 of the Minute of 19 December 2016, and following an unaccompanied site visit, Members continued consideration of the request from Mr J M and R Bayne, per Ferguson Planning, 54 Island Street, Galashiels, to review the decision to refuse the planning application in respect of the erection of 2 No. dwellings for holiday let and associated infrastructure works on land north west of 4 Rink Farm Cottages, Galashiels. The papers which accompanied this review had been re-circulated. Members agreed that the site visit had been useful in order to assess the landscape and visual impacts of the proposed development and to assist them to make the judgement as to whether these impacts would be outweighed by the potential economic benefits of the project. Members were unanimous in their view that the site chosen for the high class accommodation was ideal in terms of the views across the valley and that the developer had given careful consideration to the design of the units and a way of fitting them into the hillside with minimal impact on the landscape.

### **DECISION**

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

- (a) **the review could be determined without further procedure on the basis of the papers submitted and the unaccompanied site visit;**
- (b) **the proposal was consistent with the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and**
- (c) **the decision of the appointed planning officer to refuse the application be reversed and the application for planning permission be granted, subject to conditions and informatives, for the reasons given in Appendix I to this Minute.**

## 2. **REVIEW OF APPLICATION 16/00866/FUL**

There had been circulated copies of the request from Mr & Mrs P Costello, Crawfield, Auchencrow, Eyemouth, to review the decision to refuse the planning application to vary Condition 3 of 06/00243/OUT and Condition 5 of 13/00897/PPP pertaining to access road at Plots 1 and 2, The Putting Green, Auchencrow. The supporting papers included the Decision Notice; Notice of Review; officer's report; papers referred to in the report;

consultation; and a list of policies. The Local Review Body considered a letter which was submitted with the Notice of Review and which constituted new evidence. For the reasons detailed in Appendix II to this minute, Members concluded that this evidence should be disregarded. There followed a lengthy and detailed discussion about the suitability of the existing gravel surface on the shared access to the two new houses, in this rural location, bearing in mind the condition placed on several previous consents for the site which required a bituminous surface. There was a division of opinion amongst Members as to the suitability of the surface and whether gravel on the fixed eco-grid matting system constituted a bound surface, which for this particular application would meet the intention of the condition.

### VOTE

*Councillor Campbell, seconded by Councillor Gillespie, moved that the decision to refuse the application be upheld.*

*Councillor Ballantyne, seconded by Councillor Fullarton, moved as an amendment that the decision to refuse the application be reversed and the application approved.*

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

*Motion - 4 votes*

*Amendment - 5 votes*

*The amendment was accordingly carried.*

### **DECISION**

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

- (a) the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) in accordance with Section 43B of the Town and Country Planning (Scotland) Act 1997 the review be determined without reference to the new evidence submitted with the Notice of Review documentation;**
- (c) the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (d) the development was consistent with the Development Plan and there were no other material considerations that would justify departure from the Development Plan; and**
- (e) the decision of the appointed officer to refuse the application be reversed and the application for planning permission be granted, subject to the varied condition, as detailed in Appendix II to this Minute.**

*The meeting concluded at 12.45 pm*



**APPENDIX I**

**SCOTTISH BORDERS COUNCIL  
LOCAL REVIEW BODY DECISION NOTICE**

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**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING  
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL  
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

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**Local Review Reference:** 16/00027/RREF

**Planning Application Reference:** 16/00844/FUL

**Development Proposal:** Erection of 2 No dwellings for holiday let, and associated infrastructure works

**Location:** Land North West of 4 Rink Farm Cottages, Galashiels

**Applicant:** Mr J M & R Bayne

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**DECISION**

The Local Review Body reverses the decision of the appointed officer and grants planning permission for the reasons set out in this decision notice and subject to the conditions set out below.

**DEVELOPMENT PROPOSAL**

The application relates to the erection of two dwellings for holiday let, and associated infrastructure works at land north west of 4 Rink Farm Cottages, Galashiels. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Plot 1 plans and elevations	P415-SK-0001A
Plot 2 plans and elevations	P415-SK-0002A
Proposed locality & site plan	P415-SK-0003B
Proposed plant room/solar panel details	P415-SK-0004A
Access - general arrangement	A097556_001
Access – visibility splay	A097556_002
Access – longitudinal sections	A097556_701
SDA Visualisations	-

## **PRELIMINARY MATTERS**

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 19<sup>th</sup> December 2016.

After examining the review documentation at that meeting, which included:

a) Decision Notice; b) Notice of Review; c) Officer's Report; d) Consultations and e) List of policies, the LRB concluded that it did not have sufficient information to determine the review and that a site visit was necessary to assist their deliberations. The site visit was held on Monday 23<sup>rd</sup> January 2017, after which the Review Body reconvened at Council HQ and proceeded to consider the case.

## **REASONING**

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the most relevant of the listed policies were:

- Local Development Plan policies: PMD1, PMD2, EP5, EP8, EP13, ED7, HD2, HD3, IS5, IS7, IS9 and ED9.

Other material considerations were:

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Householder Development 2006
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012
- SBC Supplementary Planning Guidance on Renewable Energy 2007

The Local Review Body commented that their site visit had been particularly helpful in appreciating the landscape setting of the development and gauging its potential impact. Members accepted that the new holiday units would have an impact on the visual amenities and landscape qualities of the Special Landscape Area but did not accept that this would be so significant to warrant refusing the application.

The Review Body considered there would be limited visibility of the buildings. The existing topography and tree cover, within this mature landscape, reduced the degree and spread of any visual impact to a limited number of distant viewpoints.

Members considered that a great deal of thought had been put into trying to fit the holiday units into the landscape, cutting them into the hillside, setting them off the skyline and designing them to be modest single storey structures. The use of weathered whin stone for the external walls of the buildings and non-reflective glass was also critical in reducing any visual impact of the new development. Members considered that the units were of an innovative and attractive contemporary design that was compatible with, and respected the character of the surrounding area.

Members debated the potential impact of the sun reflecting on the glass façade of the buildings and whether this would draw attention to the buildings. They concluded that the use of non-reflective glass and the design of the roof, with its pronounced overhang,

would limit any such impact. However, they felt that there may be glare from vehicles parked this far up the hillside. Members agreed that a wall of similar height and material to the existing field dykes built along the access road adjoining the parking area would help ameliorate any impact.

Whilst there were other buildings within the farm steading that could have been converted to provide holiday accommodation and other areas within the applicant's land holding that could have accommodated this development, Members were satisfied that, on balance, this was the correct location for this type of venture. The development promotes high quality accommodation that needs a degree of seclusion and takes advantage of the fabulous views down the valley. A development of this nature could not be delivered in the other suggested locations.

The Review Body was firmly of the view that only the two holiday units proposed were acceptable at this location. The erection of further units would have a more significant and harmful impact on the visual and landscape qualities of this sensitive landscape and would be at odds with the applicant's development ethos of providing a secluded and tranquil visitor experience.

Members gave significant weight to the potential economic benefit the development would generate. In their opinion, this would not only help sustain the existing farming operation and allow the applicants to diversify their business interests but would benefit the Borders more generally. The Local Review Body accepted a persuasive case had been made for a viable business and that the development would provide a much needed high quality tourism offer in the central Borders.

The Review Body was content that the other matters relating to archaeology, access and servicing of the site could be dealt with through the imposition of appropriate planning conditions.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was consistent with the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was approved.

## **DIRECTIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006

## **CONDITIONS**

1. Prior to the occupation of the first of the holiday units, the proposed access, passing places, turning area and parking spaces indicated on the approved drawings shall be constructed in accordance with the approved plans and the following specifications:
  - The first 20 metres of the new access to be constructed to the following specification "40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1."
  - The remainder of access track to be formed with a well compacted, free draining smooth running surface. This will require the removal of the central grass strip along the length of the track and upgrading the existing running surface.

- The bellmouth of the access to be a minimum of 5.5 metres wide for the first 7.5 metres.
- The existing access to be closed off and grubbed up to an agreed specification once the new access has been formed.
- The new access to be formed and available for use prior to works commencing on the holiday units, to ensure construction traffic benefits from the new and improved access. The phasing of the new access works can be agreed to ensure that the final wearing course is laid prior to occupation of first of the holiday units.
- The visibility splays of 2.4 by 90 metres to be provided in both directions onto the public road and maintained as such in perpetuity.

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for traffic.

2. The occupation of the buildings, hereby approved, shall be for holiday purposes only. The occupation of the buildings shall be restricted to genuine holidaymakers for individual periods not exceeding 4 weeks in total within any consecutive period of 13 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.

Reason: the use of the buildings for permanent residential use in this location would conflict with the established planning policy for this rural area.

3. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.

Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

4. No development shall take place until the applicant has secured a programme of archaeological work in accordance with an approved Written Scheme of Investigation (WSI) outlining a Watching Brief. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.
- Development should seek to mitigate the loss of significant archaeology through avoidance in the first instance according to an approved plan.
- If avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).
- Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion

- The results of further mitigation of significant archaeology shall be reported to the Council following completion for approval and published as appropriate once approved.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

5. A scheme to facilitate access and interpretation of Rink Fort to be submitted to and approved by the Planning Authority before the holiday let units are occupied. Thereafter, the scheme shall be implemented in accordance with the agreed details and timescales.

Reason: To improve access to the Rink fort and increase appreciation, experience and understanding of the historic asset and its setting.

6. No development is to commence until a report, by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the buildings hereby approved.

Reason: To ensure that the development is adequately serviced with water without a detrimental effect on the water supplies of surrounding properties.

7. The buildings shall not be occupied until works for the disposal of surface water and foul sewage have been provided on the site to serve the development hereby permitted in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The submitted details shall set out how the drainage system will be maintained in a serviceable condition.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

8. Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2

Reason: To protect the residential amenity of nearby properties.

9. All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the noise limits referred to on condition 8..

Reason *To protect the residential amenity of nearby properties.*

10. Details of a wall along the access road to the site adjoining the propose parking area to be submitted to and approved in writing by the Local Planning Authority before work on the site is commenced. The wall shall be constructed and completed prior to the occupation of the first of the holiday units.

Reason: To enable the proper effective assimilation of the development into its wider surroundings and to prevent glare from parked vehicles.

## **INFORMATIVES**

### Access

In terms of condition 1 above, the Roads Planning Officer suggests that:

- Consideration to be given to reducing the width of the private access road from 4.5 metres to 3.7 metres. The reason for this is change is that 4.5 metres gives an impression that two vehicles can pass each other. The minimum width for two way movements is 4.8 metres. Reducing the road width to 3.7 metres will remove any confusion of passing and will also reduce construction costs.

### Archaeology

The Archaeology Officer indicates that he is keen to engage in a dialogue with the applicants regarding means to emphasise the heritage elements within the site.

### Water Supply

In respect of condition 6 above, the Environmental Health Officer states that as the proposal may result in the general public consuming the water from the private water supply, the supply will be classed as a Type A. This will mean that the supply will be subjected to annual water testing and a risk assessment of the supply. The applicant should contact an Environmental Health Officer before becoming operational to discuss testing of the water.

### Private Drainage

In respect of condition 7 above, the Environmental Health Officer states that private drainage systems often cause public health problems when no clear responsibility or access rights exists for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

To discharge condition 6 relating to the private drainage arrangements, the applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

### Wood Burning Stoves

*These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify you in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission.*

*Accordingly this advice can assist you to avoid future problems.*

*The location of the flue should take into account other properties that may be downwind.*

*The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.*

*The flue should be terminated with a cap that encourages a high gas efflux velocity.*

*The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.*

*The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.*

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*If you live in a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s> .*

*In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on - [http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)*

*Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel.*

*Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.*

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**Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

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**Signed....**Councillor R Smith  
Chairman of the Local Review Body

**Date.....**27 January 2017

## APPENDIX II

### SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY DECISION NOTICE

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**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING  
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL  
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

---

**Local Review Reference:** 16/00029/RREF

**Planning Application Reference:** 16/00866/FUL

**Development Proposal:** Variation of Condition 3 of planning permission 06/00243/OUT and Condition 5 of planning permission 13/00897/PPP pertaining to access road

**Location:** Plots 1 & 2 Site at The Putting Green Auchencrow Eyemouth

**Applicant:** Mr & Mrs P Costello

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### DECISION

The Local Review Body reverses the decision of the appointed officer and grants planning permission for the reasons set out in this decision notice and subject to the varied condition as set out below.

### DEVELOPMENT PROPOSAL

The application relates to the variation of condition 3 of planning permission 06/00243/OUT and condition 5 of planning permission 13/00897/PPP pertaining to access road. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	OS Extract
Block Plan	-

### PRELIMINARY MATTERS

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 23<sup>rd</sup> January 2017.

After examining the review documentation at that meeting, which included:

a) Decision Notice; b) Notice of Review; c) Officer's Report; d) papers referred to in report; e) Consultations and f) List of policies, the LRB concluded that it had sufficient information and proceeded to determine the review.



The Review Body noted that a letter from Mr Stephen Jones dated 22<sup>nd</sup> December 2016 had been lodged with the review. This letter was not lodged with the application and was not before the appointed officer when the decision was issued. The Review Body considered this to be new evidence but concluded that it did not meet the tests set out in section 43B of the Act. In the circumstances, they gave it no regard in their subsequent determination of the case.

## **REASONING**

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the most relevant of the listed policies were:

- Local Development Plan policies: PMD2, HD2 & HD3.

Other material considerations were:

- SBC Supplementary Planning Guidance on Placemaking and Design 2010

The Review Body debated at length the suitability of the existing access that serves the two new houses at The Putting Green. They noted that the access had been constructed with a gravel surface fixed, or bound, through the use of an eco-grid matting system onto 150mm type 1 onto hardcore @200mm. They noted that this standard of access was sufficient to meet Building Standards requirements.

Whilst there had been some confusion caused by the differing requirements needed to meet Building Standards, Members were clear that the applicants/developers of the houses should have been aware of the planning requirements for a bituminous surface. A condition setting this out had been imposed on each planning permission issued for the site. Notwithstanding, the Review Body was required to test the suitability of the condition against the provisions of Circular 4/1998 and, in particular, whether the condition was reasonable.

Members were satisfied, after considering the application on its individual merits, that a gravel surface was appropriate and visually acceptable in a rural village such as Auchencrow. This is a countryside location where a more rustic approach was appropriate. In coming to this view, they gave weight to the fact that there were a number of properties in the immediate vicinity of the site that already had gravel drives. In addition, they expressed concern that a bituminous surface would give the development more of suburban appearance than was suitable for this particular site.

In terms of road safety, Members accepted that there was some potential for gravel to spill onto the public road but that this was limited due to the matting system used, which holds the gravel in various cells. They did not feel that this would be a significant problem. Members were satisfied that the existing surface would provide greater permeability and be able to deal with surface water more effectively than a bituminous surface. This would avoid the problem of water and ice on the public road and a slip hazard being created for residents using the driveway.

The Review Body did not feel that the provision of a partially bituminous surface, as suggested by the Roads Planning Officer, was desirable or would have any particular road safety benefit. In addition, they did not feel that it would look particularly attractive.

The Review Body was satisfied that the gravel access was fit for purpose and was acceptable on amenity and road safety grounds. The Review Body concluded that the condition, as originally drafted, was not reasonable in all respects and agreed that it should be varied to allow the use of a gravel drive with the eco-grid matting system.

The Planning Advisor informed the Review Body that after examining the planning history of the development he had noted that a condition (No.7) relating to the same access specification had also been imposed on planning consent 08/00626/REM for Plot 1 (the detailed application pursuant to outline permission 06/00243/OUT). This condition would also need to be varied to provide full clarity on the required access standard.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was consistent with the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was approved.

## **CONDITION**

All three applications 06/00243/OUT, 08/00626/REM and 13/00897/PPP shall be subject to the following condition:

1. The access road serving the site shall be completed to the following specification and shall incorporate the following requirements:
  - surface shall be 5.5 metres wide to a point 7.5 metres back from the edge of the public road
  - access road shall be 'straightened' to allow a perpendicular junction
  - a visibility splay of 2.5 x 70 metres must be provided in both directions and maintained in perpetuity.
  - road shall be formed in a bound surface material (including through the use of an eco-grid matting system) or similar approved by the Planning Authority.Reason: in the interests of amenity and road safety.

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## **Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.**

3. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
4. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

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**Signed....**Councillor R Smith  
Chairman of the Local Review Body

**Date.....**27 January 2017  
Page 96



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# Public Document Pack

## SCOTTISH BORDERS COUNCIL SCRUTINY COMMITTEE

MINUTES of Meeting of the SCRUTINY  
COMMITTEE held in COUNCIL CHAMBER,  
COUNCIL HEADQUARTERS, NEWTOWN  
ST BOSWELLS on Thursday, 26 January  
2017 at 10.00 am

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Present:- Councillors G. Turnbull (Chairman), W. Archibald, K. Cockburn, A. Cranston,  
I. Gillespie, B Herd, A. J. Nicol and J. Torrance.

Apologies:- Councillor W McAteer.

In Attendance:- Communities & Partnership Manager, Network Manager, Asset Manager,  
Lead Roads Planning Officer, South of Scotland Timber Transport Manager,  
Clerk to the Council, Democratic Services Officer (J Turnbull).

### 1. **MINUTE**

There had been circulated copies of the Minute of 24 November 2016

#### **DECISION**

**AGREED the Minute.**

### 2. **THE IMPACT OF THIRD PARTY USE ON THE LOCAL AUTHORITY'S ROAD NETWORK**

2.1 With reference to paragraph 5 of the Minute of 24 November 2016, the Chairman welcomed Mr James England, South of Scotland Timber Transport Officer; Mr Brian Young, Network Manager, Scottish Borders Council (SBC); Mr David Richardson, Asset Manager (SBC); and Mr Derek Inglis, Lead Roads Planning Officer (SBC), who were present to give a presentation to Members on the impact of third party use on the road network. Mr England began the presentation by advising that his role was to enable timber to reach markets with the minimum impact on communities, public roads and the environment. He provided an independent point of contact between the forestry industry, local authorities and communities to improve communication and support conflict resolution. Mr England advised that commercial forestry covered 14% of Scotland and 18.5% of the Scottish Borders, which was the highest concentration in the UK. The forestry industry contributed significantly to the rural economy employing 25,000 people in Scotland, of which 3,000 were employed in the South of Scotland. Forests planted in the 1970s were now maturing and therefore timber production had increased; 7.4 m tonnes had been produced in 2014 which meant a substantial increase in timber traffic on the road network. Consequently, this brought challenges for harvesting and moving loads to the timber processing facilities which were located out with the Scottish Borders.

2.2 The majority of planting was in remote areas with poor access through narrow, rural roads which were inherently weak and not suitable for heavy timber vehicles. Mr England referred to the Scottish Borders Woodland Strategy (2005), the objective of which was to address the issues associated with regional timber transport infrastructure. One of the key actions contained in the Strategy was to work with the forestry industry and partners to develop internal haul roads in order to remove timber traffic from the most unsuitable minor roads. There was also a National Timber Transport Forum. Its Partnering Charter was to support the many benefits of forestry by ensuring that timber industries could access and market the UK's timber resource in a sustainable way. At the same time the Forum sought to minimise the impact of timber transport on the public road network, on local communities and the environment. There were also 11 Regional Transport Groups – one of which was the Scottish Borders Timber Transport Group, which included SBC

officers, Councillors, Police and hauliers. Mr England did attend Community Council meetings to make presentations and discuss any local issues.

- 2.3 Mr England went on to explain the route classification for timber transportation. A/B routes were classified as Agreed Routes which could be used for timber transportation without restriction e.g. A7 trunk road. Consultation Routes were B roads and minor roads, which had been recognised as being key to timber extraction but which were not up to Agreed Route standard. Consultation with the Local Authority was required before these routes could be used. Roads classified as Severely Restricted Routes would not normally be used and consultation with the Local Authority was required to achieve an agreed management regime to avoid land locking of timber. Finally, excluded routes should not be used for timber transport. Roads were continually assessed as they improved and categories changed. Mr England referred to the Tread Softly campaign, which had introduced initiatives such as a central tyre inflation system to lessen the impact on roads and also a convoy system. He highlighted John Miller Limited, as a responsible timber haulier, who had introduced vehicle tracking, central tyre inflation, on-board weighing, vehicle tracking with speed logged and had limited their fleet's speed to a maximum of 52 mph.
- 2.4 Mr England concluded his presentation by advising that timber transportation was being debated this week by the Scottish Government, their aspiration being the extraction of 10 million tonnes of timber each year by 2035. The National Timber Transport Forum was lobbying the government for a long term investment plan for C and Unclassified roads and intervention to ensure that the road network could meet the increasing demands of the industry. In his role as Timber Transport Officer he would continue to investigate funding streams, produce revised Codes of Practice for timber haulage, deal with complaints and listen to the views of communities and examine solutions.
- 2.5 A number of questions were raised by Members. In terms of speeding, Mr England advised that he could tackle issues relating to speeding but he required haulier details if possible or, if not, the colour of the vehicle, along with the location and time of day. With regard to plans for upgrading roads in the Borders, he advised that this was carried out on a continual basis, particularly when there was new planting; presently an internal route for Craik Forest was being investigated. The Timber Transport Fund could contribute 50% towards a road upgrade and this would be increasing to 80%. Mr Young added that the Timber Transport Fund was a challenge fund and SBC was required to bid with other authorities. At the moment SBC had to match 50% and meet certain criteria.
- 2.6 With regard to the transportation of timber via rail, Mr England advised that the required infrastructure was not in place, and Network Rail was not prepared to pursue this. Mr Young added that unless the railhead could be located at the source of timber extraction, the timber would be doubled handled, which was neither feasible nor cost effective. A freight rail service had been proposed in the mid-1990s when discussing a possible rail link from Hawick to Carlisle, but initial investigations had found difficulties with the route through Ministry of Defence land and consideration had changed to a passenger service as the more viable option.
- 2.7 With regard to windfarm traffic, Mr Inglis advised that this was easier to manage as it was for a short term event with knowledge of the number of vehicles involved. Windfarm traffic was also covered by planning conditions and legal agreements. The windfarm contractor, financed and arranged a road condition survey to determine the condition of the road prior to and following the windfarm installation, and arranged for any maintenance to be carried out as a consequence of any damage caused to the road. Part of the planning process also covered the timing of windfarm transportation so as not to clash with peak times e.g. school transportation. The issue with timber extraction was that it happened decades after initial planting took place.

- 2.8 There was a discussion on what other initiatives were in place or could be introduced. Planning conditions could be attached to forestry development, but only if it was for new planting, when landowners could be asked for a contribution to develop roads in advance e.g. to install passing places. The current timber extraction operations related to trees planted in the 1970s when the impact of extraction had not been a major consideration. Timber traffic was also viewed as normal traffic and, on existing roads, with other large vehicles such as milk transport and farm traffic, it would be difficult to prove any damage had been caused by timber transportation. Dumfries and Galloway Council had recently tried to receive compensation for damage to their road network and had not succeeded as they were unable to prove the damage was caused by timber transportation. The length of the road network made it impractical to monitor routes to ascertain which vehicles were causing damage. Mr Young added that SBC had tried to challenge in the past, but had been unsuccessful as it was considered that timber transport had as much right to use the public road network as any other vehicle as they paid road tax. Mr England did work with hauliers to try to find a resolution if there were particular difficulties with routes. Members discussed the possibility of a bond being issued with the licence for timber extraction. However, it was noted that the forestry industry had been struggling over the past few years and this could possibly prohibit landowners from planting. Members also enquired if advisory signs could be used such as weight restrictions on roads but those would apply to any HGV, not just for timber lorries. Officer advised that Traffic Regulation Orders would need to be implemented, and there was an objection process, and, unless the sign was for something tangible e.g. weak structure of a bridge, it would not be feasible.
- 2.9 To conclude the discussion, Members and Officers were in agreement that timber transportation should be reviewed annually by the appropriate committee. It was also agreed that the Scottish Government should consider the impact of timber transport on the road network and introduce a long term investment plan to enable maintenance and improvement of the road infrastructure.

#### **DECISION**

#### **# AGREED TO RECOMMEND to the Executive Committee that:**

- (a) the Leader write to the Scottish Government pressing for more funding for the road infrastructure from both Scottish Government and the Forestry Industry to both prepare the public road network for timber extraction and also rectify any resultant damage caused by timber extraction;**
- (b) the Leader write to the Scottish Government to request that the current review of 'the Future of Forestry in Scotland' should include the impact and cost of timber extraction on the road network and rural communities; and**
- (c) the impact of 3rd party use of the public road network - in the form of larger HGV vehicles - be kept under review on an annual basis by the appropriate Committee in the new Council following the election in May 2017.**

#### **3. IMPLICATIONS OF THE COMMUNITY EMPOWERMENT ACT ON THE COUNCIL**

- 3.1 With reference to paragraph 5 of the Minute of 24 November 2016, the Chairman welcomed Ms Shona Smith, SBC's Communities and Partnership Manager, to the meeting to give a presentation to Members on the implications of the Community Empowerment (Scotland) Act 2015 on the Council. In her introduction, Ms Smith advised that the Act focused on a local approach to allow communities to improve services and was rooted in tackling inequalities. Although the Act received Royal Assent on 24 July 2015, it was recognised that further regulations and guidance were required for most parts of the legislation with a timescale for operational completion of October 2016. There were 11 sections of the Act: National Outcomes, Community Planning and Asset Transfer Requests were already in force; Participation Requests would become active in March 2017. Ms Smith discussed the Community Planning part of the Act which was about the delivery of local outcomes and the involvement of community bodies at all stages of

community planning. Community Planning Partners who had a statutory duty in this regard were Scottish Fire and Rescue Service, Police Scotland, NHS Borders, Scottish Enterprise and Scottish Borders Council. Tackling inequalities was a specific focus of this part of the Act. The Local Outcome Improvement Plan (LOIP), which would replace the Single Outcome Agreement, would contain improvement outcomes across the Scottish Borders, and this was linked to Locality Plans which focussed on smaller areas. The LOIP and Locality Plans required to be published by October 2017.

- 3.2 Ms Smith then went on to discuss the Asset Transfer part of the Act which was introduced on 23 January 2017. Assets were land and buildings owned by public authorities, and these required to be published; the Council's Asset register had been published on the website and would be updated quarterly. If community bodies considered they could make better use of land and buildings currently owned by public authorities and other public bodies, the Act allowed community bodies to request to purchase, lease, manage or use such land and buildings. Such requests had to be agreed unless there were reasonable grounds for refusal. There was a short time scale for the process – from receipt of the formal request to decision - and it was highlighted that interested communities should contact the Communities Partnership Team for a discussion prior to submitting a request. The Clerk to the Council added that the request process was still to be decided but it was likely to be initially considered by officers in consultation with local Members. There was also the requirement for an appeals process to be established.
- 3.3 Ms Smith then went on to explain the Community Participation Requests part of the Act, which would likely be introduced in March 2017. Communities had the right to request to participate in improving outcomes of service delivery. For example, the community could offer volunteers to support a service or take over a service or facility. The Participation Request would need to provide an explanation of the improvement in the specified service which might arise from its participation. Again, the decision making process was tight. Participation Requests could be declined but there had to be a valid reason for doing so.
- 3.4 Ms Smith briefly referred to other parts of the Act to be implemented in the future, e.g. Community Rights to Buy Land, Allotments and Common Good Property. All Councils would have to create and publish a list of common good properties. Councils would need to consult with Community Councils and other community groups. Ms Smith ended the presentation by advising there would be a shift of funding from public bodies to community partners - the Empowering Communities fund would be launched in the Spring and would be in the region of £18m. Details of the Act and a training video were available on the Council's website. Further presentations and briefings would be given to Members and the Area Forums when other sections of the Act became live. There would also be an information pack circulated to all Members with links to various documents.
- 3.5 In answer to questions, Mr Smith advised that Area Forums would receive further presentations on the Act and all Community Councils would be invited to attend. While community bodies could make Participation Requests, they would need to state what knowledge and skill they would bring. As an example of a successful community project, Ms Smith referred to the Burnfoot Community Futures Hub. Scottish Borders Housing Association (SBHA) had offered a piece of adjacent land which could be used for an allotment. The community could grow produce on the allotment and the allotment produce could then be used by Burnfoot Community Futures Hub's café and for Joint Health Improvement community cookery lessons. Reference was also made to another community project in Galashiels: there had been two large unused greenhouses which the Criminal Justice Team had brought back into use. They worked in conjunction with the Health Service, providing food for local food banks.
- 3.6 The Chairman referred to the Council's Strategic Assessment which was published on the website. Ms Smith added that the Improvement Service had also produced a Community Improvement Tool set against 14 criteria which gave information on local areas. For example, the Tool highlighted Burnfoot and Langlee as improving communities. A link to



the Improvement Service Community Improvement Tool would be sent out to Members' for their information. With regard to communities accessing funding, Ms Smith explained that mapping had shown that it was more affluent areas that applied for funding and more support was needed to help vulnerable communities with the application process. A number of funds were in place such as Empowering Communities, Aspiring Communities and Community Choices. Scottish Government needed to publicise the schemes. Smaller rural communities appeared to engage with the application process better than larger urban communities who did not have the same cohesion.

- 3.7 Members discussed a number of options regarding local governance, including the possibility of setting up town councils again; a lack of interest in the public participating in community councils, partly because they did not have a budget and if they had access to funding this might encourage more interest in community projects. There was also discussion on natural communities and how they could work alone or in tandem with others, depending on the projects being considered.

#### **DECISION**

##### **AGREED:**

- (a) **To note the progress being made with the ongoing implementation of the Community Empowerment Act;**
- (b) **a pack on Community Empowerment be sent out to all Members with links to further information which Members could distribute to local community bodies; and**
- (c) **that further briefings be made to all Members in due course as the remaining sections of the Community Empowerment Act were enacted.**

#### **4. SCRUTINY REVIEWS**

With reference to paragraph 5 of the Minute of 24 November 2016, there had been circulated copies of the 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. The Clerk to the Council advised that for the February meeting there would be a presentation on the Police, Fire & Rescue and Safer Communities Board; a briefing on Artificial Sports Pitches and a private briefing on Home Schooling. For the March meeting there was scheduled a presentation on the Health and Social Care Integrated Joint Board. There would also be an item on the Agenda to consider the Scrutiny Action Tracker, which would detail outcomes of actions from the Committee and also if any items required to be forwarded to 2017/2018 Committee year.

#### **DECISION**

**AGREED the list of subject for review by Scrutiny Committee as amended and appended to this Minute at Appendix 1.**

#### **5. DATE OF NEXT MEETING**

The next meeting of the Scrutiny Committee would take place on Thursday, 16 February 2017.

#### **DECISION**

**NOTED.**

***The meeting concluded at 12.20 pm***

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## Scrutiny Committee – Review Subjects 2016/17

### Timetabled for Scrutiny Meetings

Source	Issue/Description	Stage	Scrutiny Committee Meeting Date
1(a)	Police, Fire & Rescue and Safer Communities Board – a general update with emphasis on how the Board had progressed its business programmes to date; and details of key decisions made by the Board.	Douglas Scott	16 February 2017
2(a) Councillor Archibald	Artificial sports pitches. Briefing paper to be brought forward on existing artificial pitches in the Scottish Borders, to include information on the use costs, benefits and issues of these facilities.	Presentation from Rob Dickson, Corporate Transformation and Services Director.	16 February 2017
3(a)	Home Schooling. To consider the requirement for a change in the law to ensure health assessments for home schooled children are carried out. Also to investigate parents undertaking an examination to ensure that they were adequate educators for primary secondary school education. me Schooling	Private briefing from Donna Manson, Service Director Children and Young People	16 February 2017
4(a)	Scrutiny Committee Action Tracker	Jenny Wilkinson, Clerk to the Council	23 March 2017
5(a)	Health and Social Care Integrated Joint Board – to include: a general update with emphasis on how the Board had progress its business programmes to date; and information relating to key issues that the Health and Social Care Integration Joint Board had identified.	Elaine Torrance.	23 March 2017.

## Reviews Completed 2015/16

Source	Issue/Description	Stage	Scrutiny Committee Meeting Date
1(c) 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 of allotments etc.”</i>	Presentation from Shona Smith, Communities & Partnership Manager.	26 January 2017 Completed.
2(c) Scrutiny	The impact of third party use on the Local Authority’s road network, e.g. timber transportation and wind turbine transportation.	Brian Young, Network Manager, David Richardson, Asset Manager, Derek Inglis, Lead Roads Planning Officer and James England, South of Scotland Timber Transport Officer.	26 January 2017 Completed.
3(c)	Drugs and Alcohol Strategy	Elaine Torrance, Chief Social Worker; Tim Patterson, Joint Director of Public Health, Fiona Doig.	24 November 2016 Completed.
4(c)	Policies and Procedures for Protective Marking of Documents and Management of Information.	Information Governance Board to make presentation.	24 November 2016 Completed.
5(c) Councillor Nicol	Review of Bridges Assets. The review should include the condition of bridges on the register and the processes for inspection and maintenance	Presentation by Martin Joyce, Service Director Assets & Infrastructure	27 October 2016. Completed.
6(c) Councillor Torrance	Social Work Duty Hub	Graeme Dobson, Project Manager, Les Grant, Customer Services Manager	27 October 2016. Completed.

<b>Source</b>	<b>Issue/Description</b>	<b>Stage</b>	<b>Scrutiny Committee Meeting Date</b>
7(c) Councillor Nicol	Recycling Centres. Update on remarketing of goods for recycling at Community Recycling Centres, including how other authorities approached this.	Presentation by Jenni Craig, Service Director Neighbourhood Services and Ross Sharp-Dent, Waste Manager.	22 September 2016. Completed.
8(c) Councillor Cockburn	Asymmetric Week	Presentation by Donna Manson, Service Director Children & Young People, Ms M Strong, Chief Officer Education & Lifelong Learning; Mr P Fagan & Ms A M Bready, Headteachers.	22 September 2016. Completed.
9(c) Ettrick and Yarrow Community Council	Great Tapestry of Scotland Working Group – Report	Report by Scrutiny Committee Working Group, presented by Councillor Mountford	18 August 2016. Completed.
10(c) Greenlaw and Hume Community Council	To consider outsourcing success stories from this Council and elsewhere in Scotland in particular where the service has been outsourced to a third sector organisation	Presentation by Kathryn Dickson, Procurement & Payment Services Manager.	18 August 2016. Completed.
11(c) Royal Burgh of Peebles & District Community Council	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. In particular, use the example of 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.	Presentation from Rob Dickson, Corporate Transformation and Services Director.	Removed. (Paragraph 2.2 of the minute of 18 August 2016 refers).
12(c) Councillor Torrance	School Transport and Escorts	Presentation by Dona Manson, Service Director Children and Young People.	28 April 2016 Completed.

13(c) Scrutiny Committee	Following the review on road repairs maintenance, presented to the January meeting of Scrutiny Committee. There was a further report to the March meeting on the implications on the capital and revenue budgets of the trunk status of the A72 and A7. Scrutiny Committee requested a further report identifying the revenue and capital costs of works to individual roads in the roads infrastructure.	Report from Asset Manager.	28 April 2016. Completed.
14(c) Councillor Logan	Support for Highly Able Learners in Schools	Presentation by Donna Manson, Service Director Children & Young People.	28 April 2016. Completed.
15(c) Scrutiny Committee	Financing arrangements for the Transport Interchange in Galashiels – to include subsidy arrangements and departure charges.	None	24 March 2016. Completed.
16(c) Councillor Archibald	Equalities Legislation. Consideration on the Council's up to date grant application form and information on how legislation is applied to local festivals, in particular where the Council awards grants.	None.	24 March 2016. Completed.
17(c) Councillor Bhatia	Protection of Private Water Supplies – “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.”	Recommendation to be considered by Executive Committee on 22 March 2016.	18 February 2016. Completed.
18(c) Etrick and Yarrow CC Allocation of budgets for rural maintenance and repairs.	To review 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 rural roads is arrived and whether more should be allocated.	Recommendation considered by Executive Committee on 8 March 2016 – accepted.	28 January 2016. Completed.

Source	Issue/Description	Stage	Scrutiny Committee Meeting Date.
19(c) Graeme Donald	Religious Observance Policy } These were } presented together at }	None – briefing session	29 October 2015. Completed.
20(c) Scrutiny Committee	Faith Schools } the same meeting. }	None – briefing session.	29 October 2015. Completed.
21(c) Councillor Turnbull	Fees for taxi licensing – the amount paid to outside bodies in administering taxi licensing and how the fees for a licence in the Borders compare with those of neighbouring authorities.	Information emailed to Cllr Turnbull from Licensing Team Leader on 5/10/15. Cllr Turnbull does to wish to pursue further.	14 October 2015. Completed.
22(c) Scrutiny Committee	Attainment levels in Schools in Deprived Areas.	None – briefing session.	24 September 2015. Completed.
23(c) Scrutiny Committee	Mainstream Schools and Children with Complex Additional Support Needs	None – briefing session.	24 September 2015. Completed.
24(c) Scrutiny Committee	Funding available to Community Councils	Presentation from Clare Malster, Strategic Community Engagement Officer	11 June 2015. Completed.
25(c) Scrutiny Committee	Presentations on Planning Enforcement and Building Inspection Regime.	Presentation from Alan Gueldner, Lead Enforcement and Mr James Whiteford, Lead Building Standards Surveyor.	11 June 2015. Completed.
26(c) Scrutiny Committee	Procurement Control of contractors policy/repairs & maintenance framework agreement procurement project.	Presentation by Kathryn Dickson, Procurement and Payment Services Manager, Graham Cresswell, Health & Safety Manager; Ray Cherry, Senior Architect; Stuart Mawson, Property Manager.	28 May 2015. Completed.
27(c) Scrutiny Committee	Use of Small Schemes and Quality of Life Funding by Area Fora.	Report by Jenni Craig, Service Director Neighbourhood Services.	26 March 2015. Completed.

Reviews Completed 2014/2015

<b>Source</b>	<b>Issue/Description</b>	<b>Stage</b>	<b>Scrutiny Committee Meeting Date</b>
1(d) Scrutiny Committee	Funding Available to Community Council	Clare Malster, Strategic Community Engagement Officer. Jean Robertson, Funding and Project Officer.	11 June 2015. Completed.
2(d)	Presentation on Planning Enforcement and the Building Inspection Regime	Alan Gueldner, Lead Officer Enforcement and James Whitford, Lead Building Standards Surveyor	11 June 2015 Completed.
3(d)	Use of Small Scheme and Quality of Life Funding by Area Fora	Report from Jenni Craig, Service Director Neighbourhood Services. Craig Blackie Neighbourhood Area Manager(Eildon)	26 March 2015 Completed.
4(d)	Procurement – Control of Contractors Policy/Repairs & Maintenance Framework Agreement Procurement Project	Kathryn Dickson, Procurement and Payment Services Manager, Graham Cresswell, Health and Safety Manager, Ray Cherry, Senior Architect, Stuart Mawson.	28 May 2016 Completed



Reviews Completed 2012/2013

<b>Source</b>	<b>Issue/Description</b>	<b>Stage</b>	<b>Scrutiny Committee Meeting Date.</b>
1(e)	The Scrutinising Function within the new Scheme of Administration	Councillor Parker	Completed.
2(e)	Food Safety	Brian Frater, Head of Planning & Regulatory Services; Gwen Robertson, Principal Officer Food/Health and Safety, and Anne Dalziel, Enforcement Officer, Anne Dalziel.	4 October 2012. Completed.
3(e)	Procurement	David Robertson, Chief Financial Officer, Sandra Blacklock; Category Manager – Construction, Transport and Environment, Ewan Forrest, Category Manager – Corporate Indirects, Ewan Forrest and Charles Revolva, Solicitor.	4 October 2012. Completed.
4(e)	The Scrutinising Function within the new Scheme of Administration	Councillor Parker	4 October 2012 Completed.
5(e)	The Welfare Reform Act and Its Impact	Presentation from Jenni Craig, Head of Customer Services and David Cressey, Head of Housing & Community Justice	13 September 2012 Completed.
6(e)	Tourism Development in the Scottish Borders Area	Paula McDonald, Regional Director – VisitScotland, Vicki Miller, Head of Local marketing, VisitScotland, Ms Catherine Maxwell-Stewart, Chairman Scottish Borders Tourism Partnership, Richard Sweetnam, Economic Development Manager.	22 March 2012 Completed.



**SCOTTISH BORDERS COUNCIL**  
**INNERLEITHEN COMMON GOOD FUND SUB-COMMITTEE**

MINUTE of MEETING of the INNERLEITHEN  
COMMON GOOD FUND SUB-COMMITTEE  
held in the Council Chamber, Memorial Hall,  
Innerleithen on 26 January 2017 at 3.00 p.m.

- Present:- Councillors G. Garvie, (Chairman), S. Bell, G. Logan.  
Community Councillor Marshall Douglas.
- In Attendance:- Capital and Investments Manager, Principal Solicitor (H. MacLeod),  
Estates Surveyor (A. Graham), Democratic Services Officer (K. Mason),  
Business Director, LIVE Borders (L. Wood) (para 4).
- Member of the Public:- Mr Ross McGinn, Chairman, Innerleithen Community Trust.

**1.1 MINUTE**

The Minute of Meeting of the Innerleithen Common Good Fund Sub-Committee held on 27 October 2016 had been circulated.

**DECISION  
NOTED.**

- 1.2 With reference to paragraph 3 of the Minute, the Principal Solicitor advised that she had investigated the ownership of the clock. As it is a moveable item attached to a heritable property it forms part of that heritable property. It was acknowledged that the clock had been a gift to the town and placed on the building formerly known as the Cleikum Mill which had been converted several years ago into privately owned flats. The clock was still on the wall of the building and Mr McGinn advised that the clock was in working order. It was agreed that there was no desire to move it, just for it to be kept in working order. It was suggested by the Principal Solicitor that the practical solution was for the residents of the property to be contacted and asked to consent to the maintenance of the clock by the Common Good Fund Sub-Committee. Members discussed the situation and agreed that the Principal Solicitor correspond with the owners of the flats advising that the Innerleithen Common Good Fund Sub-Committee wished to have access to the clock annually for maintenance purposes.

**DECISION**

**AGREED that the Principal Solicitor write to the owners of the flats in the building formerly known as the Cleikum Mill advising that the Common Good Fund Sub-Committee wished to have access to the clock annually for maintenance purposes.**

- 1.3 With reference to paragraph 3(c) of the Minute, the Democratic Services Officer advised that the Curator of Tweeddale Museum would seek an estimate for the repair of the former Provost's chain. It was thought that cost of the repair would be minimal and Members were advised that the Clerk to the Council had suggested that the repair to the Chain be met from the Convener's budget. At a later juncture in the meeting the Capital and Investments Manager advised that the Chain was thought to be worth approximately £20,000. As this valuation was well below the £100,000 individual items insurance threshold, therefore the Chain was insured through the Council's general policy. It was pointed out that in the winter months the Chain was securely stored in the Tweeddale Museum; during the summer months it was on public display in a case in St Ronan's Wells. The Chain was worn by the Chairman of St Ronan's Games Committee during Games Week and the Capital and Investments Manager undertook to liaise with the St Ronan's Games Committee about insurance arrangements during that period.

## **DECISION**

(a) **NOTED.**

(b) **AGREED** that the Capital and Investments Manager liaise with the St Ronan's Games Committee relating to insurance arrangements for the Chain when it was worn by the Chairman during Games week.

## **PRIVATE BUSINESS**

**Members were advised that the condition survey for the Memorial Hall carried out by CB Richard Ellis Limited in August 2011 had some time ago been made available to members of the public. Accordingly, the Sub Committee agreed that the item of business be dealt with in public.**

- 1.4 With reference to paragraph 4(c) of the Minute, there had been circulated copies of the condition survey for the Memorial Hall carried out by CB Richard Ellis Limited in August 2011. The report summarised – (a) immediate works required owing to Health and Safety concerns; (b) works required in years 1 – 5; and (c) works required in years 6 – 10. The Estates Officer advised that a further survey had been carried out in 2014 but he had not had the opportunity to compare that report with the conditions survey which was undertaken in August 2011. He also advised that an Officer from Property Maintenance had been unable to attend the meeting. Members spoke of the importance of the building being wind and water tight, and expressed concern that the Officer had not been able to compare the two surveys. Members discussed the situation and agreed that a comprehensive report on the state of the building taking into account the two surveys, should be made available as a matter of urgency for discussion at the next meeting.

## **DECISION**

**AGREED** that the Estates Officer bring a comprehensive report on the state of the building to the next meeting of the Common Good Fund Sub-Committee.

## **2. DATE OF NEXT MEETING**

Members agreed that the next meeting of the Sub-Committee take place on 21 March 2017 at 4.00 p.m. in the Council Chamber, Memorial Hall, Innerleithen.

## **DECISION**

**AGREED** that the next meeting of the Sub-Committee take place on 21 March 2017 at 4.00 p.m. in the Council Chamber, Memorial Hall, Innerleithen.

*The meeting concluded at 3.20 p.m.*

## 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, 31 January, 2017 at 10.00 am

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Present:- Councillors S. Bell (Chairman – Economic Development Business), D. Parker, (Chairman - Other Business)(from para 4), C. Bhatia, J. Brown, M. J. Cook, V. Davidson (from para 1.2 ), G. Edgar, J. Mitchell, D. Moffat, D. Paterson, F. Renton, R. Smith.

Apologies:- Councillor S. Aitchison

Also present:- Councillors I. Gillespie, W. McAteer, S. Marshall.

In Attendance:- Chief Executive, Depute Chief Executive – People, Depute Chief Executive – Place, Corporate Transformation and Services Director, Chief Financial Officer, Chief Officer Economic Development, Clerk to the Council, Democratic Services Officer (F. Walling).

### **ECONOMIC DEVELOPMENT BUSINESS**

Present: Mr J. Clark (Chamber of Commerce), Mr G. Henderson (Federation of Small Businesses).

#### **CHAIRMAN**

Councillor Bell chaired the meeting for consideration of the Economic Development business.

#### **MEMBER**

Councillor Davidson joined the meeting during consideration of the following item of business.

#### **1. ECONOMIC DEVELOPMENT UPDATE**

- 1.1 With reference to paragraph 1 of the Minute of 1 November 2016, there had been circulated copies of a briefing note providing an update on recent Economic Development activities. The Chief Officer Economic Development, Bryan McGrath, summarised the main points. With regard to business activity during the quarter, the Business Gateway team had assisted 46 business start-ups, of which 5 had the potential to be high growth. In response to a question about the location of the business start-ups Mr McGrath confirmed that the figures were taken from across the Borders. However he agreed to provide an analysis of locations for Members. The Scottish Borders Business Fund had received 10 applications and approved 8 grants valued at £26,099 supporting projects with a value of £67,475. These projects were forecast to create 12 jobs with an estimated forecast economic impact of £333,837 GVA. The update referred to a development in support of tourism, the Midlothian and Borders Tourism Action Group (MBTAG) project, which was launched on 17 January 2017 at Thirlestane Castle and which had secured over £400k from Scottish Enterprise and Railway Blueprint to deliver tourism business-to-business activity over a two year period.
- 1.2 In terms of European funding, the UK and Scottish Governments had confirmed that applicants whose grant funding was agreed and contracted before the point of 'Brexit'

would be able to complete their projects, even if the work was scheduled to take place after leaving the EU. The LEADER Local Action Group approved grant funding of £242k in 2016, including 4 community projects, 1 farm diversification and 2 rural business developments. 11 applications had been made to the Local Action Group for consideration in January 2017 and the next application deadline for LEADER funding was 28 February 2017. The Council had been successful in applying to the Scottish Government for a financial allocation from the European Social Fund. Up to £591k grant was available for an Employability Programme valued at £1.4m. In response to a question, Mr McGrath advised that this support, led by the Council's Employment Support Service, would be targeted to those individuals with more than one barrier to employment access. There would also be a Challenge Fund through which funding would be provided to the third sector to provide support across the Borders.

- 1.3 With reference to paragraph 3 of the Executive Committee Minute of 4 October 2016, Mr McGrath went on to focus his update on Town Centre Regeneration. He referred in particular to the development of a Town Centre Resilience Index for use in prioritising town centre interventions and investments. After receiving feedback following the meeting in October, the Town Centre Matrix and Index document had been revised and this was circulated at the meeting. The Matrix had been constructed, pulling together a range of measures that were relevant to assessing the general 'health' of towns in the Scottish Borders with a population of 2000 or more. From the Matrix, a Town Centre Index (TCI) had been created, with towns ranked according to potential need. Members discussed the data provided and received answers to their questions. In relation to smaller settlements which were not included in the analysis, Mr McGrath confirmed that the Council would also provide advice where requested to community groups in these areas who were looking at regeneration projects. Clarification was requested around the detail behind the figures, in particular the relationship between retail units and vacancy rates and how this was reflected in the Index arrived at for each town. It was agreed that some commentary to accompany the data would be helpful to give an explanation of the context by which it was considered. There was further discussion about the ranking of towns within the Scottish Borders, based on the overall score, with the observation made that the level of resilience was not necessarily related to town centre intervention and the level of public investment. Mr Henderson explained that, following research carried out on Town Centres, the Federation of Small Businesses would be publishing a report shortly which would show a direct inverse correlation between the proportion of social housing tenure within a town, level of education, and the number of self-employed businesses. He pointed out that it was practically impossible for applicants, who did not own their own property, to run businesses as they were unable to secure loans. Members accepted that work was required to explore the factors behind the data. It was also suggested that an indication of the level and direction of public sector investment for each town, within the Matrix, may be of value to evaluate its effectiveness and to inform future decision-making.

## **DECISION**

- (a) NOTED the update.**
- (b) AGREED that the Chief Officer Economic Development:-**
  - (i) provides an analysis of the location of the 46 business start-ups assisted by the Business Gateway in the last quarter; and**
  - (ii) reviewed the presentation of the data in the Town Centre Matrix and Town Centre Index document in the light of Members' comments above.**

## **2. SCOTTISH BORDERS ECONOMIC STRATEGY 2023 - UPDATE**

- 2.1 With reference to paragraph 14 of the Executive Committee Minute of 9 June 2015, there had been circulated copies of a report by the Corporate Transformation and Services Director seeking approval of the Scottish Borders Economic Strategy – Action Plan Progress report which was attached as an appendix. It was explained that the Scottish Borders Economic Strategy 2023, agreed by Community Planning Partners in 2013, set out the vision, strategic aims and objectives that would provide the focus for the Council and its partners' efforts to ensure sustainable economic growth for the Scottish Borders. The associated Action Plan set out in detail how the Community Planning Partnership would deliver the outcomes identified in the Economic Strategy. Working together through the Community Planning Partnership's Economy and Low Carbon Group, partners had focused on the Action Plan and delivered well, especially considering the limited resources available for some of the actions. The report summarised the progress that had been made, which was good overall, but also noted that there were some areas of concern in relation to the actions. Referred to, in particular, was the imperative to push forward with the provision of plots for employment use and new business space within the Tweedbank area. Mr McGrath answered questions on particular sections of the Action Plan.
- 2.2 With regard to the Digital Scotland Superfast Broadband project, which was coming to its final year of delivery, there had been major progress made in installing fibre cabinets. However, although the programme would connect 93.3% of premises in the Borders, much more work was required to address connectivity for the remaining premises. Mobile phone coverage was also an issue which was being addressed. Members discussed at length the issues around Superfast Broadband and mobile phone coverage. A view was expressed that using the target of 93.3% of premises connected as a measure of success was a misrepresentation. The reality was that, even where cabinets were installed many properties, for various reasons but often due to distance from cabinet, still did not see an improvement in broadband speeds. The Corporate Transformation and Services Director advised that he should be in a position to bring a report to the Executive Committee in March 2017, indicating positive implications for the Scottish Borders, on the Scottish Government R100 Programme, set up to address those premises that would not be covered by the current rollout. Reference was also made to the Ettrick and Beyond community-led broadband initiative. It was anticipated that the Scottish Borders Economic Strategy would be reviewed and refreshed during the summer of 2017.

## **DECISION**

**(a) NOTED:-**

- (i) the positive progress made in relation to the actions in the Scottish Borders Economic Strategy – Action Plan Progress report, set out in the appendix to the report; and**
- (ii) that a report on the R100 Programme would be brought to the Executive Committee in March 2017.**

**(b) AGREED that the Action Plan Progress report be presented to the Community Planning Partnership Strategic Board at its next meeting.**

**3. BREXIT RESPONSE TEAM**

There had been circulated copies of a report by the Corporate Transformation and Services Director proposing the establishment of a Brexit Response Team in order to ensure that the Council effectively monitored and responded to the wide range of changes likely to flow from the UK's exit from the European Union. The report summarised the main implications of the UK vote to leave the EU which related to agriculture; access to major funding for economic development; access to the Single Market for trade purposes; and uncertainty of the status of the EU nationals living in the Scottish Borders. A meeting

with Mr Michael Russell, MSP, the Scottish Government Minister for UK Negotiations on Scotland's Place in Europe, had been held on 14 December 2016. The meeting involved local business representatives as well as senior Councillors. It provided a useful opportunity for the Minister to hear the concerns of the Council, as well as the specific concerns of local businesses in the manufacturing, food and drink and agriculture sectors. It was suggested that the Response Team would have a representative from each of the main Council Service areas likely to be affected by Brexit. In order to ensure that data and intelligence on Brexit issues was being shared between Community Planning Partners, it was proposed that the Community Planning Partnership's Economy and Low Carbon Group acted as a coordinating group.

## **DECISION**

- (a) NOTED the recent meeting held with the Scottish Government's Minister for UK Negotiations on Scotland's Place in Europe and local business representatives;**
- (b) AGREED that:-**
  - (i) the Council establish a Brexit Response Team to ensure that it could effectively monitor and respond most effectively to the wide range of changes likely to flow from the UK's exit from the European Union; and**
  - (ii) the Community Planning Partnership's Economy and Low Carbon Project Delivery Team act as a coordinating group for sharing Brexit issues and responses across the Scottish Borders.**

## **MEMBER**

Councillor Parker joined the meeting.

## **4. TRADE WASTE FEES AND CHARGES**

- 4.1 There had been circulated copies of a report by the Depute Chief Executive – Place proposing that the Council increases its Trade Waste Fees and Charges. The report explained that a review of the Council's current trade waste collection service had been undertaken by Waste Consulting Limited. The review made a number of recommendations including that the current pricing structure required immediate review as the rates charged for some services were considerably below those charged by other Scottish Local Authorities. Further to the review it was recommended that trade waste fee and charges were increased to ensure the Council was making a reasonable charge and recovering its costs in line with the Environmental Protection Act (1990). The recommendations of the review were set out in detail within the report, with a summary of the fees and charges set by Scottish Borders compared with other Scottish Local Authorities shown in Appendix 1 to the report. Appendix 2 to the report detailed the recommended increase in fees and charges which would be phased over two years. The report further proposed that a new post be created to support the implementation and ongoing delivery of the trade waste service. Part of the role would involve supporting traders in driving down the amount of waste produced, while identifying the most appropriate waste services for their business to maximise recycling and diversion in the move towards the Scottish Government's vision of a Zero Waste Society.
- 4.2 In their discussions of the report, Members were concerned at the size of the increase in fees and charges proposed but endorsed the need for the Council to recover its costs. Support was expressed for the proposal to provide advice and guidance to traders in relation to waste management for reasons of efficiency and to minimise landfill. However Mr Henderson, on behalf of the Federation of Small Businesses, expressed alarm at the size of the proposed increases and was concerned about the impact on businesses. In response to his questions the Waste Manager confirmed that similar rural authorities had



been included in the comparison study carried out and that the implications to businesses had been examined. He added that it was not the aim of the Council to make a profit but just to reduce the current subsidy provided and arrive at a cost-recovery position, which it would not do until the end of the second year if the proposed increases were approved. The Chief Financial Officer confirmed that the current trade waste service cost £1.2m per annum. In conclusion Members agreed that in consideration of the Council's revenue position and wider financial context, the increases in fees and charges should be supported.

## **DECISION**

### **AGREED to:-**

- (a) implement the recommendations of the Trade Waste Review as outlined in section 3 to the report; and**
- (b) increase the fees and charges over a two year period as outlined in sections 4 and 6 in the report.**

## **URGENT BUSINESS**

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item 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. The report had been delayed because of the need to have final verification of some of the data contained within it.

## **5. TOURISM – ECONOMIC IMPACT AND BUSINESS OPPORTUNITIES**

- 5.1 There had been circulated copies of a report by the Corporate Transformation and Services Director providing an update to Members on the economic impact of tourism on the Scottish Borders economy. Mr McGrath explained that in order to track tourism activity in the Scottish Borders, the Council currently received annual data from the Scottish Tourism Economic Assessment Monitor (STEAM). In December 2016 the Council had received the first interim report of the STEAM data for the Scottish Borders covering January – June 2016. Comparing Jan-June 2015 with Jan-June 2016, visitor days in the Scottish Borders had increased by almost 11%, visitor spend was up by 16%, and employment related to tourism had increased by 8%. The rise in tourism activity in the Scottish Borders, both in terms of numbers and economic impact, was substantial, not only when compared to the previous year, but also when compared to other local authority areas in Scotland. Breaking the numbers down further, visitor spend on food and drink had increased by 20%, and on accommodation was 17% higher than the same period in 2015. Visitor days in hotels/B&Bs (serviced accommodation) showed a significant increase, 27% higher than 2015. In fact every tracked category showed positive growth; the first time there had been an increase in all categories in over 10 years. The report went on to highlight that some tourism businesses were missing out on valuable opportunities to market and promote themselves through the VisitScotland.com website. The VisitScotland Growth Fund was also an opportunity for businesses in the Scottish Borders. A VisitScotland Area Activity Summary for the Scottish Borders was attached to the report. Another positive initiative providing opportunities for tourism businesses was the establishment of a new private sector led action group - Midlothian and Borders Tourism Action Group (MBTAG). This would deliver a range of business-to-business development opportunities to the tourism sector. The report raised awareness that 2017 would be the Year of History, Heritage and Archaeology and that this presented further opportunities for tourism businesses.
- 5.2 Members unanimously welcomed the positive news contained within the report. In the ensuing discussion attention was drawn by some Members to particular attractions within their locality which, it was felt, did not feature in current tourist promotional material. The importance of having a highly rated presence on visitor attraction websites was referred

to, it being recognised that there was an increasing public reliance on social media for this dynamic source of information. Mr McGrath agreed to follow up a request for the Council to work with VisitScotland to provide more and improved signage to local tourist attractions. Mr Clark commented on the recent revaluation of rateable values of businesses carried out by the Scottish Assessors Association and possible implications for businesses within the tourist sector. Members concurred with the assumption within the report that, given the timeframe, the most likely source of the rise in tourism activity in the Scottish Borders was the positive impact of the Borders Railway and the realisation of outcomes which had been included in the Business Plan was noted. Members believed that this represented significant evidence to support the opening of Reston station in Berwickshire and to inform the campaign to extend the Borders Railway to Carlisle, thereby bringing economic benefit to the whole of the Borders area.

## **DECISION**

- (a) NOTED the positive results of the latest tourism research for the Scottish Borders as set out in Section 4 of the report; and**
- (b) AGREED to promote to local businesses, through Business Gateway and the Area Tourism Partnership, the tourism business opportunities set out in this report.**

## **ADJOURNEMENT**

The meeting adjourned at 11.35 a.m. and reconvened at 11.45 a.m.

## **OTHER BUSINESS**

### **CHAIRMAN**

Councillor Parker took the Chair for the remaining business.

### **6. MINUTE**

The Minute of meeting of the Executive Committee of 17 January 2017 had been circulated.

### **DECISION**

**APPROVED for signature by the Chairman.**

### **7. OPTIONS FOR THE FUTURE PROVISION OF PUBLIC CONVENIENCES ACROSS THE SCOTTISH BORDERS**

- 7.1** With reference to paragraph 13 of the Scottish Borders Council Minute of 30 January 2014 and paragraph 8 of the Scottish Borders Council Minute of 11 February 2016, there had been circulated copies of a report by the Service Director Neighbourhood Services proposing a strategy for the future provision of Public Conveniences in the Scottish Borders. The strategy was being put forward in order that improvements could be made to facilities and the savings approved by Scottish Borders Council in February 2016 could be achieved. The report explained that in January 2014 the Council approved a review of Neighbourhood Operations Services, including Public Conveniences. In February 2016, savings totalling £211k were specified and approved for Public Conveniences to be delivered during the current and next financial year. These were defined as part of a large range of savings to ensure that SBC met the current financial challenges it faced. The report evaluated a number of options and recommended the best way forward. Officers had collected a range of data and information, both from within the Borders and from other Local Authorities, which was used to inform the options being presented within the report. The recommended option was to charge 30p for use at certain toilets in phase 1, which would provide income of £211k to offset the savings. In parallel officers would engage with local Members and the communities to explore the possibility of developing Comfort Schemes and Community Partnerships. If feasible, a further report would be brought forward on this which would outline plans for phase 2 to deliver a further £100k of

savings. Appendices to the report detailed a financial appraisal of each option presented, alternatives to current public toilets in each settlement within the Borders, should the Comfort Scheme approach be taken forward, a draft agreement for the provision of toilet facilities by a Service Provider and an example of a leaflet promoting the Comfort Scheme in another Local Authority Area. Also attached to the report was an Equality Impact Assessment in relation to the review.

- 7.2 Members discussed the report and received answers to their questions from the Service Director and Neighbourhood Area Manager. There was general agreement with the approach outlined in Option 5 in the report and recognition that charging for access to facilities would also be an opportunity to raise standards. The Neighbourhood Area Manager confirmed that the proposal was to install robust automated cash collection machines and that the kit would be transferrable. However there was some concern that there was insufficient detail in the report to enable a decision to be made. This related to the list of Public Conveniences for which a charge would be made, the accuracy of the list of alternatives to current public toilets which could be approached in relation to Comfort Schemes and an assessment of the type and location of Public Conveniences currently in use. Officers were asked for a provisional list of Public Conveniences for which charging was proposed.

### **ADJOURNEMENT**

The meeting was adjourned at 12.10 p.m. and reconvened at 12.20 p.m. to enable the information requested to be provided.

- 7.3 After consideration of the additional information, Members' opinion remained divided.

### VOTE

*Councillor Paterson, seconded by Councillor Edgar, moved approval of the recommendations of the report.*

*Councillor Bhatia, seconded by Councillor Parker, moved as an amendment that the report be deferred for provision of further detail and to enable consultation with the public on the proposals.*

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

*Motion - 7 votes  
Amendment - 5 votes*

*The motion was accordingly approved.*

### **DECISION**

#### **DECIDED:-**

- (a) to approve the Phase 1 proposal to charge for usage of a number of identified toilet facilities;**
- (b) to approve a charge of 30p per use as detailed in option 5 of Appendix 4 to the report, in respect of the list of Public Conveniences attached as an Appendix to this Minute;**
- (c) that the Service Director Neighbourhood Services engaged with local Members and communities on the longer term provision of toilets and the possibility for Comfort Schemes and Community Partnerships; and**

- (d) that a further report be brought forward outlining recommendations for phase 2, Future Options for the Provision of Public Conveniences across the Scottish Borders.**

*The meeting concluded at 12.35 pm*

## APPENDIX

### Executive Committee 31 January 2017 - Item 11

#### PUBLIC CONVENIENCES FOR WHICH CHARGES ARE PROPOSED UNDER OPTION 5

Eyemouth	Bantry car park
Coldstream	Court house car park
Jedburgh	Lothian Park
St Abbs	Harbour
Galashiels	High Street, car park
Galashiels	Bank Street Gardens
St Boswells	Main Street
Earlston	Bus station
Peebles	School Brae
Lauder	The Avenue
Peebles	Kingsmeadows
Hawick	Howegate
Eyemouth	Harbour (FMA)
Selkirk	Market Place
Innerliethen	Hall Street
Hawick	Volunteer Park
Yarrow Valley	St Marys Loch
Coldingham	Coldingham Sands
Kelso	Shedden Park
Melrose	Abbey Place
Hawick	Common Haugh
Peebles	Eastgate car park
Jedburgh	TIC
Newcastleton	Langholm Street
Duns	Briery Baulk
Kelso	Woodmarker/Horsemarket
Galashiels	Transport Interchange

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**SCOTTISH BORDERS COUNCIL**  
**JEDBURGH COMMON GOOD SUB-COMMITTEE**

MINUTE of MEETING of the JEDBURGH  
COMMON GOOD FUND SUB-COMMITTEE  
held in the Boardroom, Jedburgh Grammar  
School, Jedburgh on 1 February 2017 at 4.30  
p.m.

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Present:- Councillors J. Brown (Chairman), R. Stewart, S. Scott, Community  
Councillor Mr H. Wight.  
In Attendance:- Capital and Investments Manager (Kirsty Robb), Solicitor  
(Karen Scrymgeour), Democratic Services Officer (F. Henderson).  
Members of the Public:- 4 (2 representatives from Jed Thistle RFC and 2 Representatives from  
Jedforest RFC

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**MINUTE**

1. There had been circulated copies of the Minute of the Jedburgh Common Good Fund Sub-Committee held on 7 December 2016.

**DECISION  
NOTED.**

**UPDATES**

2. **Cheviot Youth Project**

With reference to paragraph 2.1 of the Minute of 7 December 2016, an e-mail had been received from the Cheviot Youth Project on 16 December 2016 confirming that the issues raised by the Sub-Committee had been completed. The Democratic Services Officer e-mailed on 17 January 2017 advising that written confirmation/copies of consent were required for the planning consent for change of use; Insurance cover and the signed lease between Mr G Redpath (landlord) and Cheviot Youth (tenant) for the period of five years. These documents were yet to be received.

**DECISION  
NOTED.**

**JedShed**

- 3.0 With reference to paragraph 2.3 of the Minute of 7 December 2016, Miss Scrymgeour advised that an e-mail had been received from Heather Batch on 22 December 2016 enquiring what was required to progress the matter. Miss Scrymgeour had replied with an application form and instructions on the process. No documentation had been received to date.

- 3.1 Community Councillor Wight advised that following a meeting of the Community Trust, they had indicated that they would prefer to continue to lease the property. Following considerable discussion, the Sub Committee agreed that the matter remain on future Agendas until the Community Trust agreed how to proceed.

**DECISION**

**AGREED that the matter remain on the Agenda in the meantime.**

## **MONITORING REPORT FOR 9 MONTHS TO 31 DECEMBER 2016**

4. There had been circulated copies of a report by the Chief Financial Officer which provided details of the income and expenditure for the Jedburgh Common Good Fund for the 9 months to 31 December 2016 and full year projected out-turn for 2016/17. Appendix 1 provided a projected income and expenditure for 2016/17 and a projected deficit of £18,113 for the year. Appendix 2 provided Balance Sheet value to 31 March 2017 and a projected decrease in reserves of £29,713, due to depreciation of assets, the surplus generated in the year and movements in the value of investments. Appendix 3 provided a breakdown of the property portfolio showing actual property expenditure to 31 December 2016. Appendix 4 detailed the value of the Newton Fund to 31 December 2016. Members expressed extreme concern about the Newton Fund performance over Quarters 3 and 4 in 2016. The Capital and Investments Manager explained that the Newton Fund was being monitored very closely and there would be a visit to the Newton Offices in March 2017 to ascertain what their plan would be moving forward. In response to questions from the Sub-Committee, the Capital and Investments Manager confirmed that the Fund had yet to pick up in Quarter 1 for 2017 and was not doing well against other Investment Funds. Community Councillor Wight, who had frequently expressed his concerns with regard to investing in the Newton Fund was extremely concerned with their performance and questioned the Capital and Investments Manager with regard to action being taken by the Council.

### **DECISION**

**(a) NOTED:-**

- (i) the actual projected balance sheet value to 31 March 2017 in Appendix 2;**
- (ii) the summary of the property portfolio in Appendix 3 to the report; and**
- (iii) the current position of the investment in the Newton Fund in Appendix 4 to the report.**

**(b) AGREED the projected Income and Expenditure for 2016/17 as shown in Appendix 1 to the report.**

## **5.0 APPLICATIONS FOR FINANCIAL ASSISTANCE**

### **5.1 Jedburgh Probus Club**

There had been circulated copies of an Application for Financial Assistance from the Jedburgh Probus Club towards the cost a Laptop and Screen. The application which was in the sum of £600 was towards the cost of purchasing a laptop and screen to be used by speakers to illustrate their talks. The equipment purchased would also be used by the Jedburgh Historical Society for their lectures. The Probus Club met fortnightly between April and September and the equipment would be stored in the British Legion, where both clubs met.

### **DECISION**

**AGREED to award a grant of £600 to the Jedburgh Probus Club for the purchase of a Laptop and Screen.**

### **5.2 Jed Thistle RFC**

There had been circulated copies of an Application for Financial Assistance from the Jed Thistle RFC towards the cost of visiting Jedburgh's Twin Town of Malestroit in April 2017. The application sought a contribution towards the total cost of the trip which was estimated at £7,893.00, which included £4,750.00 for transport. It was further explained that the trip was a cultural and educational exchange and a great opportunity to have an enormous impact on a group of young people (under 18 yrs) who were less likely to get involved in expeditions and other similar overseas projects. Applications for financial assistance had also been made to Jedburgh District Community News Group, Jedburgh Rotary Club and local



businesses. The cost of hiring the sports hall for accommodation was being met by RCBO and the balance would be met by individual contributions from those taking part in the trip.

**DECISION**

**AGREED to award a grant of £5,000 to the Jed Thistle RFC towards to cost of transport for their visit to Malestroit in April 2017.**

**5.3 Jed Forest RFC**

There had been circulated copies of an application for Financial Assistance from the Jed-Forest RFC towards the costs of major renovations to the Club facilities and extension to include a room for a gym and rehabilitation purposes, with disabled access and first floor viewing area in the sum of £50,000. The total cost was estimated at £350,000, and funding had been secured in the sum of £50,000 from the SRU and £100,000 from Sport Scotland. The outcome of an application from the Landfill Fund in the sum of £30,000 was awaited. The application explained that the rugby club was a focal point within the town and the success of the club both on and off the pitch had grown in recent years, and the Club was well thought of within the Community. The club was keen to play its part in getting the Community more active by providing a gym and rehab facility along with improved disabled facilities and changing facilities which would ensure adequate provision for all genders. The towns people would be given access to adequate facilities to help grow activity outwith the usual rugby provision. During the considerable discussion, the representatives present answered questions and various options were considered including a long term loan.

**DECISION**

**\* AGREED TO RECOMMEND that Jedburgh Common Good Sub-Committee award a grant of £50,000 to the Jedforest RFC towards the major refurbishment of the Clubrooms commencing May 2017.**

*The meeting closed at 5.20 p.m.*

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**SCOTTISH BORDERS COUNCIL**  
**KELSO COMMON GOOD FUND SUB-COMMITTEE**

MINUTE of MEETING of the KELSO COMMON  
GOOD FUND SUB-COMMITTEE held in the  
Boardroom, Jedburgh Grammar School, Jedburgh  
on 1 February 2017 at 5.30 p.m.  
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Present:- Councillors S. Mountford, A. Nicol, Community Councillor Mr John Bassett.  
Apologies:- Councillor T. Weatherston.  
In Attendance:- Capital and Investments Manager (Kirsty Robb), Solicitor (Karen Scrymgeour),  
Democratic Services and Elections Officer (F. Henderson).  
Members of the Public:- 0.  
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**MINUTE**

1. There had been circulated copies of the Minute of the Kelso Common Good Fund Sub-Committee held on 7 December 2016.

**DECISION**

**AGREED to note the Minutes for signature by the Chairman.**

**UPDATE – PINNACLEHILL WOODLANDS**

2. With reference to paragraph 4 of the Minute of 7 December 2016, it was reported that the work had yet to be undertaken.

**DECISION**

**NOTED.**

**MONITORING REPORT FOR 9 MONTHS TO 31 DECEMBER 2016**

3. There had been circulated copies of a report by the Chief Financial Officer which provided the income and expenditure for the Kelso Common Good for 9 months to 31 December 2016 and full year projected out-turn for 2016/17 and projected balance sheet values as at 31 March 2017. Appendix I provided the projected income and expenditure for 2016/17 which showed a deficit of £3,368 for 2016/17. Appendix 2 provided the projected balance sheet value to 31 March 2016 and projected a decrease in reserves of £45,868. Appendix 3 provided a breakdown of the property portfolio showing projected depreciation charges. Appendix 4 showed the value of the Newton Fund to 31 December 2016. Members expressed concern about the Newton Fund performance over Quarters 3 and 4 in 2016. The Capital and Investments Manager explained that the Newton Fund was being monitored very closely and there would be a visit to the Newton Offices in March 2017 to ascertain what their plan would be moving forward.

**DECISION**

**(a) NOTED:-**

- (i) the projected Balance Sheet value to 31 March 2017 in Appendix 2 of the report;
- (ii) the summary of the property portfolio in Appendix 3 of the report; and
- (iii) the current position of the investment in the Newton Fund in Appendix 4 of the report.

**(b) AGREED the projected Income and Expenditure for 2016/17 contained in Appendix I to the report.**

*The meeting closed at 5.50 p.m.*

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