

**Please find attached the Public Minutes in respect of  
Item 6 on the agenda for the above meeting**

6.	<p><b>Committee Minutes</b> (Pages 3 - 116)</p> <p>Consider Minutes of the following Committees:-</p> <ul style="list-style-type: none"> <li>(a) Community Planning Strategic Board                      7 September 2017</li> <li>(b) Berwickshire Locality                                              7 September 2017</li> <li>(c) Cheviot Locality                                                      13 September 2017</li> <li>(d) Pension Fund                                                            14 September 2017</li> <li>(e) Pension Board                                                           14 September 2017</li> <li>(f) Local Review Body                                                    18 September 2017</li> <li>(g) Executive                                                                 19 September 2017</li> <li>(h) LLP Strategic Governance                                        19 September 2017</li> <li>(i) Teviot &amp; Liddesdale Locality                                      19 September 2017</li> <li>(j) Lauder Common Good Fund                                        21 September 2017</li> <li>(k) William Hill Trust                                                     21 September 2017</li> <li>(l) Civic Government Licensing                                       22 September 2017</li> <li>(m) Audit &amp; Scrutiny                                                        25 September 2017</li> <li>(n) Innerleithen Common Good Fund                                27 September 2017</li> <li>(o) Planning &amp; Building Standards                                    2 October 2017</li> <li>(p) Tweeddale Locality                                                    4 October 2017</li> <li>(q) Local Review Body                                                    16 October 2017</li> <li>(r) Executive                                                                 17 October 2017</li> </ul> <p>(Copies attached.)</p>	5 mins
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(a)	Community Planning Strategic Board	7 September 2017
(b)	Berwickshire Locality	7 September 2017
(c)	Cheviot Locality	13 September 2017
(d)	Pension Fund	14 September 2017
(e)	Pension Board	14 September 2017
(f)	Local Review Body	18 September 2017
(g)	Executive	19 September 2017
(h)	LLP Strategic Governance	19 September 2017
(i)	Teviot & Liddesdale Locality	19 September 2017
(j)	Lauder Common Good Fund	21 September 2017
(k)	William Hill Trust	21 September 2017
(l)	Civic Government Licensing	22 September 2017
(m)	Audit & Scrutiny	25 September 2017
(n)	Innerleithen Common Good Fund	27 September 2017
(o)	Planning & Building Standards	2 October 2017
(p)	Tweeddale Locality	4 October 2017
(q)	Local Review Body	16 October 2017
(r)	Executive	17 October 2017

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**SCOTTISH BORDERS  
COMMUNITY  
PLANNING  
STRATEGIC BOARD  
MEETING**

- Date:** 7 September 2017 from 2:00 p.m. to 3:50 p.m.
- Location:** Council Chamber, Scottish Borders Council, Council Headquarters, Newtown St Boswells
- Attendees:** Councillor Mark Rowley (SBC) [Chair]  
Councillor Sandy Aitchison (SBC)  
Councillor Stuart Bell (SBC)  
Mr Trevor Burrows (Eildon Housing)  
Mrs Angela Cox (Borders College)  
Councillor Carol Hamilton (SBC)  
Mrs Marjorie Hume (Third Sector)  
Councillor Watson McAteer (SBC)  
Mr Stephen Mitchell (Scottish Fire & Rescue)  
Superintendent Jim Royan (Police Scotland)
- Also in attendance:** Colin Banks, Philip Barr, Rob Dickson, Donna Manson, Louise McGeoch, Shona Smith (all SBC), Nile Istephan (Eildon Housing)

**MINUTE AND ACTION POINTS**

- 1. Apologies**  
Apologies had been received from Mr David Farries (Scottish Fire & Rescue) and Mr Tony Jakimciw (Borders College)
- 2. Minutes of Previous Meetings of the Community Planning Strategic Board**  
The Minute of the meeting of the Community Planning Strategic Board held on 22 June 2017 had been circulated.  
**AGREED to approve the Minute.**
- 3. Action Tracker**  
The Action Tracker had been circulated.  
**Noted.**
- 4. Local Outcomes Improvement Plan**
  - 4.1 Draft Community Plan (LOIP)**  
Shona Smith, Communities & Partnership Manager (SBC), advised that there had been a good level of response to the consultation. Publicity continued and she asked partner organisations to include a link to the consultation on their own websites. The EIA was still to be done and there would be an interactive version available on-line. Meeting would be set up with the Chief Executives of all partner organisations to discuss. The Scottish Government was happy with the progress to date but actions and measures still had to be developed. The draft version would be available by the end of September to go to partner

organisation Boards. It was noted that the Plan would continue to evolve.  
**Noted.**

#### 4.2 **Locality Plans**

Shona Smith advised that there would be a Locality Plan for each of the 5 locality areas. The numbers from other Councils ranged from 1 to 24 but the average was 3 to 6 and Scottish Government had no issue with this wide range. The importance of capturing the needs and ambitions of local people was stressed and input would be sought from all partners to help build the plans up. Scottish Government acknowledged that the date of 1 October would not be achieved but were happy with progress to date. Audit Scotland would take a light touch approach on checking progress next year. A report would be considered by Scottish Borders Council at their meeting on 28 September 2017 on the operation of the new Area Partnerships. Colin Banks commented on the points raised in the consultation responses. Most had been supportive but there had been comments on why transport did not feature and the need to simplify the language. There had been few responses from Community Councils so far. It was noted that the outcomes may be reduced from 6 to 4. In response to the issue of transport, Philip Barr advised that a full analysis of transport in the Borders was ongoing. The Chairman asked that Communications be asked to issue further publicity aimed at Community Councils.

**Action: Agreed that further publicity be issued to encourage Community Councils to take part in the consultation.**

#### 4.3 **Launch Event**

The launch date had been set for Thursday, 23 November 2017. The day would start with setting the context of community planning in the Borders and be followed by workshops. Partner contributions would be required and there would be an update/presentation from delivery team Chairs. It was suggested that the 5 Locality Committee Chairs and the Community Council Network Chair also be invited.

**Action: Invitations be issued to Locality Committee and Community Council Network Chairs.**

### 5. **Updates on Delivery Teams**

#### 5.1 **Economy and Low Carbon**

Rob Dickson advised that the group had met on Tuesday 5<sup>th</sup> September. They had agreed the structure of the economic profile and the economic strategy was being refreshed. A draft would be available by the end of the year with final approval by February 2018. Input from partners would be required and the importance of this work had increased following the announcement of the South of Scotland Enterprise Agency.

**Noted.**

#### 5.2 **Reducing Inequalities**

Donna Manson advised that the last meeting at all of the outcomes for accommodated and looked after children. The Group was building its own 'dashboard' and looking at target setting in that area. A presentation had been given by the Transitions Project who provided supported accommodation for 18-25 year olds in Galashiels which provided a concierge to help those young people. She asked that the Board also consider receiving the presentation. The unsuccessful funding application was to be appealed. With regard to a recent discussion with Joe Griffin, there was a renewed national commitment and structure to deal with child poverty. Funding was being sought for a Transitions Project (school to college and college to work). It was proposed that details of the Transitions Project be brought to the next meeting of the Board to seek

support. Funding applications were more likely to be successful if they were submitted on a partnership basis. It was noted that Scottish Borders had the lowest average wages in Scotland and were currently ranked 29 out of 32 in terms of meeting the attainment gap. It was further proposed that the Chief Executive of SBC write to Andy Bruce at Scottish Government to seek the involvement of relevant Government officers for the event on 23 November. Marjorie Hume commented on inequalities as they applied to older people particularly those who lived in a rural area. Mrs Manson agreed that having a representative of older people on the group would be considered.

**Actions:**

**Item on the Transitions Project be included on the agenda for the next meeting.**

**Chief Executive of SBC to write to Andy Bruce at Scottish Government re Government participation at the event on 23 November**

**Consider membership of Reducing Inequalities Group to include representative of older people.**

**5.3 Future Services**

Nile Istephan advised that the group had not met over the summer. However, it was expected that the Estate and Property registers would be published by 1 October and this would give Community Groups the opportunity to consider taking over underused buildings. Following publication of this document there should be specific discussions regarding the use of buildings for co-location and the disposal of surplus assets. He expected that as services began to be delivered in a different way that more property would become surplus. The Community Benefit and Procurement Group had now been stood down as they had completed their remit, although this group still operated outwith the CP Partnership. He also reported on the development of training and a leadership academy for all partners. It was planned to use the skills of Borders College but would need collective buy-in to make the development worthwhile and any support to get all organisations around the table would help to make it work. A sub-group was working on a package of branding which each agency could then tailor it to their needs. With regard to allowing people to access more services through digital means, this was something that also needed to be worked on collectively to make more of an impact.

**Noted.**

**6. Horizon Scanning**

Rob Dickson gave a presentation on the development of the new South of Scotland Enterprise Agency, the Edinburgh and South East City region Deal and the Borderland Initiative. With regard to SoSEA legislation was required so it would not be fully operation until 2020. However, there was a push for interim arrangements to allow the best possible start. A Ministerial announcement was expected in October. With regard to the City Deal, this was a 10 year strategy and focussed on housing and regenerations plans for Tweedbank and a skills development programme. The full request for funding had not been met but work was now undertaken to prepare the business cases and other work in support of the "heads of terms". In response to a question Mr Dickson advised that it had not been possible to include Reston Station as it was already an approved project. The Borderlands Initiative included Scottish Borders, Dumfries & Galloway, Northumberland County, Carlisle City and Cumbria County Councils. A draft vision and objectives had been drawn up and work was ongoing to progress the bid. The cross-boundary nature of the project did lead to possible political issues. Funding for projects by the English authorities would be 100% funded by UK Government but, depending on the nature of the project, those on the Scottish side might require joint funding from Scottish

Government. Mr Dickson advised that he expected the legislation for the SoSEA to have an impact on the remit of the CP Strategic Board. He undertook to circulate his presentation to Partners to share with their organisations. Marjorie Hume commented on the Third Sector Interface and the changes this was expected to bring for the Borders. A major conference was to be held in October.

**Noted.**

**7. AOCB**

No items were raised.



# SCOTTISH BORDERS COUNCIL BERWICKSHIRE LOCALITY COMMITTEE

MINUTES of Meeting of the  
BERWICKSHIRE LOCALITY COMMITTEE  
held in the Council Chamber, Newtown  
Street, Duns on Thursday, 7 September  
2017 at 6.30 pm

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- Present:- Councillors J. A. Fullarton (Chairman), J. Greenwell, C Hamilton, H. Laing, D. Moffat (from Item 9) and M. Rowley.  
Community Councils:- Abbey St Bathans, Bonkyl & Preston – Allister Hart; Ayton – John Slater; Coldingham – Rhona Goldie; Coldstream & District – Martin Brims; Duns – Andrew Mitchell; Edrom, Allanton & Whitsome – Trixie Collin; St Abbs – Jo Ladd; Swinton and Ladykirk – Jim Brown.  
Ms K Cremin, Berwickshire Association for Voluntary Service.
- Apologies:- Cockburnspath and Cove; Reston and Auchencrow.
- In Attendance:- Inspector John Scott, Police Scotland; Station Manager M Acton, Scottish Fire and Rescue Service; Mr D Silcock - Neighbourhood Area Manager Berwickshire; Democratic Services Officer (P Bolson).

Public:- 3

1. **WELCOME AND INTRODUCTIONS**

The Chairman welcomed those present and introduced Susan Swan, Depute Lord Lieutenant for Berwickshire.

2. **MINUTE**

There had been circulated copies of the Minute of 15 June 2017.

**DECISION**

**NOTED the Minute for signature by the Chairman.**

3. **BERWICKSHIRE FLAG**

With reference to paragraph 4.1 of the Minute of 15 June 2017, the Chairman explained that discussions relating to the creation of a Berwickshire Flag had taken place over a period spanning more than three years. Following recent communications, he was now pleased to welcome Susan Swan, Depute Lord Lieutenant for Berwickshire to the meeting to explain the work that she has been involved in relating to this subject. It appeared that discussions between the Berwickshire Area Forum as was and Transport Scotland had not reached any conclusion, on the basis that no approval would be given by Transport Scotland without the production of a proposed flag, which would obviously incur costs, and the undertaking of a full public consultation exercise. Mr John Marjoribanks and Mrs Swan had also been in discussions regarding the creation of a Berwickshire flag for use across the area and how this could be progressed. Two main questions were discussed, namely the possible investment to enable the creation of a flag and the use of a Coat of Arms. Following that discussion, it was suggested that Mrs Swan and Mr Marjoribanks meet again with a representative from Transport Scotland to clarify what required to be done going forward.

**DECISION**

**(a) NOTED the discussion.**

- (b) **AGREED to await the outcome of the meeting between Mrs Swan, Mr Marjoribanks and Transport Scotland prior to further consideration by the Berwickshire Locality Committee.**

4. **LOCAL DEVELOPMENT PLAN MAIN ISSUES REPORT**

There had been circulated copies of a presentation by the Council's Lead Officer Plans and Research, Charles Johnston. Mr Johnston was in attendance to draw attention to public events and workshops being held as part of the preparation of the Local Development Plan Main Issues Report (MIR). He referred to the 5 year cycle to produce a Local Development Plan and confirmed that the Council was commencing work on a new Local Development Plan. The first component part of the new plan was the MIR and the process would begin with public engagement to discuss and identify any issues that interested parties would wish to see included in the MIR. Issues could include: housing allocation (new sites/removal of longstanding allocations); regenerating town centres; employment land provision; protection of greenspace; promotion of placemaking and design; wind farms; and changes to planning policies. Mr Johnston detailed the timeline for the whole Development Plan process, including the public events across the area. These included sessions in Eyemouth on Thursday 21 September 2017 and Duns on Thursday 5 October 2017. The MIR was due to be prepared by Spring 2018 with consultation taking place throughout the Summer 2018 and the final adopted Local Development Plan being published in Spring 2021. Discussion took place in relation to public transport issues, town boundaries and Mr Johnston confirmed that both of these were included as part of the Local Development Plan. The Chairman thanked Mr Johnston for his presentation.

**DECISION**

**NOTED the presentation.**

5. **SCOTTISH BORDERS COMMUNITY PLAN**

There had been circulated copies of the draft Consultation of the Scottish Borders Community Plan. Ms Shona Smith was in attendance to deliver a presentation on Locality Planning and how this would be implemented going forward. The aim was to give communities the opportunity to do more for themselves, to get them involved in local decision-making and to empower them to make a difference locally. Ms Smith explained that there were eleven parts to the Community Empowerment (Scotland) Act 2015, three of which were currently in force, namely Community Planning, Participation Requests and Asset Transfer Requests. In terms of Community Planning, it was defined within the Act as "How public bodies work together and with the community in each council area to make life better for people." Partners included NHS Borders, Police Scotland, Scottish Borders Council, Scottish Enterprise and Scottish Fire and Rescue and this Partnership was required to publish a Local Outcomes Improvement Plan (LOIP) which set out the local outcomes to be prioritised for improvement, as well as produce locality plans at a more local level. Tackling inequalities, that is closing the gap between the least and most disadvantaged within the communities was a specific focus of the Plan. The presentation explained the approach used in the Scottish Borders and listed the proposed outcomes, namely Our Economy and Skills; Our Health and Wellbeing; Our Children and Young People; Our Vulnerable Adults and Families; Our Ageing Population; and other cross-cutting outcomes. Ms Smith went on to explain what the next steps were in developing the Plans and answered questions/provided clarification. It was noted that comments could be submitted online via the SBC website and further guidance and advice was available from Ms Smith and her team at Council Headquarters. The Chairman thanked Ms Smith for her attendance and encouraged attendees to take this opportunity to comment on the Plan.

**DECISION**

**NOTED.**

**MEMBER**

Councillor Moffat joined the meeting during discussion of the following item.

**6. SCOTTISH FIRE AND RESCUE SERVICE**

6.1 There had been circulated copies of a report by Scottish Fire and Rescue informing the Locality Committee of activity in the area since 15 June 2017. Station Manager Matt Acton was in attendance to highlight the main points of the report. In summary, there had been 5 occurrences of fires in houses/buildings with no casualties recorded; 4 other fire incidents with no casualties; 12 Special Service incidents resulting in 5 casualties; and 30 unwanted fire alarm signals involving commercial/industrial premises. Station Manager Acton advised that work continued with local businesses to reduce these incidents on an ongoing basis. The report went on to inform Members of continued activity which had occurred and which was currently taking place in Berwickshire and the measures being taken to address issues identified within the area. Crews were currently engaged with the Summer Thematic Action Plan which focussed on deliberate fires; summer safety; water safety; and wildfire and outdoor safety. The report also provided an update on the recruitment of firefighters and it was noted that this was progressing well across Berwickshire with posts having been filled in Duns, Eyemouth and Coldstream. Coldstream was now fully crewed with further vacancies available in Duns and Eyemouth. Discussion followed and Station Manager Acton responded to questions raised by Members. In addition, further consultations would take place over the coming months and Members were advised that, as the Scottish Fire and Rescue Service moved through the transformation stage of development, it would be necessary to explore new ways of expanding the role of firefighters within the Service.

6.2 With reference to paragraph 6.2 of the Minute of 15 June 2017, Station Manager Acton again invited comment on the current Local Plan and explained that feedback received would inform the 2017 - 2020 Plan scheduled for publication in 2017. The Chairman thanked Station Manager Acton for his attendance.

**DECISION**

**NOTED the report.**

**7. POLICE SCOTLAND**

There were circulated at the meeting copies of a report by Community Inspector John Scott updating the Locality Committee on Police Scotland performance, activities and issues across wards for the period up to 7 September 2017 and to look at events linking in with the ward priorities in the coming months. The planning for local events across Berwickshire had paid off with the summer events held across Berwickshire posing little concern. Communities had engaged with the Scottish Borders Council Safety Advisory Group (SAG) process to ensure that events ran safely and as smoothly as possible and Inspector Scott congratulated the organising committees and those involved in making this possible. The report highlighted the Ward priorities in each of the two Berwickshire Wards and the work that Police Scotland was taking forward to address these issues. In East Berwickshire the priorities were road safety, misuse of drugs, rural thefts, and antisocial behaviour; for Mid-Berwickshire, they included road safety, inconsiderate driver behaviour, and antisocial behaviour. Inspector Scott advised that the Drivewise Project had opened again and young people from schools across the Borders were attending sessions at Charterhall airfield. The Get Ready for Winter road safety campaign was also being developed and further information and advice would be publicised in due course. During the current reporting period, there had been 11 drug offences, including 6 for supplying drugs and one for producing cannabis and Inspector Scott emphasised the importance of intelligence in detecting such offences. He also noted that reporting had increased relating to suspected cannabis farms. Rural thefts continued to be of concern with some thefts being carried out at properties that were remote or under renovation. Recent hare coursing crimes had resulted in offenders receiving significant sentences and again, Inspector Scott reiterated the importance of public intelligence in detection. In response to concerns raised previously in relation to the potential risks caused by long

vehicles using the cement works junction to the A1, Inspector Scott confirmed that lorries should only move out of the junction when the road was clear in both directions. The Chairman thanked Inspector Scott for his attendance.

**DECISION**

**NOTED the report.**

**8. COMMUNITY SPOTLIGHT**

**8.1 Rail Action Group East of Scotland**

The Annual General Meeting of the Rail Action Group East of Scotland (RAGES) would take place in Reston Village Hall on Wednesday 20 September 2017 at 7.30pm and would provide an update on the re-opening of Reston Station.

**DECISION**

**NOTED.**

**8.2 Floral Gateway Awards**

The Floral Gateway Awards took place on 5 September at Council Headquarters, Newtown St Boswells and Berwickshire as a whole had a very successful evening. Ayton was named third equal in the Champion of Champions category; Coldstream and Chirnside received first and third respectively for the Large Village; Coldingham and Greenlaw came first and second in the Small Village category; Westruther and Burnmouth were first and third for the Wee Village; Burnmouth won the Border Biodiversity award; and Coldstream were joint winners of the Quality of Life. On behalf of the Committee, the Chairman offered congratulations to all the towns and villages that took part in this year's awards.

**DECISION**

**NOTED.**

**9. DATES OF FUTURE MEETINGS**

Future meetings of the Berwickshire Locality Committee were scheduled for:-

30 November 2017;

1 March 2018; and

7 June 2018.

**DECISION**

**NOTED.**

***The meeting concluded at 8.20 pm.***

**SCOTTISH BORDERS COUNCIL**  
**CHEVIOT LOCALITY COMMITTEE**

MINUTE of the MEETING of the  
CHEVIOT LOCALITY COMMITTEE  
held in THE Assembly Room,  
Jedburgh Grammar School, Jedburgh  
on Wednesday, 13 September 2017 at  
6.30 p.m.

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Present:- Councillor S. Mountford (Chairman), S. Hamilton, E. Robson, S. Scott,  
T. Weatherston, Community Councillors C. Cook (Crailing, Eckford and  
Nisbet CC), N. Jarvis (Sprouston CC), D. Weatherston (Kelso CC), J.  
Taylor (Jedburgh CC), D. Allan (Yetholm CC), Inspector Carol Wood  
and Inspector Scott (Police Scotland – J Division).

Apologies:- Councillor J. Brown, Community Councillors A. Drummond (St  
Boswells CC), B. Bell (Kalewater CC), A. Carter (Floors, Makerstoun,  
Nenthorn & Smailholm CC), D. Ogilvie (Ancrum CC), R. Bell (Heiton &  
Roxburgh CC), Matt Acton (Scottish Fire and Rescue Service).

In Attendance:- Area Neighbourhood Manager (Mr A. Finnie), Democratic Services  
Officer (Mrs F Henderson).

Members of the Public:- 0

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1.0 **WELCOME**

1.2 The Chairman welcomed everyone to the meeting.

**DECISION  
NOTED.**

2.0 **MINUTE**

2.1 There had been circulated copies of the Minute of the Meeting of the Cheviot Locality  
Committee of 21 June 2017.

**DECISION**

**AGREED to approve the Minute for signature by the Chairman.**

3.0 **UPDATE ON LOCALITIES**

3.1 The Service Director – Customer & Communities was present at the meeting to update  
the Committee on the emerging Agenda from the Community Empowerment Act. It was  
explained that Communities and Organisations could get more involved in shaping  
services and Scottish Borders Council was looking at Communities being the key in  
taking the Agenda forward. There would be development and engagement with  
Communities in partnership with SBC, Police Scotland, NHS Borders, Scottish  
Enterprise, Fire and Rescue Services. Locality Committees are seen as being key to  
this but not in the form they are at the moment. Discussions are ongoing on how to  
improve them and the proposed name of the Committee is likely to be 'Cheviot Area  
Partnership' and a report would be presented to Council later in the month, any decision  
taken would be reviewed and monitored as the Agenda evolved.

3.2 A Devolved Localities Bid Fund of £0.5m had been put in place and would be divided  
between the 5 Partnership areas and the report on 28 September 2017 will detail how

this will work, the proposal being that projects which would be key to Community Bids would be submitted to an assessment panel for criteria checking and if successful, the public would vote on-line, in Libraries etc. As this is a new venture it would be evaluated on an ongoing basis and looking at ways to enhance the Area Partnership and get members of the public involved by looking at the Agenda Structure and allowing the public to decide on items for the Agenda. In response to a question about engaging with the Clubs in the area, Mrs Craig advised that was the challenge each area faced as one size did not fit all. Some concern was raised about on-line voting and Mrs Craig advised that the most popular system seemed to be holding events and getting people to come along and vote, all comments would be taken on board and taken into considered when finalising proposals. The Council would work with unsuccessful groups to try and find other sources of funding.

**DECISION  
NOTED.**

**4.0 LOCAL DEVELOPMENT PLAN MAIN ISSUES REPORT**

4.1 With reference to paragraph 6 of the Minute of 1 February 2017, Mr Johnston’s presentation related to the preparation of a new Local Development Plan (LDP). He confirmed the Council was commencing work on the new Local Development Plan and the timeline for preparing the new LDP which was on a 5 year cycle. He summarised the timeline for the production of the Plan and highlighted that the first stage, the Main Issues Report (MIR), would be prepared by spring 2018. The MIR was a front runner to the LDP which in essence sought to identify a range of issues which the LDP should address. The MIR, which would be sent out for public consultation, identified preferred sites for houses as well as alternatives. It also proposed where planning policies could be updated, removed or merged. The MIR sought public opinion on a range of matters such as the main aims of the LDP, proposals for allocation of employment sites, housing policy, retail policy, regeneration issues, green space protection and climate change issues. Community engagement would be carried out through a series of exhibitions and workshops with community groups as follows:-

- |                       |                                  |                                                                  |
|-----------------------|----------------------------------|------------------------------------------------------------------|
| • Eyemouth            | Thursday, 21 <sup>st</sup> Sept  | Eyemouth Community Centre                                        |
| • Kelso               | Tuesday, 26 <sup>th</sup> Sept   | Kelso Town Hall                                                  |
| • Galashiels          | Wednesday, 27 <sup>th</sup> Sept | Tesco foyer (afternoon) / Trans Interchange (evening)            |
| • Peebles             | Thursday, 28 <sup>th</sup>       | Hawick Heritage Hub                                              |
| • Duns                | Thursday, 5 <sup>th</sup> Oct    | Duns Council Chamber                                             |
| • Selkirk             | Tuesday, 10 <sup>th</sup> Oct    | 1 Tower St (afternoon),<br>Comm. Connections, Back Row (evening) |
| • Newtown St Boswells | Thursday, 12 <sup>th</sup> Oct   | Council Chamber (Workshop only<br>2 – 4 pm)                      |

4.2 In response to a question regarding the size of advertising Boards on empty properties within town centres, Mr Johnston advised that was a matter for the Enforcement team. The matter of town centre properties being converted into flats and not providing parking spaces was raised and Mr Scott, Senior Roads Planning Officer advised that it would depended on whether it was a conversion or a new build, but is was certainly something which would be taken into consideration. Other matter which were raised included capacity and effect on existing infrastructure and seeking developer contributions towards residential homes and care for older people.

**DECISION  
NOTED.**

5.0 **REQUEST FOR APPROVAL FOR THE STOPPING-UP OF A SECTION OF ROAD FROM THE COUNCILS LIST OF PUBLIC ROADS**

5.1 There had been circulated copies of a report by the Service Director – Assets & Infrastructure seeking approval for the stopping-up of part of the D148/4 Samieston and Upper Samieston road. The report explained that the Council had been asked by the land owner if a section of the aforementioned road could be stopped-up and removed from the Council's List of Public Roads. Following discussions with the various interested parties, it was proposed to stop-up the section of road shown on the plan attached to the report and remove from the Council's List of Public Roads as requested. Mr Scott, Senior Roads Planning Officer who was in attendance to present the report, advised that the proposal was still in the consultation period, although no comments had been received to date.

**DECISION**

**AGREED the stopping-up of part of the D148/4 Samieston and Upper Samieston road, as shown on the plan attached to the report, and delegated authority to confirm the order subject to there being no substantive representations made against the proposal.**

6.0 **NEIGHBOURHOOD SMALL SCHEMES UPDATE**

6.1 With reference to paragraph 5 of the Minute of 21 June 2017, there had been circulated copies of a report by the Service Director Assets and Infrastructure which sought approval from the Locality Committee for the proposed new neighbourhood Small Schemes. The Area Neighbourhood Manager advised that the allocated budget (£34,702) for small schemes was available through Neighbourhood Services for the Cheviot Area in 2017/18. Approval of the schemes detailed below would result in a budget of £27,076 for future schemes. In addition, a budget of £34,099 was available for Quality of Life Schemes in the Cheviot Area in 2017/18. Approval of the schemes detailed below would result in a remaining budget of £15,246 in the Kelso and District Ward and £9,743 in the Jedburgh and District Ward for future schemes. It had previously been agreed that this budget would be split equally between Kelso and District and Jedburgh and District Wards.

**DECISION**

**(a) APPROVED the following new Neighbourhood Small Schemes:-**

- |                                                                                                 |               |
|-------------------------------------------------------------------------------------------------|---------------|
| <b>(i) Erect rabbit proof netting around Castlewood Cemetery, Jedburgh</b>                      | <b>£2,630</b> |
| <b>(ii) Supply and erect street name plate at Howdenburn Court, Jedburgh</b>                    | <b>£ 260</b>  |
| <b>(iii) Supply and install defibrillator signs within existing kiosk at Clintmains Village</b> | <b>£ 160</b>  |

**(b) APPROVED the following new Quality of Life Schemes for implementation:-**

- |                                                                                               |              |
|-----------------------------------------------------------------------------------------------|--------------|
| <b>(i) Financial contribution towards tree maintenance Works at Howden Crescent, Jedburgh</b> | <b>£ 865</b> |
| <b>(ii) Removal of trees within woodland strip to rear of The Linn, Kelso</b>                 | <b>£ 825</b> |

**(c) AGREED to delegate authority to the Service Director for Assets and Infrastructure to allocate funds for Quality of Life schemes in 2017/18 out with the scheduled Locality Committees when work was considered time critical, subject to approval by all Ward Members.**

**7.0 POLICE FORCE OF SCOTLAND – UPDATE FOR ‘J’ DIVISION**

7.1 Inspector Wood was present at the meeting to update the Cheviot Locality Committee on performance, activities and issues across the Ward for the period 1 June 2017 to 31 August 2017. During the reporting period, Inspector Wood advised that five persons had been charged with possessing a controlled substance. Four of these related to the town of Jedburgh and one St Boswells. Additionally one male was reported for possession with intent to supply a controlled substance in St Boswells. Two of the above persons were reported following the executive of drugs search warrants at their home addresses. The Police would remain visible in the community to develop intelligence on people who deal in and use controlled drugs. Work with partners, combining education and enforcement strategies would continue together with intelligence received from the public in relation to drug matters whether that is persons being in possession or persons dealing drugs. Completely anonymous information can be left on Crimestoppers on 0800 555 111. In terms of Road Safety, a number of road checks had been carried out and a number of drivers have been charged with various road traffic offences following incidents or accidents over the last three months notably: A thirty-two year old male charged with a drink driving offence following an incident on 2<sup>nd</sup> of June in Jedburgh. On the 9<sup>th</sup> of July a twenty-nine year old male was cautioned and charged with failing to have a valid driving licence, no MOT and no insurance following reported driving behaviour which culminated in two accidents. Additionally he has been charged with offences relating to providing identity details. A forty-nine year old male was charged with failing to possess a valid licence or MOT whilst driving in Jedburgh on 13<sup>th</sup> July and His vehicle was seized. A John Deere tractor with a towed red trailer damaged two cars in Jedburgh on 27<sup>th</sup> of July. The male driver failed to stop and enquiries to date have not traced him. Also during the reporting period one driver had been issued a fixed penalty notice for driving whilst using a mobile phone and two further notices were issued for speeding offences. In terms of Anti-Social Behaviour, A number of individuals had been charged with causing a breach of the peace. These incidents were isolated and there was no pattern to them. It was further reported that Rural Crime thefts of fuel had been reported from HGV operators whilst the vehicles had been parked and secure within industrial estates in the locality. Locked fuel caps had been forced in these cases. Two incidents of the theft of phone cable had been reported where persons had cut underground cables at maintenance access points. Two four foot gates forming a ‘kissing gate’ on a SBC maintained countryside walk were stolen on 20<sup>th</sup> July and following a series of presentations of counterfeit currency in the area a twenty-four year old male was charged with such an offence in Jedburgh.

7.2 In terms of Kelso and District, the final stages of the recruitment process for the appointment of the Station Assistant Post at Kelso Police Station were awaited and it was hoped to appoint a candidate in the near future. In terms of Dishonesty, there had been one theft by housebreaking committed in the reporting period, which related to the theft of a horsebox and equipment from Kaimeknowe Stables overnight between the 29<sup>th</sup> and 30<sup>th</sup> August and enquiries were ongoing in relation to this crime. It was again highlighted the need to take extra steps to maintain the security of homes, following reports of a prowler in the Wallaceneuk area of Kelso and the public were asked for extra vigilance to prevent thefts. There was a Drivewise Project running in partnership with the emergency services, The Institute Of Advanced Motorists, Scottish Borders Council and supported by John Cleland and Volvo UK to which all schools across the Borders were sending their young people to get a driving experience at the Charterhall airfield. This had been really well received by those participating and had allowed road safety messages to be delivered along with a positive experience of learning to drive.



The young persons and older peoples driving programmes continued to run and these were sponsored so there was not a cost to those participating. There had been one drink driving offence reported in the Kelso area and the Police notified media outlets of all drink driving offences to highlight this to the community. In terms of Drug Dealing and Misuse of Drugs, it was reported that there had been 8 drugs offences in the Kelso during the reporting period. There had been a number of concerns with regards to Antisocial Behaviour in the area around Roger Fish Gardens, Kelso. A multi-agency approach had been implemented and the police would continue to support the residents there, we would encourage the reporting of all issues and where required telephone the police to report incidents.

- 7.3 Action Against Violence campaign, aimed to reduce the number of violent incidents and improve the safety and wellbeing of individuals and communities.” During recent public surveys, violent crime was ranked as a key concern, placing it as one of Police Scotland’s top priorities. As such, the One Punch Can Ruin Two Lives campaign had been introduced to raise awareness of the consequences that one punch can have on two people’s lives. “One punch can kill and could result in facing a jail sentence. We want people to enjoy their nights out but at the same time to drink responsibly and consider how much alcohol they were consuming and the effect it had on their decision making and judgement.” More details are on the Police Scotland website. During August an information event was held at Eildon Mill, Tweedbank, encouraging members of the public to consider volunteering with the Police as a Special Constable. This was very successful and well attended and was part of a long term plan to recruit more Special Constable Officers. More information was available on the website along with all of the information you need to apply. There were currently a number of officers volunteering alongside their full time colleagues, they were an important and valued support in delivering first class services in the area. Finally in terms of Student Safety, Police Scotland were delivering vital safety advice to students at Fresher’s Weeks around the country as part of the Student Safety Campaign, which was launched on 5 September 2017. The campaign provided tips on how to enjoy student life while avoiding potential dangers, and covered advice on home and property security, Online Safety, Party Safety, Identity Safety, Water Safety and Illicit Trade. Students were encouraged to think about how secure their accommodation was, and giving useful tips on how best to prevent their home being targeted by thieves. Students were also being reminded to record details of all valuables, such as laptops, phones etc. which could be logged into [lmmobilise.com](http://lmmobilise.com), so if they do experience a theft and the police recover the items, they can be returned to the owner. With social media being a large part of a student’s life, there’s useful advice reminding students that “what goes online stays online” and not to leave themselves open to criminal charges or vulnerable to blackmail. In response to a question about special constables, Inspector Scott explained the role of a Special constable. Concerns were raised about the boy racers in the car park and at Allers Mill, Inspector Wood advised that the police were working on this although cautioned that they did not want to displace the problem to another area. The Police were alerted to the fact that some drivers were ignoring the one way system at the top of Roxburgh Street, Kelso in order to access the Cobby and the Police agreed to look into this.

## **DECISION**

**NOTED the report.**

## **8.0 FIRE AND RESCUE SERVICE UPDATE**

- 8.1 In the absence of a representative from the Scottish Fire and Rescue Service (SFRS) the Chairman referred to the written report submitted by Station Manager, Matt Acton which had been circulated. The update referred to the ongoing prevention and protection activity described in the last report to the Locality Committee. The report detailed that during the period of the report there had been 3 House Fires (2 x private

and 1x Sheltered Housing); 4 Other Fires (3 x crop/grass and 1 x barbeque); Special Services 7 and 23 unwanted Fire Alarm Signals. 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 living safely in the home (LSITH) initiative continued in the Cheviot locality, with a number of referrals made by the SFRS to community partners and an evaluation of the trial was underway. Crews from Kelso Fire Station were taking part in the Cheviot Youth Group Initiative to engage with the Youth Group at The Planet, Kelso. The initiative involved a series of visits and discussions around life in the fire service and would include valuable safety messages, including fire safety in the home, bonfire night safety, water safety, amongst other topics. It was also a great opportunity for the firefighters to become positive role models for the young people of Kelso. Kelso crews recently attended the Mass Pipe Band and Family Day at Floors Castle, where they provided a demonstration of rescuing a casualty from a road traffic collision. Watch Manager Garry Lees provided an informative running commentary of the rescue to the crowd. The crews also delivered CPR training to the public at this well attended event.

8.2 New ways to engage with the farming community were being investigated to provide advice and guidance regarding farm fire safety and security. Work had taken place in partnership with Police Scotland, the NFU, NFU Mutual and the Scottish Association of Young Farmers, where a number of positive engagement opportunities had been identified, including farm walk and talks, attending agricultural shows, markets and auctions, and engagement with young members of the farming community.

8.3 Road Safety Community Action Team (CAT) had delivered road safety awareness 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.

#### **DECISION**

**NOTED the report.**

#### 9.0 **ENGAGEMENT WITH NHS BORDERS**

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

#### **DECISION**

**NOTED.**

#### 10.0 **OPEN QUESTIONS**

10.1 There were no issues raised.

#### **DECISION**

**NOTED.**

#### 11.0 **COMMUNITY COUNCIL SPOTLIGHT**

11.1 Community Councillor Weatherston requested that the amount of Hospitality received be increased in line with that allowed for SBC Elected Members'

#### **DECISION**

**AGREED that the Democratic Services Officer investigate.**

11.2 Community Councillor Jarvis raised concerns with regard to an undesignated layby on the Sprouston to Kelso road which was being used for inappropriate behaviour and a dumping ground for large quantities of lager cans. A litter bin was suggested, however

Mr Finnie advised that placing a bin was more likely to encourage inappropriate use and the solution may be to remove the layby altogether.

**DECISION**

**AGREED that Mr Finnie investigate this matter and report back to a future meeting.**

12.0 **DATE OF NEXT MEETING**

12.1 The Chairman confirmed that the next meeting of the Cheviot Area Partnership was scheduled for Wednesday, 6 December 2017 in the New High School, Kelso.

**DECISION**

**NOTED the date of the next meeting of the Cheviot Area Partnership and that the venue would be the new Kelso High School.**

**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**

13.0 **HIGH STREET, JEDBURGH**

13.1 The Committee received an update from Mr Alan Gueldner on the progress of the work being undertaken on the High Street, Jedburgh.

*The meeting concluded at 8.10 p.m.*

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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, 14  
September 2017 at 10.00 am

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Present:- Councillors D Parker (Chairman), J A Fullarton, D Moffat,  
S Mountford, S Scott, S Aitchison, Mr M Drysdale, Ms K Hughes, Ms L Ross.  
Apologies:- Councillors Brown, Edgar, Mr A Barclay, Mr C Hogarth, Mr P Smith.  
In Attendance:- Chief Financial Officer, Capital and Investment Manager, HR Shared Services  
Manager, Mr D O'Hara (KPMG), Mr Singh (KPMG), Democratic Services  
Officer (J Turnbull).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting of 22 June 2017.

**DECISION**

**NOTED for signature by the Chairman.**

2. **PENSION FUND INVESTMENT & PERFORMANCE SUB-COMMITTEE**

There had been circulated copies of the Minute of the Pension Fund Investment and Performance Sub-Committee dated 21 August 2017.

**DECISION**

**NOTED the Minute.**

3. **PRESENTATION - ENVIRONMENTAL SOCIAL GOVERNANCE**

Mrs Robb, Capital and Investment Manager gave a presentation to the Pension Fund Committee and Pension Board on Environmental Social Governance (ESG). Mrs Robb began by detailing the joint committee's fiduciary duties: Any policy should not specifically exclude the choice of investment purely based on non-financial consideration; the committee should seek to obtain the best return for the Fund while acting prudently; and, that there should be no policy in place that would restrict the choice of investment available to the Fund. Members also had to ensure that they did not to use any information for their own benefit or take part in any decision where they had a conflict of interest. Mrs Robb advised that the Fund's current position with regards to ESG was contained in the Statement of Investment Policy (SIP). The SIP recognised the committee's responsibility to exercise voting rights and that these voting rights had been delegated to investment managers. KPMG's report provided a brief summary of how investment managers had used these voting rights at shareholders meeting. Mrs Robb went on to advise that to ensure investment managers fulfilled the Fund's ESG responsibilities, they had all been encouraged to sign up to the United Nations Principles Responsible Investment (UNPRI) Stewardship Code. Mrs Robb asked the joint committee to consider if they felt this was sufficient to fulfil ESG responsibilities? Mrs Robb concluded by advising that the following presentations from PIRC and Baillie Gifford would provide further information to assist in their decision.

**DECISION**

**NOTED the presentation.**

4. **PRESENTATION - VOTING CONSULTANT**

The Chairman welcomed Mr Ian Jones and Ms Tessa Younger from PIRC, presentation slides had been circulated with the agenda. Mr Jones began by advising that PIRC had

been set up by pension funds in 1986. They were regulated by the Financial Conduct Authority (FCA) and were recognised as a professional body, providing institutional investors with corporate governance advice on proxy matters including voting. PIRC were a large team, focused purely on corporate governance and responsible investment issues. For UK portfolios, including many pension funds, they provided a proxy reporting service, incorporating environmental and social analysis, governance coverage and voting recommendations. Mr Jones continued that PIRC focused on capital maintenance and the stewardship of capital. They undertook extensive research for their clients, unpicking unreliable accounting practices and calculating the costs. PIRC were completely independent, with no corporate conflicts, therefore could raise difficult issues with companies. For example, PIRC had been the market leader on calling for a shareholder vote on executive remuneration. Presently they were taking a stance on share buy backs and pre-emption rights. Mr Jones went on to detail their research process, highlighting issues that were relevant to the client's portfolio e.g. environmental issues such as low carbon emissions. Ms Younger then detailed PIRC's service which included: a global coverage of client equity portfolios; a proxy report, incorporating environmental and social analysis; coverage in any market based on a client's own corporate governance policy; voting guidelines and capital strategies/stewardship coverage. In response to a question, Mr Jones advised that the charge for their service would be dependent on the Pension Fund's portfolio, a quotation could be provided if required. Regarding a question on PIRC's ethical policy, Ms Younger advised that their engagement with companies could make a difference. PIRC would also report on ESG issues that might have an impact on shareholder values. In response to a question regarding interaction and possible conflict with investment managers, Mr Jones advised they did not interact directly with investment managers. PIRC advised the client and then voted directly for the client; alternatively, they issued the client with a report and the client executed the vote themselves or through their investment managers. In terms of fund performance, Mr Jones advised that there would be no direct effect, PIRC's emphasis being on stewardship duties, engagement with companies and ensuring that their clients had robust engagement with companies when exercising their voting rights. The Chairman thanked Mr Jones and Ms Younger for their attendance and presentation.

## **DECISION**

**NOTED the presentation.**

### **5. PRESENTATION - BAILLIE GIFFORD**

The Chairman welcomed Mr Tom Wright and Mr Andrew Cave, Baillie Gifford, who were in attendance to continue the above discussion from an investment manager's perspective. Mr Wright began by advising that Baillie Gifford's ongoing assessment of governance was a core part of understanding companies. Their assessment might change their view on buying, selling or resizing their clients' holdings. It also determined how they used their voting rights at shareholder meetings and their engagement with managers, which they considered were two principal levers for influencing change. Their assessment also factored in a company's performance in relation to ESG issues. For example, researching companies exposed to carbon issues and also investigating emerging issues, such as Google and Amazon's tax status. Voting rights were an integral part of their commitment to stewardship and an important part of their long term investment process, for this reason they preferred to retain this responsibility. In response to a question regarding the joint committee's ESG considerations, Mr Cave responded by referring to Ryanair and the companies unconventional approach to labour relations. Their view differed from PIRC in that they considered brand, future earnings potential and the reputation of business when considering a long term investment. Mr Cave continued that a formulaic approach to governance could also be restrictive. For example, attempting to vote a successful Chief Executive such as Mark Zuckerberg, Facebook, off a board because they were also company chairman did not make sense from an investment perspective. In response to a question regarding share buy-back, he advised that they would not be opposed to this if it was to benefit the company. With regard to the voting service they offered, it was explained that they offered a bespoke,

fully customised service for each client. Mr Cave acknowledged that it appeared they had not provided sufficient details when communicating their voting decisions. He advised that future investment reports would contain more information and include specific examples, which could be discussed by the committee. In response to a question regarding their investment in smaller UK companies, the Chief Financial Officer, Mr Robertson, advised that Baillie Gifford had undertaken to provide a presentation on their UK Smaller Companies Fund at the next appropriate Pension Fund Investment Sub-Committee. The Chairman thanked Mr Wright and Mr Cave for their attendance and presentation.

#### **DECISION**

**NOTED the presentation.**

#### **6. KPMG - SUMMARY**

Mr O'Hara, Lead Investment Advisor - KPMG, discussed the presentations. He clarified that the joint committee had been given two different models to consider. Presently, the committee delegated all voting rights to their investment managers. With regard to Baillie Gifford, they had a strong, research team and included detailed information in their reports. However, not all of the committee's investment managers supplied a similar analysis. The alternative was for the committee to appoint a company such as PIRC. They could provide a service that would consolidate information and: (a) provide a report for the committee to consider and vote direct, which in terms of the present committee structure would be challenging; (b) vote on the committee's behalf, this would mean taking the right away from investment managers and transferring this responsibility to PIRC; (c) provide research and vote on the committee's behalf; and or (d) engage with companies and represent the committee. Mr O'Hara considered that the issue appeared to be around reporting and challenging the information provided by investment managers and not the outsourcing of voting responsibility. In response to questions, Mr O'Hara advised that transferring voting rights to PIRC would not change the investment managers' strategies. He further advised that KPMG could place pressure on investment managers to improve the information they provided to the committee. KPMG could also carry out due diligence and provide more detailed reports. However, this would not be to the same level as PIRC could provide. There would also be an additional charge for this work. The joint committee discussed the presentations and it was agreed that voting rights should remain with the investment managers. However, it was requested that more detailed information on their voting choices be included in their reports. The committee also requested that KPMG provide information on the additional service they could provide, including costs.

#### **DECISION**

##### **AGREED**

- (i) That voting rights remain with Investment Managers;**
- (ii) To request that Investment Managers provide more detail in their reports on their voting choices;**
- (iii) To request the KPMG provide further information on the additional service they could provide, including costs; and**
- (iv) To bring back a further report back for the Committee's consideration at the next meeting.**

#### **7. RISK REGISTER UPDATE**

With reference to paragraph 10 of the Minute of 22 June 2017, there had been circulated a report by the Chief Financial Officer which formed part of the risk review requirements and provided the Pension Fund Committee and Pension Board with a full register and proposed management actions to mitigate risks. 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. A full risk review was undertaken on 10 May 2017 and the revised risk register was approved by the Joint Pension Fund Committee and Pension Board on 22 June 2017. Appendix 1 to the report detailed the risks within the approved risk register which have been identified as management actions and the progress of these actions to date. In response to questions Mrs Robb advised that no new risks had been identified. With regard to Risk 4.1, she advised that Liquidity was progressing and there would be an update at the next meeting. With regard to Risk 6.2, she explained that legislation changes were monitored on a regular basis.

#### **DECISION**

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

**(b) NOTED:**

**(i) No the management actions progress as contained in Appendix 1 to the report; and**

**(ii) New quantifiable risks had been identified since the last review.**

#### **8. GUARANTEED MINIMUM PENSION (GMP) RECONCILIATION**

There had been circulated a report by the Chief Officer Human Resources seeking approval to engage external support to progress the reconciliation of Guaranteed Minimum Pension (GMP) between the Pension Fund and Her Majesty's Revenue and Customs. The Business Plan approved on 22 June 2017 agreed to the carrying out of a full reconciliation of GMP amounts between the Pension Fund and Her Majesty's Revenue and Customs, this report gave consideration as to how the Fund could achieve this. The reconciliation exercise should be carried out for Stage 1 and Stage 2 as outlined in paragraph 4.4 of the report, through the use of external resources, with Stage 3 to be completed in-house. The appointment of external assistance to meet the deadline of 31 December 2018 was proposed to be undertaken via procurement under the Norfolk framework by direct award.

Mr Angus, HR Shared Services Manager, advised that there would be a one off payment of £1,500 to utilise the Norfolk Framework. The cost would be fully met from the Pension Fund. The cost for undertaking the GMP reconciliation was estimated at a maximum of £99,000 this cost would also be fully met from the Pension Fund.

#### **DECISION**

##### **AGREED:**

**(a) The use of the Norfolk Framework for the procurement;**

**(b) To delegate responsibility for the direct award of external resources to completed the Guaranteed Minimum Pension reconciliation exercise, capped at a maximum of £99,000, to the Chief Financial Officer**

#### **9. BUDGET MONITORING TO 30 JUNE 2017**

There had been circulated a report by the Chief Financial Officer providing the Pension Fund Committee and Pension Board with an update position of the Pension Fund budget to 30 June 2017 including projections to 31 March 2018. The Local Government Pension Scheme (Scotland) Regulation 2014 required Administering Authorities to ensure strong governance arrangements and set out the standards they were to be measured against. To ensure the Fund met the standards a budget was approved on 16 March 2017, following the recommendations within the CIPFA accounting guidelines headings. This report was the first quarterly monitoring report of the approved budgets. The total expenditure to 30 June 2017 was £0.026m with a projected total expenditure of £3.928m. This was against an approved budget of £3.829m giving a negative projected variance of



£0.099m. The variance had resulted from the externalisation of the GMP reconciliation as detailed in a separate report.

**DECISION**

**(a) NOTED the actual expenditure to 30 June 2017; and**

**(b) AGREED the projected expenditure of £3.928m as the revised budget.**

**10. MARKETS IN FINANCIAL INSTRUMENTS DIRECTIVE (MIFID II)**

There had been circulated a report by the Chief Financial Officer provides information on the rules for implementation of the Markets in Financial Instruments Directive (MiFID II), which was effective from 3 January 2018. Following a review by the European Commission the rules for Markets in Financial Instruments Directive (MiFID) was due to change on 3rd January 2018. The change would result in all UK Local Authority pension funds being automatically reclassified from “professional investors” to “retail” clients by default. The re-classification of “retail” would result in the Fund being unable to invest any financial instrument including the Fund’s current investments as set out in Funds Investment Strategy. To allow continued investment in the required classes the Fund required to apply to “opt-up” to “professional” status. The Local Government Association was currently developing a reporting template in conjunction with the Investment Association, which the Fund would be able to utilise for the “opt up” process.

**DECISION**

**(a) NOTED the pending reclassification of the Fund to “retail” status under MiFID II**

**(b) AGREED**

**(i) The Fund would complete the required documentation to “opt up”; and**

**(ii) To notify the Fund’s Investment Managers and the Custodian of the intention to “opt-up”.**

**11. COMMUNICATION STRATEGY**

There had been circulated a report by the Chief Financial Officer requesting approval of the Communication strategy for the Pension Fund Committee and Pension Board. The Communication Strategy would improve engagement with its members and enhance the availability of information via the establishment of a website for the Pension Fund. The Business plan approved on 22 June 2017 agreed to the development of a Communication Strategy and establishment of a website for the Pension Fund. The overarching Communication Strategy was detailed in paragraph 4.2 of the report and covered communication with all stakeholders. The implementation of the Communication Strategy and its website was proposed to be undertaken via a procurement under the Norfolk framework. The key dates of the procurement were detailed in paragraph 4.6. Under the procurement, a shortlist of bidders would be asked to present to Members of the Pension Fund Appointment Sub-Group with the final recommendations being presented to the Joint Pension Fund Committee and Pension Fund Board on 8th March 2018.

**DECISION**

**(a) AGREED:**

**(i) The Communication Strategy as detailed in paragraph 4.2 of the report attached with the Agenda;**

**(ii) The use of the Norfolk Framework for the procurement;**

**(iii) The timetable as detailed in paragraph 4.6 of the report attached with the agenda.**

**(iv) The appointment of Councillors Parker, Mountford, Scott and Moffat as Members of the Appointment Sub-Group.**

**(b) NOTED further reports and updates would be provided at future meetings.**

**12. INFORMATION UPDATE**

12.1 There had been circulated a briefing note by the Chief Financial Officer providing members of the Committee and Board with an update on a number of areas which were being monitored and progressing. Full reports on individual actions would be tabled as decisions and actions were required. In summary:-

**12.2 Tri-Annual Valuation**

The next valuation would take place in 2017 based on 31 March 2017 data. All queries and data would be completed by the end of September to allow the findings to be reported to the joint meeting on 4 December 2017.

**12.3 Progress on Investment Strategy Implementation**

The revised Investment Strategy was approved in September 2016 and updated on 16 March 2017. The Strategy now included an allocation to infrastructure which had resulted in three new managers and the requirement to rebalance a number of investment categories. Following a procurement process new managers were appointed for Private Credit and Long Lease Property. Due to the nature of new investments and the notice period for disinvestment of funds from LGT for the Alternative allocation, the implementation of the full revised Strategy would take approximately two years.

**12.4 Scheme Advisory Board Update**

Membership of the Scheme Advisory Board, representing the employer side, was currently being finalised. Following receipt of the final nomination, formal appointment letter would be issued to SPPA. The first meeting of the new Board was anticipated to be early October. The Chairman advised that he had been appointed to the National Scheme Advisory Board for teachers' pensions.

**12.5 Training Opportunities**

An investment training opportunity has been circulated by LGC. Training was two half days in Edinburgh, a number of members had already registered to attend. The IGG Group, a Pension Fund Officer group for LGPS's was organising a training event on 21 November. An agenda would be circulated once finalised. It was noted that officers would be available in the old Convener's office on 17 and 18 October to assist members in the completion of the Pension Fund Regulatory Trustee toolkit.

**DECISION**

**NOTED the information update.**

**13. 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.**

**SUMMARY OF PRIVATE BUSINESS**

**14. MINUTE**

The Committee noted the Private Minute of the meeting of 22 June 2017.

**15. PENSION FUND INVESTMENT & PERFORMANCE SUB-COMMITTEE**

The Committee noted and agreed the Private Minute of the Pension Fund Investment and Performance Sub Committee on 21 August 2017.

**16. QUARTER PERFORMANCE UPDATE**

The Committee noted a Private report by KPMG.

17. **PROPERTY INVESTMENT UPDATE**

Members considered and approved a report by the Chief Financial Officer providing an update on the status of the property mandate and its ongoing restructure.

18. **INFRASTRUCTURE INVESTMENT - PROJECT**

Members considered and approved a report by the Chief Financial Officer regarding an infrastructure investment made by the Fund under delegated authority.

*The meeting concluded at 1.00 pm*

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# SCOTTISH BORDERS COUNCIL PENSION BOARD

MINUTES of Meeting of the PENSION BOARD held in Council Chamber, Council Headquarters, Newtown St Boswells on Thursday, 14 September 2017 at 1.20 pm

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Present:- Councillor S Aitchison (Chairman), Ms C Stewart, Mr M Drysdale, Ms K M Hughes and Mrs L Ross.  
Apologies:- Mr A Barclay, Mr C Hogarth and Mr P Smith.  
In Attendance:- Capital & Investments Manager, HR Shared Services Manager, Democratic Services Officer (J Turnbull)

## 1. **APPOINTMENT OF CHAIR**

The Board considered the appointment of Chair. Mrs L Ross, seconded by Ms C Stewart, moved that Councillor S Aitchison be appointed as Chair.

### **DECISION:**

**AGREED that Councillor Aitchison be appointed as Chairman of the Pension Board.**

### **MEMBER**

Councillor S Aitchison in the Chair.

## 2. **APPOINTMENT OF VICE-CHAIR**

Mr M Drysdale seconded by Ms K Hughes, moved that Mr A Barclay be appointed as Vice- Chairman.

### **DECISION:**

**AGREED that Mr Barclay be appointed as Vice-Chairman.**

## 3. **MINUTE**

There had been circulated copies of the Minute of the Meeting of 22 June 2017.

### **DECISION**

**NOTED for signature by the Chairman.**

## 4. **JOINT MEETING OF PENSION FUND COMMITTEE AND PENSION BOARD**

- 4.1 The Board discussed the joint meeting of the Pension Fund Committee and Pension Board. They referred to the presentations by PIRC and Baillie Gifford on corporate governance. They suggested that it would have been useful to receive information on the reasons for the presentations, prior to the joint meeting. In response to a question by the Chairman, Mrs Robb advised that both PIRC and Baillie Gifford had agreed to be in attendance at the meeting during their respective presentations, although PIRC had left prior to the presentation by Baillie Gifford. The Board agreed with the decision of the joint committee that it could fulfil its judiciary duties without having to analyse vast amounts of information. Mrs Robb advised that the Board might not agree with certain investments made by the Fund managers. However, individual preferences could not be taking into consideration when determining the investment strategy; the joint committee's priority was to the beneficiaries of the Pension Fund.

- 4.2 The Board then discussed the private report regarding the Fund's infrastructure investment and asked for clarification as to the delegation process. Mrs Robb reminded the Board that the joint committee had agreed to delegate authority, to the Chief Financial Officer in consultation with the Chairman of the Pension Fund Committee (where appropriate having regard to the advice of the Investment Advisor) to authorise individual infrastructure investments. This was due to the nature of such investments, and the need for decisions to be taken at short notice.

**DECISION  
NOTED.**

5. **DATE OF NEXT MEETING**

The next meeting of the Pension Board was scheduled to take place on Monday, 4 December 2017.

**DECISION  
NOTED.**

*The meeting concluded at 1.35 pm.*

# Public Document Pack

## 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, 18 September 2017 at  
10.00 am

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Present:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton,  
S. Hamilton, H. Laing, S. Mountford, C. Ramage and E. Small

In Attendance:- Chief Planning Officer, Chief Legal Officer, Democratic Services Team  
Leader, Democratic Services Officer (F. Walling).

### 1. **REVIEW OF 16/00947/FUL**

There had been circulated copies of the request from Mr Malcolm Pearson, per Smith & Garratt, The Guildhall, Ladykirk, to review the decision to refuse the planning application in respect of the erection of a dwellinghouse with attached garage on land north east of The Old Church, Lamberton. Included in the supporting papers were the Notice of Review (including the Decision Notice and Officer's Report); papers referred to in the report; consultations; objections; and a list of relevant policies. In their initial discussion Members accepted that there was a building group at Lamberton and agreed that the proposed development site was a suitable addition to the group. Opinion was divided in respect of the scale, design and visual impact of the new house. The comparative level of the proposed site alongside the adjoining building group was considered to be a significant factor. Consideration was also given as to whether there was any impact on the setting of the Scheduled Ancient Monument – Lamberton Church.

#### VOTE

*Councillor Aitchison, seconded by Councillor Anderson, moved that the decision to refuse the application be upheld.*

*Councillor Mountford, seconded by Councillor Laing, 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 - 3 votes  
Amendment - 5 votes*

*The amendment was accordingly carried and the application approved.*

#### **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) the review could be considered without the need for any further procedure on the basis of the papers submitted;**

- (c) **the proposal would be in keeping with the Development Plan; and**
- (d) **the officer's decision to refuse the application be overturned, subject to conditions and a legal agreement, for the reasons detailed in Appendix I to this Minute.**

2. **REVIEW OF 17/00323/FUL**

There had been circulated copies of the request from Mrs Patricia Crippin, per Erich Planning & Property Consultants, Gifford House, Bonnington Road, Peebles, to review the decision to refuse the planning application in respect of erection of a dwellinghouse and retaining wall (part retrospective) on land west of Craigerne Coachhouse, Edderston Road, Peebles. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); papers referred to in the report; consultations; and a list of relevant policies. Members noted the extensive planning history to the site and recognised that the applicant had attempted to address the reasons for the previous refusal by reducing the footprint of the house and moving the position of the proposed building within the plot to allow sufficient space for adjacent trees. Differing views were expressed as to the suitability of this infill site in terms of residential amenity and whether the new house would constitute over-development in its close proximity to the Coach House development.

VOTE

*Councillor Fullarton, seconded by Councillor Miers, moved that the decision to refuse the application be upheld.*

*Councillor Small, seconded by Councillor Anderson, 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 - 3 votes*  
*Amendment - 5 votes*

*The amendment was accordingly carried and the application approved.*

**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) **the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (c) **the proposal would be in keeping with the Development Plan; and**
- (d) **the officer's decision to refuse the application be overturned, subject to conditions and a legal agreement, for the reasons detailed in Appendix II to this Minute.**

3. **REVIEW OF 17/00239/FUL**

There had been circulated copies of the request from Mr Robin Tuke, per Clarendon Planning & Development Ltd, 5a Castle Terrace, Edinburgh, to review the decision to refuse the planning application in respect of erection of a micro meat processing unit and byre on land at Hardiesmill Place, Gordon. Included in the supporting papers were the Notice of Review (including the Decision Notice and Officer's Report); papers referred to in the report; consultations; and a list of relevant policies. The Planning Advisor referred



to new evidence in the form of letters of support that had been submitted with the Notice of Review, but which had not been part of the original application. Members agreed that, if these letters were to be considered as part of the review the appointed planning officer must be given the opportunity to comment on their content. In the discussion that followed there was recognition of the economic justification of the proposal and the animal welfare benefits associated with an on-site abattoir to operate alongside the established butchery business. However, Members noted that the appearance of the meat processing unit, partly implemented on site and shown in the officer's presentation slides, did not reflect the drawings submitted with the planning application. The question was also raised as to whether it was proposed to make the facility available to process stock from out with the applicant's landholding. It was therefore agreed that more information was required and that the review could not be considered without further procedure in the form of written submissions from the applicant and an accompanied site visit to gain an understanding of the appearance of the proposed unit, operational activities relative to its design and details of proposed screening.

## **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 not be considered without further procedure in the form of written submissions and an accompanied site visit;**
- (c) the applicant be asked to provide the following:-**
  - (i) plans showing the finished design and appearance of the micro meat processing unit and byre together with details of proposed screening;**
  - (ii) the reason why the design was different to that shown in the submitted drawings and the scope for mitigating the design of the building itself, if any;**
  - (iii) details of the operation of the facility including animal handling and the discharge of sewage and waste animal by-products;**
  - (iv) whether it was proposed to make the facility available to process stock from out with the applicant's landholding;**
- (d) the letters of support would be accepted as new evidence and submitted to the appointed planning officer for comment; and**
- (e) an accompanied site visit be held on a date to be arranged.**

*The meeting concluded at 12.10 pm*

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**APPENDIX I**

**SCOTTISH BORDERS COUNCIL  
LOCAL REVIEW BODY INTENTIONS 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:** 17/00030/RREF

**Planning Application Reference:** 16/00947/FUL

**Development Proposal:** Erection of dwellinghouse with attached garage

**Location:** Land North East of The Old Church, Lamberton

**Applicant:** Mr Malcolm Pearson

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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 subject to conditions and the applicant entering into a Section 75 agreement as set out below.

**DEVELOPMENT PROPOSAL**

The full application relates to the erection of dwellinghouse with attached garage on land North East of The Old Church, Lamberton The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	1:2500
Plan – NE Elevation	PL-001-001
Plan – SE Elevation	PL-002-001
Plan – SW Elevation	PL-003-001
Plan – NW Elevation	PL-004-001
Plans & Elevations All Levels	PL-100-001
Plan – Ground Floor	PL-101-001
Plan – First Floor	PL-102-001
Plan – Roof Plan	PL-103-001
Site Plan (Aerial)	PL-900-001
Visualisation	-

## **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 18<sup>th</sup> September 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review (including Officer's Report and Decision Notice); b) Papers referred to in report; c) Consultations; d) Objections; and e) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case. In coming to this decision Members considered the applicant's request for further procedure in the form of a site visit.

## **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 policies were:

- Local Development Plan policies: PMD1, PMD2, HD2, HD3, EP8, EP13, IS2, IS5, IS7 & IS9

### **Other Material Considerations**

- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Landscape and Development 2008

The Local Review Body was satisfied there was a building group at Lamberton, as defined in Local Plan Policy HD2 and in the approved Supplementary Planning Guidance on New Housing in the Borders Countryside, that consisted of 7 dwellinghouses located in the immediate vicinity of Lamberton Church.

The Review Body then turned its attention to whether the site was a suitable addition to the building group. After considering the presentation slides in detail, they concluded that the site was well related to the group and that its development would be consistent with the pattern of development at Lamberton. They also gave weight to the fact that historically there had been buildings on the site.

In terms of the capacity of the group to accommodate the proposed house this was within the limits set by Policy HD2 of 2 or 30% within a Local Plan period.

The Review Body gave detailed consideration to the scale, design and appearance of the new house and ultimately concluded that it was an attractive traditionally

designed house and that subject to its being set into the site at an appropriate level it would complement the character and appearance of the group.

The Review Body was satisfied that the protection of the trees adjoining the site and the right of way that runs through the site, along with the servicing of the site, could be covered by appropriately-worded planning conditions. In respect of the right of way, Members also noted that there was potential for the route to be diverted should that prove necessary.

## **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. 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 house 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. The external walls of the proposed house shall not be white or off-white in colour.  
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
2. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
  - existing and finished ground levels in relation to a fixed datum preferably ordnance
  - existing landscaping features and vegetation to be retained and, in the case of damage, restored
  - location and design, including materials, of walls, fences and gates
  - soft and hard landscaping works
  - existing and proposed services such as cables, pipelines, sub-stations
  - other artefacts and structures such as street furniture, play equipment
  - A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

3. The existing mature trees to the southern boundary of the site with No.3 Lamberton Holdings shall be protected at all times during construction and building operations, by the erection of a substantial timber fence around the trees, together with such other measures as are necessary to protect the trees and their roots from damage. Details of the methods it is proposed to use shall be submitted by the applicant to the Local Planning Authority and be approved by them in writing. The approved protective measures shall be undertaken before any works commence on the site and must, thereafter be observed at all times until the development is completed.  
Reason: To ensure that adequate precautions are taken to protect trees during building operations.
4. No development shall take place on site until the position of the proposed house has been plotted on site and approved in writing by the Local Planning Authority. The house thereafter shall be erected to accord with the agreed position.  
Reason: To ensure that the house minimises the potential impact on adjoining mature trees.
5. 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 dwellinghouse hereby approved.  
Reason: To ensure that the development is adequately serviced with water without a detrimental effect on the water supplies of surrounding properties.
6. No development is to commence until a report has been submitted to and approved in writing by the Planning Authority providing evidence that arrangements are in place to ensure that the private drainage system is provided and thereafter maintained in a serviceable condition. The provisions of the approved report shall be implemented prior to the occupation of the dwellinghouse hereby approved.  
Reason: To ensure that the development does not have a detrimental effect on public health.
7. Right of Way BB53 that runs through the site must be maintained open and free from obstruction in the course of development and in perpetuity. There should be no additional gates, steps, stiles, fences, walls or hedges on this route shown which would restrict public access.  
Reason: To protect general rights of responsible public access.
8. Prior to the commencement of the development, a cross section drawing through the site illustrating the finished floor level of the dwellinghouse and the relationship of the proposed dwelling with No.3 Lamberton Holdings shall be submitted to and approved in writing by the Planning Authority. The dwellinghouse thereafter shall be erected to accord with the agreed level.  
Reason: To ensure that the house has a satisfactory relationship with the neighbouring property and is not unduly prominent in the landscape.
9. 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.

10. In terms of the vehicular access and servicing of the site, the following shall be provided:

- A service lay-by constructed to the Council's specification (DC-3) at the junction of the site access with the public road.
- A passing place constructed to the Council's specification (DC-1) on the public road at a location to be agreed by the Local Planning Authority prior to any construction work on the dwellinghouse.
- Parking and turning for a minimum of two vehicles, not including any garages, provided within the curtilage of the property. These facilities shall be retained thereafter perpetuity for that purpose only.
- Measures to prevent the flow of water onto the public road.

Reason: In the interests of road safety and to ensure that the site is adequately serviced.

## **INFORMATIVE**

Private drainage systems often cause public health problems when no clear responsibility or access rights exist 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 above relating to the private drainage arrangements, documentary evidence must be provided 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.

### **LEGAL AGREEMENT**

The Local Review Body required that a Section 75 Agreement, or other suitable legal agreement, be entered into regarding the payment of a financial contribution towards education facilities in the locality.

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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 T. Miers  
Chairman of the Local Review Body

**Date.....**25 September 2017





**APPENDIX II**

**SCOTTISH BORDERS COUNCIL  
LOCAL REVIEW BODY INTENTIONS 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:** 17/00031/RREF

**Planning Application Reference:** 17/00323/FUL

**Development Proposal:** Erection of dwellinghouse and retaining wall (part retrospective)

**Location:** Land West of Craigerne Coachhouse, Edderston Road, Peebles

**Applicant:** Mrs Patricia Crippin

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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 subject to conditions and the applicant entering into a Section 75 agreement, as set out below.

**DEVELOPMENT PROPOSAL**

The application relates to the erection of a house and retaining wall (part retrospective) on land to the west of Craigerne Coachhouse in Peebles. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Elevations	2014/12/104/C
Site Plan	2014/12/102/C
Floor Plans	2014/12/103/C
Location Plan	2014/12/101/A

**PRELIMINARY MATTERS**

The Local Review Body considered at its meeting on 18<sup>th</sup> September 2017 that the Review had been made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included: a) Notice of Review (including Officer's Report and Decision Notice); b) Papers referred to in report; c) Consultations; and e) List of policies, the Local Review Body concluded that it had sufficient information to determine the review and proceeded to consider the case. In coming to its conclusion the LRB considered the request from the applicant for a site visit.

## **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 policies were:

- Local Development Plan policies: PMD5, PMD2, HD3, EP13, IS2, IS7 & IS9

### Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on Trees and Development 2008

The Review Body noted that the site fell within the settlement boundary of Peebles, as defined in the Local Development Plan, in a predominantly residential area and that the land was associated with the development site at Craigerne Coach House. The Review Body was content that the development would not conflict with the established land use in the locality.

The Review Body noted the extensive planning history to this site and the adjoining housing development. Members were aware that the site had been excluded from the site boundary of the Coach House development in recent planning approvals and concluded that, as the land was now in a different ownership, there was now limited prospect of the site being landscaped. In any event, they were of the view that the site was a natural rounding-off of the Coach House development and was a logical infill site.

The Review Body acknowledged that the applicant had made significant efforts to address the reasons for the previous refusal by reducing the footprint and frontage of the house, along with moving the house within the plot to allow sufficient space for the replacement trees at the northern boundary to grow. Members also noted that the house had been re-designed and they were satisfied that it would blend in well with the adjoining housing development.

Whilst the site was limited in size, they were content, on balance, that the revised development would be sympathetic to the character and appearance of the area and would not constitute over-development or town cramming. Members noted the relationship between the proposed house and the new western wing on the Coach

House but concluded that it did not result in any overlooking nor any detrimental impacts on privacy or amenity.

Members considered the impact of the proposed house on the protected trees to the south of the site and noted that part of the foundation of the house would fall within the Root Protection Area of a nearby oak tree. However, they were satisfied that there were practical solutions to address this issue which could be covered by a suitable planning condition. They did not accept that potential shading and overshadowing of the house would undermine the Tree Preservation Order by putting undue pressure on the remaining trees in the immediate area.

## **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.

## **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. Vehicular and pedestrian access to the site shall be from the existing access into the Coach House development and no such new access shall be formed along the western boundary of the site onto Edderston Road.  
Reason: In the interests of road safety and to protect the amenity of the area through the retention of the existing stone wall, hedgerow and trees along this edge of the development site.
2. The parking area identified for the proposed dwellinghouse, shown on the Site Plan (Dwg No. 2014/12/102/C), shall be a minimum of 5 metres wide by 5 metres long in order to accommodate two vehicles. The parking area shall be fully formed and available for use prior to occupation of the dwelling.  
Reason: In the interests of road safety and to ensure that the site is adequately serviced
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 except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):

- existing and finished ground levels in relation to a fixed datum preferably ordnance
  - existing landscaping features and vegetation, including existing trees and the hedgerow along the western boundary of the site, to be retained and, in the case of damage, restored
  - location and design, including materials, of walls, fences and gates
  - soft and hard landscaping works
  - existing and proposed services such as cables, pipelines, sub-stations
  - other artefacts and structures such as street furniture, play equipment
  - A programme for completion and subsequent maintenance.
  - Reason: To ensure the satisfactory form, layout and assimilation of the development.
5. All trees and the hedgerow (along the western boundary) on this site shall be protected at all times during construction and building operations, by the erection of substantial timber fences around the trees, together with such other measures as are necessary to protect the trees and hedgerow and their roots from damage. Details of the methods it is proposed to use shall be submitted by the applicant to the Local Planning Authority and be approved by them in writing. The approved protective measures shall be undertaken before any works commence on the site and must, thereafter be observed at all times until the development is completed.  
Reason: To ensure that adequate precautions are taken to protect trees and hedgerow during building operations.
6. No development shall take place on site until the position of the proposed house has been plotted on site and approved in writing by the Local Planning Authority. The house thereafter shall be erected to accord with the agreed position.  
Reason: To ensure that the house minimises the potential impact on adjoining protected trees.
7. No development shall take place on site until details of a no-dig method of construction, incorporating either mini pile and beam, pads or reinforced slab, where the development comes within the Root Protection Area of the protected trees have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the details.  
Reason: To ensure that the house minimises the potential impact on adjoining protected trees.

## **LEGAL AGREEMENT**

The Local Review Body required that a Section 75 Agreement, or other suitable legal agreement, be entered into regarding the payment of a financial contribution towards education facilities in the locality and traffic management within Peebles.

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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.

**Signed....**Councillor T. Miers  
Chairman of the Local Review Body

**Date.....**25 September 2017

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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,  
TD6 0SA on Tuesday, 19 September 2017 at  
10.00 am

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Present:- Councillors S. Aitchison (from para1.1), G. Edgar, S. Haslam, E. Jardine, W. McAteer, T. Miers, S. Mountford, M. Rowley, G. Turnbull, T. Weatherston.  
Also present:- Councillor Heather Anderson.  
Absent:- Councillor C. Hamilton.  
In Attendance:- Executive Director (R. Dickson), Chief Financial Officer, Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

### **ECONOMIC DEVELOPMENT BUSINESS**

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

#### **CHAIRMAN**

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

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

1.1 With reference to paragraph 1 of the Minute of 31 January 2017, there had been circulated copies of a briefing note providing an update on recent Economic Development activities and the Executive Director summarised the main points. With regard to business activity during the quarter, the Business Gateway team had assisted 70 business start-ups, of which 12 had met the new classification of 'Early Stage' growth. The advisers had delivered 26 start-up workshops and 16 Growth workshops with 378 attendees. Business Gateway had worked across the Scottish Borders meeting with a number of intermediaries (such as bank managers, accounts and solicitors) promoting the services for small businesses available through Business Gateway and the Council. A new Business Gateway Manager, Rob Claridge had been appointed in August 2017 on a temporary contract. For the period 1 January 2017 to 22 August 2017, the Scottish Borders Business Fund received 33 applications and approved 23 grants valued at £74,067.16 supporting projects with a value of £153,787.58. These projects were forecast to create 48.5 jobs with a forecast economic impact of £891,986 GVA. Business Loans Scotland, a new national Local Authority Loan Scheme was launched in April 2017 after a number of delays and the first loan to a Scottish Borders business had gone through at £100,000.

1.2 In terms of Regeneration the Council had secured £3.625million from the Scottish Government in March 2017 for the development of three key strategic sites in Hawick as part of the Hawick Business Growth Project - Former Armstrong's Building; Galalaw Business Park and Tower Mill, Heart of Hawick. Energise Galashiels were progressing a town centre Business Improvement District (BID) for Galashiels having secured funding of £55,000 from BIDs Scotland, Scottish Borders Council and the Borders Railway Blueprint Fund. The BID aimed to increase town centre footfall, promote Galashiels as a visitor destination and provide a world class visitor experience. A project manager had been appointed and local businesses would be consulted to develop a 5 year plan. The Galashiels town centre BID had the potential of generating approximately £750,000 over

the 5 year term, which would be managed by the BID Company to deliver the business plan. It was anticipated the project would progress to ballot in October 2018. In terms of Tourism and Events, SRPS ran Steam trains each Sunday in August 2017 from Fife to Tweedbank. On arrival they had pre-booked excursions to Melrose, Abbotsford or Season's restaurant. The trains were at capacity with 400 passengers on each journey and it was anticipated that there would be no subsidy required and this would grow in the future. European funding continued to be available to projects through the Scottish Borders LEADER and European Maritime Fisheries Fund 2014 – 2020 programmes. 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. Councillors congratulated the Team on attracting the Tour of Britain once more through the Borders. The television coverage had been very good for tourism and had attracted large crowds. Information on occupancy levels compared to last year was requested together with information regarding occupancy levels at the Business Hub in Kelso. In relation to the former Armstrong's Building an update was requested and information about Leader Funding would be circulated to the Committee.

#### **DECISION**

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

#### **MEMBER**

Councillor Aitchison joined the meeting during consideration of the above item.

#### **2. BUSINESS GATEWAY – ANNUAL REPORT AND BUSINESS PLAN 2017-18**

With reference to paragraph 3 of the Minute of Executive dated 1 November 2016, there had been circulated copies of a report by the Executive Director which summarised the Business Gateway service's performance in 2016/17 and sought approval of the Business Plan for the delivery of Business Gateway Services in the Scottish Borders to 31 March 2018. 2016/17 saw the majority of national targets being achieved by the Business Gateway team with a particularly good performance around business growth. The strongest performance was on identification of businesses starting a growth plan, giving a strong base for future years' activities. The plan for 2017/18 was to continue to use the European Regional Development Fund to deliver additional Growth activity. A new dedicated Business Gateway Manager would be appointed and the office would trade from new premises at Tower Mill, Hawick. The focus on geography would continue with an adviser being allocated to each locality and the premises agreement with Live Borders would allow a greater roll-out of workshops across the Borders. Emphasis would continue to be applied in the areas of Exporting and Innovation for local businesses. In the next 12 months Business Gateway would continue to deliver against the agreed National Service Specification and would aim to achieve the outcomes set out in the ERDF operation plan. Using EU Funds, the Business Plan would enhance service delivery at the local level by aligning to the priorities in the Local Outcome Improvement Plans (LOIP) and the Scottish Borders Economic Strategy 2023. Mr McCreadie answered Members questions and noted the request to look at the collection of local data regarding the number of new businesses who were still trading after 3 years now that this information was not being collected nationally.



## **DECISION**

### **AGREED:-**

- (a) to acknowledge the strong performance and positive impact of the Business Gateway service in 2016-2017;
- (b) to approve the 2017-2018 Business Plan for Business Gateway in line with the national service specification, including the proposed reporting indicators in Table 2; and
- (c) that an annual review meeting be held in November 2017 with a range of Business Gateway customers to allow elected members to directly receive customer feedback.

3. **SOUTH OF SCOTLAND ENTERPRISE AGENCY - UPDATE** With reference to paragraph 9 of the Executive Minute of 7 March 2017, there had been circulated copies of a report by the Executive Director which updated Members on the progress of the Scottish Government's Enterprise and Skills Review. The report highlighted the announcement of a new South of Scotland Enterprise Agency and the forthcoming steps in its development. The report explained that as part of the outcomes from Phase 2 of the Enterprise and Skills Review, the Scottish Government had now made a crucial commitment to create a new South of Scotland Enterprise Agency covering Dumfries & Galloway and the Scottish Borders. The opportunity to establish a new South of Scotland Enterprise Agency was a once in a generation opportunity that had the potential to improve the level of investment in economic growth, enterprise, skills and innovation across the Scottish Borders and the South of Scotland. While subject to Parliamentary process, the aim was to ensure that the new Agency was fully operational by 1 April 2020. In view of the time required to complete the statutory processes, Scottish Government Ministers had given a commitment that an interim approach would be put in place by the end of 2017 to ensure that the South of Scotland benefits from a new approach to economic development as soon as possible. The two years of interim arrangements offered the opportunity to work towards a clear economic plan for the South of Scotland, understand how best to deliver improvements through the drivers of productivity; to carry out some early projects; and to address inclusive growth factors. It was anticipated that the interim period would enable different approaches to be tested in the region and, importantly, that it allowed crucial building blocks to be put in place so that the new agency operated effectively from inception. Members welcomed developments.

## **DECISION**

### **AGREED:-**

- (a) to support strongly the proposal by the Scottish Government to establish a new South of Scotland Enterprise Agency, recognising the positive potential it would have for the Scottish Borders and the South of Scotland;
- (b) to support strongly the proposal by the Scottish Government to establish Interim Arrangements by the end of 2017;
- (c) that the Council should place a high priority on this work and continue to engage with the Scottish Government and other stakeholders in order to develop detailed proposals for South of Scotland Enterprise Agency and the Interim Arrangement; and
- (d) to receive a future report as proposals developed further.

4. **SELKIRK BUSINESS IMPROVEMENT DISTRICT PROPOSAL**

There had been circulated copies of a report by the Executive Director which outlined the Business Improvement District (BID) Proposal, developed by Selkirk Chamber of Trade. The report highlighted the role and contribution from the Council and recommended appropriate support. Business Improvement District (BID) initiatives were promoted by the Scottish Government to support sustainable economic growth. The BID model, led by the private sector, stimulated partnership working to enable investment in improvements to the local business environment. Selkirk Chamber of Trade began their BID development process with a proposal to develop a joint BID for the town centre and the Riverside area. Shortly thereafter, they opted to develop two separate BIDs, one for the town centre and one for the Riverside area. Due to a range of operational difficulties, the Steering Group had recently agreed with BIDS Scotland and Scottish Borders Council to only progress the Selkirk Town Centre BID at this stage. The Selkirk Town Centre BID ballot date was set for 30 November 2017. The Selkirk Town Centre BIDS business plan had a range of projects in three themed areas including 'Flying the Flag for Selkirk', 'Helping Businesses to Thrive' and 'Improving the town's visual appearance'. The BID levy would provide an estimated £18,690 per annum and the Steering Group anticipated increasing this by a further £5,000 per annum with funding applications from other external sources. If the BID ballot was successful, the BID business plan would be implemented over a five year period. Members asked for an update report in due course.

#### **DECISION**

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

- (a) **to Support the Selkirk Town Centre BID and note the intended 30 November 2017 ballot date;**
- (b) **that the Council's Democratic Services team manages the BID Ballot process; and the Council's Customer Service Team provide the financial management of the BID levy at the proposed fee level of £2,500 per annum;**
- (c) **to note the financial implications of £2,405 per annum for the Council and Live Borders for their BID Levy contributions;**
- (d) **to support the BID initiatives with 'Yes' votes for Council and Live Borders properties; and**
- (e) **to request that appropriate mitigating actions were taken by the BID Steering Group in relation to the risks highlighted; and that an Elected Member of the Council be represented on the BIDs Levy Board along with a Council officer for advisory support.**
- (f) **that a progress report be presented in due course.**

#### **ADJOURNEMENT**

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

#### **OTHER BUSINESS**

##### **CHAIRMAN**

Councillor Haslam took the Chair for the remaining business.

##### **5. MINUTE**

The Minute of meeting of the Executive Committee of 5 September 2017 had been circulated.

#### **DECISION**

**APPROVED for signature by the Chairman.**

**6. CORPORATE TRANSFORMATION PROGRESS REPORT**

There had been circulated copies of a report by the Executive Director which updated the Group on progress in developing and delivering the Council's Corporate Transformation Programme in the period to end July and set out planned activity in the reporting period to October 2017. This was the ninth quarterly progress report since the Programme was established in February 2015. The Corporate Transformation Programme set out a far-reaching programme of change to enable the Council to respond to unprecedented social, demographic and economic challenges. The Programme supported the delivery of the 8 Corporate Priorities and the delivery of the significant savings set out in the 5-year Financial Strategy. Building on the previous Business Transformation approach, the Programme – together with a range of service improvement and efficiency initiatives across all Council services – had delivered substantial change and supported the delivery of £26.7m in savings between 2013/14 and 2016/17. With the Programme now having been up-and-running for over two years there was an opportunity to review and reshape the Programme, particularly given the recent election of a new Council with a new Administration and the need to ensure that the Programme was aligned with their priorities and ambitions. Proposals would be developed for discussion at a future Executive with a view to presenting a refocused Programme to Council in February 2018 as part of the annual report on the Programme. The report detailed the background and the sub-programmes and projects of the Corporate Transformation Programme. Mr Dickson answered Members questions and advised that the appendix to the report relating the Year 1 Evaluation of the Railway had been omitted and would be circulated to Members following the meeting.

**DECISION**

**NOTED the continued progress made in developing and delivering the corporate Transformation Programme.**

**7. OVERVIEW OF SBC'S COMPLAINTS ANNUAL PERFORMANCE REPORT 2016/17**

With reference to paragraph 14 of the Minute of the Executive held on 14 August 2016, there had been circulated copies of a report by the Service Director, Customer and Communities which presented a summary of Scottish Borders Council's Complaints Annual Performance Report 2016-17 contained in Appendix 1 of the report, and provided a summary of the eight performance indicators that the Scottish Public Services Ombudsman (SPSO) required all Local Authorities to report against each year. A summary of the main changes to performance in 2016-17 was provided in Section 4 of the report and included an overall increase in the number of complaints received online. Between 2015/16 and 2016/17 there was a 61% increase in the number of complaints received online. Although there was a slight increase in the complaints received the number classed as 'Valid' was similar; 563 compared to 564 last year. The increase (8%) of 'invalid' complaints for 2016/17 may be due to the increase in complaints made through the online channel and customers may have submitted complaints using the online portion that were actually requests for service and not complaints. In relation to timescales set by the SPSO, Scottish Borders Council continued to perform well against the Scottish averages and similar Scottish Local Authorities in relation to the 8 SPSO performance Indicators. However, resolving more complaints at frontline would remain a priority during 2017/18, and would be a key part of SBC's customer strategy which was currently being developed. In response to Members receiving complaints about the 0300 telephone number, Mrs Craig undertook to investigate this.

**DECISION**

**(a) NOTED the performance of handling complaints for the period 1 April 2016 to 31 March 2017.**

**(b) ENDORSED the identified actions to:**

- (i) **Improve frontline responses and reduce the number of complaints that are escalated to Stage 2;**
  - (ii) **Improve online guidance to assist customers to better distinguish between a request for service and a complaint;**
  - (iii) **Continue to engage with LACHN who are working to improve performance across all Local Authorities, and to produce meaningful benchmarking data; and**
  - (iv) **Ensure the developing Customer Strategy reflects improved complaints handling.**
- (c) **APPROVED the annual report, as contained in the appendix to the report, to be submitted to the SPSO and published on SBC's website.**

8. **PRIVATE BUSINESS  
DECISION**

**AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this minute on the grounds that it involved the likely disclosure of exempt information as defined in the relevant paragraphs of part 1 of schedule 7A to the Act.**

**SUMMARY OF PRIVATE BUSINESS**

9. **MINUTE**

The private section of the Minute of 5 September 2017 was approved.

*The meeting concluded at 11.45 am*

**SCOTTISH BORDERS COUNCIL  
LIMITED LIABILITY PARTNERSHIP  
STRATEGIC GOVERNANCE GROUP**

MINUTES of Meeting of the LIMITED LIABILITY PARTNERSHIP STRATEGIC GOVERNANCE GROUP held in the Council Chamber, Council Headquarters, Newtown St Boswells on Tuesday, 19 September 2017 at 2.00 pm

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- Present:- Councillors T. Weatherston (Chairman), J. Greenwell, E. Robson, E. Thornton-Nicol, G. Turnbull (from Item 6).
- Apologies:- Ms K Hamilton (NHS Borders).
- In Attendance:- Mr M Leys (Chief Officer Adult Social Work), J Wilson (Chairman SB Cares), P Barr (Managing Director SB Cares), J McPhail (Finance and Commercial Director SB Cares), L Crombie (Operations Director SB Cares), Paul Cathrow (Service Development Manager SB Cares), J Stacey (Chief Officer Audit and Risk), Democratic Services Officer (P Bolson).

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1. **WELCOME AND INTRODUCTIONS**

The Chairman welcomed everyone to the meeting of the Limited Liability Partnership Strategic Governance Group.

2. **MINUTE**

There had been circulated copies of the Minute of the meeting of 20 June 2017.

**DECISION**

**NOTED the Minute for signature by the Chairman.**

3. **MATTER ARISING**

With reference to the decision at paragraph 6(b) of the Minute of 20 June 2017, Members noted that the programme of visits was now in progress and that additional requests to take part in this programme should be made to Ms Crombie for SB Cares establishments and Mr Wilson for external providers.

4. **QUARTERLY PERFORMANCE REPORTING**

There had been circulated copies of a report by the Finance and Commercial Director SB Cares updating Members on the Management Accounts to 31 July 2017. The Appendix to the report included details of the year to date spend against budget and against the previous year spend for both income and expenditure; the year to date spend by service heading; the balance sheet for the period; and the projected cash flow at 31 March 2018. Ms McPhail advised that a surplus of £115k was being reported as at 31 July 2017, as opposed to the anticipated surplus £88k and she went on to highlight some of the key elements of the current financial position. The income from Bordercare Alarms had held up well following the price increase for the service agreed by Council in December 2016, with the number of cancelled alarms being lower than expected. Mr Leys advised that those clients who had cancelled their alarms had gone back into the Social Work to ensure their safety at home. The new homecare rotas had contributed to savings in staff costs as anticipated and work was ongoing to analyse the cause of a small overspend in staff costs within care homes. Other savings of £17k and £15k were reported against travel costs and catering costs respectively. Discussion followed and Ms McPhail confirmed that progress was ongoing in relation to the sale of items to private clients, with an online service going live on the website in the near future.

## **DECISION**

**NOTED the contents of the report and the actions described to manage budgetary pressures.**

### **5. CARE INSPECTORATE**

With reference to paragraph 6 of the Minute of 20 June 2017, there had been circulated copies of a report by the Operations Director SB Cares giving the updated position on the inspection of SB Care services by the Care Inspectorate. Ms Crombie advised that since the last report to LLP SGG, the final report for Deanfield Care Home had been received and the service had shown improvement in particular areas. Quality of Care and Support had received a Grade 5, with Quality of Management and Leadership; Quality of Staffing; and Quality of Environment receiving Grade 4. This report contained 7 requirements and 2 recommendations. The Hawick Community Support Service had also received a positive report. Only two themes, namely Quality of Care and Support and Quality of Management and Leadership, were inspected on this occasion and both received improved awards to Grade 5. Home Care East (Hawick, Jedburgh and Newcastleton) had been registered only recently and was currently being inspected for all themes. The outcome of the inspection would be reported in due course. Ms Crombie advised that the trend in Care Inspection grades had shown a consistent increase in grades since the inception of SB Cares, with no service now being graded as 3 (Weak) and the number of awards at Grade 5 increasing from 14% to 35%. Further detail was included in the Appendices to the report. Ms Crombie clarified a number of points raised by Members and advised that SB Cares was working with colleagues in HR and Borders College to look at training and how that could be delivered to staff. The Chairman offered congratulations to SB Cares on the improvements made across services.

## **DECISION**

**(a) NOTED:-**

- (i) the finalised reports for Deanfield Care Home and Hawick Community Support Service;**
- (ii) the percentage of services that had received a grade 4 and above;**
- (iii) the requirements and recommendations as contained in the report and Appendix 1;**
- (iv) the increase in grades since the transfer to SB Cares as detailed in Appendix 2 to the report;**

### **6. 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 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.**

#### **SUMMARY OF PRIVATE BUSINESS**

### **7. SB CARES BUSINESS PLAN 2017/22**

Members considered the Business Plan for SB Cares for the period 2017/22.

***The meeting concluded at 3.05 pm.***

# SCOTTISH BORDERS COUNCIL TEVIOT AND LIDDESDALE AREA LOCALITY COMMITTEE

MINUTES of Meeting of the TEVIOT AND  
LIDDESDALE AREA LOCALITY  
COMMITTEE held in LESSER HALL, TOWN  
HALL, HAWICK on Tuesday, 15 August 2017  
at 6.30 pm

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Present:- Councillors: N Richards (Chairman), W McAteer, D Paterson, C Ramage, G Turnbull.  
Community Councillors: Mrs A Knight (Burnfoot), Mr I Turnbull (Hawick), Mr G Crew (Denholm), Mr I Robson (Upper Teviotdale & Borthwick Water).

Apologies Councillor S Marshall, Mr C Griffiths (Hobkirk), Mr W Roberts (Denholm)

In Attendance:- Neighbourhood Area Manager (Mr F Dunlop), Inspector Carol Wood (Police Scotland), Scottish Fire & Rescue Service (Mr R Bell), Democratic Services Officer (J Turnbull).

Members of the Public 6

## 1. MINUTE

There had been circulated copies of the Minute of the meeting held on 15 August 2017.

## DECISION

**AGREED to approve the Minute of the Meeting held on 15 August 2017.**

## 2. DEVELOPMENT PLAN MAIN ISSUES REPORT

- 2.1 Mr Charles Johnston, Lead Officer Plans and Research, was present at the meeting and gave a briefing on the forthcoming events and workshops relating to the preparation of the new Local Development Plan (LDP). The timeline for the plan commenced with the publication of the Main Issues Report (MIR) targeted for Spring 2018 and ended with adoption of the LDP in Spring 2021. The MIR was a front runner to the LDP which in essence sought to identify a range of issues to be addressed including: housing allocation, regenerating town centres, employment land provision, protection of greenspace, promotion of place making and design, wind farms, changes to planning policies and the format/navigation of the LDP.
- 2.2 A series of public events around the Borders were going to be held with the event in Hawick being held on 3 October in the Heritage Hub. The day would comprise a drop-in session in the afternoon and a workshop in the evening. There would also be an extensive publicity campaign to try and reach as many people as possible. Mr Johnston encouraged people to participate in these events. He was also happy to meet groups to talk about specific areas. It was noted that there was draft legislation under consideration to change the planning process as part of a planning review but until this came into force the existing arrangements, including the preparation of a MIR, would continue. In response to questions, Mr Johnston advised that the Council's windfarm policy was set out in the Local Plan. With regard to a national park status Mr Johnston explained that this would be decided at national level by Scottish Ministers. Ministers would not support national park status if it was solely to prevent wind turbines. He suggested that windfarm policy and national park status could be discussed in more detail at the drop-in session and workshops. The Committee then discussed land banking and town centre regeneration. Mr Johnston clarified that the Council had written to all landowners who had longstanding allocated land for development, requesting an update on progress. The

Committee then discussed town centre regeneration. With regard to empty commercial premises on the High Street, the Council had no powers to force an absentee landlord to market the premises. Mr Johnston concluded by advising that the extension of the Borders Railway route had been included in the local plan. A feasibility study would be carried out in the near future. The Chairman thanked Mr Johnston for his attendance and interesting presentation.

#### **DECISION**

**NOTED the presentation.**

### **3. NEIGHBOURHOOD SMALL SCHEMES AND QUALITY OF LIFE**

With reference to paragraph 8 of the Minute of 15 August 2017, there had been circulated a report by Service Director Assets and Infrastructure seeking approval for the following new Neighbourhood Small Schemes from the Locality Committee: Installation of red textured road surfacing to the two entrances to Chesters, at one entrance to Denholm and two entrances to Newcastleton; and, refurbishment of Denholm Cemetery Gates. The following Quality of Life Scheme had also been requested for approval: provision of football goal nets for football posts at Weensland Play Area, Hawick.

#### **DECISION**

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

<b>(i)</b>	<b>Install red textured road surfacing to two entrances at Chesters on the A6088</b>	<b>£4,384</b>
<b>(ii)</b>	<b>Install red textured road surfacing to the entrance to Denholm on the A698 from the west</b>	<b>£2,192</b>
<b>(iii)</b>	<b>Install red textured road surfacing to the two entrances to Newcastleton on the B6357;</b>	<b>£4,384</b>
<b>(iv)</b>	<b>Refurbishment of Denholm Cemetery Gates</b>	<b>£2,434</b>

**(b) AGREED the following new Quality of Life Scheme for implementation:**

<b>(i)</b>	<b>Provision of football goal nets for football posts at Weensland Play Area, Hawick</b>	<b>£ 56</b>
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**(c) NOTED:-**

- (i) the updates on previously approved Neighbourhood Small Schemes in 2017/18 as detailed in Appendix A to the report; and**
- (ii) the updates on previously approved Quality of Life Schemes in 2017/18 as detailed in Appendix B to the report.**

### **4. POLICE SCOTLAND**

4.1 There had been circulated a report from Inspector Carol Wood, Police Scotland, updating the Teviot and Liddesdale Area Locality Committee on performance activities and issues in the area during August. The Ward priorities were Drug Dealing and Misuse, Road Safety, Violent Crime and Antisocial Behaviour. In summary with regard to the Drug Dealing and Misuse priority there had been three arrests for possession of class B drugs and one arrest for the possession of class A drugs. Six further incidents had led to further intelligence on various individuals and premises within Hawick.

4.2 In terms of the Road Safety priority, Inspector Wood advised that 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 clear - if you are intending driving, do not drink. The public were also encouraged to report all drink drivers either directly to the police on 101 or anonymously to Crimestoppers on 0800 555 111. With



regard to parking issues, vehicles continued to receive parking tickets in the 30 minute zone in Hawick High Street, North Bridge Street and O'Connell Street. During the reporting period there had been seven individual charges for offences such as driving without insurance or licence, careless driving and drink driving.

- 4.3 In terms of the Violent Crime priority, there had been a report for robbery following an incident at Millersknowes. A male had also been arrested for carrying a knife, threatening behaviour and vandalism. Inspector Wood also advised that a male had also been reported for abduction and serious assault and a 19 and 16 year old male had also been reported for threatening behaviour and threatening police officers.
- 4.4 With regard to the Antisocial Behaviour priority, there were three fixed penalty notices issued and three police warning given for antisocial behaviour.
- 4.5 Inspector Wood went on to advise that there had been a theft at a building supply company based in Burnfoot Industrial Estate. There had also been three reported break-ins to domestic premises, one theft from a vehicle and theft of equipment from a trader at the Common Haugh. Inspector Wool highlighted racist incidents and reported that there had been seven incidents where individuals had reported concerns over the actions of others. These had varied from inappropriate stickers placed on takeaway shop windows, silent political protests and comments made to Eastern European residents. Where offences had been committed, many of these had been conducted by youths and appropriate education measures were taking place. The Chairman thanked Inspector Wood for her comprehensive report.

#### **DECISION**

**NOTED the report.**

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

There had been circulated a report from Station Manager Russell Bell, Hawick Fire Station, presenting service delivery activity in the Teviot and Liddesdale Area for the month of July 2017. In summary, the report detailed that during the period of the report there had been two accidental house fires, two open fire occurrences, four special service occurrences and 13 unwanted fire signals. Mr Bell advised that the Fire Service were also supporting local Members with a number of issues in Burnfoot and Howegate areas. Mr Bell referred to the Scottish Borders Local Fire and Rescue Plan Review 2014 – 2017 which had now been published. In summary the Plan reported that over the past five years within the Scottish Borders, the Scottish Fire and Rescue service had responded to 7,538 incidents. Dwelling fires accounted for 7% of operational activity and had resulted in 96 fire casualties including five fatalities. Deliberate fires, other than dwellings, accounted for 6% of operational activity. Special Service, Road Traffic Collision also accounted for 6% of operational activity. Mr Bell also highlighted that unwanted fire alarm signals had accounted for 59% of operational activity with the period. Copies of the full Review document were available from Judith Turnbull.

#### **DECISION**

**NOTED the report.**

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

A member of Denholm Community Council asked why the Forum had been renamed to 'Locality Committee'. She felt that a 'Forum' was more inclusive and the change to a 'committee' was not positive. Secondly, she asked if there was any guidance on how community councils could become involved in the new locality committees; she understood that Cheviot area had already appointed a representative. The Clerk explained that she was not aware that any appointments had been made. However, she would ask the Communities and Partnership Manager to advise outwith the meeting.

There was a request for the Committee to support a grant for refurbishment of Langlands Bridge, the surface was uneven and a trip hazard. Mr Dunlop advised that the structure of the bridge still required to be checked and he would investigate.

**DECISION  
NOTED.**

**7. COMMUNITY COUNCIL SPOTLIGHT**

- 7.1 Mr Kerr, Southdean Community Council, advised that the Community Council had been asked for their comments on the Cliffhope Community Wind Farm scoping. The scoping was for 46, 200m high wind turbines, which would be one of the highest windfarms in Scotland. There would also be radar issues and they were interested in the Ministry of Defence's response to the scoping. The Community Council were also still pursuing with Open Reach the need for superfast fibre or broadband. Mr Kerr also advised that a representative from the Borders National Park initiative would attend their next meeting.
- 7.2 Mrs Knight, Burnfoot Community Council, advised that the Burnfoot Carnival had been a success and they were already planning next year's event. The Wilton Remembrance Garden project was progressing and the community council were in discussion with the project architect, an update would be provided at the next community council meeting. There had been an issue with access to CCTV and they were in discussion with the police regarding. Mrs Knight was pleased to report that community notice board would be repaired.
- 7.3 Mr Turnbull, Hawick Community Council, indicated that the closing date for grants from the Langhope Rig Community Fund was 30 September. Mr Turnbull advised that contact had been made with other community councils in the area regarding the formation of a Borders Railway Support Group. Mr Turnbull asked if Members would support a grant from the small schemes budget for two 'Keep Entrance Clear' signs at Wilton Lodge Park, this was to facilitate clear entrance and exit for emergency vehicles and this was agreed. With reference to paragraph 10 of the minute of 15 August, the Community Council had invited Amey and Transport Scotland to meet to discuss the feasibility of installing a roundabout at Commercial Road. Once a date had been confirmed Ward Members would be advised.
- 7.4 Mrs Crew, Denholm Community Council, asked that SBC take into consideration that the majority of community councils did not hold meetings in August, therefore deadlines for consultation requests should be extended during this period. Mrs Crew advised that following their recent by-election they still had two vacancies on the community council. Mrs Crew went on to advise that the Steve Hislop Memorial Run had been a success and £4,000 had been raised for Motor Neurones Disease Scotland. The Community Council had also held a first aid course and 10 residents had received training. To conclude Mrs Crew reported that Langhope Rig Community funding was still available.
- 7.5 Mr Curtis, Hobkirk Community Council, reported that the charge for a burial plot at Hobkirk Churchyard would be £900. He further advised that there was a possibility that lynx would be introduced in Kielder Forest to tackle the deer problem. However, farmers were concerned that they would not stay in the vicinity of Kielder but target livestock on farmland instead. Mr Curtis also advised that the community council were still pursuing the use of the former Hobkirk Primary school building.

**DECISION**

- (a) **NOTED the reports;**  
(b) **AGREED to support a small scheme for two 'Keep Entrance Clear' signs at the Wilton Lodge Park.**

**8. DATE OF NEXT TEVIOT AND LIDDESDALE AREA LOCALITY COMMITTEE**

The next meeting of the Teviot and Liddesdale Area Locality Committee would be held on Tuesday, 14 November 2017 at 6.30 pm in the Lesser Hall, Town Hall, Hawick.

**DECISION  
NOTED.**

*The meeting concluded at 7.45 pm.*

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# SCOTTISH BORDERS COUNCIL LAUDER COMMON GOOD FUND SUB-COMMITTEE

MINUTES of Meeting of the LAUDER  
COMMON GOOD FUND SUB-COMMITTEE  
held in Convener's Office, Council  
Headquarters, Newtown St Boswells on  
Thursday, 21 September 2017 at 1.30 pm

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Present:- Councillors K Drum (in the Chair) and T Miers.  
Community Councillor Mr A Smith.  
Apologies:- Councillor D Parker.  
In Attendance:- Senior Finance Officer (J Yallop), Principal Solicitor (H MacLeod), Estates  
Officer (A Phipps), Democratic Services Officer (P Bolson).

## 1. MINUTE

There had been circulated copies of the Minute of 20 June 2017.

### DECISION

**NOTED for signature by the Chairman.**

## 2. FINANCIAL MONITORING REPORT FOR PERIOD TO 30 JUNE 2017

2.1 There had been circulated copies of the income and expenditure for the three months to 30 June 2017, including the full year projected outturn for 2017/18 and projected balance sheet values as at 31 March 2018. Mr Yallop highlighted the main points of the report and appendices. Appendix 1 to the report provided the projected Income and Expenditure position for 2017/18, showing a projected deficit of £3,355. Appendix 2 to the report detailed the projected Balance Sheet value as at 31 March 2018 and showed a decrease in the reserves of £14,848. The breakdown of the property portfolio showing the actual rental income and property expenditure was shown in Appendix 3. Appendix 4 provided details of investments externally managed in the Newton Fund and the value of the Fund to 30 June 2017. The report explained that the projected outturn included an estimate for the interest receivable on cash deposited with Scottish Borders Council however, as the amount was dependent on interest rates and the average cash revenue balance invested over the full year, this would not show as an actual income until 31 March 2018. It was also noted that the proposed budget was based on a distribution of 2.4% and that this would be subject to the overall performance of the Newton Fund. With reference to the grant of £5,000 recently given to Lauder Golf Club, it was recommended that the Grants Budget be increased by £5,000 to offset that award, leaving a balance of £1,300 available for allocation.

2.2 Discussion followed and Mr Yallop explained that following concerns over the Newton Fund's performance during 2016/17, this had improved at the beginning of 2017. Performance, however, was measured over a five year period and figures showed that overall, performance had fallen below expectations. The report by KPMG commissioned by Scottish Borders Council recommended that a procurement exercise be undertaken in respect of future Fund providers. This exercise will be progressed and further updates will be provided to Members in due course.

### DECISION

(a) **NOTED:-**

(i) **the projected balance sheet value as at 31 March 2018 in Appendix 2;**

(ii) **the summary of the property portfolio as contained in Appendix 3;**

(iii) **the current position of the investment in the Newton Fund in Appendix 4;**

(b) **AGREED the projected income and expenditure for 2017/18 in Appendix 1 to the report as the revised budget for 2017/18.**

3. **APPLICATION FOR FINANCIAL ASSISTANCE**

There had been circulated copies of an application for financial assistance on behalf of Lauder Amateur Dramatics Society (LADS). The application was for the sum of £500 to assist with covering the cost of staging the production, costumes and other associated outlays. The application explained that LADS put on an annual show for a period of four evenings in Lauder in the spring of each year and that the performances were always very well supported. The show in 2016 did not go ahead due to illness of cast member(s) and the loss of income had resulted in a low bank balance to produce the 2017 show. In addition, the cost of hiring Lauder Public Hall from LiveBorders had increased and this added to the pressure on funds. LADS had already raised money through donations and by increasing the ticket price but there remained a shortage of funds. Following discussion, it was agreed that financial assistance be granted to Lauder Amateur Dramatics Society in the sum of £500 towards the costs of staging a production in 2018, costumes and other associated outlays.

**DECISION**

**AGREED that financial assistance be granted to Lauder Amateur Dramatics Society in the sum of £500 to cover the costs of staging a production in 2018, costumes and other associated outlays.**

4. **LAUDERHILL FARMHOUSE**

Ms Phipps, Estates Surveyor, advised that a request had been received for some work to be carried out in Lauderhill Farmhouse, namely an amount of pointing and replacement of cupboards and worktops in the kitchen. The work was to make good general wear and tear to the property. The total cost would be £3,206 from an available budget of £10,000. Ms Phipps answered Members' questions in relation to the request and the work to be undertaken.

**DECISION**

**AGREED to approve the works at Lauderhill Farmhouse in respect of building pointing and replacement cupboards and worktops.**

5. **LAUDER WOODLAND/PLANTING**

With reference to paragraph 2 of the meeting of Lauder Common Good Sub-Committee held on 14 December 2016, Ms Phipps, Estates Surveyor provided Members with a verbal update on woodland planting on Lauder Common. Ms Phipps advised that a meeting had taken place recently with Andy Tharme, SBC Ecology Officer, Steven Adlard of SAC Consulting and Hugh Chalmers of the Tweed Forum to discuss the potential scheme, including the possibility of funding being provided from the Penmanshiel Compensatory Replanting Scheme grant and the Forestry Grant Scheme. The Penmanshiel Replanting Scheme was set up by a wind farm developer to provide for the replacement of trees which had been previously cut down at Penmanshiel. Current grant projections showed a surplus of £17,000 and decisions were now required in respect of determining whether the landlord or tenant would arrange for the trees to be planted. Payment would be made directly to whoever arranged for the planting, along with the responsibility for the maintenance of the woodland and the management of cash flow for the duration of the contract. Discussion followed and it was agreed that a further meeting with Hugh Chalmers be arranged in order to clarify any outstanding issues and progress the project.

**DECISION**

- (a) **NOTED** the update.
- (b) **AGREED** that a further meeting with Hugh Chalmers be arranged to clarify outstanding issues and progress the project.

*The meeting concluded at 2.20 pm*

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## **SCOTTISH BORDERS COUNCIL WILLIAM HILL TRUST SUB-COMMITTEE**

MINUTES of Meeting of the WILLIAM HILL TRUST SUB-COMMITTEE held in the Convener's Office, Council Headquarters, Newtown St Boswells on Thursday 21 September 2017 at 2.15pm.

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Present:- Councillors K. Drum and T. Miers.  
Apologies:- Councillor D. Parker.  
In Attendance:- Senior Finance Officer (J Yallop), Principal Solicitor (H MacLeod), Democratic Services Officer (P Bolson).

### **1. APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN**

As this was the first meeting of the William Hill Trust Sub-Committee following the Local Government Election in May 2017, nominations were invited for the role of Chairman of the Sub-Committee. Councillor Miers proposed Cllr Parker as Chairman and suggested that his appointment be reviewed midway through the current term of office. There were no other nominations and Councillor Parker was therefore appointed as Chairman. Nominations were then invited for the role of Vice-Chairman. Councillor Miers proposed himself as Vice Chairman seconded by Councillor Drum and was duly appointed as Vice-Chairman.

#### **DECISION**

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

- (a) as there were no other nominations, Councillor D Parker was duly appointed as Chairman and Councillor T Miers was appointed as Vice-Chairman; and**
- (b) these appointments be reviewed midway through the current term of office.**

### **2. MINUTE**

There had been circulated copies of the Minute of 7 June 2017.

#### **DECISION**

**NOTED the Minute.**

### **3. FINANCIAL MONITORING REPORT FOR TWELVE MONTHS TO 31 MARCH 2017**

There had been circulated copies of a report by the Chief Financial Officer giving details of the income and expenditure for the William Hill Trust Fund for the year 2016/17 to 31 March 2017, including the proposed budget for 2017/18 and the projected balance sheet values at 31 March 2017. Appendix 1 to the report detailed the actual income and expenditure position for 2016/17, including interest from the Newton Investment and from donations from other Melrose Trusts and showed an overall deficit of £16,405 due mainly to payment of substantial grants being awarded. Following discussion, it was agreed that the budget for Grants would be increased to £10,000 to meet future applications. Appendix 2 contained the balance sheet value to 31 March 2017 showing a projected decrease in reserves of £17,069. Appendix 3 showed the value of the Newton Fund investment to 31 March 2017. Mr Yallop advised that following concerns over the Newton Fund's performance during 2016/17, this had improved at the beginning of 2017. Performance, however, was measured over a five year period and figures showed that overall, performance had fallen below expectations. SBC had commissioned a report by KPMG, SBC's investment advisors, and this report recommended that a procurement exercise be undertaken in respect of future Fund providers. This exercise will be progressed and further updates will be provided to Members in due course.

## **DECISION**

### **(a) NOTED:-**

- (i) the actual income and expenditure for 2016/17 in Appendix 1;**
- (ii) the final balance sheet value as at 31 March 2017 in Appendix 2;**
- (iii) the current position of the investment in the Newton Fund, including the short, medium and long term performance of the Fund against its peers in Appendix 3;**

### **(b) AGREED:-**

- (i) the proposed budget for 2017/18 in Appendix 1; and**
- (ii) that the budget for Grants be increased to £10,000.**

## **4. APPLICATION FOR FINANCIAL ASSISTANCE FROM MELROSE WAVERLEY TENNIS CLUB**

There had been circulated copies of an Application for Financial for Assistance on behalf of Melrose Waverley Tennis Club. Ms Patricia Nicholson, Secretary of Melrose Waverley Tennis Club was in attendance in support of the Application. The Application explained that the Tennis Club offered coaching programmes for juniors and adults as well as social tennis with designated times for over 70s. The Club facilities were also available for non-members to use for tennis, meetings etc and were very well used for local events throughout the year. In order to enhance the interior of the clubhouse and transform it into a more multi-purpose space, a number of improvements were required, including the purchase of new furniture, light catering equipment and wall heating in the main area. Mrs Oliver explained that £30,000 of the Club's existing funds was ring-fenced in a separate Designated Fund for the replacement of court surfacing and floodlighting; the Club would contribute the sum of £1,606.78 towards the cost of the Clubhouse improvements. In response to questions from Members, Ms Nicholson advised that there were 150 young people from Melrose and outwith currently being coached at the Tennis Club, with the total membership at 172. With reference to the court resurfacing, this was a requirement of previous Lottery funding and Members were advised that this work was now necessary to maintain the standard of the courts. With regard to publicising the improved facilities, Ms Nicholson indicated that the Club would actively increase promotion of the refurbished Clubrooms following completion of the work.

## **DECISION**

**AGREED that financial assistance be granted to Melrose Waverley Tennis Club in the sum of £2,482 to assist with the purchase of new furniture, light catering equipment and wall heating.**

## **5. APPLICATION FOR FINANCIAL ASSISTANCE FROM MELROSE FESTIVAL EXECUTIVE**

- 5.1 There had been circulated copies of an Application for Financial for Assistance on behalf of Melrose Festival Executive. Mrs Evelyn Oliver, Honorary Secretary and Mrs Helen Chisholm, Honorary Treasurer of Melrose Festival Executive, were in attendance in support of the Application which explained that the Melrose Festival was a historical pageant that had taken place since 1936 and now provided a range of activities for the whole community, including the appointment of the Melrosian and associated events. Any events within the Melrose Abbey and its grounds were now subject to requirements by Historical Environment Scotland (HES) to protect both the Abbey and its grounds. Melrose Festival hosted a number of the ceremonial events at Melrose Abbey and now, due to the age and condition of the chairs which were currently used to seat guests and members of the public at these events, the Festival Executive was unable to comply with

the requirements laid down by HES. In particular, HES required that all seating must sit on frames which protected the ground and the current chairs did not fit these frames. Due to the age and construction of these chairs, they were also extremely difficult to store and transport and the Festival Executive relied heavily on volunteers to assist with this. Further restrictions in respect of access by the public to certain areas of the Abbey grounds had made it necessary to increase the amount of seating and number of frames to accommodate the audiences at these events. Further replacement of decorative bunting was also included in the Application as the current stock was faded and potentially unsafe and could no longer be used. Mrs Oliver explained that the Melrose Festival Executive was a voluntary organisation and as such, raised thousands of pounds each year through the efforts of its members, Patrons and fund-raising events. It also received a grant from Scottish Borders Council to fund public protection measures and could not be used to purchase new or replacement equipment such as chairs. Mrs Oliver advised the Sub-Committee that no previous Application had been submitted to the William Hill Trust for Financial Assistance and that the amount requested would cover the replacement seating, frames, trolleys and bunting.

- 5.2 The Chairman thanked Mrs Oliver and Mrs Chisholm for their attendance and explanation given in support of the Application. In answer to questions from the Members, Mrs Oliver advised that the Festival Executive was currently in possession of 400 chairs and were able to borrow a further 60 from Melrose Abbey. Those owned by the Festival Executive were available for other events however the total number would not now be sufficient given the requirements by HES as detailed in paragraph 5.1 above. The Festival Executive had considered other possibilities and had identified what was considered to be the best value option at this time. Mrs Oliver did not have the information available at the meeting on the cost for each item but would submit this to the Sub-Committee within the next day or two. The Chairman indicated that the Sub-Committee would notify the Festival Executive of its decision in writing following the meeting.

#### **DECISION**

**AGREED that the Melrose Festival Executive would be notified of the decision of the William Hill Trust Sub-Committee in writing following the meeting.**

*The meeting concluded at 3.15 pm*

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**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, 22 September  
2017 at 11.00 a.m.

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Present:- Councillors J. Brown, D. Paterson, N. Richards, S. Scott, R. Tatler, E. Thornton-Nicol, G. Turnbull, T. Weatherston.  
Apologies:- Councillors J. Greenwell.  
In Attendance:- Managing Solicitor – Property and Licensing, Licensing Team Leader, Licensing Standards and Enforcement Officer (Mr I. Tunnah ), Democratic Services Officer (F Henderson), Inspector C. Wood, and PC Clayton Lackenby- Police Scotland.

**1.0 CHAIRMAN**

- 1.1 In the absence of the Chairman, Councillor Turnbull, seconded by Councillor Richards proposed that Councillor Weatherston chair the meeting. There being no other nominations, Councillor Weatherston chaired the meeting.

**DECISION**

**AGREED that Councillor Weatherston, chair the meeting in the absence of the Chairman.**

**2.0 MINUTE**

- 2.1 The Minute of the Meeting of 18 August 2017.

**DECISION**

**APPROVED and signed by the Chairman.**

**3.0 LICENCES ISSUED UNDER DELEGATED POWERS**

- 3.1 Miscellaneous Licences issued under delegated powers between 5 August 2017 – 12 September 2017.

**DECISION**

**NOTED the lists.**

**4.0 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**

**5.0 GRANT OF TAXI DRIVER LICENCE – SEENITHAMBY SABESHAN**

- 5.1 The Committee agreed to grant the application for a Taxi Driver Licence submitted by Seenithamby Sabeshan.

6.0 **GRANT OF TAXI DRIVER LICENCE – JOHN RAMSAY**

6.1 The Committee agreed to grant the application for a Taxi Driver Licence submitted by John Ramsay.

7.0 **GRANT OF TAXI DRIVER LICENCE – PAUL MASON**

7.1 The Committee agreed to continue consideration of the application for the Grant of a Taxi Driver Licence submitted by Paul Mason.

8.0 **RENEWAL OF TAXI DRIVER LICENCE – GRZEGORZ RABCEWICZ**

8.1 The Committee agreed to grant the application for the Renewal of a Taxi Driver Licence submitted by Grzegorz Rabcewicz.

9.0 **MINUTE**

9.1 The Private section of the Minute of 18 August 2017 was approved.

*The meeting concluded at 11.30 a.m.*

# SCOTTISH BORDERS COUNCIL AUDIT AND SCRUTINY COMMITTEE

MINUTES of Meeting of the AUDIT AND SCRUTINY COMMITTEE held in Council Chamber, Council Headquarters, Newtown St Boswells on Monday, 25 September 2017 at 10.15 am

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Present:- Councillors S Bell (Chairman), H Anderson, K Chapman, J A Fullarton, S Hamilton (Vice-Chairman), N Richards, H Scott, R Tatler and E Thornton-Nicol.

Apologies:- Chief Executive, Mr Middlemiss.

In Attendance:- Chief Financial Officer, Chief Officer Audit and Risk, Capital and Investments Manager, Democratic Services Officer (J Turnbull).  
Ms G Woolman, Mr A Haseeb and Mr G Samson - Audit Scotland.

## 1. WELCOME AND INTRODUCTIONS

The Chairman welcomed those present to the meeting and introduced Ms G Woolman, Mr A Haseeb, Mr G Samson from Audit Scotland, the Council's external auditors.

**DECISION  
NOTED.**

## 2. MINUTE.

There had been circulated copies of the Minute of 28 June 2017.

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

## 3. RISK MANAGEMENT IN SERVICES.

- 3.1 The Chairman welcomed Mr Philip Barr, Scottish Borders Council Executive Director and SB Cares Managing Director. Mr Barr was in attendance to give a presentation on Risk Management in Arms' Length External Organisations (ALEOs). Mr Barr explained that the presentation would detail the internal controls and governance in place to manage risk within SB Cares and LIVE Borders. He highlighted that it was important that there was clarity as to roles and responsibilities, to manage operational risk and maintain a level of service.
- 3.2 Mr Barr advised that LIVE Borders was an integrated trust for leisure, culture and sports, established in April 2016. The governance arrangements between LIVE Borders and the Council comprised a Management Team, Board of Trustees, Member-Trustee Liaison Group and Joint Officer Group. The LIVE Borders Management Team was responsible for the organisation's business plan and operational delivery and reported to the Board of Trustees, which in turn fed into the Member-Trustee Liaison Group. This Group met three times a year and was responsible for ensuring ongoing delivery of strategic goals, future priorities and commissioning. The Joint Officer Group liaised with the Member-Trustee Liaison Group and monitored the provision of the full service. The Joint Officer Group reported performance to the Council's Executive Committee and Corporate Management Team.
- 3.3 Mr Barr went on to discuss SB Cares, a Limited Liability Partnership (LLP) established in April 2015, delivering adult social care services. With regard to governance, SB Cares' Managing Director met weekly with the Finance & Commercial Director and Head of Operations to discuss delivery of the service, operational audit assurance and risk

management support. The Managing Director then reported to the SB Cares Board, which met monthly. The Board monitored progress and performance on service delivery including managing risks and internal audit updates. The Board then reported to quarterly meetings of the Strategic Governance Group. The Strategic Governance Group was responsible for ensuring that service objectives were met, and had strategic oversight of internal audit and risk management arrangements. Finally, the Strategic Governance Group reported to full Council.

- 3.4 Mr Barr then highlighted key risk considerations for both ALEOs including: alignment to corporate vision and strategic priorities, financial pressures, unpredictability of market, technological change, demand for service and changes to government legislation. Mr Barr concluded his presentation by referring to the tools and techniques used to manage risk, which included key performance measures which were monitored on a regular basis, self-evaluation, inspections, external scrutiny, regular monitoring of strategic service, operational risk and regular reporting.
- 3.5 In response to questions Mr Barr advised that SB Cares' monthly, quarterly and annual reports were overseen by Internal Audit. With respect to the function of the three councillors on the LIVE Borders Board of Trustees, he explained that their role was to ensure LIVE Borders met the goals and aspirations of the Council. The role of executive and non-executive directors was then discussed and in particular the importance of the non-executive role to hold the Board to account. With reference to the effectiveness of LIVE Borders Member-Trustee Liaison Group, Mr Barr advised that the Group could influence service delivery on a locality basis. The Chairman thanked Mr Barr for his attendance and presentation.
- 3.6 The Chief Officer Audit and Risk, Ms Stacey, advised that one of the Audit functions of the Committee was to ensure that risk management mechanisms were working across the entire business. The previous Audit and Risk Committee had introduced a call-back programme and Members had welcomed its continuance. The next Committee would receive a presentation from the Service Director Assets and Infrastructure on managing risks in his directorate including those relating to the capital programme. It was agreed that Ms Stacey circulate the schedule for presentations in order that the Committee could communicate the level of detail required from each presentation.

#### **DECISION**

**(a) NOTED the presentation.**

**(b) AGREED to request the Chief Officer Audit and Risk circulate the schedule of forthcoming presentation to Members.**

#### **4. ANNUAL TREASURY MANAGEMENT REPORT 2016/17.**

- 4.1 With reference to paragraph 8 of the Minute of 26 September 2016, there had been circulated copies of a report by the Chief Financial Officer presenting the annual report of treasury management activities undertaken during the 2016/17 financial year. The report was presented to Audit and Scrutiny Committee for review as part of their scrutiny role in relation to treasury management activities in the Council. The CIPFA Code of Practice on Treasury Management in the Public Services (the Code) required an annual report on treasury management to be submitted to Council following the end of each financial year. This report highlighted the Council's treasury activity in the year ended 31 March 2017 and the performance of the Treasury function. Appendix 1 to the report comprised the annual treasury management activities for 2016/17 and contained an analysis of performance against targets set in relation to Prudential and Treasury Management Indicators. All of the performance comparisons reported upon were based on the revised indicators agreed as part of the mid-year report approved on 15 December 2016.
- 4.2 The Appendix also showed the Council's borrowing requirement to fund the capital investment undertaken during 2016/17, how much the Council actually borrowed against



the sums budgeted and the level of external debt carried on the Council's balance sheet within approved limits. The Council had, whenever possible, deferred borrowing and used surplus cash rather than undertaking additional long term borrowing during the year. However, the Council had undertaken short term borrowing for cash flow purposes and long term borrowing for capital purposes during the year, amounting to £9m and £12m respectively. Treasury management activity had been undertaken in compliance with approved policy and the Code and the Council remained under-borrowed against its Capital Financing Requirement (CFR) as at 31 March 2017. Reference was also made to the Treasury Management Training session delivered by Mr Richard Dunlop of Capita Asset Services to Members immediately prior to the meeting to facilitate consideration of this report.

- 4.3 In response to questions, Mr Robertson, acknowledged that although capital expansion plans were ambitious and subject to a variety of factors outwith the Council's control, these would be delivered in line with the Council's objectives. There were regular monitoring reports to the Executive Committee and the Service Director of Assets and Infrastructure would report on the risks to the November meeting of Audit and Scrutiny. Mr Robertson highlighted that the Council's actual capital expenditure for 2016/17 was £51.8m which was £15.7m less than projected as a result of delays to projects including Broomlands Primary School and the Great Tapestry of Scotland. With regard to a prospective interest rate increase, Mr Robertson advised that indications were that any future interest rate rises were likely to be gradual. A rise of ¼% would not give undue concern. He reassured Members that officers monitored rates on a daily basis and that the Council could borrow at a variety of fixed interest rates with different durations from the Public Works Loans Board at very short notice, to protect the Council against future interest rate rises if required. The prevailing interest rate environment supported the current policy of deferring fixed rate long term borrowing by utilising council cash balances. It was noted that Standard & Poor had downgraded the Council's bank, Bank of Scotland, from a stable to a negative outlook, with a long and short term outlook grading of A and A-1 respectively. The position was being closely monitored, with a review of the Council's banking service scheduled for 2018.

## **DECISION**

- (a) **NOTED that treasury management activity in the year to 31 March 2017 was carried out in compliance with the approved Treasury Management Strategy and Policy.**
- (b) **AGREED that the Annual Treasury Management Report 2016/17, as detailed in Appendix 1 to the report, be presented to Council.**

## **5. ANNUAL REPORTS AND ACCOUNTS**

### **5.1 (i) Scottish Borders Council Annual Reports and Accounts 2016/17**

With reference to paragraph 6 of the Minute of 28 June 2017, there had been circulated copies of a report by Audit Scotland, the Council's external auditors. The report explained that Audit Scotland had now completed the audit of the Council's Annual Accounts for 2016/17 and had given an unqualified audit opinion in all cases. In addition, Audit Scotland concurred with management's accounting treatment and judgements; and had reached positive conclusions in respect of financial sustainability, financial management, governance, transparency and value for money. Ms Woolman, Audit Scotland was in attendance and summarised the report, in addition she advised that there were no material adjustments or unadjusted errors arising from the audit.

- 5.2 In response to questions, Mr Robertson advised that the £0.5m overspend noted with regard to the Scottish Wide Area Network (SWAN) was due to slippage in the project caused by the failure of an external partner to migrate sites. An action to recover this cost was ongoing in conjunction with Dumfries and Galloway Council and progress would be reported to the Executive Committee. Mr Robertson highlighted that further improvements would be made to the information Members received as part of budgetary

monitoring process including regular review of Strategic Asset Management Plans being developed for all asset classes. These would include information regarding quality, risk and delivery of benefits. With regard to the 46 outstanding equal pay claims, Mr Robertson advised that HR were progressing these as quickly as possible. Mr Robertson then referred to Bridge Homes LLP and explained that the project had been established to deliver 200 affordable housing across the Scottish Borders. Following a detailed analysis of available sites, the project had developed where possible. However, there was now likely to be limited opportunity for further development.

**5.3 (ii) Scottish Borders Council Pension Fund Annual Audit Report 2016/17 and Statement of Accounts 2016/17**

With reference to paragraph 7 of the Minute of 28 June 2017 there had been circulated copies of the above reports by Audit Scotland in respect of Scottish Borders Council Pension Fund. Ms Woolman advised there were no material adjustments to the unaudited financial statement arising from the audit. The only misstatement identified related to an overstated debtor with the Council of £168k. This had been adjusted by finance officers. Mrs Woolman highlighted the key message from the report was the benefits going out during 2016/17 exceeded the contributions coming in. However, it was noted that the Investment Strategy had been revised to reflect this, with a move away from growth generating assets such as equities to income generating assets which would positively impact on cash flow.

5.4 In response to questions, Mr Robertson advised that the Pension Fund assets were sufficient at the 2014 triennial valuation to meet 101% of its liabilities. The Council's Actuary, Barnett Waddingham, would present the 2017 Triennial valuation in December 2017 and this would set contribution rates for the following three years. Mrs Robb reiterated that the Fund's investment strategy had been revised to fulfil cash flow obligations and that instead of reinvesting annual dividends these were being drawn down to fulfil cash flow obligations. With regard to early retirement payments, Mr Robertson explained that this did not adversely affect the Fund as the Council compensated the Fund for all employee contributions that were lost through early retirement via the strain on the fund calculation undertaken for all approved early retirees.

**DECISION**

**AGREED:**

- (a) **the Scottish Borders Council's audited Annual Accounts for the year to 31 March 2017 (Appendix 1);**
- (b) **the Scottish Borders Council's Pension Fund audited Annual Accounts for the year to 31 March 2017 (Appendix 2);**
- (c) **the Scottish Borders Council Common Good Funds' (Charity SC031538) audited Annual Accounts for the year to 31 March 2017 (Appendix 3);**
- (d) **the SBC Welfare Trust (Charity SC044765) audited Annual Accounts for the year to 31 March 2017 (Appendix 4(i));**
- (e) **the SBC Education Trust (Charity SC044762) audited Annual Accounts for the year to 31 March 2017 (Appendix 4(ii));**
- (f) **the SBC Community Enhancement Trust (Charity SC044764) audited Annual Accounts for the year to 31 March 2017 (Appendix 4(iii));**
- (g) **the Thomas Howden Wildlife Trust (Charity SC015647) audited Annual Accounts for the year to 31 March 2017 (Appendix 4(iv));**
- (h) **the Ormiston Trust for Institute Fund (Charity SC019162) audited Annual Accounts for the year to 31 March 2017 (Appendix 4(v));**

- (i) **the Scottish Borders Council Charity Funds' (Charity SC043896) audited Annual Accounts for the year to 31 March 2017 (Appendix 4(vi));**
- (j) **the Bridge Homes LLP audited Annual Accounts for the year to 31 March 2017 (Appendix 5);**
- (k) **the SB Supports audited Annual Accounts for the year to 31 March 2017 (Appendix 6 (i); and**
- (l) **the SB Cares audited Annual Accounts for the year to the 31 March 2017 (Appendix 6 (ii).**

**MEMBER**

Councillor Tatler left the meeting during consideration of the above report.

**6. INTERNAL AUDIT WORK TO AUGUST 2017.**

6.1 With reference to paragraph 9 of the Minute of 28 June 2017, there had been circulated copies of a report by the Chief Officer Audit and Risk which provided details of the recent work carried out by Internal Audit and the recommended audit actions agreed by management to improve internal controls and governance arrangements. The work Internal Audit had carried out during the period 10 June to 31 August 2017 was detailed in the report attached to the Agenda. It was noted that during the period, a total of five final Internal Audit reports have been issued. There were eight recommendations made relating to two of the reports which have been accepted by Management for implementation. An Executive Summary of the final Internal Audit reports issued, including audit objective, findings, good practice, recommendations (where appropriate) and the Chief Officer Audit and Risk's independent and objective opinion on the adequacy of the control environment and governance arrangements within each audit area, was included in Appendix 1 to the report. The SBC Internal Audit function conformed to the professional standards as set out in Public Sector Internal Audit Standards (PSIAS) effective 1 April 2013 including the production of this report to communicate the results of the reviews.

6.2 Reference was made to paragraphs 3.6 and 3.7 of the report in respect of the Internal Audit Assurance work in progress. It was noted that Internal Audit staff had been involved in the independent validation of revenue budget data migrated to the new Business World ERP system. They had also provided a 'critical friend' role on the "How Good is Your Council" assessment. Discussion followed in respect of Fleet Management and the recommendations detailed in the report. It was agreed that the Service Director Assets and Infrastructure be requested to present a report to the Committee on the corrective actions in place to address the issues identified in the Fleet Management workforce plan.

**DECISION:**

- (a) **NOTED:**
  - (i) **The final assurance reports issued in the period from 10 June to 31 August 2017 associated with the delivery of the approved Internal Audit Annual Plan 2017/18;**
  - (ii) **The Internal Audit consultancy and other work undertaken in this period; and**
  - (iii) **The assurance provided on internal controls and governance arrangements in place for the areas covered by this Internal Audit work.**

- (b) **AGREED to request the Service Director Assets and Infrastructure present a report to the Audit and Scrutiny Committee advising the corrective action in place to address the issues identified in the Fleet Management workforce plan.**

7. **SCRUTINY REVIEW PROGRAMME.**

The Chairman advised that the Scrutiny Review item had been withdrawn. A report and the review program would be presented at the next meeting.

**DECISION**

**NOTED that a report on the Scrutiny Review Program would be presented at the next Audit and Scrutiny meeting.**

8. **THANKS**

The Chairman thanked Audit Scotland and officers for their attendance and comprehensive reports.

*The meeting concluded at 1.05 pm*

**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 Wednesday, 27 September,  
2017 at 3.00 pm

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Present:- Councillors S. Bell, S. Haslam and R. Tatler

Apologies:- Community Councillor M. Douglas.

In Attendance:- Capital and Investments Manager (K. Robb), Solicitor (E. Moir), Estates Surveyor (A. Graham), Democratic Services Officer (F. Walling).

**1. APPOINTMENT OF CHAIRMAN**

Councillor Bell, seconded by Councillor Haslam, proposed that Councillor Tatler be appointed as Chairman.

**DECISION**

**AGREED that Councillor Tatler be appointed as Chairman of the Innerleithen Common Good Fund Sub Committee.**

**2. MINUTE**

2.1 The Minute of Meeting of the Innerleithen Common Good Fund Sub-Committee held on 21 March 2017 had been circulated.

**DECISION**

**NOTED the Minute.**

2.2 With reference to paragraph 4 of the Minute, regarding the condition of Innerleithen Memorial Hall, it was noted that there had, to date, been no update received from Live Borders regarding the letting of office space within the Hall to generate income to fund internal improvement work. It was noted that there were particular terms and conditions relating to the title of the property which may complicate the feasibility of offering year round office accommodation for rent. It was agreed this should be put on the agenda for discussion at the next meeting.

**DECISION**

**AGREED that in respect of the possible letting of office space in Innerleithen Memorial Hall to raise revenue:-**

(i) **the Solicitor investigate the terms and conditions relating to the title of the property; and**

(ii) **the Estates Manager seek a response from Live Borders to establish the position as to whether office accommodation could be sub-let or released from part of the tenancy.**

**3. FORMER PROVOSTS CHAIN**

3.1 With reference to paragraph 3 (i) (a) of the Minute of 21 March 2017, there had been circulated a Briefing Paper by the Chief Financial Officer providing an update on funding the repair of the Former Provosts' Chain. It was explained that the former Provosts' Chain

was securely stored on the Common Good's behalf by Live Borders. The Chain was valued in 1988 at a replacement value of £7k and the current replacement value was estimated at £20k. The Chain was on display to the public, at St Ronan's Wells visitor centre, in a secure display case throughout the annual museum season. Whilst the Chain was under the control of Live Borders it was fully covered by their insurance. Annually, during the St Ronan's Border Games Week, the Chain left the control of Live Borders and was worn by the Chairman of the St Ronan's Games Committee. During that period it was agreed that the Games Committee would ensure appropriate insurance. With regard to the costs of repairing the pendant section, a letter dated 16 March 2017 from Hamilton & Inches, Edinburgh, was appended to the Briefing Note containing two quotes; one to re-attach the small scroll by glue and the other for a full refurbishment. The Common Good Sub Committee had agreed in principle at the meeting on 21 March 2017 to fully refurbish the Chain and Pendant at a cost of £4,654 plus VAT. However, on investigation of funding options, no funding within Scottish Borders Council's budgets had been identified for the refurbishment work. A table detailed the funding options reviewed as follows: there were no cash funds held by Innerleithen Common Good; the Quality of Life Funds had been allocated for 2017/18; and the project did not meet the criteria for funding from Awards for All or Pay & Display.

- 3.2 In the ensuing discussion Councillor Tatler explained that Innerleithen Community Council had agreed, at a recent meeting, to the principle of a fundraising campaign to pay for the full refurbishment of the pendant if a person could be found who was willing to organise this. The Games Committee may also be willing to help with this. Noting that the repair work was likely to take 12 -16 weeks, there was an ambition to arrange for the repair to be completed by next year's St Ronan's Border Games Week. Members offered to speak to appropriate persons who may be willing to organise a campaign.

**DECISION**

**AGREED to encourage Innerleithen Community Council and St Ronan's Games Committee to actively support a fundraising campaign to pay for the full refurbishment of the former Innerleithen Provosts' chain and pendant.**

4. **DATE OF NEXT MEETING**

Thursday 2 November, 2017.

**DECISION**

**NOTED.**

*The meeting concluded at 3.15 pm*

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

MINUTE of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Scottish Borders Council, Council Headquarters, Newtown St Boswells TD6 0SA on Monday, 2 October, 2017 at 10.00 am

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Present:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford, C. Ramage and E. Small

In Attendance:- Depute Chief Planning Officer, Lead Officer (Development Management and Enforcement), Lead Roads Planning Officer, Solicitor (Emma Moir), Democratic Services Team Leader, Democratic Services Officers (F. Henderson and F. Walling).

1. **MINUTE.**

There had been circulated copies of the Minute of the Meeting held on 4 September 2017.

**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 applications as detailed in Appendix I to this Minute.**

3. **APPEALS AND REVIEWS.**

There had been circulated copies of a briefing note by the Chief Planning Officer on Appeals to the Scottish Ministers and Local Reviews.

**DECISION**

**NOTED:-**

(a) **Appeal received in respect of Change of Use from Class 1 (Retail) to Class 2 (Financial, Professional and Other Services) Units 9 and 10, 6 - 8 Douglas Bridge, Galashiels – 17/00765/FUL.**

(b) **there remained two appeals outstanding in respect of:-**

- **Land North of Howpark Farmhouse, Grantshouse**
- **Poultry Farm, Marchmont Road, Greenlaw**

(c) **Review requests had been received in respect of:-**

- (i) **Erection of micro meat processing unit and byre on Land at Hardiesmill Place, Gordon – 17/00239/FUL;**

- (ii) Variation of Condition No 3 of planning consent 10/00156/FUL to allow short term letting at Jordonlaw Granary, Jordonlaw Road, Westruther – 17/00380/FUL
  - (iii) Alterations and extension to dwellinghouse at 1 Glenkinnon, Ashiestiel Bridge, Clovenfords - 17/00472/FUL;
  - (iv) Erection of dwellinghouse on Land North East of and Incorporating J Rutherford Workshop, Rhymers Mill, Mill Road, Earlston – 17/00479/FUL
- (d) the decision of the Appointed Officer had been overturned (Subject to conditions and a Section 75 Legal Agreement) by the Local Review Body in respect of:-
- (i) the Erection of dwellinghouse with attached garage on Land North East of the Old Church, Lamberton – 16/00947/FUL
  - (ii) the Erection of dwellinghouse and retaining Wall (part retrospective) on Land West of Craigerne Coachhouse, Edderston Road, Peebles – 17/00323/FUL
- (e) there remained four reviews outstanding in respect of:-
- 5 High Street, Innerleithen
  - Land North West of Kirkburn Parish Church, Cardrona (17/00647/FUL)
  - Land North West of Kirkburn Parish Church, Cardrona (17/00384/FUL)
  - Land South of 3 Kirkburn Cottages, Cardrona, Peebles (17/00806/FUL)
- (f) there remained four S36 Public Local Inquiries outstanding in respect of the following:-
- (Whitelaw Brae Wind Farm), Land South East of Glenbreck House, Tweedsmuir
  - Fallago Rig 1, Longformacus
  - Fallago Rig 2, Longformacus
  - Birneyknowe Wind Farm, Land North, South, East and West of Birneyknowe Cottage, Hawick

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 II to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 6 of Part 1 of Schedule 7A to the aforementioned Act.

**SUMMARY OF PRIVATE BUSINESS**

5. **REQUEST TO REDUCE DEVELOPMENT CONTRIBUTION REQUIREMENTS WITH RESPECT TO PLANNING PERMISSION FOR THE ERECTION OF THREE DWELLINGHOUSES, LAND NORTH-EAST OF GLENVIEW, ELLWYN TERRACE, GALASHIELS**

The Committee considered a report by the Chief Planning Officer.

*The meeting concluded at 3.15 pm*



## APPENDIX I

### APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00226/FUL	Erection of a windfarm comprising of 7 wind turbines 126.5m high to tip, associated infrastructure, ancillary buildings and temporary borrow pits	Land North West of Gilston Farm, Heriot

Decision:- Refused for the following reasons:

The proposal is contrary to Adopted Scottish Borders Council Local Development Plan Policy ED9 in that it would have relevant unacceptable significant adverse impacts or effects that cannot be satisfactorily mitigated, and which are not outweighed by the wider economic, environmental and other benefits that would otherwise be derived from its siting and operation at the site. In particular:

- The scale, form and location of the development proposed would represent a significant, detrimental change to the existing landscape character and visual amenity of the immediate locality and the wider area, and would also result in unacceptable cumulative landscape and visual impacts through its contribution to views within which it would be visible alongside surrounding wind farm schemes; and
- would present a hazard to aviation safety both as an obstacle to aircraft and in its potential to disrupt radar operations at Kincardine and Edinburgh Airport.

#### Informatives

1. It has not been demonstrated that the proposals would not have unacceptable impacts upon a Protected Species, specifically badgers, whose setts are liable to be impacted by the operation of one of the borrow-pits;
2. It has not been demonstrated that the proposals would not have unacceptable impacts upon Priority Species, specifically butterflies, whose habitat may be impacted by the development; and
3. It has not been demonstrated that the proposals would not have any unacceptable impacts upon a private water supply.

#### NOTE

Ms Jillian Adams and Alasdair MacLeod spoke on behalf of 2020 Renewables Ltd in support of the application.

Mr John Williams, Chairman of Heriot Community Council spoke against the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/013377/FUL	Erection of poultry building	Land South West of Easter Happlew Farmhouse Peebles

Decision:- Refused for the following reasons:

The proposed development would be contrary to Policy ED7 – Business, Tourism and Leisure Development in the Countryside and Policy EP4 – National Scenic Areas of the Scottish Borders Local Development Plan 2016 in that the poultry building would have an unacceptable adverse impact on and does not respect the amenity and character of the surrounding area and would have an unacceptable adverse effect on the scenic qualities of the National Scenic Area. The scale, siting and design of the development would set an undesirable precedent and would result in an unacceptable form of development in this nationally important landscape.

**VOTE**

*Councillor Fullarton, seconded by Councillor Hamilton moved that the application be approved as per the Officer recommendation.*

*Councillor Laing, seconded by Councillor Ramage, moved as an amendment that the application be refused on the grounds that it was contrary to Policies ED7 and EP4 of the Scottish Borders Development Plan 2016 in that the proposed building would have an unacceptable adverse impact on the surrounding area and on the scenic qualities of the National Scenic Area.*

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

*Motion - 4 votes  
Amendment - 5 votes*

*The amendment was accordingly carried.*

**NOTE**

Mr Gordon Hughes, Chairman of Manor, Stobo & Lyne Community Council spoke against the application.

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
17/00623/FUL	Erection of poultry building and associated works	Hutton Hall Barns Hutton

Decision: Continued to allow a site visit by Committee.

**NOTE**

Mrs S MacLean, Applicant spoke in support of the application.  
Mr A McGregor, on behalf of Hutton Community spoke against the application.

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
17/00015/FUL	Residential development with associated supporting infrastructure and public open space	Land East of Knapdale 54 Edinburgh Road Peebles

Decision: Refused for the following reasons:

1. The application is contrary to Policy PMD4 of the Scottish Borders Local Development Plan 2016 in that the site lies outwith the defined settlement boundary of Peebles and insufficient reasons have been given as to why an exceptional approval would be justified in this case.
2. The application is contrary to Policies PMD2, PMD4, EP5 and EP10 of the Scottish Borders Local Development Plan 2016 in that the development would create significant adverse landscape and visual impacts, within a Designed Landscape and Special Landscape Area on a prominent and sensitive edge of the town settlement boundary
3. The application is contrary to Policies PMD2 and IS6 of the Scottish Borders Local Development Plan 2016 in that it has not been demonstrated that the development could be accessed without significant detriment to road safety on the A703 and at the junction with the proposed access road.

**NOTE**

Mr Colin McIntyre, Architect spoke in support of the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/01055/PPP	Erection of dwellinghouse	Land South and East of the Schoolhouse Blainslie

Decision: Approved in accordance with Policy HD2 paragraph (a), on the basis that the proposed new dwelling relates well to the neighbouring two properties, The Old School and The Schoolhouse; and that these three properties should be deemed to be part of Nether Blainslie Village for historic reasons and their proximity to Blainslie, notwithstanding that they are currently out with the development boundary of the village. Approval subject to a legal agreement (Education & Lifelong Learning) and the following conditions and informative:

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. 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.
3. A detailed design and access statement shall be submitted with the first application for approval of matters specified in conditions pursuant to this permission. No development shall take place except in strict accordance with design and access statement unless otherwise agreed in writing by the planning authority.  
Reason: To ensure a satisfactory form of development which contributes appropriately to its setting, in particular the existing dwellings known as The School and The Schoolhouse.
4. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall include (as appropriate):
  - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
  - ii. location of new trees, shrubs, hedges and grassed areas
  - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
  - iv. 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.
5. No development shall take place until proposals for a landscaping belt along the southern and eastern boundaries of the application site have been submitted to and approved in writing by the planning authority. The scheme shall include details of tree species and a programme for completion and subsequent maintenance. Thereafter, no development shall take place except in strict accordance with the details so approved.  
Reason: To ensure that the development is assimilated into its setting and to provide a clearly definable edge to the building group.
6. No development shall commence until a service lay-by to approved standard DC-3 (attached) has been provided on site. The service layby shall thereafter be retained in perpetuity.  
Reason: To ensure that adequate provision is made for vehicular access to the site and to ensure services vehicles can park clear of the public road.

7. Two parking spaces, not including any garage, and turning shall be provided within the curtilage of the dwelling hereby approved before the dwelling is occupied. The parking and turning shall thereafter be retained in perpetuity.  
Reason: To ensure parking and turning is made available within site.
8. Junction visibility splays of 2.4 metres by 120 metres shall be provided in either direction at the junction of the access onto the public road.  
Reason: In the interests of road safety.
9. Prior to commencement of development, an Ecological Impact Assessment shall be submitted for the approval of the planning authority. The Ecological Impact Assessment shall consider bats, badger, breeding birds and other protected species and habitats as appropriate, identifying mitigation required in Species Protection Plans, which shall first be submitted to and approved in writing by the Planning Authority.  
Reason: In the interests of local biodiversity.

### **Informative**

There is a low potential for encountering buried archaeology during excavations. If buried features (e.g. walls, pits, post-holes) or artefacts (e.g. pottery, ironwork, bronze objects, beads) of potential antiquity are discovered, please contact the planner or Council's Archaeology Officer for further discussions. Further investigation secured by the development may be required if significant archaeology is discovered per PAN2(2011) paragraph 31. In the event that human remains or artefacts are discovered, these should remain in situ pending investigation by the Archaeology Officer. Human Remains must be reported immediately to the police. Artefacts may require reporting to Treasure Trove Scotland.

### VOTE

*Councillor Aitchison, seconded by Councillor Miers, moved that the application be refused as per the officer recommendation.*

*Councillor Mountford, seconded by Councillor Ramage moved that the application be approved on the grounds that it was in accordance with Policy HD2 in that the proposed dwelling related well to the Old School and the Schoolhouse which were related historically and geographically to Nether Blainslie.*

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

<i>Motion</i>	<i>-</i>	<i>3 votes</i>
<i>Amendment</i>	<i>-</i>	<i>6 votes</i>

*The Amendment was accordingly carried.*

### NOTE

Mr Nick Green, Applicant spoke in support of the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00999/MOD75	Discharge of planning obligation pursuant to planning permission 08/00524/FUL	Cacrabank Farm Selkirk

Decision: Agreed to discharge of section 75 agreement.

# SCOTTISH BORDERS COUNCIL TWEEDDALE LOCALITY COMMITTEE

MINUTES of Special Meeting of the  
TWEEDDALE LOCALITY COMMITTEE held  
in Council Chamber, Council Headquarters,  
Newtown St. Boswells on Wednesday, 4  
October 2017 at 1.00 pm

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Present:- Councillors R. Tatler (Chairman), H. Anderson, S. Bell, K. Chapman,  
S. Haslam, E. Small and Community Councillor Thornton  
In Attendance:- Neighbourhood Area Manager (Tweeddale), Democratic Services Team  
Leader

## 1. **SMALL SCHEMES AND QUALITY OF LIFE**

The Neighbourhood Area Manager reported that he now had 3 Schemes seeking funding. The Committee agreed to also consider the additional Scheme relating to the A72. Mr Hedley gave details of each of the Schemes as follows:-

- (a) request from Clovenfords and District Community Council for support to pay for the replacement of two wooden benches situated at the Millennium Notice Board at a cost of £500.
- (b) request from Lamancha Hub for funding support to create a Polytunnel at Lamancha Hub in the gardens. This would enable the project to extend their growing season, create opportunities for volunteers of all abilities to get involved in horticulture with some nursery practice, and enable the production of a wider range of crops which require heat and cover such as tomatoes. The total project cost was £5,043, the group at Lamancha Hub were going to erect the Polytunnel which effectively equated to a voluntary contribution of £1,200, so the funding request was for £3,843
- (c) funding to construct a pedestrian traffic island at the A72 Clovenfords. This was a scheme which was supported by the Clovenfords and District Community Council and had an estimated value of £5,323.

If all three projects were supported this would leave a balance of £2,003 in Quality of Life and £18,364 in Small Schemes. Members agreed to support these projects.

## **DECISION**

**AGREED to approve the following schemes to be funded from Quality of Life and Small Schemes Budget:-**

(a) Clovenfords Benches -	£ 500
(b) Lamancha Polytunnel-	£ 3,843
(c) A72 Traffic Island -	£ 5,323

*The meeting concluded at 1.10 pm*

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# Public Document Pack

## 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, 16 October 2017 at  
10.00 am

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Present:- Councillors S. Hamilton (Vice Chairman), S. Aitchison, A. Anderson,  
J. A. Fullarton, H. Laing, S. Mountford and C. Ramage.  
Also present:- Councillor D. Paterson  
Apologies:- Councillors T. Miers and E. Small  
In Attendance:- Chief Planning Officer, Lead Planning Officer, Solicitor (E. Moir), Democratic  
Services Team Leader, Democratic Services Officer (F. Walling).

### **CHAIRMAN**

In the absence of the Chairman the meeting was chaired by Vice Chairman Councillor Scott Hamilton.

### **MEMBERS**

Councillors Fullarton and Mountford had not been present at the initial consideration in respect of the undernoted application and were therefore unable to participate in the further consideration. These Members withdrew from the Chamber for this part of the meeting.

### **1. CONTINUATION OF REVIEW OF 17/00257/FUL**

- 1.1 With reference to paragraph 5 of the Minute of 21 August 2017, the Local Review Body continued their consideration of the request to review the refusal of planning permission in respect of erection of replacement windows and installation of chimney flue at 5 High Street, Innerleithen. Members had noted that planning consent had been given for the replacement windows in an earlier application. The appeal therefore related just to the installation of the chimney flue. The Chairman referred to the decision made by Members when the application was first considered that the application could not be determined without further procedure in the form of a Hearing to receive information on the technical elements regarding the use of a chimney flue, specifically in relation to the proposed use of an ABCAT flue gas filter; nuisance issues associated with the proposed chimney flue; and the implications of the increase in length of the flue. Following the hearing session Members of the Local Review Body would consider all aspects of the review with no further input from the hearing attendees.

### **HEARING SESSION**

- 1.2 In attendance for the Hearing were the appointed Planning Officer, Mr Craig Miller, and the Council's Environmental Health Officer Mr David Brown. Hearing statements by both officers had been circulated. The appellant was not present nor represented at the Hearing session. Members noted the content of his email which had been circulated and submitted as a Hearing statement. The appellant explained that the manufacturer of the ABCAT filter, who was based in The Netherlands, was unable to attend the Hearing and that he believed that without having any specialist knowledge of the ABCAT filter it would be of no advantage for him, the applicant, to attend. He referred Members to the product information that had already been submitted. He believed that the decision of Environmental Health to object to the proposed flue was based purely on opinion and without definitive facts and re-iterated that the design and purpose of the ABCAT filter was

to exactly address the concerns raised by Environmental Health. The appellant concluded his written submission by stating that he would be happy to accept a condition to an approval of the application which provided for the removal of the ABCAT filter if it was subsequently shown to be not performing as designed.

- 1.3 Mr Miller, appointed Planning Officer, gave a summary of the points made in his statement which focused on the implications of increasing the length of the flue. He advised that the flue, as proposed, caused no significant aesthetic issues as it was grey coloured and of modest height emerging from the hipped roof of the office and terminating just above the office ridge. The taller the flue in this location, the greater the impact from Leithen Crescent, the High Street junction and on the visual amenity of the Conservation Area and nearby properties. Mr Miller felt that even raising the flue a further metre in height would increase the impacts to the extent that any subsequent application may be unlikely to be supported, even if Environmental Health had accepted an additional metre. His understanding, however, was that they were objecting unless the flue terminated above the height of the nearest affected residential windows at second floor level on the rear of the High Street. This would mean the flue would need to be raised at least another 3.5 metres which would appear isolated, intrusive and ill-related to the modest building and roof to which it would be attached. Unlike another extended flue case in Innerleithen to the rear of the St Ronan's Hotel, a significant increase in the flue height in this location would be far more prominent in the Conservation Area and impact on the public realm in a more obvious, significant and adverse way. Such a solution to meet air quality issues would be likely to create insurmountable aesthetic and visual amenity impacts in this location. The historical photograph provided by the applicant indicated a traditional gable chimney structure which did not appear to exceed the top of the first floor windows on the High Street. Whilst this historical evidence did not alter Mr Miller's opinion about the aesthetic and intrusive impact of any proposed flue to reach top of second floor window height, he advised that it would be re-considered as a factor should any planning application be resubmitted with a lower flue height, assuming the air quality issues were resolved to permit this.
- 1.4 Environmental Health Officer, David Brown, referred to his written statement and advised that his submission was divided into two parts: the potential impacts on the local amenity; and an examination of the requirements of the flue gas treatment proposals. Mr Brown explained that the application was recommended for refusal on the grounds that the discharge height of the proposed flue was insufficient to guarantee adequate dispersal of flue gases arising from the use of a wood burning stove. The combustion of wood generated pungent odour components, the presence of which could be experienced some time after that appliance had been extinguished. Experience gained on similar sites elsewhere in the Borders had shown that complaints were likely when stove gases were allowed to discharge below the heights at which openable windows were situated. As a minimum, it was recommended that flues terminated at least one metre above eaves height unless there were skylights/roof windows above. Discharge of gases above ridge height was the preferred option. The Applicants had sought to justify their flue height by producing a photograph showing the historical presence on site of a chimney stack. This had no relevance to the modern situation. The British Flue and Chimney Manufacturers Association Guidance "Chimney Heights & Termination" gave a minimum chimney height of 4.5m from the top of the appliance stating – *"The reason for this is to clear pressure zones created by wind hitting the roof and nearby structures, like trees, which may interfere with the up draught required by the appliance or fire."*
- 1.5 Mr Brown went on to refer to the technical documentation submitted by the appellant in the form of the ABCAT Product Information; ABCAT background and application; and ABCAT SP test results summary. He explained that when assessing the impact of all wood burning appliances, the Scottish Air Quality Regulations laid a duty on the Council to assess particulate matter below 10 micron particle size (PM10). The Council was also required to assess Oxides of Nitrogen (NOx). The documentation stated that *"Various tests have shown that the ABCAT mainly cracks the smallest particulate fraction, namely*



PM2.5.” The unit therefore failed to address 75% of the range of fine particles which had been shown to impact on human health and which the Council had a duty to assess. No information was provided in respect of any reduction in emissions of NOx. Furthermore, within the ABCAT SP test results summary it was acknowledged that the unit may have difficulty in processing hydrocarbon emissions and methane gas and indicated that further research was required on the matter which would -“*hopefully provide answers.*” Mr Brown argued that this statement offered no assurance that the unit would prevent odour or other impacts on the amenity of other occupiers. In conclusion, Mr Brown stated that when considering an application to install a stove, the Council must be satisfied that the discharge point for the flue would allow adequate dispersal and dilution of the emissions. He submitted that in this case the applicants had failed to do so and that the technical information provided did not demonstrate that the proposed abatement technology would properly address all the pollutants of concern.

- 1.6 Mr Brown provided clarification to Members on certain technical points in response to their questions. A comment was made about the context of the application in relation to the surrounding traditionally built houses and probability of existing fireplaces in use which had not been the subject of a planning application and which were emitting gases which affected the air quality in the area. Mr Brown clarified that all chimneys in the area were at the minimum height acceptable and that any specific nuisance brought to the attention of the Council would be investigated. This was a conservation area and therefore the Council did have control of such matters.
- 1.7 After the Chairman had closed the Hearing session the Local Review Body reconvened to continue consideration of the review. Members agreed that the Hearing had been useful in providing clarity on the technical aspects of the case but expressed regret that the applicant had not taken the opportunity to be represented. After further discussion of the evidence that had been presented Members concluded that the flue would adversely affect the air quality and residential amenity in the surrounding area.

## **DECISION**

### **AGREED that:-**

- (a) **that the review could be determined without further procedure on the basis of the papers submitted and the Hearing session;**
  - (b) **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**
  - (c) **the decision of the appointed officer to refuse the application be upheld for the reasons detailed in Appendix I to this Minute.**
2. **REVIEW OF 17/00384/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 alterations to existing bellmouth and formation of new access on land north west of Kirkburn Parish Church, Cardrona. The supporting papers included the Notice of Review (including the Decision Notice and Officer’s Report); papers referred to in the report; consultations; objections; additional representations; and a list of relevant policies. In their discussion Members were particularly concerned about a lack of information in the application and questioned the justification for the new access. They considered that the existing access further to the west was suitable to serve the landholding and consented developments. Members also considered the scale of the engineering works required to create the new access, the loss of mature trees and potential conflict between the use of the new access and the amenity of residents at the Kirkburn building group.

## **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 Appendix II to this Minute.**

**3. REVIEW OF 17/00647/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 the formation of hardstanding steps, retaining wall and new footpath on land north west of Kirkburn Parish Church, Cardrona. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); consultations; objections; additional representations; and a list of relevant policies. Members noted that the proposed footpath and hardstanding had no direct access to the Kirkburn road and commented that it would have been more logical if this application and the previous application for a new access (17/00384/FUL) had been submitted as a single proposal. Members also noted the lack of justification for the proposal and discussed its potential impact on the setting of the former William Cree Memorial Church and the amenity of adjacent residential properties.

**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 Appendix III to this Minute.**

**4. REVIEW OF 17/00806/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 the erection of an agricultural building and formation of new access track on land south of 3 Kirkburn Cottages, Cardrona. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); papers referred to in report; consultations; objections; additional representations; and a list of relevant policies. Members noted that a Business Plan submitted with the Notice of Review constituted new evidence as it had not been lodged with the appointed planning officer when the application was determined. They agreed that as this evidence did not meet the tests set out in Section 43B of the Act they would proceed to consider the case without reference to this information. Members noted that an economic case had not been made to justify a building of the size proposed at this site. They made reference to previous applications and approvals for the landholding, which were material in their consideration of this

proposal, and spoke at length about the need for a masterplan to be provided to clearly set out the objectives for the site in its entirety.

#### **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) 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 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**
- (e) the officer's decision to refuse the application be upheld for the reasons detailed in Appendix IV to this Minute.**

#### **5. REVIEW OF 17/00380/FUL**

There had been circulated copies of the request from Mr and Mrs Chris Edge, Jordonlaw Farmhouse, to review the decision to refuse the planning application to vary Condition 3 of planning consent 10/00156/FUL to allow short term letting at Jordonlaw Granary, Westruther. Included in the supporting papers were the Notice of Review (including the Decision Notice); Officer's Report; papers referred to in the report; consultation; support comments; objection; additional representations and response; and a list of relevant policies. Members focused their attention on road safety issues at the junction of the farm access track with the B6456 and discussed whether any additional traffic was likely to be generated by the proposed change of use of the one-bedroomed property. Members also considered the nature of the farm track in terms of the ability for vehicles to pass each other and the potential for a dedicated parking area within the site to avoid obstruction of the access to the farm steading.

#### **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 in keeping with the Development Plan; and**
- (d) the officer's decision to refuse the application be reversed and planning permission be granted, subject to conditions, for the reasons detailed in Appendix V to this Minute.**

#### **6. REVIEW OF 17/00479/FUL**

There had been circulated copies of the request from Austin Travel, per Aitken, Turnbull Architects Ltd, 9 Bridge Place, Galashiels, to review the decision to refuse the planning application in respect of the erection of a dwellinghouse on land north east of and incorporating J. Rutherford Workshop, Rhymers Mill, Mill Road, Earlston. The supporting papers included the Notice of Review (including the Decision Notice); Officer's Report;

consultations; and a list of relevant policies. Members discussed whether the design of the building was sympathetic with that of the surrounding properties, noting that there were residential properties to the north east of the site and the industrial type workshop building on the south west. They also discussed the proximity and possible impact of the workshop building on the residential amenity of the occupants of the proposed dwellinghouse. However their main concern related to the identified flood risk to the site and the potential increase in risk that would be brought about by blockage of the Clatteringford Bridge during a flooding event. They noted that SEPA had objected to the application on the grounds of flood risk but that there were discrepancies between the consultation replies from SEPA and the Council's Flood Risk Officer and the Flood Risk Assessment submitted on behalf of the applicant. Members therefore concluded that the review could not be considered without further procedure in the form of a Hearing session to provide clarification on: the discrepancies between the assessments of flood risk to the site; and the finished floor level required in the proposed dwellinghouse to mitigate against a 1 in 200 year flood event and blockage of the Clatteringford Bridge.

## **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 not be considered without further procedure in the form of a hearing session; and**
- (c) that the applicant, Council's Flood Risk Officer and Planning Officer be invited to attend a hearing to provide information on: the discrepancies between the flood risk assessment submitted on behalf of the applicant and consultation replies from SEPA and the Council's Flood Risk officer in respect of flood risk to the site; and the finished floor level required to preserve a freeboard to mitigate against a 1 in 200 year flood event and blockage of the Clatteringford Bridge.**

*The meeting concluded at 1.10 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**

---

**Local Review Reference:** 17/00028/RREF

**Planning Application Reference:** 17/00257/FUL

**Development Proposal:** Replacement windows and installation of chimney flue,

**Location:** 5 High Street, Innerleithen

**Applicant:** David & Jane Gordon

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**DECISION**

The Local Review Body (LRB) upholds the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice and on the following grounds:

1. The application is contrary to Policy EP16 of the Scottish Borders Local Development Plan in that the proposed flue is of insufficient height to allow fumes to disperse properly without adversely affecting the air quality and residential amenity of surrounding property occupiers.

**DEVELOPMENT PROPOSAL**

The application relates to the replacement windows and installation of chimney flue at 5 High Street, Innerleithen. The application drawings and documentation consisted of the following:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	13011-LOC
Proposed Plans & Elevations	13011-101-B
Sections	ECOLINK SOLUTIONS
Report	ABCAT TEST
Specifications	EMISSIONS GRAPHS
Specifications	PRODUCT SPECIFICATIONS

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 21<sup>st</sup> August 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Decision Notice c) Officer's Report; d) Papers referred to in report; e) Consultations; and f) List of Policies, the LRB concluded that it did not have sufficient information to determine the review and that it required Further Procedure in the form of an oral hearing.

Members considered a hearing necessary to allow the applicant, Environmental Health Officer and Planning Officer to provide information on: the technical elements regarding the use of a chimney flue, specifically in relation to the proposed use of an ABCAT flue gas filter; nuisance issues associated with the proposed chimney flue; and the implications of the increase in length of the flue.

The hearing was held at 10am on Monday 16<sup>th</sup> October, after which the Review Body re-convened to consider the case. Members noted with regret that the applicant did not take up the opportunity to be represented at the hearing.

## **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 relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, HD3, ED9, EP16

Other Material Considerations

- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006

The Local Review Body noted that whilst the application related to the installation of replacement windows and a chimney flue at the property, the windows had already been approved by the Council under planning reference 15/01079/FUL and in the circumstances, they focussed their deliberations on the acceptability, or otherwise, of the proposed flue.

The Review Body noted that the proposed flue, which would be in a grey powder coated metal, would emerge from the hipped roof to the rear of the applicant's office terminating just above ridge of the roof and would be approximately 1.6m in length. The Review Body were content that, at the height proposed, the flue would be no adverse impact on the appearance or character of the building or the Conservation Area.

The Review Body discussed the question of the potential nuisance impact the flue emissions may have on adjoining residential properties and sought greater clarity on this issue through the holding of an oral hearing session. Members felt that the hearing had helped their understanding of the issue; explaining how the proximity and relationship to the neighbouring properties windows and the lack of height of the flue to disperse smoke and odour was problematic and explaining why the proposed mitigation measures, in the form of an ABCAT gas oxidizing catalytic converter and raising the flue by 1m in height, would not address the potential impacts on local amenity and human health raised by the Environmental Health. After considering the evidence presented to them the Review Body concluded that the flue would adversely affect the air quality and residential amenity of the occupants of surrounding property.

The Review Body did not accept that the existence historically of a chimney on this building provided any justification for the new flue. Circumstances and regulations have altered significantly since that chimney was in operation.

The Review Body determined that it would not be reasonable or necessary to impose a condition that required the removal of the stove and associated flue should it be proven, following operation, that it was causing a nuisance.

## **CONCLUSION**

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

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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 S Hamilton  
Vice Chairman of the Local Review Body

**Date**...24 October 2017

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**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:** 17/00032/RREF

**Planning Application Reference:** 17/00384/FUL

**Development Proposal:** Alterations to existing bellmouth and formation of new access

**Location:** Land North West of Kirkburn Parish Church, Cardrona

**Applicant:** Cleek Poultry Ltd

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**DECISION**

The Local Review Body (LRB) upholds the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice and on the following grounds:

- 1 The application is contrary to Policies PMD2, ED7, EP5 and HD3 of the Scottish Borders Local Development Plan and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed access road will be locally prominent in the landscape and will create significant earthworks, loss of mature trees and reduction of proposed planting areas intended to screen the consented holiday developments, having a significant adverse effect on the character and quality of the designated landscape and the amenity of adjoining residents. Furthermore, the application has failed to demonstrate that the development can be achieved in terms of levels, geometry, drainage and that there is any ability to secure stopping up of the existing roadway.

**DEVELOPMENT PROPOSAL**

The application relates to alterations to existing bellmouth and formation of new access on land to the north west of the applicant's landholding at Kirkburn, Cardrona. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
------------------	---------------------------

Location & Site Plan	196 90
General Arrangement Contour Plan	196 91

### **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 16<sup>th</sup> October 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Papers referred to in report; c) Consultations; d) Objections; e) Additional representations; and f) List of policies, the LRB concluded that it had sufficient information to determine the review 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: HD3, PMD2, ED7, EP5, EP7, EP8 & EP13

#### Other Material Considerations

- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

The Review Body noted that the proposal would involve altering the existing access that serves the small building group at Kirkburn through a re-alignment of the road and the creation of a new bellmouth onto the B7062. The revised access would also allow vehicular access into the applicant's landholding via a 6 m wide field access from the new road.

After considering the evidence before them, the Review Body were not convinced that a sufficiently strong case had been made to justify a new access point to serve the landholding. Members noted that in approving permission for holiday chalets and a hub building on the adjoining land there had been concerns expressed regarding the potential for conflict between the proposed use and the building group at Kirkburn and that a planted buffer had been required to screen the development. The current proposal would appear to remove this buffer and the separation between the uses, allowing a mix of traffic using the Kirkburn access, and this would likely have a detrimental impact on the amenity of residents. The Review Body was content that the existing access from the B7062 further to the west was suitable to serve the applicant's landholding and the consented developments.

The Review Body was concerned that the scale of the engineering works required to facilitate the new access would alter the character of this part of the B7062, which is a minor rural road. This work associated with the removal of the buffer screen to the holiday chalet development and the loss of three existing mature trees along the roadside would have an unacceptable detrimental visual impact on the area, which lies within the Tweed Valley Special Landscape Area.

The Review Body was also conscious that, whilst the proposal may result in some road safety benefits, there was insufficient information available with the application to allow a full assessment of the access, its precise nature and impact.

The Review Body concluded that any potential benefits accrued from the development did not outweigh the significant landscape and amenity impacts.

## **CONCLUSION**

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

---

### **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 S Hamilton  
Vice Chairman of the Local Review Body

**Date**.....24 October 2017

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**APPENDIX III**

**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:** 17/00033/RREF

**Planning Application Reference:** 17/00647/FUL

**Development Proposal:** Formation of hardstanding, steps, retaining wall and new foot path

**Location:** Land North West of Kirkburn Parish Church, Cardrona

**Applicant:** Cleek Poultry Ltd

---

**DECISION**

The Local Review Body (LRB) upholds the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice and on the following grounds:

- 1 The application is contrary to Policies PMD2, HD3, EP7 and ED7 of the Scottish Borders Local Development Plan 2016 in that the proposal would create adverse effects on the setting of a Category B Statutorily Listed Building adjoining the site and on the amenity of nearby residential amenity properties.
- 2 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

## **DEVELOPMENT PROPOSAL**

The application relates to the formation of hardstanding, steps, retaining wall and new footpath on land to the north west of the applicant's landholding at Kirkburn, Cardrona. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
General Arrangement Location Plan	196 92

## **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 16<sup>th</sup> October 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Consultations; c) Objections; d) Additional representations; and f) List of policies, the LRB concluded that it had sufficient information to determine the review 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: HD3, PMD2, ED7, EP5, EP7 & EP8

Other Material Considerations

- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

The Review Body noted that the proposal would involve the formation of a new pedestrian footpath along the eastern edge of the applicant's landholding running along the boundary of the land with Our Lady's Church and graveyard and the former William Cree Memorial Church. Due to the site's topography the footpath required a flight of steps and a two tier row of gabions next to the church to deal with the change in levels. A large gravel hardstanding was also proposed at the end of the footpath next to the site's boundary with Kirkburn.

The Review Body noted that unusually the footpath and the gravel hardstanding had no direct access to the Kirkburn road; the grass verge remaining between the application site and the road. Members had just considered the review for the alterations to existing bellmouth and formation of new access ref: 17/00032/RREF,

which would have provided such an access and, in their view, it would have been better if the applications had been submitted as a singular coherent proposal. As such the proposal must be judged against the possible increase in traffic on the current access junction. However, in the absence of a Transport Statement outlining the type, frequency and number of vehicles anticipated it is not possible to judge whether the existing access is suitable to serve the development.

After considering the evidence before them, the Review Body were not convinced that a sufficiently strong case had been made to justify the footpath or the

hardstanding to serve the landholding. Members noted that in approving permission for holiday chalets and a hub building on the adjoining land there had been concerns expressed regarding the potential for conflict between the proposed use and the building group at Kirkburn and that a planted buffer had been required to screen the development. The current proposal would appear to remove this buffer and the separation between the uses, increasing the potential for a mix of traffic using the Kirkburn access, and this would likely have a detrimental impact on the amenity of residents. The Review Body was content that the existing access from the B7062 further to the west was suitable to serve the applicant's landholding and the consented developments.

The Review Body were conscious of the sensitivities in terms of the works relationship to the listed former William Cree Memorial Church. Members did not feel that this had been adequately taken into account or resolved by the applicant and that there would be an unacceptable impact on the setting of the listed building.

The Review Body noted that the application was not supported by a masterplan or any statement that set out the development strategy for the landholding. They had no detailed evidence before them as to the activities carried out at the site or why the footpath and hardstanding were needed and how they fitted with the overall strategy for the landholding. The Review Body requested that the applicant submit a business case/masterplan for the landholding that would set out clearly the objectives for the landholding with any subsequent planning applications lodged with the Council.

## **CONCLUSION**

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

---

### **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.
- 

**Signed**.....  
Councillor S Hamilton  
Vice Chairman of the Local Review Body

**Date**.....24 October 2017





## **APPENDIX IV**

### **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:** 17/00034/RREF

**Planning Application Reference:** 17/00806/FUL

**Development Proposal:** Erection of agricultural building and formation of new access track

**Location:** Land South of 3 Kirkburn Cottages, Cardrona, Peebles

**Applicant:** Cleek Poultry Ltd

---

## **DECISION**

The Local Review Body (LRB) upholds the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice and on the following grounds:

- 1 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 2 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

## **DEVELOPMENT PROPOSAL**

The application relates to the erection of agricultural building and formation of new access track on land South of 3 Kirkburn Cottages, Cardrona. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	HAN 01 Revision A
General Arrangements & Elevations	HAN 02

## **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 16<sup>th</sup> October 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Papers referred to in the report; c) Consultations; d) Objections; e) Additional representations; and f) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case.

The Review Body noted that a business case had been submitted with the Notice of Review but which had not been lodged with the appointed officer when the application was determined. Members decided that this evidence did not meet the tests set out in Section 43B of the Act, in that it could have been submitted before that time and that there were no exceptional circumstances why it could not have been lodged before that time. The Review Body proceeded to determine the case without reference to this information.

## **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: HD3, PMD2, ED7, EP5, EP8 & EP13

Other Material Considerations

- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

The Review Body noted that the proposal was to erect an agricultural shed with staff welfare accommodation for the applicant's proposed cattle venture. The building had a footprint of 9m x 27m and a ridge height of 7.5m and would be erected in a currently undeveloped field to south of the applicant existing 40 acre small holding on land leased by the applicant. Access was originally to be provided from the end of Kirkburn Road, past the existing dwellinghouse, however, this has now changed to utilise the field access through the applicant's landholding and the existing access onto the B7062.

The Review Body noted that the application had not been supported by a business plan/masterplan or any statement that set out the development strategy for the landholding. Members had no detailed evidence before them as to the activities carried out at the site or why the building was needed and how it fitted with the overall strategy for the landholding. In their view, no credible or sustainable economic justification had been made for the building of this size on the landholding.

The Review Body requested that the applicant submit a business case/masterplan for the landholding that would set out clearly the objectives for the landholding with any subsequent planning applications lodged with the Council.

In terms of the access, the Review Body contended that in the absence of a Transport Statement outlining the type, frequency and number of vehicles anticipated to be generated by this business it is not possible to judge whether the existing access is suitable to serve the development.

## **CONCLUSION**

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

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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 S Hamilton  
Vice Chairman of the Local Review Body

**Date**.....24 October 2017

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**APPENDIX V**

**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:** 17/00035/RREF

**Planning Application Reference:** 17/00380/FUL

**Development Proposal:** Variation of Condition No. 3 of planning consent 10/00156/FUL to allow short term letting.

**Location:** Jordonlaw Granary, Jordonlaw Road, Westruther

**Applicant:** Susan and Chris Edge

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**DECISION**

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

**DEVELOPMENT PROPOSAL**

The application relates to the variation of Condition No. 3 of planning consent 10/00156/FUL to allow short term letting. The application drawings consisted of the following drawings:

**Plan Type**

**Plan Reference No.**

Location 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 16<sup>th</sup> October 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Officer's Report; c) Papers referred to in report; d) Consultations; e) Support Comments; f) Objection; g) Additional representations and response and h) List of Policies, the LRB concluded that it had sufficient information to determine the review 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 relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, ED7, HD3 and IS7.

### **Other Material Considerations**

- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Landscape and Development 2008

The Review Body noted that the proposal was submitted to vary Condition No. 3 of planning consent 10/00156/FUL to allow for short term letting of Jordonlaw Granary in place of its use as ancillary accommodation associated with the main house at Jordonlaw Farm. They noted the nature of the farm access track and the layout and relationship of the track at its junction with the B6456.

The Review Body considered the road safety issues identified at the junction but also what level of traffic increase, if any, would be generated by the variation of Condition proposal. They gave weight to the fact that the property was only one-bedroomed and that there was no evidence to suggest that the level of traffic would be increased in nature or volume to the extent that road safety would be compromised at the junction. The Review Body considered what improvements at the junction could either be implemented by the applicant or the Council, but as they were not in possession of information on land ownership they could not determine whether the improvements were achievable. Ultimately the Review Body did not feel that the proposal would result in increased traffic to justify refusal of the variation request.

In coming to this conclusion, the Review Body also noted the length and nature of the farm track with generous verges and considered it was possible for vehicles to pass each other, both along the track and at the junction. They did, however, note from one of the site photographs that wheelie bins were stored too close to the road edge and that the visibility at the junction could be improved by setting the bins back by the tree and hedge. This advice would be attached as an Applicant Informative.

The issue of road safety and relationship with traffic movement was also considered at The Granary, Members noting that the positioning of parked vehicles could create adverse impact unless provision was made for dedicated parking within the site to the south-east of The Granary within the verge at the edge of the track. They considered it necessary to impose a condition to secure this provision. Similarly, they noted that permitted development was restricted by condition on the previous consents for the Granary and considered it necessary to attach the same condition again, given that the granting of the application was establishing a new usage of the building.

## **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. No development shall commence until a scheme for the provision of a car parking space within the site adjoining the track to the south, be submitted to, and approved by, the Planning Authority. Once approved, the parking space then to be completed in accordance with the approved scheme and maintained thereafter in perpetuity as parking space for the use of occupants of Jordonlaw Granary only.

Reason: In the interests of road safety and the unimpeded flow of agricultural and residential traffic in the immediate vicinity of the site.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any subsequent Order amending, revoking or re-enacting that Order);

- (i) There shall be no addition or extension to the dwelling (including the insertion of dormer windows or chimneys);
- (ii) There shall be no further building, structure or other enclosure constructed or placed on the site;
- (iii) No additional window or other opening shall be made in any elevation;

unless an application for planning permission in that behalf has first been submitted to and approved by the Local Planning Authority.

Reason: To safeguard the character, appearance and setting of the building to be converted.

## **INFORMATIVE**

The Local Review Body were keen to minimise road safety risks at the junction of the track and the public road by maintenance of visibility splays free from obstruction and requested that these were not impeded by placement of wheelie bins close to the

road edge, asking that the bins be set back so that they did not lie in front of the hedgelines.

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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 S Hamilton

Vice Chairman of the Local Review Body

**Date.....24 October 2017**



# SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTES of Meeting of the EXECUTIVE  
COMMITTEE held in Council Chamber,  
Council Headquarters, Newtown St Boswells,  
TD6 0SA on Tuesday, 17th October, 2017 at  
10.00 am

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Present:- Councillors S. Haslam (Chairman), S. Aitchison, G. Edgar, W. McAteer, S. Mountford, M. Rowley, G. Turnbull, T. Weatherston.  
Also present:- Councillors S Bell, K Chapman, S Marshall, H Scott.  
Absent:- Councillor T Miers.  
Apologies:- Councillors E Jardine and C Hamilton  
In Attendance:- Executive Directors (R Dickson and P Barr), Service Director Regulatory Services, Service Director Assets & Infrastructure, Group Manager (Housing & Strategy), Housing Strategy Manager, Financial Services Manager, Passenger Transport Manager, Clerk to the Council, Democratic Services Officer (J Turnbull).

## 1. **MINUTE**

The Minute of meeting of the Executive Committee of 19 September 2017 had been circulated.

### **DECISION**

**APPROVED for signature by the Chairman.**

## 2. **TAXI FARES REVIEW 2017/18**

- 2.1 There had been circulated copies of a report by the Service Director Regulatory Services advising Members of the recent consultations undertaken in connection with the statutory review of the current scale of charges for taxi fares. The Council as licensing authority was required, in terms of Section 17 of the Civic Government (Scotland) Act 1982 ("the Act"), to review the scales for fares and other charges in connection with the hire of a taxi, at intervals not exceeding 18 months of the last review. For 2017/18 the formula which the Council had used to review taxi rates delivered a variation percentage of -0.45% on the usual indicators over the previous 12 months, with paragraph 3.3 of the report explaining the Council's current formula. Whilst officers recommended that taxi fares remained unaltered in 2018, Members noted that during the statutory consultation with representatives of the trade within the area, a submission proposing an increase of 5% had been made and paragraph 4.6 of the report detailed this proposal. In an effort to provide Members with further consideration, a comparison with the Retail Prices Index (RPI) a national indicator often used for annual or monthly comparisons had been included in paragraph 4.7 of the report.
- 2.2 The Service Director Regulatory Services gave further information about the consultation process and current formula and answered Members' questions; with regard to the formula he confirmed that this was unique to the Scottish Borders. Members noted that there would be a further review of taxi fare settings within 18 months and requested that this review included the taxi fare rates of similar local authorities for comparison purposes.

### **DECISION**

**AGREED:**

- (a) **That taxi fare rates should remain unaltered in line with the outcome of the Council's established formula;**

- (b) **A further review of the taxi fare setting would be undertaken and implemented within 18 months of this review; and**
- (c) **To request that the next review of taxi fare settings included a comparison of taxi fare rates of other local authorities.**

### 3. **STRATEGIC HOUSING INVESTMENT PLAN 2018-2023 SUBMISSION**

- 3.1 There had been circulated copies of a report by the Service Director Regulatory Services seeking Council approval of the Strategic Housing Investment Plan (SHIP) 2018-2023 due to be submitted to the Scottish Government by 30 October 2017. Local Authorities were required to produce an annual SHIP submission to the Scottish Government. Scottish Borders Council - with the involvement of its key partners via the SHIP Working Group - had prepared this SHIP submission. The SHIP articulated how the Council and its RSL partners would seek to deliver the Border's affordable housing investment needs and priorities identified in the Council's Local Housing Strategy (LHS) 2017-2022 over a rolling five year planning horizon. Homes delivered would be counted towards the Scottish Parliament's national target of 50,000 Affordable Homes.
- 3.2 Based on a Resource Planning Assumption (RPA) from Scottish Government Officials of £43.957m for the period 2018-2021, £4.6m from charitable bonds, RSL partner private sector borrowing and a commitment from the Council's Affordable Housing Budget, approximately 674 new homes could be delivered over the three year period. However, in response to the Scottish Government's request to over-programme in order to manage any potential project slippage, this SHIP set out an ambitious plan that could potentially deliver up to as many as 1,177 affordable homes over the five-year period of the SHIP. This latter figure assumed that all identified challenges and infrastructure issues were resolved in a timely manner, funding was available, and that agreement was reached between all interested parties and the construction sector had capacity to deliver projects. The SHIP also included a number of new build extra care housing developments in key Borders towns.
- 3.3 Members discussed the report and received answers to their questions from the Group Manager (Housing Strategy and Services). It was explained that part of the remit of the work currently being undertaken to produce an Integrated Strategic Plan for Older People's Housing, Care and Support Needs was to reflect the housing needs and aspirations of older people at a local level. With regard to areas of high demand for housing within the Scottish Borders, it was advised that there was high demand in the central borders, particular Galashiels, Peebles and areas of Berwickshire. Members then discussed deliverability of the project and were advised that availability of land was less of an issue than the challenges around infrastructure investment and resources, many construction workers being attracted to higher wages offered by large national companies in urban areas. SBHA and Eildon Housing were 'packaging' developments into one larger project to make these more attractive to building companies. The Project Priority Weighting matrix, detailed in the report, had been developed as a mechanism to assess priority; deliverability had the highest weighting and was underpinned by Registered Social Landlords' (RSLs) financial capacity to deliver projects. Reference was made to demographic change and the role of private house builders. It was explained that the SHIP was framed in guidance to set out the investment for affordable housing, although officers anticipated being able to provide the evidence to encourage the private sector to develop a mix of social and private housing to address the needs of older people.
- 3.4 The Housing Strategy Manager was also in attendance and in response to a question regarding revitalising redundant commercial and industrial sites, advised that officers continually worked with RSLs to identify opportunities. He referred to the acquisition of the former Castle Warehouse site by Eildon Housing Association to construct extra care housing. There had also recently been a development of flats in Innerleithen on a former garage site. Consideration would be given to other sites in the future, although

cognisance had to be made to supply and demand and the displacement of existing tenants. However, many land owners were reluctant to sell their land having expectations of a greater value for their land or that there could be an increase in land valuations in the future. Members congratulated officers on the ambitious target to maximise delivery of affordable homes in the Scottish Borders and unanimously commended the SHIP.

#### **DECISION**

**AGREED to approve the Strategic Housing Investment Plan 2018-2023 attached as Appendix 1, to the report, for submission to the Scottish Government More Homes Division by 30 October 2017.**

#### **DECLARATION OF INTEREST**

Councillor Mountford, as Chair of Scottish Borders Housing Association, declared an interest in the above report but remained during the discussion.

#### **4. PROPOSED DISPOSAL OF ALLOCATED HOUSING SITE AT STIRCHES, HAWICK TO EILDON HOUSING ASSOCIATION FOR THE DEVELOPMENT OF EXTRA CARE HOUSING**

There had been circulated copies of a report by the Service Director Regulatory Services seeking Council agreement in principle to dispose of the Council-owned allocated Housing Site at Stirches, Hawick to Eildon Housing Association in order that it might be re-developed to provide extra care housing. The report also proposed that the Council disposed of the site on the basis of a nominal £1.00 as being best value in accordance with current Scottish Government Guidance regarding disposal of former Housing Revenue Account (HRA) assets. The site had been identified as a potential site in the Extra Care Housing Delivery Framework, approved by Members on 20 September 2016, and was consistent with the approach taken previously by the Council in disposal of 11 former Housing Revenue Account sites since 2003 for the development of affordable housing. It had also been prioritised as an affordable housing site for anticipated development by Eildon Housing Association in the Council's Strategic Housing Investment Plan (SHIP) 2017-22 and SHIP 2018-23. Members discussed the report and welcomed the provision of extra care housing in Hawick.

#### **DECISION**

##### **AGREED:**

- (a) In principle to the proposed disposal of the allocated housing site at Stirches Hawick to Eildon Housing Association in order that it may be developed to provide extra care housing, and additional affordable housing if space permitted; and**
- (b) To delegate authority to the Council's Service Director, Assets and Infrastructure to lead on representing the Council's interest in concluding the disposal of the allocated Housing Site at Stirches, Hawick to Eildon Housing Association on the basis of a nominal price of £1.00, and upon terms and conditions to be agreed.**

#### **5. PRIVATE BUSINESS**

**AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this minute on the grounds that it involved the likely disclosure of exempt information as defined in the relevant paragraphs of part 1 of schedule 7A to the Act.**

#### **SUMMARY OF PRIVATE BUSINESS**

#### **6. MINUTE OF SOCIAL WORK COMPLAINTS REVIEW COMMITTEE**

The Minute of the meeting held on 23 August 2017 was approved.

***The meeting concluded at 10.45 am.***