

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

6.	<p>Committee Minutes (Pages 3 - 154)</p> <p>Consider Minutes of the following Committees:-</p> <ul style="list-style-type: none"> (a) Tweeddale Area Partnership 10 January 2018 (b) Audit & Scrutiny 15 January 2018 (c) Civic Government Licensing 19 January 2018 (d) Local Review Body 22 January 2018 (e) Eildon Area Partnership 25 January 2018 (f) Executive 30 January 2018 (g) Berwickshire Area Partnership 1 February 2018 (h) Lauder Common Good Fund 2 February 2018 (i) Planning & Building Standards 5 February 2018 (j) Jedburgh Common Good Fund 7 February 2018 (k) Kelso Common Good Fund 7 February 2018 (l) Hawick Common Good Fund 7 February 2018 (m) Cheviot Area Partnership 7 February 2018 (n) Police, Fire & Rescue and Safer Communities 9 February 2018 (o) Executive 14 February 2018 (p) Selkirk Common Good Fund 14 February 2018 (q) Audit & Scrutiny 15 February 2018 (r) Local Review Body 19 February 2018 (s) Lauder Common Good Fund 20 February 2018 (t) Teviot & Liddesdale Area Partnership 20 February 2018 (u) Peebles Common Good Fund 7 March 2018 (v) Pension Fund & Pension Board 8 March 2018 (w) Pension Fund Board 8 March 2018 (x) Galashiels Common Good Fund 8 March 2018 (y) Local Review Body 12 March 2018 (z) Executive 13 March 2018 <p>(Copies attached.)</p>	5 mins
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(a)	Tweeddale Area Partnership	10 January 2018
(b)	Audit & Scrutiny	15 January 2018
(c)	Civic Government Licensing	19 January 2018
(d)	Local Review Body	22 January 2018
(e)	Eildon Area Partnership	25 January 2018
(f)	Executive	30 January 2018
(g)	Berwickshire Area Partnership	1 February 2018
(h)	Lauder Common Good Fund	2 February 2018
(i)	Planning & Building Standards	5 February 2018
(j)	Jedburgh Common Good Fund	7 February 2018
(k)	Kelso Common Good Fund	7 February 2018
(l)	Hawick Common Good Fund	7 February 2018
(m)	Cheviot Area Partnership	7 February 2018
(n)	Police, Fire & Rescue and Safer Communities	9 February 2018
(o)	Executive	14 February 2018
(p)	Selkirk Common Good Fund	14 February 2018
(q)	Audit & Scrutiny	15 February 2018
(r)	Local Review Body	19 February 2018
(s)	Lauder Common Good Fund	20 February 2018
(t)	Teviot & Liddesdale Area Partnership	20 February 2018
(u)	Peebles Common Good Fund	7 March 2018
(v)	Pension Fund & Pension Board	8 March 2018
(w)	Pension Fund Board	8 March 2018
(x)	Galashiels Common Good Fund	8 March 2018
(y)	Local Review Body	12 March 2018
(z)	Executive	13 March 2018

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MINUTES of Meeting of the
TWEEDDALE AREA PARTNERSHIP
held in the McFarlane Hall, High Street,
Peebles on Wednesday, 10 January
2017 at 7.00 pm

Present:- Councillors R. Tatler (Chairman), H. Anderson, S. Bell, C. Chapman; S. Haslam, E. Small together with 32 Representatives of Partner Organisations, Community Councils and Members of the Public.

In attendance:- Service Director Customer & Communities, Head of Economic Development & Environment, Senior Lead Officer, Education and Lifelong Learning, Communities and Partnership Manager, Clerk to the Council, Democratic Services Team Leader

1. WELCOME

The Chairman welcomed everyone to the first meeting of the Tweeddale Area Partnership and advised that he hoped everyone would complete evaluation forms at the end of the meeting.

2. OPEN FORUM

No items were raised.

3. LOCAL PLANS

The Chairman introduced Shona Smith, the Communities and Partnership Manager who explained the purpose of the Local Plan, which in future would feed into the Borders wide Community Plan. She further explained that each meeting of the Partnership would focus on a theme within the Community Plan to populate the Local Plan for Tweeddale.

4. THEME – OUR ECONOMY, SKILLS AND LEARNING – PART 1

4.1 The Chairman introduced Brian McGrath, Head of Economic Development and Environment and Kevin McCall, the Senior Lead Officer, Education and Lifelong Learning. Mr McGrath advised that this was an opportunity to look at the Tweeddale Economy and outlined the issues which had been raised with him at a recent Business Breakfast. These included digital connectivity, transport links, access to premises, tourism, Brexit and access to people with the right skills. Mr McCall outlined the areas where there were currently skill shortages, which included plumbers, joiners and technicians. He commented on a recent CBI study which highlighted the increasing value placed on employability skills such as problem solving and team working and Peebles High School were now working with 84 business partners to help pupils develop these skills.

4.2 The Chairman invited those present to discuss and agree at their respective tables the 3 key issues related to the theme of “Our Economy, Skills and Learning” and to write these down on the post-it notes provided. 20 minutes was given for this activity and the post-notes from each table were collected and displayed on the boards provided. Mr McCall summarised the main points raised and the Chairman asked each group to identify their key issue and how it might be taken forward from a Tweeddale perspective. 30 minutes was given for this activity and the post-it notes were again collected from each table. The Chairman advised that this was just part 1 of the process and asked that any further points be emailed and that there would be a further opportunity for public involvement at the Localities Bid Fund event being held in the

Burgh Hall in early February. A copy of the output from the evening forms the appendix to this Minute.

5. **GRANTS AND FUNDING OVERVIEW/UPDATE ON LOCALITIES BID FUND**

Shona Smith, Communities and Partnership Manager advised that a total of £91k was available through the Localities Bid Fund for the Tweeddale Area. £30k had been allocated for Phase 1 and bids totalling £122k had been received. Those who did not meet the criteria were being directed to other funding options. With effect from Friday, 12th a list and summary of all projects would be available on the Council's website and each applicant would be encouraged to publicise their project. Voting would either be available on-line, by paper in ballot boxes located throughout the area or by post. For those who were unsuccessful alternative funding options would hopefully to be identified. Ms Smith went on to outline the other funds available in the Tweeddale Area which included Village Hall funding, the Community Grant Scheme, Small Schemes, Quality of Life and Local Festival Grants. In response to questions regarding voting and small communities being disadvantaged, Ms Smith advised that those who had carried out such schemes previously had not found this to be a particular issue. However, once the first phase had been completed the voting pattern would be assessed and changes could be made for future phases if required.

6. **OTHER BUSINESS**

In response to a question on the timescale for the preparation of the Tweeddale Locality Plan it was noted that the aim was to have it completed by the end of 2018. This Locality Plan would inform the Community Plan, which as a dynamic document would continue to be updated.

7. **DATE OF NEXT MEETING**

The next meeting would be held on Wednesday, 7 March 2018 in West Linton Primary School at 7 p.m.

The meeting closed at 8.50 p.m.

Discussion Output: Our Economy, Skills & Learning Theme (10th January 2018)

Summary/Area of Discussion:

Business Premises and Opportunities

Post-it Notes:

- Building on what we have – cycling, walking etc. to generate and attract bigger business to the area
- Designate more land for business use to make sure there is no a scarcity
- Allocation and retention of land/premises for economic and employment use - both large and small scale businesses
- Need wider range of business opportunities and locations to encourage young families to work in the area, not just live and commute, higher paid types of jobs too
- Encourage new business into the area and more home working
- Distinctiveness of Peebles is diminishing – High Street needs more nice shops
- Regeneration of High Street shops – more charity shops – concern High Street is declining – sunrise businesses
- Review planning reconciliations to widen possible industrial/non rural economic development in rural areas ie garages ... towns
- Identify and create economic development sites both in Peebles and rural areas
- To support economic start-ups and growth
- Lack of business premises
- We want space for business as well as houses – we want people to live and work here
- Business rates
- Promote self-growth business ‘Enterprise Hub’

Key Areas for Tweeddale

- **Commercial and Industrial sites & premises**
- **Peebles High Street**
- **Attracting businesses (large and small)**
- **Support for start-ups and growth; ‘Enterprise Hub’**

“How” Post-its:

- Approve more applications for business/industrial industries and designate more land
- Re-purpose existing disused buildings e.g. Mills
- Retention of industrial sites for employment and economic use
- Offer incentives to businesses and investors to come to the Borders eg reduces rent/rates

Tweeddale Area Partnership

- Encourage smaller businesses to co-locate in multi-purpose centres
- Need to seek input from business forums
- Reach out to business forums to extoll the virtues and promote the location of Tweeddale to encourage new businesses
- Create a premises similar to the Bush and promote heavily
- South of Scotland Enterprise Agency – should seek to set its priorities AFTER it liaises with communities, not before
- LEADER - A more co-operative response to applications for funding.
- A new bridge built over the Tweed in Peebles will create a significant economic zone, not just more housing
- What businesses can grow around the elderly
- Identify sites for start-ups and growth sectors, allocate sites, service the land, het private sectors to build units
- Audit of premises and business needs/opportunities to draw potential growth businesses in. Carried out by a series of local seminars
- Make the Borders attractive to entrepreneurs, get them interested first then build the opportunities around them
- Businesses – private rents are expensive, can rentals be capped. Large national businesses affect local businesses
- One overall group to take forward developments for continuity

Who”
age 8

- SBC; Borders College; NFUS; Scottish Enterprise; Business Gateway; DWP; Community Groups; High Schools; Business Leaders

Summary/Area of Discussion:

Improving Tourism

Post-it Notes:

- Cycle links need to be developed faster to link up communities
- Welcome + more infrastructure
- More cycle ways
- Bike shops – mountain biking spin off tourism should be captured
- Other tourism opportunities – mountain biking, walking, cycle path development
- Run a tourism marketing campaign linking up all our other tourism sites - don't just pass through – stop and enjoy
- Environmental sustainability – Tweeddale natural beautiful area - promote area - tourism, transport sustainable
- Promote local towns

Key Areas for Tweeddale

- **Marketing & Promotion**

Tweeddale Area Partnership

- **Environmental Sustainability & Infrastructure**

“How” Post-it Notes:

- Need a strategic plan to improve Tourism in Tweeddale
- Ambassador role for the Borders and Tweeddale
- Marketing campaign, signage, support for events and budget
- Tweed Valley Sweatshirt and jacket promotion, Tweed Valley apps to download
- Bring together all tourism initiatives, put in money to build infrastructure – a community tourism project
- Build on tourism skills and apprenticeships

“Who”

Summary/Area of Discussion:

Connectivity (Transport & Digital)

Post-it Notes:

- Transport links – commuter belt – faster transport links – good quality electric transport for future
- Buses – infrastructure poor – ok north/south but not good east/west
- Need for hotels in and near train and Tweeddale area – peak times fully booked and more needed
- Transport/Broadband links
- 4 buses uplifting at Innerleithen but no public toilets
- Right infrastructure – roads and links for business – management of those links
- Continue to improve Broadband coverage/speed across the area. Along with 3G/4G mobile coverage that’s reliable

Key Areas for Tweeddale

- **Transport infrastructure (incl. facilities) and connections into Tweeddale**
- **Broadband & Mobile coverage**

“How” Post-it Notes:

- Links into improves connectivity and transport links
- Better provision for bikes on trains
- Ask local buses to include trailers for bike transport

“Who”

Summary/Area of Discussion:

Education Opportunities

Tweeddale Area Partnership

Post-it Notes:

- Don't have add on college education
- Closer link with colleges, schools and businesses
- Lack of higher education opportunities
- Would like a satellite of Borders College in Tweeddale to deliver further education the venue could change from town to town, venue to venue depending on availability
- Improve links and educational (Higher) opportunities to attract young people
- Retaining one workplace in the Borders
- Education don't do enough – skilled youths but how do we retain skills here and sustain
- Employer/volunteer system – accreditation students/benefits business (rate relief)
- Younger audience targeting
- Employability should not equate to qualifications
- Engage from primary schools use Fridays

Key Areas for Tweeddale

- **Closer ties/improving links between Borders College, Tweeddale schools and businesses**
- **Retention of skills in the Tweeddale area**
- **Opportunities for Friday afternoons (asymmetric week)**

"How" Post-it Notes:

"Who"

Summary/Area of Discussion:

Skills Development

Post-it Notes:

- **Cycling** – creation of job skills could be expanded
- YP – skills training – **digital use** of technology
- **Wider cognitive skill** applying knowledge to other tasks
- Working age group now, how do we **sustain employability** now
- Focus on future and existing employees
- **Mentoring** by drawing on community resources
- More **trades and practical skills** training required

Tweeddale Area Partnership

<p><i>Key Areas for Tweeddale</i> (highlighted in bullet points above)</p>
<p><i>“How” Post-it Notes:</i></p> <ul style="list-style-type: none"> • Develop a community led co-operative programme for primary and early secondary children to develop knowledge and skills. Create opportunities, consider a deal for employers and businesses and corporate sponsorship • Build skills trade
<p><i>“Who”</i></p> <ul style="list-style-type: none"> • Community Learning Partnership; Parent Councils; Children & Young People Directorate (SBC); Business Community; Children & Young People; Community Learning Development; Third Sector; NVQ Assessors

**Summary/Area of Discussion:
Research and Development**

<p><i>Post-it Notes:</i></p> <ul style="list-style-type: none"> • Peebles – commuter town – strategy to bring business here instead of going to Edinburgh • Research and development of new technologies re: elderly and others • An audit of third sector and small businesses who can deliver training and experience • How do we make Borders more appealing to work • How do we get message to live, work and bring families up here • Inward investment strategy – have we got business accommodation – not enough small starter businesses. Larger properties too extensive. Rail not had any impact • Networking • “Eliminating the borders between Borders”
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<p><i>Key Areas for Tweeddale</i> (highlighted in bullet points above)</p>
<p><i>“How” Post-it Notes:</i></p>
<p><i>“Who”</i></p>

**Summary/Area of Discussion:
Housing (will be covered in “Our Place” theme)**

<p><i>Post-it Notes:</i></p> <ul style="list-style-type: none"> • Affordable housing - low wages not attractive – need solved to attract and sustain people
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Tweeddale Area Partnership

<i>Key Areas for Tweeddale</i>
<i>“How” Post-it Notes:</i> <ul style="list-style-type: none">• All infrastructure more friendly for disabled
<i>“Who”</i>

Tweeddale
Area Partnership

Our Scottish Borders
Your community

Tweeddale
Area Partnership



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, 15 January 2018 at 10.15 am

Present:- Councillors S Bell (Chairman), H Anderson, K Chapman, J A Fullarton, S Hamilton, N Richards, H Scott, R Tatler and E Thornton-Nicol.
Apologies:- Mr M Middlemiss.
Also Present:- Councillor S Mountford (Items 1 to 8)
In Attendance:- Chief Financial Officer, Chief Officer Audit and Risk, Executive Director (R Dickson) (Items 1-6), Service Director Customer & Communities (Item 1 to 8), Democratic Services Officer (J Turnbull).
Mr A Haseeb – Audit Scotland, Mr G Samson – Audit Scotland.

1. WELCOME AND INTRODUCTIONS

The Chairman welcomed those presented to the meeting and there was a round of introductions.

2. ORDER OF BUSINESS

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

3. MINUTE.

There had been circulated copies of the Minute of 13 November 2017. With reference to paragraph 3 of the Minute, Ms Stacey, Chief Officer Audit and Risk, advised that recruitment for two non-voting external members was soon to commence for appointment in October 2018.

DECISION

APPROVED for signature by the Chairman.

4. URGENT ITEM

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to make an early decision.

5. MINUTE DECISION

(a) **APPROVED for signature by the Chairman.**

(b) **NOTED the proposed Scrutiny review work programme as detailed in the Appendix to this minute.**

6. RISK MANAGEMENT IN SERVICES

6.1 The Chairman welcomed Mr Rob Dickson, Executive Director, to the meeting. Mr Dickson was in attendance to give a presentation on the strategic risks affecting his service and the internal controls and governance in place to manage and mitigate those risks. Mr Dickson began by advising that the risks within his service were largely delivered by service responsibility and included: negative media coverage and poor public perception; failure to manage and appropriately resource major programmes/projects;

ineffective change management to modernise the organisation; opportunities as a consequence of Brexit; being unprepared for major incidents; and, incidents during externally organised events. Risks were identified through Corporate Management Team (CMT) or through Service Managers. This involved continuous quarterly reviews driven within the project and service, for which the Programme Board or Service Manager carried responsibility.

6.2 Mr Dickson then gave examples of the scope and complexity of Risk Registers within his service. In relation to the Council's Digital Transformation programme, he explained that this encompassed multiple projects, each holding their own risk register with the complexity and breadth of impact having a multiplying effect on risk. The Programme Board managed these risks in terms of resources. With regard to Events, he advised that the Council supported approximately 50 events annually. An annual assessment was carried out for each event which considered the inherent risk, the organisers' competence and impact on the wider public. The Safety Advisory Group (SAG) met twice a year to consider each event and ensured a consistent approach for different events throughout the Scottish Borders. Mr Dickson then gave examples, referring to the Border Union Agricultural Show, he explained that the event's organisers had responsibility for the event and managed risk, the Council only being concerned with the event's impact on local roads. In contrast, Melrose Sevens was more significant in terms of risk management for the Council, with the impact on businesses and the town, which was addressed in an entirely different way. To conclude his presentation, Mr Dickson emphasised the continuous nature of the risk management process and that application of the Corporate Framework and processes was most effective in managing risk within his service.

6.3 In response to questions, Mr Dickson advised that there had been a range of actions introduced to ensure that employees were aware of changes being implemented under the Transformation Programme. CMT met three times a year with Senior Managers, which allowed interaction, this focused on performance and gave an understanding of pace in terms of the programme. Electronic updates were also circulated to staff, advising of progress and any delays. There were also mechanisms in place for staff to highlight problems to managers. He referred to the new election software system and that polling staff had been encouraged to report any difficulties in order that any issues could be resolved quickly. The introduction of Business World had also been a major change for employees, initial issues had been resolved and staff were more confident in the system and were driving progress. Mr Dickson also clarified that during his secondment, other managers would assume responsibility for managing the Risk Registers in his ownership. And, that the Brexit Monitoring Group, would be reporting to the Executive Committee prior to the summer 2018. With regard to Members having access to Risk Registers in order that they could be assured that risks were being managed correctly, Mr Haseeb confirmed that this would be good practice. Ms Stacey added that the Corporate Risk Officer was undertaking benchmarking with other Councils to understand their reporting format and a report would be brought to the May 2018 meeting which would include expectations in terms of the Committee's responsibility. The Chairman thanked Mr Dickson for his attendance and his clear, succinct presentation.

DECISION

NOTED the presentation.

7. INTERNAL AUDIT WORK TO DECEMBER 2017

7.1 With reference to paragraph 5 of the Minute of 13 November 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 28 October to 22 December 2017 was detailed in the report attached to the Agenda. During the period a total of eight, final Internal Audit reports were issued. There were four recommendations made relating to two of the reports which had 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 the report to communicate the results of the reviews.

- 7.2 Reference was made to the Internal Audit Final Assurance Reports detailed in the Appendix to the report. Ms Stacey highlighted that there had been no recommendations in respect of the six schools, providing positive assurance. However, there had been a discussion with staff around minor improvements. The Service Director Children & Young People and the Chief Officer Education have asked for these audits to continue in future years' plans, with a sample of primary and secondary schools. With regard to the Industrial and Business Premises Assurance Report, one recommendation had been made to enhance governance. The report detailed that there should be clearer linkages between the development of the industrial property and business property estate, and the requirements of the Economic Strategy should be established. The approach to increasing the supply of immediately available land and business premises should also be set out; and the importance of securing external funding should be articulated. Ms Stacey advised that the Chief Officer Economic Development had welcomed the report findings and a review of the Strategy was already underway. Internal Audit had also made three recommendations in terms of Contract Management arrangements with third parties. The first recommendation was that the design and development of an effective Contract Management Framework should be progressed. This would be led by the Executive Director (Commercial) with completion scheduled for 2019. The second and third recommendations related to LIVE Borders and SB Cares. Internal Audit recommended that contract monitoring arrangements should be enhanced to comply with best practice guidance, including the provision of assurance on managing risk by LIVE Borders. Ms Stacey concluded her report by advising that the planned review on ICT security was completed through work with the Interim Head of IT on cyber resilience. The audit on the financial processes under payroll activity, sales to cash and procure to pay was also underway on which reliance would be placed by Audit Scotland which would be reflected in the External Audit Strategy 2017/18 presented to the March 2018 meeting. The Chairman thanked Ms Stacey for her report and complemented the work of Internal Audit in respect of the schools' Assurance Reports.
- 7.3 During discussion, it was noted that SB Cares and SB Contracts were monitored through the Major Contracts Governance Group. The Committee were concerned that there were no monitoring arrangements in place for LIVE Borders. It was agreed to request that changes be made to the Scheme of Administration to include LIVE Borders within its monitoring role, and that a verbal update on progress should be given at the next meeting.

DECISION:

- (a) **NOTED:**
- (i) **the final assurance reports issued in the period from 28 October to 22 December 2017 associated with 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 Chief Executive consult with LIVE Borders regarding a possible amendment to the Scheme of Administration to include LIVE**

Borders within the monitoring role of the Major Contracts Governance Group and following this consultation that a report be submitted to Council to approve this amendment.

8. AUDIT OF HOUSING BENEFIT - RISK ASSESSMENT REPORT

- 8.1 There had been circulated a report by Service Director – Customer and Communities detailing the outcome of the Housing Benefit Risk Assessment carried out by Audit Scotland during July 2017. Although Scottish Borders Council had demonstrated awareness of what constituted effective and secure benefit delivery, there were six risks arising from this risk assessment and an action plan has been created to address these. The Service Director – Customer and Communities was in attendance and advised that overall the report was welcomed and the risks identified were accepted. However, in a response to Audit Scotland’s report, the Council had expressed disappointment that the report had not reflected the reduction in funding from the Department for Work and Pensions, whilst maintaining one of the lowest administration costs within Scotland.
- 8.2 Referring to Audit Scotland’s report, Ms Craig advised that with the imminent introduction of Universal Credit, the Council had been reducing the Service whilst managing in a way that would protect staff. However, because of uncertainty this had contributed to a high staff turnover, which was likely to continue. The reduction in administration funding from the Department of Work and Pensions (DWP) and a reduction in the level of overtime worked had also contributed to performance. Restructuring to provide a more streamlined service had also affected the Service’s ability to address performance issues and forward plan. In response to the risks identified in the report, Ms Craig explained the Council were maximising the use of existing resources and managerial arrangements, as well as extending their use of an agency. Performance monitoring would also be included as part of the Framework reporting to Executive Committee. Ms Craig highlighted that performance had already improved recently, for example, the average processing time for new claims and change of circumstances had changed from 29 days to 8 days and 25 days to 8 days respectively. Similarly, accuracy had also improved with an increase in the number of post notification and management checks. With regard to Overpayments, Ms Craig explained that this was a complex area and the cumulative figure went back to 1996. Overpayments remained on the system, as payments could be recovered over a period of time from ongoing entitlement or other sources. Former claimants might also come back on to benefits and the service was then able to reclaim overpayments. If there was no possibility of reclaiming payment, then it would be brought forward to Committee for write off. Ms Craig also explained that the delay in bringing the report to Committee was in order to await feedback from Audit Scotland. To conclude Ms Craig emphasised that the Service was already improving; Audit Scotland were satisfied with the action plan to address risk and would follow up progress in May 2018.
- 8.3 In response to questions Mr Grant, Customer Advice and Support Manager, advised that only a small proportion of cases were contracted out to an external agency on a monthly basis. The external agency employed experienced staff and there were accuracy checks. Mr Murdie, Locality Lead Officer Benefits, added that presently there were 10 full time assessors, plus supervisors and managers. Two vacancies were been filled by an agency. The service had also employed Council staff to fill vacancies on a secondment basis. There was discussion on a shared service and Ms Craig advised that there had been discussion with other authorities. However, they were experiencing the same issues with the reduction in DWP funding and were also restructuring their benefit services in anticipation of the changes. The Chairman thanked Ms Craig for her attendance, emphasising the Committee’s support for the improving service and welcoming the interim review by Audit Scotland.

DECISION

- (a) **NOTED:**
- (i) **The contents of the Audit of Housing Benefit – Risk Assessment Report (Appendix 1 to the report);**

(ii) **The actions planned by Customer Services to address the risks identified in the Audit Report (Appendix 2 to the report); and**

(iii) **The improvements achieved to date regarding the points identified at 4.2.3 and 4.2.4**

(b) **AGREED TO RECOMMEND to the Executive Committee that they consider reviewing Key Performance Indicators for the Housing Benefit service as part of their regular review of performance.”**

9. **TREASURY MANAGEMENT STRATEGY 2018/19**

There had been circulated copies of a report by the Chief Financial Officer presenting the proposed Treasury Management Strategy for 2018/19 and enabling the Committee to undertake their scrutiny role in relation to the Treasury Management activities of the Council, prior to Council approval. The Treasury Management Strategy was the framework which ensured that the Council operated within prudent, affordable limits in compliance with the CIPFA Code. The Strategy for 2018/19 to be submitted to Council on 20 February 2018 was included at Appendix 1 to the report. The Strategy reflected the impact of the Administration's draft Financial Plans for 2018/19 onwards on the prudential and treasury indicators for the Council. The report presented the Treasury Management Strategy for 2018/19 for consideration. Members requested clarification on a number of points contained in the Appendix and these were answered by officers. It was highlighted that that the final report would reflect any amendments required as a result of the Administrations' budget proposals and would be notified to the Committee.

DECISION

AGREED the draft Treasury Management Strategy for 2018/19 prior to presentation to the Council for approval.

10. **LOCAL GOVERNMENT IN SCOTLAND - FINANCIAL OVERVIEW 2016/17**

There had been circulated copies of a report by the Accounts Commission providing an outline of the overall financial health of local government and the significant challenges for local government finance that lay ahead. The report included a local government financial overview and, an overview of the Local Government Pension Scheme in Scotland. Members discussed the report and suggested that the Scrutiny Tool be populated and it was agreed that this could be done as one of the pre-meeting training sessions.

DECISION

AGREED

(a) **That officers arrange a training session for Members on the Scrutiny Tool; and**

* (b) **AGREED TO RECOMMEND to Council that the report be publicised to Members and to invite them to utilise the Scrutiny Tool for Councillors to help them better understand the Council's financial position and to scrutinise financial performance.**

The meeting concluded at 12.25 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, 19 January 2018
at 10.30 a.m.

Present:- Councillors J. Greenwell (Chairman), J. Brown, D. Paterson, N. Richards, S. Scott, R. Tatler, E. Thornton-Nicol, G. Turnbull.

Apologies:- Councillor T. Weatherston.

In Attendance:- Managing Solicitor – Property and Licensing, Licensing Team Leader, Licensing Standards and Enforcement Officers (Mr I. Tunnah and M. Wynne), Democratic Services Officer (F Henderson), Inspector T Hodges and PC T Ray- Police Scotland.

1.0 **MINUTE**

1.1 The Minute of the Meeting of 15 December 2017.

DECISION

APPROVED and signed by the Chairman.

2.0 **LICENCES ISSUED UNDER DELEGATED POWERS**

2.1 Miscellaneous Licences issued under delegated powers between 2 December 2017 – 10 January 2018.

DECISION

NOTED.

3.0 **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

4.0 **GRANT OF TAXI DRIVER LICENCE – BENJAMIN GILCHRIST**

4.1 The Committee noted that Police Scotland had withdrawn their representation therefore the application for a Taxi Driver Licence submitted by Benjamin Gilchrist would be granted.

5.0 **MINUTE**

5.1 The Private section of the Minute of 15 December 2017 was approved.

6.0 **PUBLIC BUSINESS**

URGENT BUSINESS

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to keep Members informed.

- 6.2 Prior to the conclusion of the meeting, the Managing Solicitor provided the members with a briefing note, the purpose of which was to make them aware of the ongoing Scottish Government consultation regarding the guidance to be provided in connection with a new non mandatory licensing regime for sexual entertainment venues. The Air Weapons and Licensing (Scotland) Act 2015 makes provision for the creation a new non mandatory licensing regime for such venues and the provisions when commenced would allow local authorities to licence these venues under the Civic Government(Scotland) Act 1982. When the provision within the Air Weapons and Licensing (Scotland) Act 2015 becomes effective, local authorities would have to decide whether or not they wished to licence establishments of this nature. To do so, local authorities must pass a resolution which must specify a date when it was to take effect, which date was to be at least one year from the date the resolution was passed and must also prepare a policy statement. Both the resolution and the policy statement should be published at the same time and in the same manner not less than 28 days prior to the resolution taking effect. Where no resolution was in place then no licence would be required to operate a sexual entertainment venue.
- 6.3 In addition, Section 74 of the Air Weapons and Licensing (Scotland) Act 2015 would repeal the existing mandatory licensing regime for theatres which was currently governed by the Theatre Act 1968. When brought into force, Section 74 would enable local authorities to licence theatres under the public entertainment requirements within the Civic Government (Scotland) Act 1982. As with sexual entertainment venues, local authorities would have to consider whether to licence theatres under the 1982 Act and pass an appropriate resolution accordingly. **Both of these provisions were likely to be implemented during the course of 2018 and thought would therefore require to be given to them in the very near future.**

**DECISION
NOTED.**

The meeting concluded at 10.40 a.m.

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SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW
BODY held in the Council Chamber, Council
Headquarters, Newtown St Boswells, TD6
0SA on Monday, 22 January 2018 at
10.00 am

Present:- Councillors S. Hamilton (Chairman), S. Aitchison, A. Anderson,
J. A. Fullarton, H. Laing, S. Mountford, C. Ramage and E. Small (from
paragraph 2)

Apologies:- Councillor T. Miers

In Attendance:- Principal Planning Officer (C. Miller), Solicitor (E. Moir), Democratic Services
Officers (F. Henderson and F. Walling).

CHAIRMAN

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

MEMBER

Councillor Small had not been present at the initial consideration in respect of the
undernoted application and was therefore unable to participate in the further
consideration. The Member withdrew from the Chamber for this part of the meeting.

1. CONTINUATION OF REVIEW OF 17/00479/FUL

- 1.1 With reference to paragraph 1 of the Minute of 16 October 2017, the Local Review Body
continued their consideration of the request to review the refusal of planning permission in
respect of erection of a dwellinghouse on land North East of and incorporating
J. Rutherford Workshop, Rhymers Mill, Mill Road, Earlston. The Chairman referred to
Members' concern relating to the identified flood risk to the site when the application was
first considered and the decision that the application could not be determined without
further procedure in the form of a hearing session. The purpose of the hearing would be
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. 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 Speaking at the Hearing on behalf of the appellant were Mr Barry Austin, and Mr Willie
Hume of consultants Terrenus Land & Water Ltd. Scottish Borders Council was
represented by Ms Lauren Addis, Flood Risk Officer and Mr Stuart Herkes, appointed
Planning Officer. SEPA was not represented. Hearing statements on behalf of the
appellant and by both Council officers had been circulated.

- 1.3 In her opening statement Ms Addis drew attention to recent survey information, in the
form of the Earlston Flood Study, carried out by JBA Group, which had become available
since the application was first considered. This provided detailed information which was
an update from her original hearing statement and was of relevance to the application.

Following advice from the Solicitor, Members determined that this did constitute new evidence under the terms of Section 43B of the Town and Country Planning (Scotland) Act 1997, but that they would want to include this information as part of their consideration. Members applied the test set by Section 43B and concluded that the information could not have been available at the time of the appointed officer's determination and that the information was material to their deliberations. The Chairman therefore adjourned the meeting to allow the appellant's representatives to make an outline appraisal of the survey information and to decide if they wished to either continue with the hearing or to request deferral to a future date to facilitate a more detailed examination. After a 15 minute adjournment the appellant and his representatives advised that they were happy to proceed.

- 1.4 Ms Addis provided a short summary of the information contained in the Earlston Flood Study which had been commissioned by the Council's Flood Risk and Coastal Management Team. The full topographic study using the most up-to-date modelling techniques had resulted in the development of new flood maps. According to the new study, if the floor level of the dwellinghouse was raised to a level of 103.03m above sea level inclusive of the required freeboard of 600mm this would be sufficient to mitigate the flood risk. However further work was required on proposals for compensatory storage and consideration of any effect on neighbouring amenity of the updated floor level. The team had offered to share the new survey information with the applicant in order to undergo a further site-specific investigation. Ms Addis answered Members' questions. With regard to options for compensatory storage and potential impact on neighbouring properties Ms Addis advised that she could not comment until detailed proposals were available. She confirmed that her team's objection on the grounds of flood risk remained but that the matter would be reconsidered once the results of the site-specific work were available.
- 1.5 On being invited to speak the applicant, Mr Barry Austin, gave a short account of the background of his company Austin Coach Travel and of his family's roots in Earlston. With regard to concerns over flood risk raised in response to the application, Mr Austin advised that from his own experience, at 59 years of age, he had never seen the site flood. According to information from other local residents, some being over 80 years of age, the only time any flooding was noted was 1947/48. It was believed that this would not have been a problem had the old railway bridge parapet not been choked with falling trees. Since the old bridge structure was totally removed, Mr Austin had not come across one Earlstonian who could remember flooding of the proposed site at Mill Road.
- 1.6 Mr Willie Hume, Director of the appellant's consultants Terrenus Land & Water Ltd. addressed the Review Body. Mr Hume referred to the new data provided by the Earlston Flood Study believing this to be useful and robust. Whilst details were still to be established regarding updated floor levels he supported the position of the Council's Flood Risk Officer with regard to the requirement for final floor levels to be placed at least 600 mm above any potential overland flow water in the event of significant blockage of the Clatteringford Bridge, as happened in the 2016 flood. He added that during the 1 in 200 year event with no blockage of the bridge the site was not at risk of inundation. He referred Members to the site plan and the site levels based on a temporary benchmark and advised that this would be updated with the new information. With regard to mitigating potential impact on surrounding areas, he believed that enhanced transference of water was an alternative to compensatory storage and that safe ingress and egress of water over the site could be controlled by condition. However he was happy to agree the detail of these measures with Council officers on the basis of the new data.
- 1.7 The Council's appointed Planning Officer highlighted the main points of his written statement. He emphasised that any assessment of how the flood risk impacts might be appropriately mitigated, should take full account of the implications of any such mitigation requirements for the layout and design of the proposal and its accommodation within the surrounding streetscape. Any excessive under-build and/or any make up of ground levels

required to accommodate a particular finished floor level, had potential to impact unacceptably, both upon the visual amenities of the site and surrounding area, and upon the residential amenity of surrounding properties. This would be a particular concern were the levels of the windows, eaves and roof ridge height raised to a level obviously out-of-alignment with the same features on neighbouring properties. The Planning Officer recommended that it was not made a simple requirement by planning condition that a particular finished floor level should be achieved; at least not without the applicant first having been required to account for the full implications of this achievement within a revised design, describing in appropriate detail, all proposed revisions required to the design of the house and/or any proposed make up of levels on the site. Given both the degree of uncertainty and wider concerns with the proposed design and layout it was strongly recommended that these design considerations would in fact be most appropriately addressed within a new planning application - even if it was ultimately concluded by the Local Review Body that a raised finished floor level would suffice to address the flood risk impacts.

- 1.8 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 further information about the degree of potential flood risk and proposed mitigation measures in the event of flooding. However, despite the technical detail supplied, they remained unclear about the actual floor level required to mitigate against flood risk in the light of the new data within the Earlston Flood Study and, if this resulted in a change in the ridge height of the house, any impact this may have on the neighbourhood amenity. They also required further information about proposals for compensatory storage or alternative method of mitigation for any water flow over the site. After further discussion Members concluded that they could not make a determination without further clarification on these matters from the applicant.

DECISION

AGREED that:-

- (a) in accordance with Section 43B of the Town and Country Planning (Scotland) Act 1997 the review be determined with reference to the new evidence submitted;**
- (b) the review could not be determined without further procedure in the form of written submissions from the applicant;**
- (c) the applicant provide written submissions on the following, taking into account information provided by the recent Earlston Flood Risk Study:**
 - (i) an updated finished floor level to preserve the necessary freeboard to mitigate against a 1 in 200 flood risk and the impact on ridge height as a result of the updated floor level; and**
 - (ii) safe access and methods of mitigating potential impact on surrounding properties;**
- (d) the review be continued on a date to be arranged.**

2. REVIEW OF 17/01007/FUL

There had been circulated copies of the request from Mr David Lee, per Ericht Planning & Property Consultants, Gifford House, Bonnington Road, Peebles, to review the decision to refuse the planning application to vary planning condition 9 of planning consent 10/00172/FUL relating to occupancy of building at The Pavilion, Coldingham. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); papers referred to in the report; and a list of relevant policies. Members were sympathetic with the reasons put forward by the appellant to vary condition 9 which limited occupancy of the building approved for holidaying purposes, for individual periods

of no more than 4 weeks in any 13 week period. They considered the interpretation of the wording of the condition and took into account Circular 4/1998 which referred to the use of conditions in planning permission. They also paid particular attention to the variation in wording proposed by the appellant to limit occupancy to genuine holiday makers only and not to be used as a sole or main residence. Members understood the reasons why the restrictions had been put in place and, after a lengthy debate concluded that the current wording of condition 9 did enable year round occupation but that the restrictions were necessary to control the continued operation of the property for tourism purposes. They noted that there was an option open to the applicant to apply for planning permission for change of use to a dwellinghouse.

DECISION

AGREED that:-

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

The meeting concluded at 12.15 pm



APPENDIX

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

**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: 17/00052/RREF

Planning Application Reference: 17/01007/FUL

Development Proposal: Variation of Condition No. 9 of planning consent 10/00172/FUL relating to occupancy of building

Location: The Pavilion, Coldingham

Applicant: David Lee

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 proposed variation of Condition 9 of planning permission 10/00172/FUL would be contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it would enable the use of the building for purposes which would not constitute direct tourism purposes, which would result in the loss of a tourism development that has the potential to generate year-round economic benefit to the surrounding area. Other material considerations do not justify a departure from the Development Plan in this case.

DEVELOPMENT PROPOSAL

The application relates to a proposed variation of Condition No. 9 of planning consent 10/00172/FUL relating to occupancy of building. The application drawings and documentation consisted of the following:

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 22nd January 2018.

After examining the review documentation at that meeting, which included: a) Notice of Review (including the Decision Notice and Officer's Report); b) Papers referred to in Officer's Report; and c) 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 but concluded this was not necessary.

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, ED7, HD2, HD3 and IS2

Other Material Considerations

- Scottish Planning Policy
- Circular 4/1998 "The Use of Conditions in Planning Permission"

The Local Review Body noted that the proposal was to replace Condition 9 of planning consent 10/00172/FUL which limited occupancy of the building known as The Pavilion for holidaying purposes for individual periods of no more than 4 weeks in any 13 week period. It was noted that the variation sought to replace the time limits of occupation with wording that limited occupancy to genuine holiday makers only and not to be a person's sole or main residence.

The Review Body noted that there had already been a successful application to vary a previous condition to allow year-round occupation at the premises and, whilst appreciating that the time limit restrictions may cause issues as identified in the applicant's submissions, they understood and accepted the reasons why the restrictions had initially been imposed to seek genuine holiday usage of the property and not permanent residential occupation.

The Review Body discussed the question of how to define tourism and holiday use and how the existing and proposed conditions would ensure such occupation. They considered the actual restrictions imposed by the existing condition. They then considered the submissions made by the applicant and what approach had been taken to conditions attached to other consents. They attached weight to the enforceability of the conditions, noting that this was one of the tests applied by Circular 4/1998, together with the other tests including precision and relevance. They also discussed the operation and veracity of the mutual element of both

the existing and proposed conditions which seeks a register of holidaymakers to be available to the Council.

The Review Body concluded that, whilst an option open to the applicant was also to apply for planning permission for change of use to a dwellinghouse, the restrictions currently in place under Condition 9 were both necessary and sufficiently flexible to allow tourism and holiday use, no matter what the circumstances of the ownership or occupation. They understood that year-round occupation of the premises was possible and full occupation within each 13 week period, albeit only for total periods of 4 weeks by an individual person or group of persons.

They did not accept that the proposed variation of condition would achieve the same precision or degree of control to ensure continued operation of the property for genuine holiday or tourism purposes and agreed that the existing condition must be maintained, with its time limit restrictions.

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
Chairman of the Local Review Body

Date.....23 January 2018

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Eildon Area Partnership



MINUTE of Meeting of the EILDON AREA PARTNERSHIP held in the Transport Interchange, Galashiels on Thursday, 25 January 2018 at 6.30 pm

Present:- Councillors G. Edgar (Chairman), S. Aitchison, E. Jardine, H. Scott and E. Thornton-Nicol

Apologies:- Councillors A. Anderson, K. Drum, T. Miers and D. Parker
Also present:- Councillor S. Bell
33 partners, Community Councillors, officers and members of the public

1. **WELCOME**

Councillor Edgar, Chairman, welcomed everyone to the first meeting of the Eildon Area Partnership and referred to the Community Councils, Partners and local organisations who were represented.

2. **INTRODUCTION TO THE NEW AREA PARTNERSHIP**

The Executive Member for Neighbourhoods and Locality Services, Councillor Aitchison, set the scene for how the new Area Partnership would develop. He explained that Area Partnerships would bring together key organisations, groups, businesses and individuals from across the public, private and third sectors and from within the local communities to collectively work together. The first meeting of the Eildon Area Partnership, would be used to introduce the new format of meeting, provide some context to both community planning and locality planning, as well as an overview of grants and funding. Future Area Partnership meetings would be themed to help discuss and debate issues in a more manageable way.

3. **SCOTTISH BORDERS COMMUNITY PLAN AND EILDON LOCALITY PLAN**

Jenni Craig, Service Director for Customer and Communities, explained that the introduction of the Community Empowerment (Scotland) Act 2015 had seen the Scottish Borders Community Planning Partnership publish a Community Plan to address Borders-wide challenges and opportunities. Copies of the Community Plan were provided in the information packs on all the tables at the meeting. At a local level Area Partnerships would take forward the development of Locality Plans; so the meeting was an opportunity to participate in an informal discussion about the challenges and issues affecting the Eildon area. There were four main themes of the Community Plan, namely: our Economy, Skills & Learning; our Health and Wellbeing; our Quality of Life; and our Place. An additional theme of Transport had been suggested by the local Members as a priority issue for the Eildon area.

4. **OPEN FORUM**

The Chairman invited those present to discuss at their tables the emerging issues in Eildon across the themes of the Community Plan and to write these down on the post-it notes provided. 30 minutes was given for this activity. The Chairman also asked those

present to complete meeting evaluation forms which had been provided. From the feedback it was clear that the debate had included issues, challenges and opportunities across all five themes, with 'Economy Skills and Learning' emerging as the priority theme for discussion at the next meeting of the Eildon Area Partnership. The feedback was summarised as shown in the appendix to this Minute.

5. **GRANTS AND FUNDING OVERVIEW**

Shona Smith, Communities and Partnership Manager, summarised the grants and funding streams available to local communities and introduced the Scottish Borders Council team of officers who could provide information and assistance. She also gave an update on the Localities Bid Fund in the Eildon Area where there were 17 projects being put forward to a public vote between 1 and 28 February. In response to questions, Ms Smith explained how multiple voting by members of the public should be flagged up by the voting system being used and that future adjustments in terms of funding allocation may be made if it was found that projects from communities with a low population were at a significant disadvantage in the voting process.

6. **NEXT SCHEDULED MEETINGS**

There was a general discussion about where Area Partnership meetings would be held and about the start time which would be the most convenient for those attending. There was also a question about this on the evaluation forms. It was agreed that the next meeting would again be held at Galashiels, starting at 6.30, but that arrangements for future meetings may be changed depending on feedback on the evaluation forms.

It was noted that the next meetings were scheduled for:-

Thursday 8 March 2018 at 6.30 pm in Galashiels (exact venue to be confirmed)

Thursday 10 May 2018 (time and venue to be confirmed)

The meeting concluded at 8.30 pm

Discussion Output: General Concerns, Issues, Challenges or Opportunities (25th January 2018)

Summary/Area of Discussion:

Economy, Skills and Learning

- New community education hub
- Town centre regeneration to make the centre appealing, start-ups, attract people, hotel is needed, increase footfall in Borders towns?
- Increase trades by promoting in schools and promote college courses to potential students
- Increase attainment and reduce the gap
- Farming/Estate – low wages, more technical and need to make young people aware of this
- Sustain rural communities and villages – better transport, schools and facilities
- Need to decide what Galashiels is going to be
- Raise aspirations, motivation to do this – business or sporting ambassadors
- Young people – what is there to keep us in the Borders post school/education? Lack of access to businesses/organisations. Employment or skills fayres needed
- Older people – digital skills gap – need an intergenerational project?
- Borders Railway – people going to Edinburgh but less visiting Borders, Textile Heritage not apparent when getting off the train. Extending route needed
- Mountain biking development needed as area not cycle friendly
- Heriot Watt – What can they do to keep students in the area?
- Lack of teachers in certain subjects means young people miss out on doing what they want to do in life
- Utilise Rugby Heritage
- Tourism Industry is key – develop young workforce in Tourism
- Survival of local business needed, loss of local banks, shops and post offices
- Rebrand the Scottish Borders
- Empty properties with absent landlords
- Idea of a small business centre
- Re-invigorate old building to be used
- Young people leave to study and don't come back, what can we do to make them stay?
- More apprenticeships
- Promote Borders and smaller towns for businesses, no allocated space in smaller towns and villages
- Rail and transport needs to access smaller towns where there are business premises?
- More opportunities for young people that don't want to go to University?

Summary/Area of Discussion:

Health, Care & Wellbeing

- Issues with GP's and securing appointments
- Mental Health in young people and in school setting an increasing issue and less resources to tackle
- More third sector and volunteer groups to help with mental health issues
- Mental health in young people leads to isolation. Need connectivity and transport (across Borders)
- Older people work with young people and teachers better educated to deal with behavioural issues
- Better co-ordination of mental health facilities for young people
- Healthy living and assisting people to live independently to look after themselves
- Formal and informal activities
- Transport to health facilities an issue, Scottish Ambulance Service changed criteria in 2012 reducing the service
- Prescription delivery, drivewise for older people, postal service befriending?
- 'Boris' bike scheme, tourism offer for occasional uses, students need transport such as bikes?
- Volunteering – Befriending scheme will build capacity within communities

Summary/Area of Discussion:

Quality of Life

- Leisure facilities for 14-17 year olds, High Schools open in the evening?
- Pre pub age group, very little to do. Where are the social centres for 14-17 year olds?
- Later opening hours, places to go, what is in the Borders to encourage longer stays?
- Walk around town? Signage but no guides
- Young people want a cultural festival for the Year of the Young People, 2018 to help with equality and diversity
- Possible Cherry Blossom festival to try to encourage visitors in Spring.
- More benches, each one having a Facebook page
- Great opportunities need communicated
- Tourism, need to sell it, identify different aspects in each town and village to promote
- Don't know what the quality of life is like for young people as not at the meeting
- Crime is mixed, concern with housebreakings and acquisitive crime
- Red tape around Community Empowerment Act and grant funding, puts people off and assets can become detrimental to a community group
- Rural villages need lunch clubs, community to provide lunches? Resources kept to a minimum will reduce overheads
- Communications platform to promote and raise awareness of events, clubs and facilities especially for those socially excluded. There is a lot going on and people don't know about it!

Summary/Area of Discussion:

Our Place

- Radical thinking and can do attitude for all 5 themes
- Cycle Network to be completed
- Galashiels not attractive when you get off the train, no central focal point, tapestry?
- Private gym with pool for adults at Tweedbank would entice employees coming in to work in Scottish Borders or those living here going on the train to work in Edinburgh
- Rateable value prohibiting and restricting pop up shops, community involvement needed, art shows and events? Visual impact of empty shops and smashed windows look unattractive
- Consistency in signage and street furniture in town centre? Needs to be better to join things up
- Young people – no spaces or places for them to go, no shops for them so they head up to Edinburgh
- Good quality affordable housing and regeneration of housing both social and private is needed
- Earlston has plans for affordable housing
- Borders has an issue with fuel poverty
- Rise in foodbanks, have to be referred by GP, Social Work, CAB, Police etc. Nowhere in Galashiels for starving people to go. Perhaps a non-referral food bank is needed?

Summary/Area of Discussion:

Transport

- Better use of transport already operating i.e. opening up college buses to others
- Ensure bus and train times are staggered so both don't arrive and leave at same times
- White lining and pot holes need addressed
- Cycle route Earlston to Leaderfoot created
- Promote car share to help with rural transport
- Free travel for under 16's
- Transport discounts not being offered or honoured
- Transport needed for young people to get to youth clubs/work
- Poor connections across the region – Eyemouth to Gala buses
- Border Buses could be a good business

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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, 30th January, 2018 at
10.00 am

Present:- Councillors: M Rowley (Chair Items 1 - 2), C Hamilton (Chair Items 3 - 4) S
Haslam (Chair Items 5 - 8), S Aitchison, G Edgar, E Jardine, W McAteer,
T Miers, S Mountford, T Weatherston.

Apologies Ms J Aitchison, Mr G Clark, Mr L Mendoza, Ms J Sibbald.

Also present:- Councillors: H Anderson, S Bell, K Chapman and S Marshall.

In Attendance:- Chief Financial Officer, Service Director Children and Young People, Head of
Economic Development, Passenger Transport Manager, Democratic Services
Team Leader, Democratic Services Officer (J Turnbull)

ECONOMIC DEVELOPMENT BUSINESS

Present Mr J Clark

1. ORDER OF BUSINESS

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

CHAIRMAN

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

2. BROADBAND UPDATE

- 2.1 There had been circulated copies of report by the Executive Director updating Members on the progress being made in delivering improved broadband services in the Scottish Borders. Digital connectivity was critical to the economic development and competitiveness of the Scottish Borders. Scottish Borders Council had contributed significantly to the roll-out of the Scottish Government's Digital Scotland Superfast Broadband (DSSB) programme, spending £8.4M over two years to help extend the roll-out as far as possible in the Scottish Borders. The Council Administration had identified digital connectivity as a key priority in its 'Connected Borders' plan. More than 130 new superfast broadband cabinets and exchange upgrades had been delivered as part of the roll-out, connecting over 31,800 premises in the Scottish Borders. Figures provided by the DSSB programme indicated that up to the end of September 2017, 82.7% of premises had been connected to fibre enabled cabinets or exchanges. The DSSB roll-out, with added 'Gainshare' funding, would continue until the end of 2018, and aimed to connect 94.9% of all the premises in the area. Although progress was being made in delivering the DSSB programme, there remained a number of challenging issues to be addressed in relation to providing superfast broadband services across the Scottish Borders. One of the key issues was that although a home or business might be connected to the new fibre enabled technology, if they were located too far from the cabinet or exchange, then it was likely that there would be no improvement in their broadband service. This was acknowledged as the 'long lines' issue. The Scottish Government had announced its commitment to investing £600m to extend superfast broadband access to 100% of premises across Scotland by the end of 2021. The Scottish Government was delivering a national approach to this issue, putting in place a "Reaching 100% Programme" (R100) to cover the remaining premises where the DSSB roll-out would not reach. As well as

providing connections for those premises that had not been covered by the DSSB roll-out, R100 would also address the 'long lines' issue. The R100 programme also raised the superfast broadband speeds being targeted, up from 24Mbps to 30Mbps.

- 2.2 Members discussed the report and agreed the importance of the facilitation of a Scottish Borders Digital Network. It was also suggested that representatives from the Network be invited to attend Local Area Partnership meetings, when appropriate. Members also requested that accessible information should be available on the Council's website and include the planned rollout timescales. In response to questions, Mr McGrath clarified that the target of 93.8% was the original target specified with BT Open Reach for connection of premises to Superfast Broadband. However, although connections might be in place, this did not mean that all properties would be connected immediately, and this would be one of the challenges the R100 programme sought to address.

DECISION

(a) NOTED:-

- (i) the progress made on delivering the Digital Scotland Superfast Broadband programme, as set out in Appendix 1 to the report;**
- (ii) the delays with Community Broadband Scotland being experienced by local community groups and raise these concerns with the Cabinet Secretary for Rural Economy and Connectivity in the letter agreed in (c)(i) below.**

(b) WELCOMED the Scottish Government announcement that the R100 tender process was underway.

(c) AGREED:-

- (i) to write to the Cabinet Secretary for Rural Economy and Connectivity to encourage the Scottish Government to maximise the full-fibre coverage R100 programme, to promote an 'Outside-In' approach to its delivery and to urge that work on the programme started as quickly as possible for the Scottish Borders;**
- (ii) that the Executive Director work with partners in adjoining local authorities to develop a viable application to the Local Full Fibre Network Challenge Fund, noting that it might be delivered through the City Regional Deal partnership or the South of Scotland Economic Partnership;**
- (iii) to ask the South of Scotland Economic Partnership to make Digital Connectivity, uptake of digital services and the development of digital skills for businesses and individuals a priority for the Interim Arrangements Workplan;**
- (iv) to express concern over the range of issues affecting the delivery of superfast broadband in the rural areas of the Scottish Borders and ask that these were raised with The Deputy First Minister and Cabinet Secretary when they met the South of Scotland Alliance in February 2018;**
- (v) to the facilitation of a Scottish Borders Digital Network to encourage coordination and information sharing between key local stakeholders with an interest in digital; and**

- (vi) **that the Executive Director prepare a further update report once the outcome of the initial R100 procurement was available.**

EDUCATION BUSINESS

Present: Ms A Ferahi, Mr G Jarvie, Ms C Thorburn, Mr I Topping.

CHAIRMAN

Councillor Carol Hamilton chaired the meeting for consideration of Education Business.

3. ADMISSIONS POLICY

There had been circulated copies of a report proposing that the revised Scottish Borders Admissions Policy 2018 was approved by Members. The previous version was approved in 2012. The current version had been revised to take into account best practice across Scotland. The Policy now included advice on class composition and established a date by which schools would not be expected to re-composite/re-timetable classes. The report also updated procedures in terms of waiting lists when placing requests were refused. The updated Policy was responsive in clarifying procedures in areas which had led to dispute with families in recent years. In particular, the process to be followed when parents/carers made placing requests during the school year and when children were unable to get a space in their catchment school during the school year. The changes being made would provide clear guidance to Headteachers and ensured greater stability in class composition after census date in September in each year. The changes also provided parents/carers with clear information and had been made in response to parental feedback during times of dispute. In response to questions, Ms Manson clarified that extensive community consultation had taken place, including feedback received from Parent Council meetings and discussions, in particular, with rural school such as Broughton and Newlands. With regard to placing requests, Ms Manson explained that requests were not granted until a detailed assessment had been carried out. There was no payment of fees between authorities, charges only being made for any additional provision to meet the child's additional support needs.

DECISION

AGREED the revised Scottish Borders Council Admission Policy 2018.

4. CLOSING THE POVERTY-RELATED ATTAINMENT GAP

4.1 There had been circulated copies of a report by the Service Director, Children and Young People. The report explained that Scottish Borders Council had a strong commitment to Reducing Inequalities and worked in partnership with a range of partners to address the barriers that families might face in their daily lives. In the newly established vision set out by the Council in 'Connected Borders' there was a strong commitment to 'ensuring that the vulnerable and marginalised were included and considered in every action we take' and that 'together we needed to ensure that no-one and no community was left behind but that we grew and developed together'. Within this new vision there were specific themes that provided a focus on improving the lives of the most vulnerable. Communities of wellbeing identified a commitment to taking a whole community approach to education to raise attainment and 'close the poverty related attainment gap', to deliver extensive work on tackling substance misuse and improving mental health support for the most vulnerable young people. Communities of Caring identified a commitment to family support services focused on early intervention, mentoring and parenting.

4.2 There were many existing structures and workstreams that were currently focused on developing support for the most vulnerable in communities in the Scottish Borders. The new vision provided an opportunity for a review of the structures and priorities for action enabling the Council and its Partners within the Community Planning Partnership to set out a new five year plan. Work had already started with an initial workshop involving a

broad range of community partners and the creation of the Area Partnerships structure; currently holding community workshops aimed at identifying priorities within the locality forums. The Children and Young People's Directorate was sighted on Reducing Inequalities developments through the Director's participation in the Corporate Management Team, the Community Planning Partnership Board, the Reducing Inequalities Delivery Team and the Children and Young People's Leadership Group. This broader context of Reducing Inequalities work was a key factor in supporting the 'closing the poverty' related attainment gap priority set by the National Improvement Framework for all schools. The report provided an update on current attainment levels between the most and least disadvantaged children in the Scottish Borders and the actions being taken to narrow the attainment gap in schools. The report also provided background information on how poverty was defined, the effects of poverty and recent statistics on the levels of children living in poverty within the Scottish Borders. The attainment gap that currently existed between the children living in the most deprived areas compared to the least deprived areas in the Scottish Borders was presented within the report and an analysis provided across the stages of schooling. A key priority was raising attainment in numeracy. A significant part of the report outlined the extensive work taking place in schools to intervene and address the poverty related attainment gap. Part of the report outlined how the Pupil Equity Fund was being spent in schools in support of this work. Guidance that had been developed and training that had taken place were presented and the work of the Quality Improvement Officers and the Attainment Officers highlighted. Significant work was taking place to address the challenges presented by the impact that living in poverty had upon the attainment and wellbeing of children and their families. Tackling Child Poverty was not simply a school issue and the work of the Area Partnerships, the Reducing Inequalities CPP Strategic Group and the Children's Leadership Group were noted to signal the broader role being played by partners and Council staff across Directorates; this work would be subject to more detailed reports in other forums. There was considerable work taking place within and across schools to 'close the poverty related attainment gap'. The work was in its infancy and the challenge was significant. However the approach being taken and the commitment being demonstrated evidenced that very robust processes were in place to address this challenge. The work was being closely monitored by Attainment Officers and Quality Improvement Officers and high quality professional learning had taken place so far. This work would be complemented by the work of broader partnership groups moving forward.

- 4.3 Ms Manson was joined by the two Attainment Officers, Mr Macklin and Ms Wharton, to present the main points in the report and provide clarity around the data supplied. Ms Manson advised that 'closing the poverty related attainment gap' was not just an educational responsibility, but that a community owned, collective solution was required. Community groups and Area Partnerships would play a key role in developing this work going forward. Referring to Hawick and Kelso High Schools she explained the range in data, and highlighted the difference in the percentage of families claiming free school meals in comparison with those claiming clothing grants. This indicated that low income families were not always claiming the benefits they were entitled to because of cultural stigma and this was one of the challenges schools had to address. The statistics also showed that areas perceived as affluent, such as Coldingham, Coldstream and Yetholm, when analysed portrayed a different view, the data providing an understanding of impact in terms of fuel, digital, accessibility and 'in work poverty'. She gave as an example, a working family living in Coldstream who wanted to attend their child's parents' evening at Berwickshire High School. This could entail a five hour journey, if public transport was available, with additional cost for the family.
- 4.4 Pupil Equity Funding (PEF) was then discussed and Ms Wharton explained that this was not for the whole school but targeted to specific pupils, regardless of their attainment level. She gave as examples three PEF projects, the first of which was Edenside Primary Schools' PATHS programme. The programme's aim was for 'Better friendships, happier children, better ready to learn in the classroom'. The Headteacher had reported that the programme had achieved a measurable impact and that children were calmer, happier

and their learning had improved. Earlston High School and associated primaries had pooled their grant within their cluster. The cluster supported a numeracy intervention, and as a result provided additional 1:1 support for targeted pupils, four times a week. Progress was tracked on a weekly basis and every child in the intervention had achieved their targets. A small number of children, who had previously sat below their peers, were now achieving the highest scores in their maths class. The final example given was Chirnside Primary School, where spelling and reading had been identified, the school could now demonstrate the narrowing of the gap between reading and spelling.

- 4.5 In response to questions, Ms Manson explained that they had trialled some work in early years to maximise benefit entitlement and this had been positive. They were also investigating models from other authorities. The Leader added that the Council were reforming the Welfare Advisory Service to form a one stop shop. This meant that anyone claiming a benefit would also receive advice on other benefits they were entitled to claim. With regard to obesity in children, Ms Manson advised that the Council were working with NHS Borders, leading a programme which linked to type 2 diabetes. Schools were also starting emotional and wellbeing programmes. Mr Robertson added that the Council would also be raising the issue around funding through COSLA and the need for a greater share of resources in view of the challenges a rural authority faced. Members commended the report and the work of the team in providing the statistics. Ms Manson advised that she was pleased to provide sessions to Members to discuss further, if required. She also extended an invitation to Members to attend their local schools to observe ongoing poverty proofing activities and PEF in progress.

DECISION

AGREED:-

- (a) **to commend the work taking place at all levels to address the poverty related attainment gap in schools;**
- (b) **to note the significant change in the levels of children living in poverty within the Scottish Borders; and**
- (c) **that the Director, Children and Young People making an approach to the appropriate Ministers and Learning Directorate Senior Officers in the Scottish Government, to discuss the possibility of innovation funding in recognition of the increasing child poverty levels in the Scottish Borders.**

MEMBER

Councillor Mountford left the meeting.

OTHER BUSINESS

CHAIRMAN

Councillor Haslam chaired the meeting for consideration of Other Business.

5. MINUTE

The minute of the Executive Committee of 5 December 2017 had been circulated.

DECISION

APPROVED by signature by the Chairman.

6. ANNUAL TAXI FARES REVIEW 2017/18

With reference to paragraph 2 of the Minute of 17 October 2017, there had been circulated a report advising Members of the recent public consultation 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 1981 ("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. A report on the consultation with the taxi trade was presented to the Council's Executive on 17 October 2017. Following the Executives' decision to keep fares at their current rates, the Act required the Council to then undertake a public consultation on taxi rates. The outcome of the consultation was detailed in the report. It was noted that only six people had responded to the consultation, two of which were taxi operators.

DECISION

AGREED that:-

- (a) the taxi fare rates should remain unaltered in line with the outcome of the Council's established formula; and
- (b) Taxi Operators were written to in accordance with the Act and informed of the Council's decision.

7. **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

8. **PRIVATE MINUTE**

The Private Minute of the Executive Committee of 5 December had been circulated.

DECISION

APPROVED for signature by the Chairman.

The meeting concluded at 11.15 am.

MINUTE of Meeting of the BERWICKSHIRE
AREA PARTNERSHIP held in the Canteen,
Berwickshire High School, Duns on
Thursday, 1 February 2018 at 6.30 pm

Present:- Councillors J. A. Fullarton (Chairman), J. Greenwell, C. Hamilton, H. Laing,
D. Moffat and M. Rowley.
In Attendance:- Councillor S Aitchison.
34 partners, Community Councillors, officers and members of the public.

1. **WELCOME**

The Chairman, Councillor Fullarton, welcomed everyone to the first meeting of the Berwickshire Area Partnership and referred to the Community Councils, Partners and local organisations represented at this event. The Chief Executive of Berwickshire Housing Association, Helen Forsyth was unable to attend due to illness and the Chairman read out a message from her - "Berwickshire Housing Association is committed to the Locality Plan and will seek to develop and implement strategies that will meet the goals outlined in the Community Plan for the Scottish Borders. We will hope to be invited again to the Partnership to discuss these in more detail. It is our intention that our Business Plan, which is in draft at present, will reflect the aspirations of the Locality Plan where appropriate and feasible."

2. **INTRODUCTION TO THE NEW AREA PARTNERSHIP**

The Executive Member for Neighbourhoods and Locality Services, Councillor Aitchison, set the scene for how the new Area Partnership would develop. He explained that Area Partnerships would bring together key organisations, groups, businesses and individuals from across the public, private and third sectors and from within the local communities to work together to identify what the issues and priorities were for each Area. This first meeting of the Berwickshire Area Partnership would be provide an introduction to the new format of meeting, provide some context to both community planning and locality planning, as well as an overview of grants and funding. Future Area Partnership meetings would be themed to help discuss and debate issues in a more manageable way.

3. **SCOTTISH BORDERS COMMUNITY PLAN AND BERWICKSHIRE LOCALITY PLAN**

Jenni Craig, Service Director for Customer and Communities, explained that the introduction of the Community Empowerment (Scotland) Act 2015 had seen the Scottish Borders Community Planning Partnership publish a Community Plan to address Borders-wide challenges and opportunities. Copies of the Community Plan were included in the information packs provided at the meeting. At a local level, Area Partnerships would take forward the development of Locality Plans. Meetings of the Area Partnership were the opportunity to participate in an informal discussion about the challenges and issues affecting the Berwickshire area. There were four main themes of the Community Plan, namely: our Economy, Skills & Learning; our Health and Wellbeing; our Quality of Life; and our Place. An additional theme of Community Transport had been identified as a priority issue for Berwickshire and had therefore been added to the Community Plan.

4. **OPEN FORUM**

The Chairman invited those present to discuss at their tables the emerging issues in

Berwickshire across the themes identified in paragraph 3 above and to write these down on the post-it notes provided. From the responses, it was clear that the debate had included issues, challenges and opportunities across all five themes, with 'Economy Skills and Learning' emerging as the priority theme for discussion at the next meeting of the Berwickshire Area Partnership. This feedback was summarised and attached as the Appendix to this Minute.

5. **GRANTS AND FUNDING OVERVIEW**

Shona Smith, Communities and Partnership Manager, summarised the grants and funding streams available to local communities and introduced the Scottish Borders Council team of officers who could provide further information and assistance. She also gave an update on the Localities Bid Fund in the Berwickshire Area where there were 10 projects being put forward to a public vote which would take place from 1 to 28 February 2018. In response to questions, Ms Smith explained that there were security measures in place to avoid duplicity of voting and that only votes cast with an accompanying post code would be counted. She also advised that future adjustments in terms of funding allocation could be made if it was found that projects from communities with a low population were at a significant disadvantage in the voting process. On receipt by Scottish Borders Council, applications to the Localities Bid Fund were assessed to ensure that the forms had been completed in full and that they met all the required criteria before going forward to the vote.

6. **SCHEDULE OF MEETINGS**

There was a general discussion about where future Berwickshire Area Partnership meetings would be held. The start time was also discussed and representatives were given the opportunity to identify the most convenient for them to attend meetings and could also comment about meeting arrangements on the evaluation forms. The next meeting would be held at Eyemouth High School in East Berwickshire, starting at 6.30pm on a date still to be confirmed but this was likely to be mid-March 2018. Further information would be circulated in due course. Arrangements for future meetings could be changed based on feedback from the evaluation forms; currently, the meeting after March was scheduled for Thursday 7 June 2018 (time and venue to be confirmed.) The Chairman thanked everyone for their attendance and looked forward to the future development of the Berwickshire Area Partnership.

The meeting concluded at 8.10 pm

Discussion Output: General Concerns, Issues, Challenges or Opportunities (1st February 2018)

Summary/Area of Discussion:

Economy, Skills and Learning

- Lot of focus on central Borders in terms of educational opportunities
- Low wage economy, agricultural industry. No good quality employability, lack of opportunity
- Spaces for people to learn not just online
- Business start-ups – lack of premises and units, lack of infrastructure and no incubation space
- Economy in Eyemouth needs investment. Fishing industry has gone what is replacing them?
- Eyemouth High School, increase learning opportunities for students
- Lack of college tuition in Berwickshire
- Lack of apprenticeships
- Excellent facility in Duns Centre, the Volunteer Hall. Borders college non existent
- Need to take steps to encourage grocery retailers other than Co-op, only supermarket in Berwickshire
- Grow the economy
- Improve attainment
- Schools good, children coming from Berwick to Berwickshire schools, young people moving away from the area to find work, no large employers, low wage economy
- Access to information
- Ultrafast digital connectivity, aim 100% and 4G 5G mobile
- Digital communities
- Need to attract employers that aren't low wage
- Partnership funding for preventative services – a new approach?
- Tourism signage throughout, not just coastal routes
- Loss of banks is a major problem for the economy and town centres
- Coastal path should be integral to economy
- Lack of maths teachers
- Adult learning facility missing. Lifelong learning plan focus on young people
- Agriculture and fishing missing from Community Plan
- Employability and Learning support for adults, access to adult learning, lack of training opportunities, transport and connectivity issues
- Poor rural broadband and phone signal

Summary/Area of Discussion:

Health, Care & Wellbeing

- GP – If call that day at 8am can usually get an appointment
- GP in Berwickshire provide a very personal experience (old fashioned)
- Not enough being done for mental health problems, 4-6 month wait
- Cross Border health issues
- Knoll Hospital in Duns is old and needs upgrading to act as minor injuries
- Nursing care in the community
- Travel to the BGH is difficult, outreach services required, mobile vans with GP's etc
- Lots of whole community projects, active Mens Shed, Ace Group – Parkrun for all ages
- Primary School in Eyemouth does CPR Training
- Healthy Village or Town competition
- NHS Facility for Chiropody
- NHS, Health and Social Care plan should be one!
- Services need to provide care to reduce delayed discharge
- Mental Health – getting across the door is a challenge, skills sharing and skills match
- Health – one central hospital, lack of travelling
- Few cottage hospitals
- Support for carers – access and affordability of transport, relief and respite for carers - social isolation?

Summary/Area of Discussion:

Quality of Life

- 20's Plenty campaign in Berwickshire
- Rural and farming isolation compared to town living
- Rural crime in Berwickshire
- Great community resilience in Eyemouth
- Access to services – all the same in areas
- Tackling inequality
- Social inclusion
- Drivers ignoring speed limits in rural areas and poor condition of roads. Lack of village shops, pubs and banks and not a lot for young people
- Food – Food banks, community café and better knowledge about food
- Micro fund a Caring Café – allows socialising, discussion about mental health, very informal
- Lots of hidden issues behind closed door, how do you shed light and offer support
- Changes in demographics, older population and the impact this has on future issues

Summary/Area of Discussion:

Our Place

- Need to map services incl. NHS and education and map success (physical)
- Damage to play areas in Duns
- Mens Sheds needed to combat social isolation, offer coffee and chat – support for the community
- Heavy focus in Eyemouth, perhaps more visible?
- Better use of village halls, people to come together in safe and trusting environments. An asset based approach.
- Lack of shops, too many supermarkets
- Provision of affordable housing in the right areas including elderly care
- Sustaining rural communities through collaboration to help mitigate removal of service points
- Intra and Inter community communication information sharing
- Communities learning from each other
- Housing market stagnant, broadband issues and lack of mobile phone signal

Summary/Area of Discussion:

Transport

- Local outcome should be transport accessibility
- Limited options for travel particularly in the evenings
- Why don't bus service providers make sure more services/timetables dove tail? Maximise profit?
- Buses must work more collaboratively with SBC – partnership
- Very little public transport in rural areas, school bus provision is limited – CC launched a community consultation to ask community what is missing and what people want
- Hume – no public transport at all. School bus provision but unsure of the public can use this?
- Transport hub (red cross) will provide but at a cost to the patient
- Limited public transport to BGH especially if a morning appointment, this is an issue and for the elderly
- An on demand transport app?
- Public transport – timing or scheduling difficulties for work, education, health appointments. Lack of return transport for Edinburgh (theatre visits etc)
- Physical connectivity – public transport and community transport
- Rural isolation – lack of accessible and affordable transport options
- A1 Action Group?
- Reston Station is vital!
- Support for Berwickshire Wheels to access education, entertainment and banks
- Lack of availability of transport

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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 Lauder Primary School, Lauder on
Friday, 2 February 2018 at 9.30 am

Present:- Councillors D. Parker and T. Miers.
Community Councillor Mr A. Smith.

Apologies:- Councillor K. Drum.

In Attendance:- Principal Solicitor (H MacLeod), Estates Manager (N Hastie), Senior Finance
Officer (J Yallop), Democratic Services Officer (P Bolson).

**PRIVATE BUSINESS
DECISION**

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 9 of Part I of Schedule 7A to the Act.

1. **MINUTE**

The Sub-Committee noted the extract of the Minute of the meeting of 13 December 2017.

The meeting concluded at 10.30 am

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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 OSA on Monday, 5 February 2018 at 10.00 am

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 Planning Officer (Development Management and Enforcement), Senior Roads Planning Officer (Alan Scott), Solicitor (Emma Moir), Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 8 January 2018.

DECISION

APPROVED for signature by the Chairman.

DECLARATION OF INTEREST

Councillor Fullarton declared an interest in Application 17/00993/FUL and 17/00994/FUL in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

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. **PLANNING PERFORMANCE FRAMEWORK ANNUAL REPORT**

The Depute Chief Planning Officer made a presentation on the 2016/17 Planning Performance against Key markers, which he likened to a report card. The assessment had been undertaken in December 2017 and covered the 15 key markers. It was highlighted that there were no red markers with 4 amber and 11 green. In terms of decision making timescales, it was explained that residential applications had improved and householder applications were currently 6-8 weeks, which was slower than the previous year but faster than the Scottish average. Re-introduction of the pre-application service would improve the key marker for this service. In terms of marker 14 it was explained that a number of legacy records were overdue but there was no legal provision to remove these. There had been some criticism in terms of information supplied for developer contributions compared to other years but it was hoped to that this would be eliminated in the next 12 months. The general direction was very good and illustrated an improvement year on year performance since 2012/13. The Chairman congratulated the entire team on their performance and their professionalism.

DECISION

NOTED.

4. **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 that:-

- (a) An Appeal had been received in respect of the Construction of wind farm comprising 7 No turbines up to 149.9m high to tip, 5 No turbines up to 130m high to tip and associated infrastructure on land South West of Lurgiescleuch (Pines Burn), Hawick – 17/00010/FUL; and
- (b) Enforcement Notices had been issued in respect of :-
- (i) Painting of exterior of building within conversation area and listed building at 13 St Ella's Place, Eyemouth - 17/00006/UNDEV;
 - (ii) Erection of scaffolding structure and metal panel fence structure on land North West of Kirkburn Church, Peebles – 17/00089/UNUSE
- (c) an Appeal Decision to dismiss had been received in respect of Erection of Class 6 storage and distribution buildings, associated Class 5 use and erection of ancillary dwellinghouse and associated development and landscaping works on Land North East of 3 The Old Creamery, Dolphinton – 17/00087/FUL
- (d) there remained six appeals outstanding in respect of:-
- Land North of Howpark Farmhouse, Grantshouse
 - Poultry Farm, Marchmont Road, Greenlaw
 - Land South West of Easter Happlew Farmhouse, Peebles
 - Hutton Hall Barns, Hutton
 - Land East of Knapdale, 54 Edinburgh Road, Peebles
 - Land North West of Gilston Farm, Heriot
- (e) review requests had been received in respect of:-
- (i) variation of planning condition 9 of planning consent 10/00172/FUL relating to occupancy of building at the Pavilion, Coldingam, Eyemouth – 17/01007/FUL;
 - (ii) Erection of replacement dwellinghouse on derelict Dwelling Land West of Glenkinnon Lodge, Peelburnfoot, Clovenfords – 17/01008/FUL;
 - (iii) Erection of boundary fence and formation of parking area (retrospective) at 1 Eildon Terrace, Newtown St Boswells – 17/01230/FUL;
 - (iv) Erection of dwellinghouse with attached garage on Land North West of Alderbank, Macbiehill, West Linton – 17/01406/FUL
- (f) the Local Review had upheld the Appointed Officers decision in respect of variation of planning condition 9 of planning consent 10/0017/FUL relating to occupancy of building – 17/01007/FUL;
- (g) there remained two reviews outstanding in respect of:-
- Land North East of and Incorporating J Rutherford Workshop, Rhymers Mill, Mill Road, Earlston
 - Land South West of Kirkburn Parish Church, Cardona

The meeting concluded at 12.30 p.m.

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00993/FUL and 17/00994/FUL	17/00993/FUL - Erection of 41 dwellinghouses and associated works 17/00994/FUL - Erection of 34 dwellinghouses and associated works	Land North West of Springfield Avenue Duns

17/0993/FUL

Decision: Approved, subject to additional conditions covering boundary treatments, position of dwellings within plots and amendments to elevations and the informative as follows:-

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 The residential units hereby approved shall meet the definition of "affordable housing" as set out in the Scottish Borders Local Development Plan 2016 and Scottish Borders Council approved supplementary planning guidance on Affordable Housing (January 2015) and shall not be used for any other purpose.
Reason: The permission has been granted for affordable housing, and development of the site for unrestricted market housing would not comply with development plan policies and guidance with respect to contributions to infrastructure and services, including local schools and development outwith the Development Boundary.
- 3 No development shall commence until full details of all external materials for the approved dwellings, and full details of the surfacing of all shared surfaces and footways have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details unless otherwise agreed in writing with the planning authority.
Reason: To maintain effective control over the development.
- 4 No development shall commence until full details of the road construction, makeup, material and road surfaces are submitted to and approved in writing by the planning authority. A scheme of further refinements to the detail of the parking bays shown on the approved site layout plan shall also be submitted to and approved in writing by the planning authority before commencement of development. Thereafter the development is to be completed in accordance with the approved details.
Reason: To maintain effective control over the development.
- 5 At least 6 weeks prior to the development commencing operations the applicant must prepare and submit a construction method statement for approval by the Planning Authority. Once approved this document will form the operational parameters under which the development will be operated and managed. The plan must address the following:
 - Hours of operation
 - Vehicle movement
 - Protection and monitoring of private water supplies
 - Noise mitigation/ equipment maintenance
 - Dust - mitigation and management
 - Lighting - prevention of nuisance
 - Complaints procedure/ communication of noisy works to receptorsReason: To protect the amenity of nearby residential properties.
- 6 No drainage system other than the public mains sewer shall be used to service the property without the written consent of the Planning Authority.

Reason: To ensure adequate provision is made for the disposal of foul water drainage and that the development does not have a detrimental effect on public health.

- 7 Prior to occupation of the first dwellinghouse hereby approved written evidence shall be supplied to the planning Authority that the development has been connected to the public water drainage network.

Reason: To ensure that the development does not have a detrimental effect on public health.

- 8 No development shall commence until a detailed report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available and can be provided for the development. Prior to the occupation of the building(s), written confirmation shall be provided to the approval of the Planning Authority that the development has been connected to the public mains water supply.

Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

- 9 No water supply other than the public mains shall be used to supply the Development hereby approved without the written agreement of the Planning Authority.

Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

- 10 The Air Source Heat Pump equipment shown on the drawings hereby approved shall be installed in accordance with the details approved with this application, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential amenity within and adjoining the site.

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

Reason: To protect the residential amenity of nearby properties.

- 12 All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Reason: To protect the residential amenity of nearby properties.

- 13 An equipped play area shall be provided on site within 6 months of the occupation of the first dwellinghouse, the precise details of which shall first be submitted to and agreed in writing by the planning authority. Details shall include a scheme for ongoing future maintenance of the equipped play area.

Reason: To ensure provision of suitable recreation space within the development.

- 14 All landscaping shown on drawing DU09_LP-004 Rev E shall be completed within 12 months of the occupation of the first dwellinghouse hereby approved, unless a subsequent phasing scheme has been submitted to and agreed in writing with the planning authority.

Reason: To ensure the development is suitably landscaped and integrated with its surroundings.

- 15 Prior to commencement of development, a scheme for future maintenance of all landscaped areas shall be submitted to and approved in writing with the planning authority. Thereafter the landscaping will be maintained in accordance with the approved details.

Reason: To ensure suitable maintenance of all landscaped areas.

- 16 All new selected standard tree planting as shown on the Planting Schedule attached to approved drawing DU09_LP-004 Rev E should use root balled tree stock as per SBC Landscape Guidance Note 7.
Reason: To ensure the development is suitably landscaped and integrated with its surroundings.
- 17 No development shall commence until a scheme of details setting out arrangements and locations for domestic waste and recycling storage and collection are submitted to and approved in writing by the planning authority. Thereafter the development is to be completed in accordance with the approved details, unless otherwise agreed in writing with the Planning Authority.
Reason: To ensure suitable provisions are made for the provision and storage of domestic waste and recycling within the site.
- 18 No development shall commence until precise details of all proposed means of enclosure have been submitted to and approved in writing by the planning authority and thereafter no development shall take place except in strict accordance with the approved details.
Reason: To ensure a satisfactory form of development, and to enable the effective assimilation of the development into its wider surroundings.
- 19 No development shall commence until a scheme of amendments to the design and exterior finishes of the dwellinghouses hereby approved has been submitted to and approved in writing by the planning authority. Thereafter no development shall take place except in strict accordance with the approved scheme unless otherwise agreed in writing with the planning authority.
Reason: Further variation to the external appearance of the dwellings is required, to achieve a suitable placemaking and design standard.
- 20 No development shall commence until a scheme of amendments to the precise location of the dwellinghouses hereby approved have been submitted to and approved in writing by the planning authority. Thereafter no development shall take place except in strict accordance approved scheme unless otherwise agreed in writing with the planning authority.
Reason: Further variation in the positioning of the dwellings within individual plots is required, to achieve a suitable placemaking and design standard.

Informative

It should be noted that the existing Roads Construction Consent for the site has expired and an application will be required from the developer to have the consent extended.

Note: Both applications subject to S75 agreement requiring provision of footpath link between the development site and Bridgend Place.

17/00994/FUL

Decision: Approved, subject to additional condition covering boundary treatments and adjustment to conditions 19 and 20 to remove specific plot numbers and the informative as follows:-

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 The residential units hereby approved shall meet the definition of "affordable housing" as set out in the Scottish Borders Local Development Plan 2016 and Scottish Borders Council approved supplementary planning guidance on Affordable Housing (January 2015) and shall not be used for any other purpose.

Reason: The permission has been granted for affordable housing, and development of the site for unrestricted market housing would not comply with development plan policies and guidance with respect to contributions to infrastructure and services, including local schools and development outwith the Development Boundary.

- 3 No development shall commence until full details of all external materials for the approved dwellings, and full details of the surfacing of all shared surfaces and footways have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details unless otherwise agreed in writing with the planning authority.

Reason: To maintain effective control over the development.

- 4 No development shall commence until full details of the road construction, makeup, material and road surfaces are submitted to and approved in writing by the planning authority. A scheme of further refinements to the detail of the parking bays shown on the approved site layout plan shall also be submitted to and approved in writing by the planning authority before commencement of development. Thereafter the development is to be completed in accordance with the approved details.

Reason: To maintain effective control over the development.

- 5 At least 6 weeks prior to the development commencing operations the applicant must prepare and submit a construction method statement for approval by the Planning Authority. Once approved this document will form the operational parameters under which the development will be operated and managed. The plan must address the following:

- Hours of operation
- Vehicle movement
- Protection and monitoring of private water supplies
- Noise mitigation/ equipment maintenance
- Dust - mitigation and management
- Lighting - prevention of nuisance
- Complaints procedure/ communication of noisy works to receptors

Reason: To protect the amenity of nearby residential properties.

- 6 No drainage system other than the public mains sewer shall be used to service the property without the written consent of the Planning Authority.

Reason: To ensure adequate provision is made for the disposal of foul water drainage and that the development does not have a detrimental effect on public health.

- 7 Prior to occupation of the first dwellinghouse hereby approved written evidence shall be supplied to the planning Authority that the development has been connected to the public water drainage network.

Reason: To ensure that the development does not have a detrimental effect on public health.

- 8 No development shall commence until a detailed report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available and can be provided for the development. Prior to the occupation of the building(s), written confirmation shall be provided to the approval of the Planning Authority that the development has been connected to the public mains water supply.

Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

- 9 No water supply other than the public mains shall be used to supply the Development hereby approved without the written agreement of the Planning Authority.

Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

- 10 The Air Source Heat Pump equipment shown on the drawings hereby approved shall be installed in accordance with the details approved with this application, unless otherwise agreed in writing with the planning authority.
Reason: In the interests of residential amenity within and adjoining the site.
- 11 Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 - 0700 and NR 30 at all other times when measured within all noise sensitive properties (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2
Reason: To protect the residential amenity of nearby properties.
- 12 All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.
Reason: To protect the residential amenity of nearby properties.
- 13 An equipped play area shall be provided on site within 6 months of the occupation of the first dwellinghouse, the precise details of which shall first be submitted to and agreed in writing by the planning authority. Details shall include a scheme for ongoing future maintenance of the equipped play area.
Reason: To ensure provision of suitable recreation space within the development.
- 14 All landscaping shown on drawing DU09_LP-004 Rev E shall be completed within 12 months of the occupation of the first dwellinghouse hereby approved, unless a subsequent phasing scheme has been submitted to and agreed in writing with the planning authority.
Reason: To ensure the development is suitably landscaped and integrated with its surroundings.
- 15 Prior to commencement of development, a scheme for future maintenance of all landscaped areas shall be submitted to and approved in writing with the planning authority. Thereafter the landscaping will be maintained in accordance with the approved details.
Reason: To ensure suitable maintenance of all landscaped areas.
- 16 All new selected standard tree planting as shown on the Planting Schedule attached to approved drawing DU09_LP-004 Rev E should use root balled tree stock as per SBC Landscape Guidance Note 7.
Reason: To ensure the development is suitably landscaped and integrated with its surroundings.
- 17 No development shall commence until a scheme of details setting out arrangements and locations for domestic waste and recycling storage and collection are submitted to and approved in writing by the planning authority. Thereafter the development is to be completed in accordance with the approved details, unless otherwise agreed in writing with the Planning Authority.
Reason: To ensure suitable provisions are made for the provision and storage of domestic waste and recycling within the site.
- 18 No development shall commence until a scheme of amendments to the design and exterior finishes of the dwellinghouses hereby approved has been submitted to and approved in writing by the planning authority. Thereafter no development shall take place except in strict accordance with the approved scheme unless otherwise agreed in writing with the planning authority.
Reason: Further variation to the external appearance of the dwellings is required, to achieve a suitable placemaking and design standard
- 19 No development shall commence until a scheme of amendments to the precise location of the dwellinghouses hereby approved have been submitted to and approved in writing by the

planning authority. Thereafter no development shall take place except in strict accordance approved scheme unless otherwise agreed in writing with the planning authority.

Reason: Further variation in the positioning of the dwellings within individual plots is required, to achieve a suitable placemaking and design standard.

- 20 No development shall commence until precise details of all proposed means of enclosure have been submitted to and approved in writing by the planning authority and thereafter no development shall take place except in strict accordance with the approved details.

Reason: To ensure a satisfactory form of development, and to enable the effective assimilation of the development into its wider surroundings.

Informative

It should be noted that the existing Roads Construction Consent for the site has expired and an application will be required from the developer to have the consent extended.

Note: Both applications subject to S75 agreement requiring provision of footpath link between the development site and Bridgend Place.

NOTE

Mr Ravey, Springfield Homes PLC spoke in support of the application.

Reference

16/01403/FUL

Nature of Development

Erection of dwellinghouse

Location

Land South of Abbotsbank
Gattonside

Decision: Continued to allow a site Visit to be held.

NOTE

Mrs Helen Johnson, Local Resident spoke against the application.

Reference

17/01502/MOD75

Nature of Development

Discharge of planning obligation pursuant
to planning permission R273/94

Location

Parklands
Oxnam Road
Jedburgh

Decision: Approved discharge of the S50 Agreement subject to the following applicant informative:

The applicant should be aware that a planning condition restricting occupancy of the dwelling would also require removal from Parklands planning permission – Reference: 94/00995/FUL (Alternative Reference: R273/94).

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SCOTTISH BORDERS COUNCIL JEDBURGH COMMON GOOD SUB-COMMITTEE

MINUTES of Meeting of the JEDBURGH
COMMON GOOD SUB-COMMITTEE held in
MEETING ROOM 1, COUNCIL
HEADQUARTERS, NEWTOWN ST
BOSWELLS on Wednesday, 7th February
2018 at 5.30 p.m.

Present:- Councillor J. Brown (Chairman), S. Hamilton, S. Scott.
Apologies:- Community Councillor Stewart.
In Attendance: Pensions and Investment Manager, Solicitor (Karen Scrymgeour),
Democratic Services Officer (F. Henderson).
Members of the Public:- 0

1.0 MINUTE

- 1.1 There had been circulated copies of the Minute of the Jedburgh Common Good Fund Sub-Committee held on 6 December 2017.

DECISION

NOTED the Minute.

2.0 MONITORING REPORT FOR 9 MONTHS 31 DECEMBER 2017

- 2.1 There had been circulated copies of a report by the Chief Financial Officer which provided details of the income and expenditure for the Jedburgh Common Good Fund for the nine months to 31 December 2017 and full year projected out-turn for 2017/18 and projected balance sheet values as at 31 March 2018. Appendix 1 provided the projected income and expenditure for 2017/18. This showed a projected deficit of £3,366 for the year, which had not changed from that reported at the meeting held on 6 December 2017. Appendix 2 provided projected Balance Sheet value at 31 March 2018 and showed a projected decrease in the reserves of £14,966. Appendix 3 provided a breakdown of the property portfolio showing projected depreciation charges and actual property expenditure to 31 December 2017. Appendix 4 detailed the value of the Newton Fund to 31 December 2017. The Capital and Investments Manager reported that although Newton Investment had produced a positive return it was below the benchmark (0.4% against the benchmark of 1.1%). The return had been driven largely by strong equity performances, but again, hedging against losses came at a cost and negated some of the returns achieved. It was further reported that following the Council approved procurement exercise undertaken in November 2017, Kames Capital had been appointed as a new Fund Manager for Common Good and Trust Fund investments. Kames Capital offered a Diversified Income Fund, designed to give the same capital preservation and divided income structure but with a track record of better returns on capital and dividend income. The appointment of the Fund Manager was in line with the Common Good & Trusts Investment Strategy and was approved at Council on 21 December 2017. The transfer of investments from Newton to Kames would be carried out as soon as possible. The market value of the Newton Investment at this time would result in a gain or loss on investment with Newton. The full balance disinvested from Newton would be invested with Kames Capital.

DECISION

- (a) **AGREED the projected income and expenditure for 2017/18 in Appendix 1 to the Report.**

(b) NOTED:-

- (i) the projected balance sheet value as at 31 March 2018 in Appendix 2 to the report;**
- (ii) the summary of the property portfolio in Appendix 3 to the report;**
- (iii) the current position of the investment in the Newton Fund contained in Appendix 4 to the report.**

The meeting closed at 5.40 p.m.

SCOTTISH BORDERS COUNCIL
KELSO COMMON GOOD FUND SUB-COMMITTEE

MINUTE of MEETING of the KELSO COMMON GOOD FUND SUB-COMMITTEE held in MEETING ROOM 1, KELSO HIGH SCHOOL, ANGRAFLAT ROAD, KELSO on Wednesday, 7 February 2018 at 4.30 p.m.

Present:- Councillors T, Weatherston (Chairman), S. Mountford, E. Robson, Community Councillor D. Weatherston.

In Attendance:- Pensions and Investment Manager, Solicitor (Karen Scrymgeour), Democratic Services Officer (F. Henderson).

Members of the Public:- 1.

1.0 MINUTE

1.1 There had been circulated copies of the Minute of the Kelso Common Good Fund Sub-Committee held on 6 December 2017.

DECISION

AGREED to note the Minutes for signature by the Chairman.

1.2 With reference to paragraph 5.2 of the Minute of 6 December 2017. It was reported that a letter dated 13 December 2017, had been sent on behalf of the Committee explaining that future applications must include more detail about the number of members benefiting from the Annual Christmas Dinner, fundraising activities throughout the year, applications for funding made to other organisations and the amount paid by members for subscription. The Chairman confirmed that there were other activities organised for the Over 60s throughout the year and that the Committee were aware of what was required for future applications.

DECISION

NOTED.

2.0 UPDATE – PINNACLEHILL WOODLANDS

2.1 With reference to paragraph 3 of the Minute of 6 December 2017, the Democratic Services Officer advised that the Estates Manager had been unable to attend but had sent a written update. There had been difficulty making contact with the adjoining property owner to discuss the proposed works to the fence in detail. The Estates Manager and Property Inspector would arrange to meet on site to discuss the exact extent of works, obtain costs and report these directly to the property owner with a proposal for a contribution. It was hoped that the work would be complete by 31 March 2018 and the financial monitoring report reflected this proposed expenditure.

DECISION

(a) NOTED the written update from the Estates Manager.

(b) AGREED that there be a further update at the next meeting.

3.0 MONITORING REPORT FOR 9 MONTHS TO 31 DECEMBER 2017

3.1 There had been circulated copies of a report by the Chief Financial Officer which provided the income and expenditure for the Kelso Common Good for the nine months to 31 December 2017 and full year projected out-turn for 2017/18 and projected balance sheet values as at 31 March 2018. Appendix 1 provided the projected income and expenditure position for 2017/18 which showed a surplus of £347. Appendix 2 provided the balance sheet value to 31 March 2018 and

showed a decrease in reserves of £42,153. Appendix 3 provided a breakdown of the property portfolio showing projected depreciation charges and actual property expenditure to 31 December 2017. Appendix 4 showed the value of the Newton Fund to 31 December 2017. The Capital and Investments Manager reported that although Newton Investment had produced a positive return it was below the benchmark (0.4% against the benchmark of 1.1%). The return had been driven largely by strong equity performances, but again, hedging against losses came at a cost and negated some of the returns achieved. It was further reported that following the Council approved procurement exercise undertaken in November 2017, Kames Capital had been appointed as a new Fund Manager for Common Good and Trust Fund investments. Kames Capital offered a Diversified Income Fund, designed to give the same capital preservation and divided income structure but with a track record of better returns on capital and dividend income. The appointment of the Fund Manager was in line with the Common Good & Trusts Investment Strategy and was approved at Council on 21 December 2017. The transfer of investments from Newton to Kames would be carried out as soon as possible. The market value of the Newton Investment at this time would result in a gain or loss on investment with Newton. The full balance disinvested from Newton would be invested with Kames Capital. The Capital and Investments Manager responded to Members questions.

DECISION

- (a) AGREED the projected income and expenditure for 2017/18 as shown in Appendix 1 to the report.**
- (b) NOTED:-**
 - (i) The projected Income and Expenditure for 2017/18 in Appendix I as the revised budget for 2017/18;**
 - (ii) the summary of the property portfolio in Appendix 3 of the report;**
 - (iii) the current position of the investment in the Newton Fund contained in Appendix 4 of the report.**

DECLARATION OF INTEREST

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

4.0 APPLICATION FOR FINANCIAL ASSISTANCE

4.1 KELSO CHRISTMAS DECORATION FUND

With reference to paragraph 5.1 of the Minute of 6 December 2017, there had been circulated copies of an application for financial assistance. The Chairman advised that there were two Christmas Lights Committees and the application had been submitted by the fund raising Committee. In terms of the application submitted, there appeared to be a large amount in reserves and the detail on the application was inadequate. Members were of the opinion that groups seeking financial assistance should not assume that submission of an application would automatically receive funding on an annual basis. The Committee felt that it should pause to reflect on the amount of funding, and to whom it was being awarded. Following considerable discussion, it was agreed that the financial assistance sought in the sum of £750 be awarded for the Kelso Christmas Decorations Fund in 2017 but that similar awards may not be made in future years.

DECISION

AGREED to support the application for financial assistance for Kelso Christmas Decorations Fund for 2017 in the sum of £750.

The meeting closed at 4.50 p.m.

SCOTTISH BORDERS COUNCIL HAWICK COMMON GOOD FUND SUB-COMMITTEE

MINUTES of Meeting of the HAWICK
COMMON GOOD FUND SUB-COMMITTEE
held in the Town Hall, Hawick on
Wednesday, 7 February 2018 at 5.30 pm

Present:- Councillors: G Turnbull (Chairman), S Marshall, W McAteer, C Ramage, N Richards and Mrs A Knight (Burnfoot)

Apologies Councillor D Paterson

In Attendance:- Senior Architectural Technologist (D Baptie), Estates Manager (N Hastie), Managing Solicitor (R Kirk), Senior Finance Officer (J Yallop), Democratic Services Officer (J Turnbull)

Members of the Public 23

1. WELCOME AND INTRODUCTION

The Chairman welcomed Members, Officers and members of the community to the meeting. He advised that prior to the meeting there had been an opportunity to view design drawings for the proposed new accommodation at Hawick Moor, and to discuss the proposals with the Architectural Technologist and Estates Manager. He also advised that previously submitted comments from the earlier consultation, held on 16 January 2018, would also be considered at the meeting.

DECISION NOTED.

DECLARATION OF INTEREST

Councillor McAteer declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct. Councillor McAteer did not leave the meeting but took no further part in the discussion.

2. PROPOSED NEW ACCOMMODATION AT HAWICK MOOR RACECOURSE

2.1 The Chairman invited the Common Riding Committee (CRC) to give their proposals for the building, final costings and the suggested timeline for the development. A member of the CRC advised that the building had been built in 1957 and was no longer fit for purpose. The CRC had decided to gift £125k as a contribution, to upgrade the facilities. The proposal was to build: new toilets, changing, weigh-in, stewards and committee accommodation; to improve the facilities and replace some of the existing buildings.

2.2 In response to questions the Sub-Committee advised that £125k from the CRC would be gifted to SBC and that the CRC had made a formal request for match funding in February 2017. The building would continue to be maintained by the Common Good and be used for Common Riding and other events. Trial pit excavation works had been undertaken to ascertain ground conditions for the proposed building. The Condition Survey had shown that the buildings would require a substantial amount of maintenance over the next five years and most were approaching the end of their design life. The existing tenant would need to be consulted on any proposals. The proposal had been discussed by the CRC and Scottish Borders Council (SBC). The Architectural Technologist had been asked by a working group, comprising members of the CRC and the Hawick Common Good Sub-Committee, to submit plans for the consideration of the Council's Planning Committee, which had been approved.

2.3 During the ensuing discussion a number of points were raised including:-

- Concern at the amount of money being spent on the building.
- Electricity should be supplied to the site.
- A facility similar to Springwood Park, Kelso, should be considered which would allow for a range of events to be hosted.
- No risk assessment had been carried out.
- Was the proposal value for money?
- Other users of the building had not been consulted for their views.

2.4 The Sub-Committee commended the CRC for their proposals and their funding contribution. However, it appeared that not all the CRC supported the proposals. It was therefore agreed to request that the CRC withdraw their application for match funding, revisit the proposals, discuss further with their members and other users of the facility. To then bring back a proposal, with full costings, to the Sub-Committee for consideration when a consensus on the development had been agreed.

**DECISION
AGREED**

(a) To request that the Common Riding Committee withdraw their current application for match funding and thereafter discuss their proposals further with their members and other users of the facility; and

(b) To request that the Common Riding Committee bring back to the Sub-Committee a proposal with full costings for further consideration when a consensus on the development had been agreed.

3. URGENT ITEM

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item dealt with in the following paragraphs should be considered at the meeting as a matter of urgency, in view of the need to make an early decision.

4. GEORGE INGLIS PAINTING

There had been circulated copies of a briefing note by Councillor McAteer. The briefing note explained that a painting of 'old' Hawick Town Hall, by known local artist, George Inglis, had been offered to Hawick Common Good. The painting while in an old and dirty condition, with a badly damaged frame, was believed to be of historic significance. Live Borders' Museum Curator had arranged for the painting to be examined and had been advised that the painting could be cleaned and reframed at an approximate cost of £400.00 The Sub-Committee were asked if they wished to proceed with the restoration of the painting, refuse the offer of the painting, or offer the painting to Hawick Museum. The Managing Solicitor advised that the acquisition of any additional assets by the Council, and held on behalf of the Common Good, would require the approval of Live Borders and the painting would require to be held for the benefit of the people of the former burgh of Hawick. In addition, when the Community Empowerment Act came into force if, for any reason, a decision was made to dispose of the painting, then this could not be done without consulting with members of the community.

**DECISION
AGREED**

(a) To recommend to Live Borders that they accept the kind gift of the George Inglis painting on behalf of Hawick Common Good;

(b) Hawick Common Good to commission the restoration of the painting and replacement of the frame, to a maximum value of £400.00; and

- (c) **That the painting be added to the list of Hawick Common Good Moveable Assets and displayed in a suitable, to be agreed, location for the benefit of the people of the former burgh of Hawick.**

The meeting concluded at 6.40 pm.

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MINUTES of Meeting of the CHEVIOT
AREA PARTNERSHIP held in Kelso
High School, Angraflat, Kelso on
Wednesday, 7 February 2018 at 6.30
pm

Present:- Councillors S. Mountford (Chairman), S. Hamilton, E. Robson, S. Scott, T. Weatherston together with 32 Representatives of Partner Organisations, Community Councils and Members of the Public.

Apologies:- Councillor J. Brown

In attendance:- Communities and Partnership Manager, Lead Officer for Localities, Funding Officer, Strategic Community Engagement Officer, Community Police Officer (Gina Dickson), Clerk to the Council, Democratic Services Officer (F. Henderson).

1. **WELCOME**

The Chairman welcomed everyone to the first meeting of the Cheviot Area Partnership and advised that he hoped everyone would complete evaluation forms at the end of the meeting.

2. **INTRODUCTION TO THE NEW AREA PARTNERSHIP**

The Executive Member for Neighbourhoods and Locality Services, Councillor Aitchison, set the scene for how the new Area Partnership would develop. He explained that Area Partnerships would bring together key organisations, groups, businesses and individuals from across the public, private and third sectors and from within the local communities to collectively work together. The first meeting of the Cheviot Area Partnership, would be used to introduce the new format of meeting, provide some context to both community planning and locality planning, as well as an overview of grants and funding. Future Area Partnership meetings would be themed to help discuss and debate issues in a more manageable way.

3. **LOCAL PLANS**

The Chairman introduced Shona Smith, the Communities and Partnership Manager who explained the purpose of the Local Plan, which in future would feed into the Borders wide Community Plan. She further explained that each meeting of the Partnership would focus on a theme within the Community Plan to populate the Local Plan for Cheviot.

4. **OPEN FORUM**

The Chairman invited those present to discuss at their tables the emerging issues in Cheviot across the themes of the Community Plan and to write these down on the post-it notes provided. 30 minutes was given for this activity. The Chairman also asked those present to complete meeting evaluation forms which had been provided. From the feedback it was clear that the debate had included issues, challenges and opportunities across all five themes, with 'Economy Skills and Learning' emerging as the priority theme for discussion at the next meeting of the Cheviot Area Partnership. The feedback was summarised as shown in the appendix to this Minute.

5. **GRANTS AND FUNDING OVERVIEW/UPDATE ON LOCALITIES BID FUND**

Shona Smith, Communities and Partnership Manager advised that a total of £85k was available through the Localities Bid Fund for the Cheviot Area. £35k had been allocated for Phase 1 and bids totalling £49, 596k had been received. Those who did not meet the criteria were being directed to other funding options. A list and summary

of all projects was available on the Council's website and each applicant would be encouraged to publicise their project. Voting would either be available on-line, by paper in ballot boxes located throughout the area or by post between 1st February and 28th February. For those who were unsuccessful alternative funding options would hopefully be identified. Ms Smith went on to outline the other funds available in the Cheviot Area which included the Community Grant Scheme, Small Schemes and Quality of Life. In response to questions regarding voting and small communities being disadvantaged, Ms Smith advised that those who had carried out such schemes previously had not found this to be a particular issue. However, once the first phase had been completed the voting pattern would be assessed and changes could be made for future phases if required.

6. **DATE OF NEXT MEETING**

The next meeting would be held on Wednesday, 28 March 2018 in Jedburgh Grammar School, Jedburgh at 6.30 p.m.

The meeting closed at 7.55 p.m.

Cheviot
Area Partnership

Our Scottish Borders
Your community

Cheviot
Area Partnership

Our Scottish Borders
Your community

Cheviot
Area Partnership

Our Scottish Borders
Your community

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Discussion Output: General Concerns, Issues, Challenges or Opportunities (7th February 2018)

Summary/Area of Discussion:

Economy, Skills and Learning

- More life skills need to be taught
- Limited job opportunities
- Broader range of school subjects – Jedburgh Grammar, earlier choice of subjects, school technology in Jed improved. Jed and Kelso used to share school subject, no transport (bus) available between schools anymore. Work experience should be less bureaucratic to arrange and insurances
- Increase Education Maintenance Allowances?
- Sporting facilities in Kelso good
- Ageing population
- How do we bring jobs to Cheviot?
- Reasonable sized employers in Kelso and Jedburgh, unique busy shops. Kelso shops cater for tourists and small number of high income families only. Shops need to offer things that you don't get at the supermarket
- Agricultural based jobs and Borders College expand on agricultural education
- Tourism – Tweed programme massive influence
- Kelso High School fantastic hub
- Borders College – upskilling in Jed, outreach to Kelso
- How to attract other industries to Cheviot if poor roads, connectivity, low unemployment to counteract low wage economy – low grade jobs and low paid
- 50% of young people leave for higher education and majority do not return
- Lack of apprenticeships for trades. Shared apprentice schemes?
- Volatile nature of private industry
- Job and skill match, factories would attract people but do they have the skills?
- Wifi connectivity in Jedburgh an issue?
- Shops closing in Kelso, empty properties in Jedburgh – conditions and absentee landlords?
- Lack of office space. Hot desking facilities in Kelso – SBC buildings?
- Poor Broadband in rural areas and slow
- Who you know culture needs looked at when applying for jobs
- Need to attract more teachers – incentives such as housing (reduced rates?)

Summary/Area of Discussion:

Health, Care & Wellbeing

- Higher demographic of older people
- Figures for school meals and pension credits suggest more education on uptake needed
- Isolated elderly – issue of poverty and care
- Opportunity to use village halls for social centres, community cafes and joint lunches
- Men's Shed
- Opportunity for community trees (for fuel), veggies and fruit
- In general good in Kelso, minor op's provided. Health Centre also good
- More awareness of mental health issues, somebody to talk to? Teachers need more knowledge on mental health issues
- Better access to Doctors and dentists
- Eating disorders due to exam pressures
- Young people use technology too much and do less physical activity. Increases diabetes
- Retirement village?
- Uptake of school dinners increased at new Kelso High School – healthier, increased Physical Education slots
- Jedburgh has a high level of child poverty – Live Borders could reduce prices to allow more access
- Come and try events in Jed for sports for all young people?
- New play parks in all major Scottish Border towns
- Work needed with Public Health Improvement Team to train Cheviot Youth
- Young people – mental health issues – depression and anxiety
- Kelso – people live longer, develop independence in later life but must be safe
- Kelso – Great Health Centre, Kelso Cottage Hospital, Queens House for dementia – all good facilities

Summary/Area of Discussion:

Quality of Life

- Safe place to live, low crime rate
- Good place to bring up a family
- Still issues of drugs and alcohol in pockets
- Too easy to access drugs and alcohol
- Live Borders – good at marketing activities
- New play park nice to have but not a priority in Kelso
- Smaller care homes but more community based?
- Roads – Drivewise been great for younger and older drivers

- Free school meals not being taken up? – Stigma? SIMD inaccuracies
- Drug use an issue with high school aged young people. Cheaper than drink. Runners get money and easier than getting a Saturday job. Not just deprived areas, young people from affluent areas too. Educate young people about dangers and consequences of drug and alcohol misuse. Energy drinks
- Landlords need to be more aware of young people being housed within older generational areas can lead to anti-social behaviour
- Young people – S3 age what is there for them?
- Identify needs of families in deprived areas and target with intervention
- Outward bound opportunities – Duke of Edinburgh, Borders Search and rescue – a junior section?
- Lot of fun living in a small town
- Feel safe
- Need more wifi in rural areas

Summary/Area of Discussion:

Our Place

- Museum needed, Kelso needs a museum – funding and resources an issue. No Tourist Information Centre, it used to be the museum
- Lack of extra care housing
- Lack of parking signage (not lack of parking just knowing where the parking is!)
- Jed and Kelso streetscaping project – pavements, TIC
- Not a lot of private rented property and it is expensive
- Parking an issue, parking in residential zones, traders parking outside shops
- Hiring of accommodation becoming expensive ie Halls/rooms, people will stop using them – Live Borders
- No traffic wardens – unruly parking
- Jed needs a recycling centre
- No places for young people
- No choice of shops
- Lack of elderly residential housing
- Young people struggle to get on the property ladder
- Affordable housing for the elderly
- Fire Service Venue could be used for the community
- Hidden poverty behind pretty housing facades, multi-agency approach to counteract this
- Registered Social Landlord property a good standard

Summary/Area of Discussion:

Transport

- Public transport not great, no joined up thinking. Elderly people struggle to access transport for the Borders General Hospital
- Under 16 free rail pass. Young people shouldn't have to pay the full price for tickets
- Accessible transport – getting to college, work, health appointments and social events. Any good examples elsewhere? Rural transport needs improved and Kelso links to main routes
- More driving lessons at Jedburgh by school
- Transport links to the Cheviot area
- Lack of public and community transport
- Unreliable buses
- Poor public transport, state of roads and road safety (crossings)
- Free bus passes for young people
- Transport to Borders General Hospital an issue – could multiple appointments for one area be clustered?

SCOTTISH BORDERS COUNCIL
POLICE, FIRE & RESCUE AND SAFER COMMUNITIES BOARD

MINUTES of Meeting of the POLICE, FIRE &
RESCUE AND SAFER COMMUNITIES
BOARD held in Council Chamber, Council
Headquarters, Newtown St Boswells on
Friday, 9th February, 2018 at 9.30 am

Present: Councillors W. McAteer (Chairman), D Moffat, E Robson, H Scott,
G Turnbull.

Apologies: Mr D Davidson, NHS Borders, Ms J Mulloy (SBHA), Mrs M
Simpson, Councillor E Small.

In Attendance: Chief Superintendent L Clark; E Gaw, Community Accountability
Manager, Scottish Police Authority; K Hogg, Interim Chief Officer,
Scottish Police Authority; Group Manager A Girrity, Scottish Fire &
Rescue Service; LSO S Gourlay, Scottish Fire & Rescue Service;
Chief Inspector A McLean, Police Scotland; Mr G Jones, Safer
Communities & Community Justice Manager, SBC; Mr D Scott,
Senior Policy Advisor, SBC, J Turnbull, Democratic Services
Officer, SBC.

Public 5

1. **CHAIRMAN'S REMARKS**

The Chairman welcomed everyone to the meeting. He introduced Kenneth Hogg, Interim Chief Officer, and Eleanor Gaw, Community Accountability Manager from the Scottish Police Authority (SPA) and thanked them for their attendance.

**DECISION
NOTED.**

2. **MINUTE**

- 2.1 There had been circulated copies of the Minute of the meeting held on 10 November 2017.
- 2.2 With reference to paragraph 8 of the Minute, Mr Scott advised that the themed based discussion for this meeting was Under Age Drinking.

**DECISION
APPROVED the Minute.**

3. **PROGRESS REPORTS/UPDATES ON SERVICE MATTERS - POLICE SCOTLAND**

- 3.1 Chief Superintendent Clark began by advising that the shift pattern for the response unit was changing on 2 March 2018, to a 2:2:2 shift, which would ensure more resilience. Each of the 13 Divisions were establishing policing toolkits to enhance communication. This would be focused internally and externally and would be tailored to reflect local variances.
- 3.2 Chief Inspector McLean then presented the Draft Police Scrutiny Report for the period 1 October 2017 to 31 December 2017, copies of which had been circulated with the Agenda. He explained that there had been significant changes to the format of the report, which was now based on community feedback and tailored to reflect the area's priorities. The report did not provide statistics; instead focused on detailing the work

Police Scotland were undertaking to address local issues. He welcomed feedback on the new format and explained once this was received a final report would be prepared.

- 3.3 Domestic Abuse (incorporating all aspects of sexual offences). During the period incidents of domestic abuse had increased. This reflected an increased confidence in reporting of incidents and the support given. Chief Inspector McLean explained that every domestic incident that occurred, over a 24 hour period, was scrutinised and reviewed daily by the Local Area Commander and the threat and risk of harm to the victim assessed to ensure everything possible was being done to protect the victim and bring offenders to justice. In response to a question, he explained the officers proactively pursued offenders who were the subject of bail conditions. This involved maintaining contact with victims to ensure safety, along with robust enforcement checks on suspects. If bail conditions were breached then the offender was taken back to Court.
- 3.4 Road Safety (incorporating prevention, driver behaviour, road casualties). There had been a significant reduction in casualties during the period. Initiatives continued on the prevention and education side of casualty reduction, for example Drivewise, which targeting young people under 17 years of age. Over 20, over 65s refresher sessions with an Approved Driving Instructor had also been delivered. During the quarter, enforcement action had focused on the drink driving and no insurance campaign. Pop Up Bob had also been viewed in various locations to aid speed reduction.
- 3.5 Violent Crime (incorporating assaults, Serious Organised Crime Groups (SOCG) and Counter Terrorism). There had been a reduction in violent crime in the Borders. Police Scotland had initiated plans to manage the weekend, night time economy within the Borders. The purpose of which was to offer reassurance to the public and be vigilant to any developing incidents to ensure a prompt response to any criminality. In response to a question, Chief Inspector McLean reported that a number of arrests had been made to a group supplying drugs across the Scottish Borders resulting in significant custodial sentences.
- 3.6 Anti-Social Behaviour (incorporating online crime and hate crime). There had been some increase, albeit at a low level. Chief Inspector Mclean referred to an incident at the Transport Interchange in Galashiels where there had been significant police intervention with staff, regarding youth, anti-social behaviour. Regular patrols continued to be carried out and any offenders dealt with. In response to a question regarding arrests for breach of the peace, Chief Inspector McLean explained that when the behaviour was criminal they required witnesses and the public were often reluctant to come forward. Mr Jones added that if someone came to the attention of the team they would be monitored and ways to temper that individual's behaviour considered. Tenants causing problems and the fear of reporting because of reprisals was discussed. The Chairman suggested that this topic could be considered, in more detail, as one of the themes at a future meeting.
- 3.7 Drugs and Substance Misuse (incorporating SOSG). Chief Inspector McLean advised that the biggest misused substance was alcohol. The Police were engaging with school link workers to educate and inform young people about alcohol misuse and the effect on the community. The Chairman highlighted, of concern, drug related deaths over the period of one weekend. Chief Inspector McLean explained that a significant amount of work had being carried out on this matter through joint working with NHS Borders and Scottish Borders Council. Following which dealers were arrested and drugs recovered. He emphasised the importance of the public reporting any information to Crimestoppers which was totally anonymous.
- 3.8 Acquisitive Crime (incorporating rural crime, housebreakings and thefts). There had been a number of prevention surveys on houses and businesses during the quarter. Chief Inspector McLean highlighted that working in partnership with Broomlands Residents' Association in Kelso another new "Cold Calling Zone" had been implemented. In

response to a question, he explained that the Zone gave residents' confidence and it was open to their personal interpretation on how they wished to implement the scheme.

- 3.9 Protection People (incorporating child protection, child sexual exploitation (CSE) adults at risk & missing persons). The VPD (Vulnerable Persons Database) was working well and allowed the identification of risk and vulnerability in adults and children to partner agencies allowing them to provide support and intervention where required. Reports of missing persons were given a high priority, particularly if there was an immediate threat to life.
- 3.10 In the ensuing discussion it was requested that future Scrutiny Reports included response times for 101 and 999 calls, details of complaints, and figures on detection rates. The Chairman thanked Chief Superintendent Clark and Chief Inspector McLean for their attendance and on behalf of the Committee congratulated Chief Superintendent Clark on being awarded the Queen's Police Medal.

DECISION

AGREED to request that future Police Scotland Scrutiny Reports for the Scottish Borders included information on response times for 101 and 999 calls, details of complaints and statistics on detection rates.

4. SCOTTISH POLICE AUTHORITY

- 4.1 Mr K Hogg, Interim Chief Officer and Ms E Gaw, Community Accountability Manager, Scottish Police Authority (SPA), were in attendance and Mr Hogg presented on the work of the SPA. He began by referring to the guiding set of principles informing the SPA, which was to provide simplification, transparency and clarity through a collaborative approach. He explained that some of the immediate changes which had been implemented included: ending closed SPA Board meetings - all meetings were now open and live streamed or on their website; re-establishment of the Complaints and Conduct Committee; strengthening and developing the Board; and, the development of structures, processes and practices which underpinned good governance. Mr Hogg advised that the SPA had a statutory responsibility to deal with complaints and misconduct allegations against senior Police Scotland officers, and the importance of conducting these matters in a confidential way. Mr Hogg further advised that going forward the SPA would maximise collaboration and partnership working and ensure that the voice of the public and communities was reflected in decision making. He highlighted that in practice, the SPA expected local policing to reflect local priorities. This would mean building a shared commitment with local government on the future of policing, delivering local flexibility, with the benefits of a national resource, and an accessible role for scrutiny to strengthen trust and confidence. It was emphasised that the new policing principles in the 2012 Act had significantly redrawn the main purpose of policing – to promote not only the safety but the wellbeing of communities across Scotland. To conclude, Mr Hogg advised that the one of the challenges ahead for the SPA was to build the right engagement and liaison arrangements with local authorities and ensure appropriate guidance and protocols were in place for consultation on matters of significant public interest. There was also a requirement to build a shared evidence base on the strengths of local policing and to identify where there was need for improvement.
- 4.2 The Board discussed the presentation, it was noted that nationally, confidence in policing was low and that a Chief Constable should be appointed as soon as possible. Greater transparency was also required and it was suggested that Police Scotland should provide more clarity on what they could and could not achieve. The Board was also keen to have regular SPA presence at meetings, which they considered would strengthen their relationship. They also asked that consideration be given to an Elected Member representing local authorities on the Scottish Police Authority Board. The Chairman thanked Mr Hogg and Ms Gaw for their attendance and Mr Hogg for his informative presentation.

DECISION

AGREED to invite a representative from the Scottish Police Authority to attend future meetings of the Board.

5. PROGRESS REPORTS/UPDATES ON SERVICE MATTERS - SCOTTISH FIRE & RESCUE SERVICE

- 5.1 Local Senior Officer (LSO) Gourlay referred to the Community Fire and Rescue Plan for Scottish Borders 2018, which had been circulated with the Agenda. He explained that the Plan had been through a consultation process and amendments had been made to reflect changes in the Local Community Plan. The Chairman congratulated the Fire Service on the Plan which he fully endorsed and advised that it would be presented to Council on 1 March 2018.
- 5.2 In response to questions regarding the out-of-hours cardiac arrest scheme, LSO Gourlay advised that it was the intention to roll out the pilot scheme across the whole of Scotland. However, owing to union negotiations this was not possible at the moment. With reference to the tragic fatal fire in Hawick on 4 January, he stated that there would be a multi-agency discussion to consider the circumstances around the fire.
- 5.3 The Scottish Fire & Rescue Service (SFRS) Transformation Proposal had also been circulated with the Agenda. LSO Gourlay explained that since the last meeting they had received a mandate from Scottish Government with extra funding, in addition to their existing budget, to support the transformation proposals. He further advised that the Fire Service was investing £10m on a dedicated training and health & wellbeing facility in the east of Scotland which was welcomed. In response to questions, LSO Gourlay advised that there were no high rise flats with cladding in the Borders. He further advised that since the Cameron House fire a safety review had been undertaken on all large and medium sized hotels across Scotland.
- 5.4 Group Manager Girrity then presented the SFRS Local Plan Performance Report for 1 April 2017 to 31 December 2017, copies of which had been circulated with the Agenda. In summary:
- 5.5 Reduction of 'Dwelling Fires'. The SFRS had attended 69 dwelling fires during the period, the same total as the previous year's reporting period. Cooking and cooking appliances continued to be the cause of over 50% of those fires.
- 5.6 Reduction of 'All Fire Casualties (fatal and non-fatal)'. There were 13 fire related casualties during the reporting period, seven less than the same period last year.
- 5.7 Reduction of 'All deliberate fires, excluding dwellings'. There were 136 deliberate fires in the year to date, an increase of 56 in comparison to the same period last year. The increase was associated with a spate of fires which had occurred in the wooded area adjacent to Galashiels Academy.
- 5.8 Reduction of 'Special Service – RTCs'. The SFRS attended 63 road traffic collisions, 13 less than the same period last year. There were 42 related casualties including four fatalities. The hydraulic rescue equipment was used on 24 occasions to extricate persons from trapped vehicles.
- 5.9 Unwanted Fire Alarms Signals – There were 216 unwanted fire alarms signals during the period, which was a slight decrease from the previous year. With reference to paragraph 5.10(b) of the minute of 10 November 2017, a report on 'Unwanted Fire Alarm Signals' had been circulated with the Agenda, which gave further details.
- 5.10 Group Manager Girrity then went on to discuss prevention and protection activities. Home Fire Safety Visits continued to be carried out across the Borders with 522 visits completed in quarter three of 2017-18. SFRS had also carried out a number of prevention activities

with other agencies in terms of youth engagement and vulnerable adults. He highlighted the Living Safely in the Home pilot project in Cheviot. The aim of the project was to reduce slips, trips, falls whilst assessing other vulnerabilities in the home. This pilot had been a success and planning was taking place to extend the project to other areas of the Borders. The SFRS assisted deliver of the Drivewise programme, 150 school children (S4 – S6) had attended the October 2017 sessions and received Road Safety Education and driving experience. Drivewise had proved an excellent prevention activity and similar SFRS resources would be allocated to Drivewise 2018. Group Manager Girrity went on to refer to future works streams and highlighted the Youth Engagement Programme which would be delivered to 10 youths from Galashiels Academy and also a Community Resilience Day at Peebles High School. In response to questions, Group Manager Girrity advised that hotels' sleeping risks were audited each year. With regard to fire safety on farms, he explained that they were already involved with Young Farmers and also that previous engagement activities had included developing CPR skills. With regard to partnership working, Mr Gourlay advised that they had a small community action team who worked extensively with a range of multi-agency partners. To conclude, he advised that there were a number of local authorities about to engage in a pilot with the blue light service, and that negotiations to review national terms and conditions were critical in order that the SFRS could move forward with their transformation programme.

- 5.11 The Chairman thanked Group Manager Girrity and LSO Gourlay for their report which had focused on SFRS's delivery of a range of services. He reiterated the Committee's comments regarding the out-of-hour's cardiac arrest pilot and hoped that negotiations were successful and that this project would resume as soon as possible.

DECISION

NOTED the report.

6. SAFER COMMUNITIES UPDATE AND KEY ACTIVITIES

- 6.1 There had been circulated copies of the Safer Communities Performance Report covering the period 1 April 2017 to 31 December 2017. Mr Graham Jones, Safer Communities and Community Service Manager highlighted the key points in his report:
- 6.2 Priority 1 – Reduce the level and impact of Gender Based Violence through effective partnership working. Referrals to the Domestic Abuse Advocacy Service (DAAS) were on an upward trend and had increased 65% when compared to the same period last year. This increase could be attributed to the new referral mechanism from Police Scotland and an increased awareness among client groups who self-referred and among referring partners. The DAAS continued to maintain their target of responding to referrals by the Police within 24 hours on 90% of occasions, and within 48 hours 100% of the time for referrals from other agencies. A Modern Apprentice position for the DAAS service was being developed which would lead to the completion of a Scottish Vocational Qualification (SVQ) Level 3 in Health and Social Care. It was noted that the Board would receive a presentation at the next meeting on gender based violence.
- 6.3 Priority 2 – Reduce the level and impact of Substance Misuse through effective partnership working. Under the Best Bar None scheme, 23 premises were being considered for awards and accreditation was underway. The Safer Communities Team had supplied information to the Alcohol and Drugs Partnership for inclusion in the submission to inform development of the new Licensing Board policy document. The Partnership had also delivered the initial phase of the underage drinking campaign promoting attitudinal change to those people who supplied alcohol to under 18s and highlighting the new legislation.
- 6.4 Priority 3 – Reduce the level and impact of Crime and Anti-social Behaviour through effective partnership working. There had been a reduction of 8.9% in people being monitored for anti-social behaviour which correlated to the 6% increase in early interventions undertaken by anti-social behaviour partners. There was now a greater

awareness of the mediation service which was returning an increase of 26.5% in referrals to the service. Plans were in place to resurrect the Safe T programme designed for school pupils before they completed secondary school education and was a continuation from Crucial Crew in the safety messages and practical life skills it aimed to provide.

- 6.5 Priority 4 – Reduce the level and impact of poor driver behaviour through effective partnership working. Anti-social Driving would be brought under Drivewise and the content of Crucial Crew and the re-establishment of Safe T would have road safety components. The Institute of Advanced Motorists intended running a road safety event at Galashiels Fire Station during April 2018.
- 6.6 Priority 5 – Reduce the level and impact of accidents in the home through effective partnership working. Through Scottish Borders Alert, safety messages have been circulated highlighting the dangers that toddlers and young children could be exposed to in the home resulting in accidental falls, poisoning, choking, strangulation, burns and scalds. This was an area for further development.
- 6.7 The Chairman thanked Mr Jones for his comprehensive report which provided detail for the Board to consider the whole issue of community safety across the Scottish Borders.

DECISION

NOTED:

(a) The report; and

(b) That the theme for the next meeting would be Gender Based Violence.

7. UNDER AGE DRINKING CAMPAIGN

Mr Jones, followed his report by giving a brief presentation on the Underage Drinking Don't Buy It, Don't Supply It Campaign. The Campaign had ran successfully over the festive period and would be extended over the next 12 months. He explained that the background to the Campaign had been a concern about the supply of alcohol to young people and the increase in ASB (anti-social behaviour) instances involving young people. The Campaign's objective was to reduce instances of proxy purchase in particular by parents, to reduce crime and anti-social behaviour, and to reduce hospital admissions relating to young people and alcohol and to raise awareness of legislation relating to the supply of alcohol to young people. The Campaign had involved an integrated community safety approach with the Alcohol & Drugs Partnership, TD1 Youth Hub, Galashiels Academy, Police Scotland, Scottish Fire & Rescue Service and Scottish Borders Council. Mr Jones then showed the imagery associated with the Campaign, and explained that the background colour would change depending on the event. The Campaign had been launched at TD1 Youth Hub in Galashiels on 8 December 2017 and had been well attended. The Campaign had also received good media coverage to raise awareness including ITV Borders, Radio Borders, BBC Scotland website and local newspapers. Every licenced premises in the Borders had received a letter and posters to display. Banners had also been displayed in supermarkets. Over the next 12 months, the Campaign would be targeted at the rugby 7s, Common Ridings, end of summer term parties and Halloween. In response to questions, Mr Jones advised that the maximum fine for the supply of alcohol to a young person was £5,000. However, the difficulty was in providing evidence that an adult had supplied alcohol for consumption outside the home. The Chairman thanked Mr Jones for the presentation and congratulated the team on the success of the Campaign which had raised the profile of the issue and would hopefully change attitudes.

DECISION

NOTED the presentation.

8. **DATE OF NEXT MEETING**

The Chairman thanked everyone for attending and extended a welcome to a representative from the SPA to attend future meetings. The next meeting was scheduled to be held on Friday, 1 May 2018.

**DECISION
NOTED.**

The meeting concluded at 12.05 pm.

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SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTES of Meeting of the EXECUTIVE COMMITTEE held in Council Chamber, Council Headquarters, Newtown St Boswells, TD6 0SA on Wednesday, 14th February, 2018 at 10.00 am

Present:- Councillors S. Haslam (Chairman), S. Aitchison (Vice-Chairman), G. Edgar, C. Hamilton, E. Jardine, S. Mountford, G. Turnbull and T. Weatherston.
Apologies:- Councillors W McAteer, T Miers, M Rowley.
Also present:- Councillors A Anderson, S Bell.
In Attendance:- Chief Financial Officer, Executive Director (P Barr), Cultural Service Manager, Policy, Planning & Performance Manager, Democratic Services Team Leader, Democratic Services Officer (J Turnbull).

1. **MINUTE**

The Minute of the meeting of the Executive Committee of 30 January 2018 had been circulated.

DECISION

APPROVED for signature by the Chairman.

2. **COMMITTEE MINUTE RECOMMENDATION**

With reference to the Item 8 of the Audit and Scrutiny Committee Minute of 15 January 2018, copies of which had been circulated with the Agenda, it had been agreed to recommend to the Executive Committee that:

“They consider reviewing Key Performance indicators for the Housing Benefit service as part of their regular review of performance”.

- 2.2 Councillor Mountford advised that he had discussed with the Service Director Customer and Communities, and the Executive Committee agreed the recommendation.

DECISION

AGREED to approve the recommendation of the Audit and Scrutiny Committee as detailed above.

3. **QUARTERLY CORPORATE PERFORMANCE (QUARTER 3, 2017/18)**

- 3.1 With reference to paragraph 7 of the Minute of 21 November, there had been circulated copies of a report by the Chief Executive presenting a summary of Scottish Borders Council's quarterly performance information with details contained within Appendix 1 to the report. Appendix 2, to the report also provided details of Live Borders performance. The report advised that the Council had approved a Corporate Plan in April 2013, with eight priorities that it wished to address for the Scottish Borders over a five year period. In order to monitor progress against the eight priorities, a review of performance information was undertaken quarterly and presented to Executive Committee, as well as an annual summary in June each year. A summary of any changes made to performance indicators was provided at Section 4 of the report, followed by a high level summary of performance in Section 5. Appendix 1 provided more detail for each Performance Indicator (PI). All information contained within the report and appendices was also made available on the

Scottish Borders Council (SBC) website using the public facing part of SBC's Performance Management software (Covalent). This could be accessed at www.scotborders.gov.uk/performance and by clicking on "Scottish Borders Performs". Section 6 and Appendix 2 of the report presented summaries of performance during 2017/18 for Live Borders (who had delivered sport and cultural services as part of an integrated trust since April 2016). Reporting performance in February and August/September each year to Executive Committee was agreed within the Performance Management Framework, approved when services were transferred to Live Borders.

- 3.2 Members discussed the report and received answers to their questions. With regard to the Scottish Borders Business Loan Fund, it was explained that companies were now accessing funding via the Scottish Government Scheme and Economic Development were reviewing the continued need for a local fund. The Committee referred to the increase in recorded crime, it was noted that this reflected a national trend and would be scrutinised in more detail by the Police, Fire & Rescue and Safer Communities Board. With regard to the business sector providing work experience for young adults, it was advised that secondary schools had developed links with local businesses and were proactive in arranging work experience. It was also noted that the Council's modern apprenticeship scheme currently employed 40 young adults. The Committee then asked for an update on the Union Chain Bridge project. The Executive Member for Roads and Infrastructure advised that an application for funding had been submitted to the Heritage Lottery Fund, a decision was anticipated in March.
- 3.3 The Committee then discussed the performance indicators relating to Live Borders. The Executive Director, Mr Barr, explained that Live Borders' Trustees and the Council were examining strategic outcomes, which would be reflected in performance monitoring. In response to a question regarding Live Borders' charging policy, Mr Barr advised that Live Borders were not undercutting the private sector. He further advised that ownership of the facility impacted on the charge, for example dependent on whether there was a service level agreement in place or if the facility was managed by the community. He suggested that he bring a report on Live Borders' Charging Policy to a future Executive Committee and this was agreed. He also suggested that the Executive Committee, or Council, received an update from Live Borders and SBCares on their achievements and aspirations for the future. The Chairman thanked officers for their attendance and it was noted that the performance management framework and indicators would be refreshed in the next financial year to align with the new performance framework.

DECISION

AGREED:-

- (a) To note changes to performance indicators outlined in Section 4 of the report;**
- (b) To acknowledge and note the performance summarised in Section 5 and 6 of the report and detailed within Appendices 1 and 2, and the action being taken within services to improve or maintain performance;**
- (c) To provide details of Live Borders' Charging Policy; and**
- (d) To request a presentation, in the next financial year, from Live Borders and SBCares on their achievements to date and their plans for the future.**

MEMBER

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

4. MONITORING OF GENERAL FUND REVENUE BUDGET

- 4.1 With reference to paragraph 11 of the Minute of 21 November, there had been circulated copies of a report by the Chief Financial Officer providing budgetary control statements for

the Council's General Fund based on actual expenditure and income to 31 December 2017 and explanations of the major variances between projected outturn expenditure/income and the current approved budget. The report explained that after the third quarter of 2017/18 the Council overall was projecting a balanced position at 31 March 2018 with all known pressures and risks being managed within the 2017/18 revenue budget. The Chief Financial Officer referred to paragraph 3.1 of the report and advised that the additional funding of £601k being directed from IJB had been received, removing this risk. The Chief Executive's instruction to restrict discretionary spend for the remainder of 2017/18 had contributed to this forecasted balanced position and would remain in place for the remainder of 2017/18. This budgetary action aimed to mitigate any further budget pressures which might arise during the remainder of 2017/18 and maximise year end underspend opportunities to support the financial position of the Council. The approach adopted around restricting discretionary spend towards the end of the financial year had been very beneficial to the Council in previous years. Previous monitoring reports in 2017/18 had highlighted to Members that work was ongoing to stabilise the new Business World ERP system. Ongoing technical difficulties were still being experienced including bank reconciliation and payroll, the resolution of these issues was being managed by external consultants and being paid for by CGI. Work to enhance Business World functionality was progressing with CGI and steady progress continued to be made against an agreed rectification plan. Appendix 4 showed the savings that had been delivered within the current year. The remaining 3% (£0.430m) were profiled to be delivered during the remainder of 2017/18. Emphasis during the remaining three months of 2017/18 needed to be placed on delivering as many savings as possible permanently as per the Financial Plan. Full details of pressures, risks and challenges were detailed in Appendix 1 to the report. Appendix 2 reflected virements required to realign budgets in line with current forecasts. Appendix 3 included earmarking of £1m which had been transferred to Allocated Balances to support the 2018/19 Financial Plan.

- 4.2 The Committee discussed the report and noted that at present only 58% of the savings had been made on a permanent basis. Mr Robertson explained that the Corporate Management Team was working on making permanent savings and progress with the implementation of Business World, and the Roads Review was being tracked. Mr Robertson explained that a remediation plan had been agreed with CGI, prioritising Business World's workstreams. However, it was anticipated this would not be completed until the autumn. The Executive Committee would continue to receive updates on progress through quarterly monitoring reports.

DECISION

(a) NOTED:-

- (i) the corporate monitoring position projected at 31 December 2017, the underlying cost drivers and the identified areas of financial risk as reflected in Appendix 1 to the report;**
- (ii) progress made in achieving Financial Plan savings in Appendix 4 to the report; and**
- (iii) the action taken by Corporate Management team to deliver a balanced budget in the current year.**

(b) AGREED:-

- (i) the virements attached as Appendix 2 in order to realign budgets in 2017/18 in line with current forecasts; and**
- (ii) the earmarking of budget from 2017/18 attached as Appendix 3 to the report.**

5. **BALANCES AS AT 31 MARCH 2018**

With reference to paragraph 12 of the Minute of 21 November 2017, there had been circulated copies of a report by the Chief Financial Officer providing an analysis of the Council's balances as at 31 March 2017 and advising of the projected balances at 31 March 2018. The report explained that the unaudited Council's General Fund useable reserve (non-earmarked) balance was £5.842m at 31 March 2017. This reflected a balance of £5.638m in line with the approved Financial Strategy. The projected balance as at 31 March 2018 remained at £5.63m. The Council's allocated reserve balance was £6.049m at 31 March 2017. The projected balance in the allocated reserve at 31 March 2018 was £4.147m as a result of approved planned draw downs and further allocations during 2017/18. A total of £2m had been transferred from Earmarked Balances to Allocated Balances to reflect budget being allocated to support the 2018/19 Financial Plan. The total of all useable balances, excluding developer contributions, at 31 March 2018 was projected to be £20.806m, compared to £19.705m at 31 March 2017. The projected balance on the Capital Fund of £4.796m would be affected by any further capital receipts, developer contributions, interest credited and any expenditure authorised to be financed from the Fund during the remainder of the financial year.

DECISION

NOTED:-

- (a) **the projected revenue balances as at 31 March 2018 as per Appendices 1 and 2; and**
- (b) **the projected balance in the Capital Fund as per Appendix 3.**

6. **MONITORING OF THE CAPITAL FINANCIAL PLAN**

With reference to paragraph 13 of the Minute of 21 November, there had been circulated copies of a report by the Chief Financial Officer providing an update on the progress of the 2017/18 Capital Financial Plan and seeking approval for projected outturns, associated virements and the reallocation of funds. The monitoring tables in Appendix 1 to the report showed actual expenditure to 31 December 2017. Key issues identified in these tables were summarised within the main report. The tables identified a projected net variance of £12.951m against the approved budget. The most significant items for the variance were budget timing movements to future years of £12.909m, with the majority of the movement relating to £5.022m for the Easter Langlee Waste Transfer Station, £2.5m for the Central Borders Business Park and £2.554m for the Hawick Regeneration project. Appendix 2 contained a list of the block allocations approved for this year and the various approved and proposed projects to be allocated from them within the 2017/18 Capital Plan. Appendix 3 contained a summarised list of timing and budget movements within the 2017/18 Capital Plan. Appendix 4 contained a list of estimated whole project capital costs for single projects which would not be completed in the current financial year. In response to questions, it was noted that the proposed CARS scheme was outwith the Hawick Regeneration project and additional funding. With reference to the Jim Clark Museum it was advised that works were anticipated to commence in the Summer 2018. With regard to the Great Tapestry of Scotland project, an application for funding had been made to the Heritage Lottery Fund.

DECISION

(a) **AGREED:-**

- (i) **the projected outturns in Appendix 1 to the report as the revised capital budget; and**
- (ii) **to approve the virements as detailed in Appendix 3 to the report.**

(b) **NOTED:-**

- (i) **the budget virements previously approved by the Chief Financial Officer and Service Director Assets & Infrastructure under delegated authority detailed in Appendix 2 to the report;**
- (ii) **the block allocations detailed in Appendix 2 to the report; and**
- (iii) **the whole project costs detailed in Appendix 4 to the report.**

7. SCOTTISH BORDERS COUNCIL/LIVE BORDERS MUSEUM & GALLERIES COLLECTIONS DEVELOPMENT POLICY 2018-2023

7.1 There had been circulated copies of a report proposing some amendments to the current SBC Museum and Gallery Collections Development Policy 2014-19 and its subsequent redrafting as the Collections Development Policy 2018-23. The report explained that although the responsibility for managing the Council's heritage and art collections passed to Live Borders in 2016 the ownership of these collections remained with Scottish Borders Council. The parameters for collecting and the procedures for disposing of material to and from the collections therefore required to be set and approved by SBC based on comment and advice received from Live Borders Museums & Galleries Manager. Under the terms of the Arts Council England's (ACE) UK Museum Accreditation Scheme (administered in Scotland by Museums Galleries Scotland (MGS) – a Museum and Gallery was required to have in place an approved Collections Development Policy to cover the acquisitions and disposals of material into and from its permanent museum object and art collections. Having such a policy in place was a recognised and accepted indicator of good museum practice and management. Live Borders Museums & Galleries was in the process of reapplying for Museum Accreditation and was therefore required to present an updated Collections Development Policy that had been approved by SBC. The current Collections Management Policy was approved by SBC on 21 January 2014 and was due to run until 2019. However, since its approval there had been minor changes made to the model policy issued by ACE as representing best practice and which needed to be adopted. In addition, the new policy needed to acknowledge the change in management arrangements for the museum and art collections was devolved to Live Borders in March 2016. In line with ACE Museum Accreditation Standard requirements, these changes had been incorporated in the policy which had now been renamed Scottish Borders Council/Live Borders Museums & Galleries Collections Development Policy 2018-2023. The revised Policy was attached as Appendix 1 to the report, with the necessary changes, which were relatively minor, detailed in section 3.

7.2 The Cultural Services Manager was in attendance and in response to questions advised that it would be possible to display artefacts in other venues, providing funding was available to cover any environmental and security issues. Items could be borrowed or loaned and associated costs depended on the circumstance of the request. With regard to independent museums, arrangements were in place to provide advice and support. Live Borders and the Council would also work together to protect independent collections whenever practical.

DECISION

AGREED the amended Scottish Borders Council/Live Borders Museums & Galleries Collections Development Policy 2018-2023.

8. 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.

9. **PRIVATE MINUTE**
The Private Minute of 30 January 2018 had been circulated.

DECISION
APPROVED for signature by the Chairman.

The meeting concluded at 10.55 am.

SCOTTISH BORDERS COUNCIL

SELKIRK COMMON GOOD FUND SUB COMMITTEE

MINUTE of Meeting of the SELKIRK
COMMON GOOD FUND SUB COMMITTEE
held in Committee Room 1, Council
Headquarters, Newtown St Boswells, TD6
0SA on Wednesday, 14 February 2018 at
3.00 pm

Present:- Councillors G. Edgar (Chairman), E. Thornton-Nicol and Community
Councillor T. Combe

In Attendance:- Solicitor (R. Kirk), Senior Finance Officer (J. Yallop), Estates Strategy
Surveyor (N. Curtis), Democratic Services Officer (F. Walling).

1. MINUTES

There had been circulated copies of the Minutes of 28 November 2017 and the Special meeting of 18 December 2017.

DECISION

APPROVED the Minutes for signature by the Chairman.

2. FINANCIAL MONITORING REPORT TO 31 DECEMBER 2017

2.1 There had been circulated copies of a report by the Chief Financial Officer providing the details of income and expenditure for the Selkirk Common Good Fund for the nine months to 31 December 2017, full year projected out-turn for 2017/18 and projected balance sheet values as at 31 March 2018. Senior Finance Officer, John Yallop, highlighted the main points of the report and appendices. He explained the small movement in the projected income and expenditure position, detailed in Appendix I to the report, which showed a projected surplus of £25,982 for the year. The reduction from the previously projected surplus was due to the grant to the Selkirk Regeneration Company approved at the last meeting. This also affected the projected reserves, as shown in the projected Balance Sheet value to 31 March 2018 in Appendix 2, which showed a decrease of £41,976. A breakdown of the property portfolio showing projected rental income for 2017/18 and actual property expenditure to 31 December 2017 was detailed in Appendix 3 to the report. Appendix 4 showed the value of the Newton Fund to 31 December 2017.

2.2 Mr Yallop gave an update on the current position with regard to the Newton Investment. The fund produced a positive return in the quarter to 31 December 2017, albeit below its benchmark (0.4% against benchmark of 1.1%). For the second consecutive quarter the 5 year annualised return, which the fund was ultimately measured against was below benchmark (4.1% against 4.4%). Following the Council approved procurement exercise undertaken in November 2017, Kames Capital had been appointed as a new Fund Manager for Common Good and Trust Fund investments. Kames Capital offered a Diversified Income Fund, designed to give the same capital preservation and divided income structure but with a track record of better returns on capital and dividend income. The appointment of this Fund Manager was in line with the Common Good and Trusts Investment Strategy and was approved at Council on 21 December 2017. Mr Yallop gave an update to Members, confirming that funds had now been disinvested from the Newton Fund and invested with Kames. In consideration of the projected cash balance at 31 March 2018 of £108,847 held in the Selkirk Common Good Fund, Members agreed that an additional sum of £50k be added to the sum invested in the Kames Capital Fund.

DECISION

(a) NOTED within the appendices to the report:-

- (i) the projected Balance Sheet value to 31 March 2018 in Appendix 2;**
- (ii) the summary of the property portfolio in Appendix 3; and**
- (iii) the current position of the investment in the Newton Fund in Appendix 4.**

(b) AGREED:-

- (i) the projected income and expenditure for 2017/18 in Appendix 1 to the report as the revised budget for 2017/18; and**
- (ii) that an additional £50,000 be taken from the cash balance held by Selkirk Common Good and invested in the Kames Capital Fund.**

3. PROPERTY

- 3.1 With reference to paragraph 3 of the Minute of 28 November 2017, the Estates Strategy Surveyor, Norrie Curtis, gave a verbal update on property issues. With regard to work on the pillars at the Victoria Hall, the stone had been ordered and work would commence once listed building consent was received. Members noted that at their meeting of 21 June 2017 they had agreed a contribution of up to £10,000 for the refurbishment of the pillars which was being carried out as part of the Selkirk Conservation Area Regeneration Scheme (CARS) project. Mr Yallop was asked to liaise with officers responsible for the project regarding the timing of the payment. With regard to the fencing requirement at Linglie Farm, Mr Curtis advised that as the work had not been commenced by the appointed contractor the work order had been cancelled. Mr Curtis, the tenant and a new contractor had met on site to discuss what was required and, once a price for the work was approved, it was anticipated that work would start at the earliest time convenient to the tenant. With reference to the proposal by Scottish Water to build a new water storage facility on Selkirk Hill, Mr Curtis advised that he expected to be able to bring a full report to the next meeting of the Sub Committee; he confirmed that the tenant's agent was aware of the approach from Scottish Water. With regard to actions from the last meeting relating to the Green Hut, the Property Officer had visited the building to inspect the gutters and was awaiting a quotation for their repair. As the building occupied the whole footprint of the site, Mr Curtis was asked to approach the owners of neighbouring properties to ask for permission to gain access for maintenance of the hut and to cut down encroaching branches that were potentially damaging the roof.
- 3.2 In terms of other property issues and with reference to paragraph 4 of the Minute of 29 November 2016 regarding the let of winter grazing on Selkirk Hill, Mr Curtis explained that the Estates section were reviewing all Common Good owned land that was let for grazing, to work towards a consistent approach in terms of rent. Members agreed that the rent of the grazing on Selkirk Hill, which ran from August to the end of December, be renegotiated and put out for tender if necessary. The Chairman emphasised the importance of the tenant actually using the grazing, as in recent years this appeared not to be the case. Sheep were needed to control vegetation on the hill and to maintain its appearance and accessibility.
- 3.3 With reference to previous reports on the condition of buildings at Smedheugh Farm, Mr Curtis had met on site with the tenant. He advised that the most urgent work appeared to be related to the electrical wiring in the steading. Members agreed that quotes should be sought for the work required. It was also agreed that quotations be refreshed for repairs to the gutters and downpipes on the straw shed. Discussion continued on the

responsibilities for maintenance and repair which lay with the landlord and tenant respectively. In particular there was reference to the apparent regular occurrence of vehicles leaving the road along the A699 which ran through Smedheugh land and discussion about who was responsible for repair of damage to the fence, including the responsibility to pursue third parties who may be liable to cover the cost of that repair.

DECISION

- (a) NOTED the update.**
- (b) AGREED that the Estates Strategy Surveyor:-**
 - (i) request permission from adjacent property owners to gain access for maintenance of the Green Hut and to cut down encroaching branches;**
 - (ii) review the arrangements for let of winter grazing on Selkirk Hill; and**
 - (iii) for Smedheugh Farm, obtain quotes for renewing electrical wiring in the steading and refreshed quotes for repair of guttering and downpipes on the straw shed.**

4. PRIVATE BUSINESS DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 6 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

5. THE COURTHOUSE COFFEE SHOP AND THE FOREST BOOKSHOP

Members considered a request from the tenant of the Courthouse Coffee Shop.

The meeting concluded at 3.40 pm

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SCOTTISH BORDERS COUNCIL AUDIT AND SCRUTINY COMMITTEE

MINUTES of Meeting of the AUDIT AND SCRUTINY COMMITTEE held in Council Headquarters, Newtown St Boswells on Thursday, 15 February 2018 at 10.00 am

Present:- Councillors S. Bell (Chairman), H. Anderson, J. A. Fullarton, S. Hamilton, N. Richards, H. Scott, R. Tatler and E. Thornton-Nicol.
Apologies:- Councillor K. Chapman. Mr M Middlemiss.
In Attendance:- Clerk to the Council, Democratic Services Officer (P Bolson).

1. WELCOME AND INTRODUCTIONS

The Chairman welcomed those present to the meeting.

2. ORDER OF BUSINESS.

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

DECISION NOTED.

URGENT BUSINESS

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to make an early decision.

3. MINUTE

There had been circulated copies of the Minute of 15 January 2018. The Chairman explained that as Members were aware, Minutes that included Audit items were currently considered at the earliest meeting when Audit business was next being discussed (when the External Auditors and external Members of the Committee would be present). Due to the need for Minutes to be approved within an appropriate timescale, Members were advised that all Minutes would now be presented to the earliest Audit and Scrutiny Committee. A mechanism would also be developed to ensure that, should the External Auditors and/or external Members of the Committee not be present at every meeting, they would be able contribute to discussions as appropriate to their role.

DECISION

APPROVED the Minutes for signature by the Chairman.

4. ARTIFICIAL SPORTS PITCHES

4.1 There had been circulated copies of a Briefing Note by the Service Director Assets and Infrastructure providing an update on the use of 2G and 3G artificial pitch provision in the Scottish Borders. This item had been scrutinised in February 2017 and was being brought forward to this Committee for review as part of the Scrutiny Work Programme. Mr Martin Joyce - Service Director Assets and Infrastructure, Mr Ewan Doyle - Project Management Team Leader, and Mr Ewan Jackson – Chief Executive of Live Borders, were in attendance. Mr Joyce and Mr Doyle provided some background information and explained that the Briefing Note before Members was wide-ranging to include updates on the delivery of Selkirk and Hawick facilities; and maintenance works undertaken during 2017/18. Construction of the 2G and 3G pitches was funded by Scottish Borders Council and Sportscotland with Live Borders assuming operating responsibility with commensurate management fee. The report advised that the Galashiels 3G pitch did not

receive management fee support from SBC. Currently, Live Borders operated four 2G and two 3G artificial pitches and the report detailed the differences both in the construction and usage of each. Whilst 2G pitches were predominantly sand-dressed or sand-filled and were certified by the Federation of International Hockey, 3G facilities comprised a longer pile with rubber infill and were certified by FIFA and World Rugby. Both types of pitch were certified for competitive play respectively. There were a number of benefits from using artificial pitches, such as the availability of good quality, affordable training facilities; and the opportunity to play all year round under floodlights on consistent quality playing surfaces. These benefits contributed to increased participation by a broad spectrum of clubs, schools, development programmes and individuals across age groups and localities. Artificial pitches also relieved pressure on existing grass pitches under the responsibility of Scottish Borders Council, allowing the ground to recover and therefore reduce the maintenance costs for SBC. The report detailed usage figures for 2015/16 and 2016/17 across pitches under Live Borders management. The statistics for the 3G pitch in Hawick took account that the facility had only been operational for part of 2016/17 and that during those first four months, over 9,000 visits had been recorded. The figures also reflected that the Peebles and Selkirk 2G pitches were located within the school estate and only operated by Live Borders outwith school hours. User feedback was positive by football, rugby and hockey clubs/users and each reported an increase in the number of users. Pitch safety was a major consideration and less than 1 reported accident per 10,000 visits had been recorded for the 2016/17 reporting period. There were further synthetic pitches within the school estate as detailed in the report and these had been subject to safety inspections and maintenance repairs during 2016/17, with a future maintenance and replacement fund being established in the Council's Capital and Revenue planning process. In conclusion, Mr Doyle suggested that the increased usage figures demonstrated that improved playing surfaces helped the sustainability of local clubs and enabled more individuals and communities to participate in sport and activity whilst keeping operational costs down.

- 4.2 Mr Jackson advised Members that there had previously been some health and safety concerns in relation to artificial pitches. However, following a full review of these pitches, no evidence had been found to support these concerns and it was noted that the number of users did not decrease during or after the review. The range of people using the pitches across gender, age, ability and organisations continued to expand and the very low number of accidents was encouraging for participants. Mr Jackson also noted that the figures in Table 1 in the Briefing Note showed a decrease in usage at Selkirk but this was a system error and the numbers had, in fact, increased. He went on to explain that synthetic pitches were designed to accommodate much more frequent usage and could support professional sport such as hockey, football and rugby at a high level.
- 4.3 Officers provided clarification in response to questions from Members. Further detail was given in respect of the composition of 2G pitches and Mr Jackson advised that sand-filled pitches were deeper and well-suited to training and hockey; 3G pitches were softer and more suited to soccer and rugby. 3G pitches could also comprise a shock mat below the surface to make them more suitable for contact sport such as rugby. Grass pitches were only operational for part of a year due to weather limitations and water-based pitches also incurred higher maintenance and required some form of irrigation to be installed. Mr Joyce advised Members that artificial pitches were designed to last for around 10 years subject to usage, and confirmed that the Capital Programme included the development of further artificial pitches across the Scottish Borders. There had been concern raised in relation to problems caused by loose rubber pellets from 3G pitches finding their way into drainage systems. Mr Joyce confirmed that drainage systems were inbuilt to pitches, with water passing through membranes to Scottish Water/SEPA standards, and he was not aware of any reported issues. He would investigate this matter and a further update would be provided by the Engineering Team to Committee members in due course. The Chairman thanked officers for their attendance.

DECISION

NOTED the update and that no further review of Artificial Sports Pitches was required at this time.

The meeting concluded at 10.35 am

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SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW
BODY held in the Council Chamber, Council
Headquarters, Newtown St Boswells, TD6
0SA on Monday, 19 February 2018 at
10.00 am

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

Apologies:- Councillors C. Ramage and E. Small

In Attendance:- Principal Planning Officer (C. Miller), Solicitor (E. Moir), Democratic Services
Team Leader, Democratic Services Officer (F. Walling).

1. **DECLARATION OF INTEREST.**

Councillor Aitchison declared an interest in Item 5 of the agenda (Review of 17/01008/FUL) in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

2. **REVIEW OF 17/01039/FUL**

There had been circulated copies of the request from Cleek Poultry Ltd, The Tractor Shed, Kirkburn, Cardrona, to review the decision to refuse the planning application in respect of erection of a temple on land south west of Kirkburn Parish Church, Cardrona. The supporting papers included the Notice of Review (including the Decision Notice); officer's report; papers referred to in the officer's report; consultations; objections; and a list of relevant policies. Members' discussion focused on the impact of the proposed structure on the surrounding designated landscape and expressed concern in particular on its height which exceeded the height of adjoining trees. Members considered the proposed building was inappropriate in this rural agricultural setting and noted that no justification had been provided for the building at this location.

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 I to this Minute.**
3. **REVIEW OF 17/01008/FUL**
- There had been circulated copies of the request from Mr Adam Elder, per Camerons Ltd., 1 Wilderhaugh, Galashiels, to review the decision to refuse the planning application in respect of erection of replacement dwellinghouse on land west of Glenkinnon Lodge,

Peelburnfoot, Clovenfords. Included in the supporting papers were the Notice of Review (including the Decision Notice); officer's report; papers referred to in the officer's report; consultations; objections; general comment; further representations in response to appeal; response from applicant to further representations; and a list of relevant policies. Members were asked by the Legal Advisor to consider whether certain matters included in the review documents constituted new evidence and were invited to apply the test under Section 43B of the Town and Country Planning (Scotland) Act 1997 and to decide whether or not this evidence could be referred to in their deliberations. Members decided that the applicant's offers relating to community benefits, affordable house unit and business intentions did not meet the test and therefore could not be considered in their deliberations. However, they concluded that the amended plan (reference 9303.1.02 B) did meet the Section 43B test and was material to their consideration. In order to allow the appointed planning officer, the landscape officer, ecology officer and objectors to submit their views on the amended drawing they requested further procedure in the form of written submissions. Members also asked for the applicant to have the opportunity of commenting on the responses received.

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 determined without further procedure in the form of written submissions;**
- (c) the amended plan drawing (reference 9303.1.02 B) be accepted as new evidence under Section 43B of the Act and that the appointed planning officer, landscape officer, ecology officer and the objectors be asked:- 'Taking into account your previous representations does the amended plan change your position in relation to compliance with Policy EP13 (Trees, Woodlands and Hedgerows) of the Local Development Plan 2016';**
- (d) the applicant be given the opportunity to comment on the responses received on the new evidence; and**
- (e) consideration of the review be continued on a date to be arranged.**

4. REVIEW OF 17/01406/FUL

There had been circulated copies of the request from Mr and Mrs D Gold, per Kanak Bose Ltd., Ogcscastle, Roman Road, Carnwarth, to review the decision to refuse the planning application in respect of erection of dwellinghouse with attached garage on land north west of Alderbank, Macbiehill, West Linton. The supporting papers included the Notice of Review (including Decision Notice and the Local Review Body Decision Notice for 17/00530/FUL); officer's report; papers referred to in the officer's report; consultations; and a list of relevant policies. Members accepted that there was a building group at Macbiehill. They recognised and went on to discuss the measures taken by the applicant, to address the Local Review Body's previous reason for refusal in respect of the proposed building's relationship with 'Alderbank', which included relocation of the site, lowering of the floor level and an amendment to the roof design. Views were expressed that the proposed roof design was not appropriate in relation to the character of the surrounding buildings. Members paid particular attention to the relationship of the proposed dwelling with the building group and made reference to the natural boundaries of the group. After lengthy debate, opinion remained divided as to whether the dwellinghouse, at its relocated site, represented a suitable addition to the existing building group.

VOTE

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

Councillor Mountford, seconded by Councillor Miers, 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 - 2 votes
Amendment - 5 votes*

The amendment was accordingly carried and the application approved.

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 and a legal agreement, for the reasons detailed in Appendix II to this Minute.**

The meeting concluded at 11.30 am

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APPENDIX I

SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY DECISION NOTICE

**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: 17/00049/RREF

Planning Application Reference: 17/01039/FUL

Development Proposal: Erection of temple

Location: Land South 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 ED7 of Scottish Borders Local Development Plan 2016 in that it has not been demonstrated that the proposal meets any of the acceptable land uses listed in Policy ED7 and no overriding justification for the proposed building has been provided 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 and use are not of a scale or purpose that appear related to the nature or size of the holding on which the building would be situated, which further undermines the case for justification in this location.

2 The application is contrary to Policies PMD2, ED7 and EP5 of Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance on Local Landscape Designations in that the scale and design of the proposal would be prominent in the landscape and would result in an unacceptable adverse visual impact on the designated area. The proposed development would detract from the character and quality of the Tweed Valley Special Landscape Area and it has not been adequately demonstrated that the adverse landscape impact would be outweighed by social or economic benefits of national or local importance.

3 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that the proposed temple would result in an unacceptable adverse impact on road safety. The proposed building would increase traffic levels on the existing minor public road and it has not been adequately demonstrated that any traffic generated by the proposal can access the site in manner which does not detrimentally impact on road safety.

4 The application is contrary to Policy EP8 of the Scottish Borders Local Development Plan 2016 in that the siting, scale and design of the proposed development would have an unacceptable adverse impact on the setting of the Our Lady's Church. It has not been adequately demonstrated that the proposal can be accommodated on the site in a manner which does not adversely affect the heritage value of a nationally important archaeological site.

5 The application is contrary to Policy EP7 of the Scottish Borders Local Development Plan 2016 in that the siting, scale and design of the proposed development would have an unacceptable adverse impact on the setting of the William Cree Memorial Church. It has not been adequately demonstrated that the proposal can be accommodated on the site in a manner which protects the setting of the category C listed building.

DEVELOPMENT PROPOSAL

The application relates to the erection of a temple. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	PP01
Elevations	PP02

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 19th February 2018.

After examining the review documentation at that meeting, which included: a) Notice of Review (including the Decision Notice); b) Officer's report; c) Papers referred to in Officer's Report; d) Consultations ; e) Objections 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 relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, ED7, HD3, EP5, EP7, EP8 and IS7

Other Material Considerations

- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

The Review Body noted that the proposal was to erect a temple for mixed religious use on land at the eastern end of the applicant's landholding at Kirkburn, adjoining the site of Our Lady's Church and churchyard. The building has a footprint of 450sq m, of triangular design with 29m apex height, clad in dark green profiled sheeting with clear polycarbonate apex.

The Review Body noted that the proposed building would be significantly higher than the tree and hedge screening alongside the public road and adjoining the site at the churchyard boundary, its height exceeding the top of the screening by a significant degree. Members noted the advice of the Landscape Architect in this respect that the apex of the building would be 132m AOD compared to the highest adjoining tree top heights being 110m AOD. Members, therefore, considered that the building would be unduly tall and of overdominant scale in this setting, appearing both incongruous and out of scale with the surrounding designated landscape, rural setting and buildings.

The Review Body also noted that the application was not in compliance with Local Development Plan Policy ED7 as it was not supported by a business plan or any statement that set out the justification and need for the building at this site. In the circumstances, they, therefore, had no reason to set aside the strong landscape and visual impact objections to the development or overturn the decision.

Members noted the comments of the Roads Planning, Heritage and Archaeology Officers who considered that the application was also deficient in terms of the required traffic and photomontage information to enable a full assessment of the road safety and cultural heritage implications of the development to be undertaken. In the absence of such information, Members had no reason to overturn the Appointed Officer's conclusions in these respects.

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 T Miers
Chairman of the Local Review Body

Date.....20 February 2018

...



APPENDIX II

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

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: 18/00002/RREF

Planning Application Reference: 17/01406/FUL

Development Proposal: Erection of dwellinghouse with attached garage

Location: Land North West of Alderbank, Macbiehill, West Linton

Applicant: Mr & Mrs D Gold

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, informatives and the applicant entering into a Section 75 agreement as set out below.

DEVELOPMENT PROPOSAL

The application relates to the erection of a dwellinghouse with attached garage. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	OGS 265 01
Site Plan	OGS 265 02
Floor Plans	OGS 265 03
Elevations	OGS 265 04
Sections	OGS 265 05

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 19th February 2018.

After examining the review documentation at that meeting, which included: a) Notice of Review (including the Decision Notice and LRB Decision Notice relating to 17/00530/FUL); b) Officer's report; c) Papers referred to in Officer's Report; d) Consultations and e) 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, HD2, HD3, EP13, IS2, IS7 and 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
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006

The Local Review Body was satisfied that there was a building group at Macbiehill, as defined in Local Plan Policy HD2 and in the approved Supplementary Planning Guidance on New Housing in the Borders Countryside, that consisted of more than three existing dwellinghouses. They accepted that the proposed dwellinghouse would not exceed the maximum two houses allowed in such small groups, allowing for other development approved but not yet implemented.

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 noted that the house position had relocated some distance north-west from "Alderbank", compared to the house position intended under application 17/00530/FUL which had been refused. Whilst there was acceptance that the relocation resulted in a more linear expansion of the building group, the Review Body noted from the slides and photographic submissions that the building group boundary was more clearly demarcated by the field boundary further to the north-west. Combined with the lowered floor level shown on the cross section and with the visual impact further lessened by the presence of an agricultural building at higher level outwith the site to the north-west, they concluded that the relocated site was still within the natural boundaries

of the building group at Macbiehill and that visual impacts would not be significant as a result.

In determining this, the Review Body noted and generally welcomed the measures taken by the applicant to address the previous reason for refusal in terms of overbearing impacts on "Alderbank". They noted the significant movement north-west, the excavation of the ground to lower the floor level/building height and the truncated roof height with flat-topped section. However, the Review Body had concerns over the roof design which they felt was not appropriate to the overall character of the building group and they felt that the relocation and excavated floor level were sufficient measures to alleviate residential impact on "Alderbank" without the need to propose the flat-topped roof. Noting that the concerns of the Appointed Officer on this matter could be addressed by condition, they agreed that an amended roof design should be sought by planning condition, understanding that this would result in an increase in height.

The Review Body also considered other matters with regard to development of the site including the potential for contamination and ground conditions associated with the response from the Coal Authority. They were content that all other matters could be adequately addressed by appropriate planning conditions and informatives.

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 details of the roof shown in the submitted drawings, no development shall be commenced until a revised roof design without flat topped section has 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 roof design requires further consideration to ensure a satisfactory form of development, which is sympathetic in character to its setting.
2. 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.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
3. 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.

4. No development is to commence until a report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available and can be provided for the development. Prior to the occupation of the building(s), written confirmation shall be provided to the approval of the Planning Authority that the development has been connected to the public mains water supply.

Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

5. No water supply other than the public mains shall be used to supply the Development without the written agreement of the Planning Authority.

Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring 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. In terms of the vehicular access and servicing of the site, the following shall be provided:

- Section of private road between Alderbank and the plot to be upgraded to provide a well compacted free draining smooth running surface capable of withstanding a minimum axle loading of 14 tonne prior to occupation of the dwelling.
- Parking and turning for a minimum of two vehicles, not including any garages, provided within the curtilage of the property prior to occupation. These facilities shall be retained thereafter perpetuity for that purpose only.

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

INFORMATIVES

1. Private Drainage System

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

The waste water drainage proposals will require authorisation from SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at:

SEPA Galashiels, Burnbrae, Mossilee Road, Galashiels, Borders, TD1 1NF, Tel: 01896 754797

2. Stoves and Use of Solid Fuel

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

Accordingly this advice can assist you to avoid future problems.

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

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

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

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

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

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

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

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

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

3. Coal Authority

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Standards approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

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.

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.....20 February 2018

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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 Chamber,
Council Headquarters, Newtown St Boswells
on Tuesday, 20 February 2018 at 2.00 pm

Present:- Councillors D. Parker and T. Miers.
Community Councillor A. Smith.
Apologies:- Councillors K. Drum.
In Attendance:- Capital and Investments Manager (K Robb), Managing Solicitor (R Kirk),
Estates Manager (N Hastie), Democratic Services Officer (P Bolson).

1. **MINUTE**

There had been circulated copies of the Minute of 13 December 2017.

DECISION

NOTED for signature by the Chairman.

2. **MINUTE**

There had been circulated copies of the Minute of the Special Meeting of 2 February 2018.

DECISION

NOTED for signature by the Chairman.

3. **FINANCIAL MONITORING REPORT FOR PERIOD TO 31 DECEMBER 2017.**

3.1 There had been circulated copies of the income and expenditure for the nine months to 31 December 2017, including the full year projected outturn for 2017/18 and projected balance sheet values as at 31 March 2018. Ms Robb 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 surplus of £1,645 for the year. Appendix 2 to the report detailed the projected Balance Sheet value as at 31 March 2018 and showed a projected decrease in the reserves of £9,848. 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 31 December 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 property expenditure, costs to carry out external pointing at Lauderhill Farmhouse and for the replacement of kitchen doors and worktops at the property were estimated at £2,700. No further property expenditure was anticipated and following discussion, it was agreed that the property costs budget be reduced to £5,000 from £10,000. Members noted that the Balance Sheet showed a projected Cash Balance of £25,814 at 31 March 2018.

3.2 Ms Robb summarised the performance of the Newton Fund in the quarter to 31 December 2017, explaining that the return was 0.4% against a 1.1% benchmark figure and that for the second consecutive quarter, the 5 year annualised return was also below benchmark. Ms Robb advised Members that following the procurement exercise undertaken by SBC in

November 2017, Kames Capital had been appointed as the new Fund Manager for Common Good and Trust Funds investments. The transfer of the full balance of investments from Newton to Kames had now been carried out and Members would receive further updated information in the next financial monitoring report.

DECISION

(a) NOTED:-

- (i) the projected balance sheet value as at 31 March 2018 in Appendix 2;**
- (ii) the summary of the property portfolio in Appendix 3; and**
- (iii) the current position of the investment in the Newton Fund in Appendix 4.**

(b) AGREED:-

- (i) the projected income and expenditure for 2017/18 in Appendix 1; and**
- (ii) the Property Costs budget be reduced to £5,000 from £10,000.**

4. APPLICATION FOR ASSISTANCE BY LAUDER IN BLOOM.

There had been circulated a copy of an Application on behalf of Lauder in Bloom to plant trees and shrubs on both sides of the Lauder Burn for 70 metres at the Piggery Field. The Borders Tree Planting Grant (BTPG) Application required agreement by the Landowner (Lauder Common Good) to enable the project to progress. Following discussion, it was agreed that in principle, authorisation be granted to proceed with the work as detailed in the BTPG Application and that the form would be signed on behalf of Lauder Common Good Fund by the Estates Manager/Principal Solicitor. Lauder in Bloom would be required to submit an Application for Financial Assistance in respect of any identified gap in funding and this would be considered by the Lauder Common Good Fund Sub-Committee in due course.

DECISION

AGREED that:-

- (a) in principle, authorisation be granted to Lauder in Bloom to proceed with the work as detailed in the Borders Tree Planting Grant Application; and**
- (b) Lauder in Bloom would submit an Application for Financial Assistance in respect of any identified gap in funding and that this would be considered by the Lauder Common Good Fund Sub-Committee in due course.**

5. 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

6. MINUTE.

The Sub-Committee noted the Private Minute of the Special meeting of 2 February 2018.

The meeting concluded at 2.15 pm

MINUTES of Meeting of the TEVIOT AND LIDDESDALE AREA PARTNERSHIP held in Lesser Hall, Town Hall, Hawick on Tuesday, 20 February 2018 at 6.30 pm

Present:- Councillors S. Marshall (Chairman), W. McAteer, D. Paterson, C. Ramage, N. Richards and G. Turnbull.
In Attendance: 31 partners, Community Councillors, officers and member of the public.

1. **WELCOME**

The Chairman, Councillor Marshall, welcomed everyone to the first meeting of the Teviot and Liddesdale Area Partnership.

2. **ORDER OF BUSINESS**

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

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

There had been circulated briefing notes by the Service Director – Assets & Infrastructure, seeking approval for proposed projects within Hawick & Hermitage and Hawick & Denholm Wards under the Council's Quality of Life Scheme and Neighbourhood Small Scheme.

DECISION

AGREED:

- (a) **The new projects under the Quality of Life Scheme and Neighbourhood Small Scheme detailed in the briefing papers attached to the Agenda; and**
- (b) **To delegate authority to the Service Director Assets and Infrastructure to approve future applications under Neighbourhood Small Schemes and Quality of Life Schemes up until 31 March 2019, subject to the following:**
 - (i) **Application(s) for projects to be carried out through funding from Neighbourhood Small Schemes and Quality of Life Schemes were received, assessed and costed by Council Officers;**
 - (ii) **Officers would then send details of the project(s) to Elected Members along with a recommendation for their consideration;**
 - (iii) **Elected Members would advise Council Officers of their support or otherwise for a particular project – support would be required from a majority of Elected Members for a project to proceed;**
 - (iv) **Should support by the majority of Members not be given for a project, this application would be refused; and**

(v) Details of projects funded by Quality of Life Schemes and Neighbourhood Small Schemes be presented to the Teviot & Liddesdale Area Partnership as part of any future updates on Grants and Funding.

4. INTRODUCTION TO THE NEW AREA PARTNERSHIP

Councillor Marshall set the scene for how the new Area Partnership would develop. He explained that as well as Councillors and Community Councillors, Area Partnerships would bring together representatives from key organisations, groups, businesses, and individuals from across the public and private sector and third sectors and from local communities to collectively work together. Meetings would be more interactive which would give everyone the opportunity to have discussions in groups at their tables. This first meeting would provide some context to both community planning, as well as an overview of grants and funding. Future Area Partnership meetings would be themed to help discuss and debate issues in a more manageable way.

5. SCOTTISH BORDERS COMMUNITY PLAN AND TEVIOT AND LIDDESDALE LOCALITY PLAN

Jenni Craig, Service Director for Customer and Communities, explained that the introduction of the Community Empowerment (Scotland) Act 2015 had seen the Scottish Borders Community Planning Partnership publish a Community Plan to address Borders-wide challenges and opportunities. Copies of the Community Plan were included in the information packs provided at the meeting. At a local level, Area Partnerships would take forward the development of Locality Plans; so the meeting was an opportunity to participate in an informal discussion about the challenges and issues affecting the Teviot and Liddesdale area. There were four main themes of the Community Plan, namely: our Economy, Skills & Learning; our Health and Wellbeing; our Quality of Life; and our Place.

6. OPEN FORUM

Colin Banks, Lead Officer for Localities, invited those present to discuss at their tables the emerging issues in the Teviot and Liddesdale area across the themes of the Community Plan and to write these down on the post-it notes provided. 30 minutes was given for this activity. He also asked those present to complete meeting evaluation forms which had been provided. From the feedback, it was clear that the debate had included issues, challenges and opportunities across all four themes, with 'Economy Skills and Learning' emerging as the priority theme for discussion at the next meeting of the Area Partnership. This feedback was summarised as shown in the appendix to this Minute.

7. OVERVIEW AND LOCALITIES BID FUND

Shona Smith, Communities and Partnership Manager, summarised the grants and funding streams available to local communities and introduced members of the Scottish Borders Council team of officers who could provide further information and assistance. She also gave an update on the Localities Bid Fund in the Teviot and Liddesdale Area where there were 14 projects being put forward to a public vote which would end on 28 February 2018. In response to questions, Ms Smith advised that there had been a good response from the community and 20,000 voting papers had been issued. Future adjustment in terms of funding allocation could be made if it was found that projects from communities with a low population were at a significant disadvantage in the voting process.

8. DATE OF NEXT MEETING

Councillor Marshall thanked everyone for attending and advised that the next meeting of the Area Partnership would be held on 17 April 2018. The layout of the venue had encouraged discussion and he suggested that the next meeting be held again in the Lesser Hall, or Main Hall, if there were significant numbers, of the Town Hall, Hawick at 6.30pm.

The meeting concluded at 8.10 pm

Discussion Output: General Concerns, Issues, Challenges or Opportunities (20th February 2018)

Summary/Area of Discussion:

Economy, Skills and Learning

- Borders needs to be promoted, social media and media need to be more positive
- Grow your own talent and invest in keeping it
- Attract high value business to the area
- Need to take full advantage of the South of Scotland Enterprise Agency, bring to the Borders what the Highlands have had
- Broadband connectivity needs improved, poor connectivity
- Tourism – great opportunities to build on some of the investment within the area, distilleries, park, leisure and historical sites. A great opportunity for young people to access the Tourism job market. Needs to diversify
- Focus on the high street in Hawick – make it a thriving place to visit and do business
- Increase opportunities for apprenticeships and recognition of achievements, focus on the young workforce
- Fewer people working as an older population
- Emphasis to bring larger industries back to Hawick, knitwear industry has gone
- Unusually high number of micro businesses, no large building or engineering companies for apprentices
- Shortage of skilled tradesmen
- Difficult to get an apprenticeship, more would keep younger people in the area. Breakdown of Modern Apprenticeship figures?
- More practical skills need to be taught in school for those who aren't as academic
- Lack of infrastructure and wind turbines puts industries off
- Young people leave and don't come back
- Why forestry? Not bringing jobs and lorries cracking up roads. Low wage economy and not consistent employer
- Hawick High pushing apprenticeships but where are they? Only push traditional ones
- Chain reaction – economy affects health, poverty, neighbourhood and community
- Do college course provide jobs at the end?
- Restricted employment and low wage economy
- What is there for young people in the job market?
- Young people not training in the right areas to match the job market
- Lack of skills and difficulty trying to recruit appropriate skill set
- Rubbish at communicating with young people!! Ask young people what they want, go to them to ask
- Lack of economic opportunity
- Borders College – range of courses – a stepping stone for those who don't have qualifications
- Denholm Primary – lack of capacity
- Breakdown of economy and employment industries in Teviot and Liddesdale needed
- Newcastleton – over capacity for nursery provision
- Great role models need to come back and talk to pupils about their journey

- Tourism being damaged by wind farms, Dark sky opportunities?
- Raise the aspirations of young people
- At what point do pupils lose respect in transition
- Zero hour contracts and low paid jobs
- What is missing for young people careers wise and is access to high school careers advice blocked?
- If offering qualifications then a progression track is needed
- Lack of entrepreneurialism, lack of investment and rural needs to be local
- Quality of jobs
- Secure future and ensure sustainability of development trusts
- Focus free/low cost childcare in the lower income areas, lack of affordable childcare
- 3rd sector delivers a wide range of services
- Pupils should be shown all options available not target only the ones going to University
- Poor connectivity, impacts on economy as a barrier to industry
- Forestation instead of agricultural and arable farming

Summary/Area of Discussion:

Health, Care & Wellbeing

- Drink and drugs an issue for health, all age groups, cultural change is needed and festivals don't help
- Ageing population
- Significant health issues, mental health is a massive issue only 20% of police incidents are crime related
- Isolation can make people ill, need to try and get more people together
- LGBT – support group too far for some to travel and no transport, isolation and rural area
- Mental Health stats for Hawick? Lack of mental health services
- Mental health support for young people? Do they know?
- Pressure on young people to do well creates a negative mental health. Not taken seriously unless suicide?
- Community Hospital underutilised? Not staffed by GP's in the evening
- Social care – people leaving care service due to time pressures (5 min appointments)
- Anonymous survey for young people regarding mental health
- Denholm – Good prescription service (Crosby's) dropped at Post Office
- Connectivity – live links from patients to health providers?
- Difficult to get appointments
- Child and Adolescent Mental Health Services need overhaul, can be over 24 weeks for an appointment
- Teviot Leisure Centre and Live Borders – a positive for Hawick
- Marked trails in and around Hawick – 3 grades, red, blue and yellow
- Care in the community is good in Teviot & Liddesdale

- Break the cycle of deprivation, poverty and bad behaviour
- Invest time in working with the children/young people and the parents
- Ageing population – look at this as an opportunity rather than a negative
- Intergenerational opportunities
- Rural isolation – lack of social network for those who are vulnerable, huge dependencies on others

Summary/Area of Discussion:

Quality of Life

- Need to increase peoples aspirations
- Lack of families who own or have access to cars
- What does Council Tax pay for? Can it be reviewed/increased?
- Maximise our fantastic assets, mills, clean water and quality of life
- Demographic changes – peaks and troughs. Connectivity brings people in
- What's to keep the younger generation here?
- Creative solution to develop a remembrance garden in Wilton Cemetery
- Safe area, no graffiti and clean
- Alcohol and drug related crime
- Friendly welcoming town
- Education on anti-social behaviour, involve parents what the challenges are and consequences
- Parenting classes
- Wind turbines, too many and too big, small roads to convey equipment
- Attractive to older people setting up a business

Summary/Area of Discussion:

Our Place

- Housing – Newcastleton, the conservation status having an impact
- Borders National Park – opportunity for the area
- Old fashioned design of shops (front loading only, no back entrances) deters big companies from occupying shops
- Housing – what opportunities for young people and families, wrong housing going in and affordable? Housing types an issue, single storey needed for the elderly, which would free up housing for families
- Countryside is an asset, how do we make the most of it? Instead it is being damaged
- Newcastleton – flood prevention scheme, issue as a good housing opportunity. Electricity infrastructure, maximum capacity not high
- Newcastleton - Better relationships cross border both Dumfries and Galloway and Cumbria and Carlisle
- Denholm's Local development plan – more housing and infrastructure needs improving at the same time

- More consultation on tree planting and timber lorries are an issue
- Shop property owners need to make better use of premises so they don't remain empty
- Electronic noticeboards around the town, particularly at the mart street bus stops
- Internet has had a negative impact
- Need to market the Borders as a whole
- Housing – fuel poverty, energy efficient, heating, and isolation. Issue of old housing stock, warm homes bill
- Windfarms – local discussion required
- Digital connectivity is an issue
- Review of school estate, will it disadvantage rural areas?
- State of High Street is sad, charity shops and for sale signs
- If people have to walk from a central car park, then covered canopy areas
- Too many large supermarkets, jobs will be displaced
- Take steps to increase footfall on the High Street
- Universal benefits advisor needed to alert people to what they can apply for, they can help older people change energy providers and save money
- Extra support needed to carry out life skills
- Create an 'app' for young people to access to gain information on life skills, finances etc
- Basic financial advice

Summary/Area of Discussion:

Transport

- Transport and infrastructure limit young people getting Saturday jobs, isolated town
- Accessibility – transport, need to focus on these across the locality. Should be a theme?
- Train would be beneficial, create opportunity for south of Scotland
- Bus services poor in rural areas causing isolation for older people
- Communities could try to get own bus but too much red tape to get funding, voluntary sector should be involved
- Lack of transport in rural areas, too much focus on commercial, no bus service from schools to rural areas, Langholm school transport has to be paid for
- Not great public transport
- Lack of effective transport from Teviot & Liddesdale to Borders General Hospital. Liaison with transport providers required
- South Dean, no public transport just a bus stop
- Potholes!
- Road maintenance

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

MINUTE of MEETING of the PEEBLES
COMMON GOOD FUND SUB-COMMITTEE
held in the Council Chamber, Rosetta Road,
Peebles on 7 March 2018 at 5.00 p.m.

Present:- Councillors R. Tatler (Chairman), H. Anderson, S. Bell, S. Haslam, E. Small, Community Councillor L. Hayworth
Absent:- Councillor K. Chapman
In Attendance:- Solicitor (C. Kubala), Senior Finance Officer (J. Yallop), Estates Surveyor (A. Graham), Democratic Services Team Leader

Members of the Public:- 5

1. MINUTE

The Minute of the Meeting of Peebles Common Good Fund Sub-Committee held on 29 November 2017 had been circulated. With reference to paragraph 3.1, Mr Hayworth advised that it had been a suggestion rather than a proposal to construct a whin path. In response to a question from Councillor Bell regarding the report mentioned in paragraph 3.4, Members were advised that this would be submitted to a future meeting.

DECISION

APPROVED the Minute as amended.

2. MONITORING REPORT FOR 3 MONTHS TO 31 DECEMBER 2017

There had been circulated copies of a report by the Chief Financial Officer providing details of the income and expenditure for the Peebles Common Good Fund for the six months to 31 December 2017 and full year projected out-turn for 2017/18 and projected balance sheet values as at 31 March 2018. Appendix 1 to the report provided a projected Income and Expenditure position which currently showed a projected deficit of £13,376 for the year. Appendix 2 to the report contained a projected Balance Sheet to 31 March 2017 and projected a decrease in the reserves of £50,817. Appendix 3 to the report detailed the breakdown of the property portfolio showing projected rental income for 2017/18 and actual property expenditure to 31 December 2017. Appendix 4 to the report showed the value of the Newton Fund to 31 December 2017. The Senior Finance Officer advised that the deficit was greater than previously reported due to lower rental income. The capital investment had now been transferred from the Newton Fund to the Kames Capital Fund which had resulted in a realised loss on the original investment of £2,694. However, it was anticipated that the returns from the Kames Capital Fund would cover this if their current rate was maintained. With reference to paragraph 4.1 of the Minute of 29 November 2017, it was reported that the Peebles Callant's Club had not taken up the offer of the £3,000 loan as the funding was not required. The grant of £3,000 had been paid in January 2018 and was therefore not reflected in the accounts to 31 December 2017. With regard to the agreement of a grant in principle to the Eastgate Theatre it was noted that this would not need to be paid from the current financial year. In light of the unallocated funds in the grants budget it was noted that this would cover the current deficit. Mr Hayworth asked that consideration be given to carrying forward any residual funds in the grants budget when the budget was set for 2018/2019.

DECISION

AGREED:-

- (a) the projected Income and Expenditure for 2017/18, as detailed in Appendix 1 to the report as the revised budget for 2017/18;
- (b) to note the projected Balance Sheet value as at 31 March 2018, as detailed in Appendix 2 to the report;
- (c) to note the summary of the property portfolio, as detailed in Appendix 3 to the report; and
- (d) to note the current position of the investment in the Newton Fund, as detailed in Appendix 4 to the report.

3. HAYLODGE PARK – APPLICATION BY PARKRUN UK

With reference to paragraph 3.3 of the Minute of 29 November 2017, there had been circulated copies of a report by the Service Director Assets and Infrastructure proposing that the application by Parkrun UK to hold a free weekly run in Haylodge Park. Mr Martin Kelso, event organiser together with Susan Morrison, a Parkrun event organiser in Edinburgh were present. Mr Kelso outlined the proposal which would involve a 2.5 lap run around Haylodge Park every Saturday morning. He expected there to be a good take-up and if the request was granted his next steps would be to recruit volunteers and find funding. In response to a question regarding consultation with the Rugby Club, Mr Kelso advised that he had only spoken to Council Officers but could contact the Rugby Club if required. However, he was confident that there would be no conflict between the two. It was noted that the toilets were currently not open during the winter months and that this would need to be considered as part of the review of the event after the first quarter of operation.

DECISION

AGREED:-

- (a) to approve the application by Parkrun UK to hold a weekly 5km run in Haylodge Park; and
- (b) that the event be reviewed on a quarterly basis, with the first review to include the financial and other implications of opening the toilets over the winter months.

4. APPLICATIONS FOR FINANCIAL ASSISTANCE

4.1 InChorus Choir

With reference to paragraph 5 of the Minute of 30 August 2017, there had been circulated copies of a request for funding in the sum of £2,000 towards the cost of producing 2 professional quality music videos. A representative from the Choir was present and explained that the aim of the videos was to encourage more members to join the choir and promote Peebles. Members considered that there were few differences to the application they had previously considered and could not see how the video would benefit Peebles and no outcomes in respect of this had been included. Councillor Bell, seconded by Councillor Haslam, moved that the application be refused and this was unanimously accepted.

DECISION

AGREED to refuse the application for funding.

DECLARATION OF INTEREST

Councillor Haslam declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the room during the discussion.

4.2. Food Communities Ltd

There had been circulated copies of a request for funding in the sum of £6,000 to purchase a second hand van to transport tools and materials required to work on community gardens. Mr. Hayworth advised the Sub-Committee commented on the way in which the company had

been set-up which he felt would make it difficult to attract funding from other sources to meet future running cost etc. He further advised that he had offered the group use of his own van which he made available to a number of groups in Peebles. Members noted this offer and agree that the needs of the group could be addressed without the need for funding from the Common Good Fund.

DECISION

AGREED that the application be refused.

4.3 Peebles-Hendaye Twinning Association

There had been circulated copies of a request for funding in the sum of £2,347 to meet the costs celebrating the 20th anniversary of the signing of the Twinning Charter. Mr Andrew Grieve and Mr Noel Dashwood-Brady from the Twinning Association were present and outlined their plans for the celebrations. It was noted that there were plans to raise further funds but no guarantees could be given regarding how much would be raised. Councillor Bell suggested that Councillor Tatler and Mr Grieve approach the Convener of Scottish Borders Council to ascertain if the Council might be prepared to host the Civic Reception which would help to reduce costs further. Members welcomed the proposals and agreed to meet the costs of the celebrations up to a maximum of £2350, subject to any fund raising or funding from other sources being used to meet the costs of the event in the first instance

DECISION

AGREED to meet costs up to a maximum of £2350, subject to any fund raising or funding from other sources being used to meet the costs of the event in the first instance.

5. FUNDING STRATEGY & CRITERIA

The Chairman advised that he considered that the current application process was not fit for purpose as there were no application criteria and no feedback from those receiving funding. He therefore wished officers to look at how best it could be brought into line with other funds managed by the Council and suggested that the criteria should align in future with the themes in the Tweeddale Community Plan. Members supported the need for a criteria and it was noted that work was already ongoing with regard to a single application form for any fund managed by the Council. It was also considered useful to receive a report on where funds had been given over the last 10 years.

DECISION

AGREED that a report detailing funding granted over the last 10 years be provided and that an update also be given on the progress with a single funding application form.

6. URGENT BUSINESS

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the items dealt with in the following paragraphs should be considered at the meeting as a matter of urgency, in view of the need to make an early decision and to keep Members informed.

7. PEEBLES MEN'S SHED

With reference to paragraph 4.2 of the Minute of 29 November 2018, the Chairman reported that the Peebles Men's Shed had applied for a temporary classroom which was currently located in Duns. If successful a possible site behind the Victoria Park Centre had been identified and, while there was still a lot of work to be done including applying for planning permission, the future was looking positive. It was noted that if all went to plan a future funding application might be submitted.

DECISION

NOTED.

8. HAYLODGE PARK TOILETS

It was reported that the current operator of the toilets had been in touch to ascertain when the toilets should reopen. Ms Kubala advised that the agreement with the current operator was at an end but that it appeared that there was provision for an extension of up to two years. She proposed that a 1 year extension be granted and that there be a review of future operation before it was put out to tender. It was noted that the costs of additional opening for Parkrun be part of that review.

DECISION

AGREED that:-

- (a) the Haylodge toilets re-open from 26 March;
- (b) the current operator be given a 1 year extension; and
- (c) a review of the future operation of the toilets be carried out prior to re-tendering for future management.

9. **PRIVATE BUSINESS**

DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 9 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

10. **Minute**

The Private Section of the Minute of the Meeting of Peebles Common Good Fund Sub-Committee held on 29 November 2017 was approved.

The meeting concluded at 6.10 p.m.

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 8 March 2018 at 10.00 am.

Present:- Councillors D. Parker (Chairman), J. Brown, G. Edgar, D. Moffat,
S. Mountford, S. Scott, S. Aitchison, Mr E Barclay, Mr M Drysdale,
Mr C Hogarth and Ms K M Hughes.

Apologies:- Councillor J Fullarton.

In Attendance:- Chief Financial Officer, Pensions and Investment Manager, HR Shared
Services Team Leader, Mr A Hodgson and Mr A Singh (KPMG), Democratic
Services Officer (J Turnbull).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting of 4 December 2017.

DECISION

NOTED for signature by the Chairman.

MEMBER

Councillor Aitchison joined the meeting.

2. **PRESENTATION – FUND WEBSITE**

2.1 The Chairman welcomed to the meeting Mr Peter Feerick, from Hymans Robertson, who was in attendance to introduce the Pension Fund Committee and Pension Board's new website. He explained that the website would include 110 pages of standard content on the Local Government Pension Scheme (LGPS) with 10 pages customised to the Scottish Borders Council Pension Fund. These webpages could be updated by officers when required. The Committee and Board then viewed the site and Mr Feerick highlighted the various options available on the site, including information on membership contributions and how the scheme worked.

2.2 In response to questions, the Pensions and Investment Manager, Mrs Robb, advised that information on the Pension Fund Committee and Pension Board membership had been included and there were links to the Committee and Board's agendas and minutes on Modern.Gov. However, private content would only be accessible by members of the Committee and Board. In the future, there would be information added to enable employees to calculate their individual pension entitlement; in the meantime staff were referred to the Council's pension specialists who were part of the HR shared services team and their contact information was included on the website. There had been a £2,000 setting up fee for the website and the annual maintenance charge was £4,000. The website would be launched on 31 March 2018. Mrs Robb would liaise with the Council's Communications department to arrange publicising and promoting the website to staff.

DECISION

NOTED the new Pension Fund Website.

3. **RISK REGISTER UPDATE**

With reference to paragraph 3 of the Minute of 4 December 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. Mrs Robb advised that the five risks detailed in the report, associated with the Communication Strategy, would be rescored following the launch of the website content. With regard to Risk 4.6, Liquidity, KPMG were investigating investment manager's projections and a report would be presented to the June meeting of the Pension Fund Committee and Pension Board. Risks 1.1 and 1.4 - ensuring members of the Committee and Board had the required skills and knowledge to manage the Fund, would be reduced as all members completed the Trustee Toolkit modules. The Committee and Board agreed that Risk 6.2, Regulatory & Compliance, be scored higher because of the lack of information from the Scheme Advisory Board on the governance and structure review.

DECISION

(a) AGREED:

- (i) To a full risk review during June 2018:**
- (ii) To request Risk 6.2 Regulatory and Compliance, be amended to reflect concerns around potential changes in governance and structure.**

(b) NOTED:

- (i) Management actions progress as contained in Appendix 1 to the report;**
- (ii) The website going live on 31 March 2018 would complete five of the agreed actions;**
- (iii) A report on cash flow actions would be presented to the Committee and Board in June 2018; and**
- (iv) No new quantifiable risks had been identified since the last review.**

4. PENSION FUND BUDGET MONITORING TO 31 DECEMBER 2017

With reference to paragraph 5 of the Minute of 4 December 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 31 December 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 standard presentation recommended by the CIPFA accounting guideline headings. The report was the third quarterly monitoring report of the approved budgets and detailed the total expenditure to 31 December was £0.623m with a projected total expenditure of £8.208m. This was against an approved budget of £3.928m giving a negative projected variance of £4.280m. Mrs Robb highlighted that the negative variance was mainly due to the increased fees associated with the increased value of the Fund and one off transaction costs associated with stamp duty incurred due to the rebalancing of the Fund to allocate resources to Long Lease property as per the investment strategy. Members expressed concern that transaction costs had not been reported when they had considered changes to the investment strategy. Mr Hodgson, KPMG, advised that the charge was not quoted on the documentation they had received from Blackrock. However, the cost would be recouped through performance of the Fund.

Going forward such charges would be shown under the Transparency Code for investment management fees.

DECISION

(a) **AGREED the budgets were amended to reflect the projected out-turn.**

(b) **NOTED the actual expenditure to 31 December 2017.**

5. INFORMATION UPDATE

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

5.2 GMP Reconciliation

The HR Shared Services Team Leader advised that Stage 1 of the Guarantee Minimum Pension (GMP) reconciliation had been completed by ITM Limited. It was noted that 28% of fund members had been reconciled, 31% were out with the scope for reconciliation and 41% were still to be reconciled. The next stage of the project was the reconciliation of discrepancies between HMRC and the Council. Monthly updates on progress would be received from ITM Limited.

5.3 Progress on Investment Strategy Implementation Managers

The revised Investment Strategy was now fully invested in Long Lease Property. Investment in Private Credit would be drawn down over the next two years. With regard to Infrastructure investment, this continued to be implemented as and when suitable opportunities arose.

5.4 Scheme Advisory Board Update

A meeting had been held on 24 January, items on the agenda included governance and structure review. There were four possible options for the structure review although no details had been supplied. The Chairman had written to the Minister Derek Mackay expressing concern at the lack of meaningful consultation with Council's and Administering Authorities regarding the review options and requested improved engagement in the future. Councillor Mountford advised that the next meeting of SAB was scheduled for 13 April; hopefully this would include feedback on the consultation process.

5.5 Training Opportunities

The training policy required all members of the Board and Committee to complete the Trustee Toolkit within six months. It was noted that three members still needed to complete the training. The monitoring of this target would be reported to the June joint meeting and all members were requested to complete the training requirement by that date.

5.6 Future Meeting Dates

Mrs Robb advised that owing to the increase in Investment Managers, an additional Performance & Investment Sub-Committee was required. The three new meeting dates would be advised as soon as agreed.

Joint Pension Fund Committee and Pension Fund Board:

14 June 2018
13 August 2018
6 December 2018
7 March 2019

DECISION

NOTED:

(a) the information update;

(b) That dates for the Pension Fund Performance & Investment Sub-Committee meetings be advised.

6. GENERAL DATA PROTECTION REGULATION (GDPR)

6.1 There had been circulated a report by the Chief Officer Human Resources advising on the requirements for the General Data Protection Regulation (GDPR) due to come into force on 25 May 2018 and the implications for the Pension Fund. The Scottish Borders Council Pension Fund, as part of a public authority, was required to comply with the regulations and implement the changes as required. Scottish Borders Council had established a project to assess the GDPR regulations and its impact on the Council as a whole. The project would also determine any gaps in existing controls and sought to implement a robust framework for managing compliance into and post 2018. The considerations of the GDPR for the Pension Fund would be taken into account under the project being progressed by the Council and any recommendations for change would follow whilst taking account of specific advice from a Pension perspective, specifically guidance due to be issued by the Local Government Association (LGA).

6.2 The Committee and Board noted that an additional comment had been received since publication of the report as follows: "The GDPR project had identified risks which were managed following the Corporate Risk Management Policy and Framework. The GDPR Project Board provided the required governance and oversaw these risks with regular reporting from the project manager. In addition the Information Governance Group also held a risk register where the strategic GDPR risks have been identified and managed. The Pension Fund would undertake the required actions identified by the GDPR project and by following the Pensions specific advice from the Local Government Association to ensure compliance with the legislation." In response to a question the Chief Financial Officer confirmed the project was on course.

DECISION

(a) AGREED that the Pension Fund would follow the direction of Scottish Borders Council whilst taking account of advice specific from a Pension perspective.

(b) NOTED the new requirements under the General Data Protection Regulations effective from 25 May 2018.

7. ENVIRONMENTAL, SOCIAL AND GOVERNANCE CONSIDERATION

Mr Hodgson, KPMG gave a review of the Funds Environmental, Social and Governance (ESG) policy, a copy of KPMG's overview had been circulated with the Agenda. Mr Hodgson began by advising that recent regulatory changes required Local Government Pension Schemes (LGPS) to address issues of responsible investment. He referred to differing options the Committee and Board could consider to incorporate ESG into the Fund's investment strategy. He explained that doing nothing was not an option as this carried financial and reputational risk. Presently, the Committee and Board encouraged Investment Managers to sign up to the United Nations Principles Responsible Investment (UNPRI) Stewardship Code. All equity managers with active portfolios had signed up, with the exception of Harris Associates who were exploring the opportunity of becoming a signatory. Mr Hodgson suggested that the Committee and Board might wish to consider undertaking a more detailed review of each investment manager's approach to ESG, if there was any financial risk and the merit of exploring different passive indices. During the ensuing discussion it was agreed that the preference was for a light touch approach to managing ESG. However, it was important to evidence, to Pension Fund members, the management and monitoring of ESG. Mrs Robb advised that the Pension Fund Investment & Performance Sub-Committee received annual presentations from investment managers and were able to engage proactively with managers at these

meetings. A report on the Investment Strategy would also be presented to the Committee and Board at the June meeting, which would include detail on how ESG was monitored and managed to ensure that Investment Managers were fulfilling the Fund's ESG responsibilities.

DECISION

NOTED the report.

8. 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

9. MINUTE The Committee noted the Private Minute of the meeting of 4 December 2017.

10. QUARTER PERFORMANCE UPDATE

The Committee noted a private report by the KPMG.

The meeting concluded at 11.45 am.

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SCOTTISH BORDERS COUNCIL PENSION BOARD

MINUTE of Meeting of the PENSION BOARD held in Council Chamber, Council Headquarters, Newtown St Boswells on Thursday, 8 March 2018 at 11.40 am

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

1. MINUTE

There had been circulated copies of the Minute of the Meeting of 4 December 2017.

DECISION

NOTED for signature by the Chairman.

2. JOINT MEETING OF PENSION FUND COMMITTEE AND PENSION BOARD

The Board reviewed the joint meeting and, in particular, referred to KPMG's overview on Environmental, Social, Governance (ESG). Board members highlighted that UBS's UK Passive Equity Fund included holdings in tobacco, carbons and alcohol and questioned this in terms of the Pension Fund's ESG considerations. Mrs Robb explained that the UBS Fund was the only passive Fund within the Pension Fund's equity portfolio and as a passive Fund, UBS were required to track an agreed index. The index listed the investments and these included the mining and energy sector. There was a range of different market indices that could be tracked, including those with higher ESG scores. However, any changes could alter the Fund's performance. The Board considered the issue and discussed Trade Union policy and whether employees would pay higher contribution rates to enable the Pension Fund to become more active in ethical investment. Mrs Robb added that she did occasionally receive communication from individual members, particularly with regard to the Pension Fund's investments in carbon fuels. Following consideration, the Board agreed that ultimately, their fiduciary duty was to prioritise the needs of Pension Fund beneficiaries. Mrs Robb advised that the Board could ensure that Investment Managers were monitored robustly and followed ESG considerations. She referred to KPMG's quarterly investment reports, which included details on Investment Managers' voting behaviours and gave reasons for opposing votes. The Pension Fund Investment Performance Sub-Committee also received regular presentations from Investment Managers and this included updates on ESG performance. At these meetings, officers and members were also able to question Investment Managers if they were concerned or required clarification on any aspect of their portfolios. The Board then expressed concern at the lack of information from the Scheme Advisory Board relating to the structure review and would await the response to the Committee Chairman's letter. Mrs Robb advised that she would circulate any information received when available.

DECISION

NOTED.

3. DATE OF NEXT MEETING

The next meeting of the Pension Board was scheduled to take place on Thursday, 8 June 2018.

DECISION

NOTED.

The meeting concluded at 11.55 am.

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SCOTTISH BORDERS COUNCIL

GALASHIELS COMMON GOOD FUND SUB COMMITTEE

MINUTE of Meeting of the GALASHIELS
COMMON GOOD FUND SUB COMMITTEE
held in Committee Room 3, Council
Headquarters, Newtown St Boswells. on
Thursday, 8 March 2018 at 2.00 pm

- Present:- Councillors S. Aitchison (Chairman), A. Anderson, E. Jardine and Community Councillor R. Kenney.
- Apologies:- Councillor H. Scott
- In Attendance:- Pensions and Investments Manager (K. Robb), Chief Legal Officer, Managing Solicitor - People and Court (C. Donald), Estates Manager (N. Hastie), Democratic Services Officer (F. Walling).

1. **MINUTE.**

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

DECISION

APPROVED the Minute for signing by the Chairman.

2. **FINANCIAL MONITORING REPORT FOR 6 MONTHS TO 31 DECEMBER 2017.**

- 2.1 There had been circulated copies of a report by the Chief Financial Officer providing details of the income and expenditure for the nine months to 31 December 2017, a full year projected out-turn for 2017/18 and projected balance sheet values as at 31 March 2018. The Pensions and Investments Manager, Kirsty Robb, highlighted the main points of the report and appendices. Appendix 1 to the report provided a projected income and expenditure position, showing a projected surplus of £2,630 for the year. There had been no requests for financial assistance from the Galashiels Common Good Fund and the approved budget of £500 remained to be disbursed. The cash held by the Fund was projected to be £12,509 at 31 March 2018. The projected Balance Sheet as at 31 March 2018, shown in Appendix 2 to the report, indicated a projected decrease in the reserves of £33,562 due to the depreciation charge. The breakdown of the property portfolio detailing the values of the individual properties and projected depreciation charges for 2017/18 was shown in Appendix 3.
- 2.2 Appendix 4 showed the value of the Newton Fund to 31 December 2017. The fund produced a positive return in the quarter to 31 December 2017, albeit below its benchmark (0.4% against benchmark of 1.1%). For the second consecutive quarter the 5 year annualised return, which the fund was ultimately measured against was below benchmark (4.1% against 4.4%). Following the Council approved procurement exercise undertaken in November 2017, Kames Capital had been appointed as a new Fund Manager for Common Good and Trust Fund investments. Kames Capital offered a Diversified Income Fund, designed to give the same capital preservation and divided income structure but with a track record of better returns on capital and dividend income. The appointment of this Fund Manager was in line with the Common Good & Trusts Investment Strategy and was approved at Council on 21 December 2017. The transfer of investments from Newton to Kames was carried out in early February. The market value of the Newton Investment at this time had resulted in a loss on the original investment (£878). However the first part year dividend received from Newton off-set this loss. The

year-end unrealised gain or loss on monies invested in Kames would not be known until their fund valuation was received on 31 March 2018. Mrs Robb advised that all Members would be invited to a presentation by Kames Capital, on their investment strategy, which was scheduled for August 2018.

- 2.3 Members discussed and asked officers questions on the property portfolio shown in Appendix 3 to the report. In particular they discussed the attributes of Old Gala House and hoped that Live Borders would be able to raise the profile of the building as a visitor attraction. Attention was drawn to correspondence from the President of Galashiels Golf Club about winter maintenance of the access road and the provision of grit by the Council. The Estates Manager, Neil Hastie, explained that the wording of the lease placed responsibility for maintenance of the property with the tenant but that there was no specific reference to the private road. He suggested that officers should hold a meeting with Club representatives to discuss what could be done in future years.

DECISION

- (a) **AGREED the projected income and expenditure for 2017/18 in Appendix 1 to the report.**
- (b) **NOTED within the appendices to the report:-**
- (i) **the projected balance sheet value as at 31 March 2018 in Appendix 2;**
 - (ii) **the summary of the property portfolio in Appendix 3; and**
 - (iii) **the current position of the investment in the Newton Fund in Appendix 4.**

3. MOVEABLE ASSETS OWNED BY GALASHIELS COMMON GOOD

With reference to paragraph 2.3 of the Minute of 7 December 2018, regarding the moveable assets which were listed as being owned by Galashiels Common Good in the financial monitoring report, the Chief Legal Officer was in attendance to provide an update. She explained that officers were carrying out an investigation to confirm the location and ownership of the moveable assets listed. A document, circulated at the meeting, set out the findings of the investigation and Members discussed the recommendations about where the assets owned by the Common Good could be held or displayed in future. These included the Provost's Chain and Badge; 2 Provosts' Robes; 4 Baillies' Robes; Gold Watch (which belonged to Christopher Boyd); Gold Key & Medal; and original manuscript extract from "The Pirate" by Sir Walter Scott. With regard to the latter item Members suggested that Live Borders Museum/Archive Service be asked to formally take responsibility for this manuscript on behalf of Galashiels Common Good and that it continue to be displayed in its current location at Old Gala House. Discussion continued about the other items and whether they should be displayed in the Chamber at Paton Street, Old Gala House or another location. It was accepted that there would be a cost implication in respect of displaying the items securely. Before making a decision about where these items should be held Members expressed the wish to make further enquiries about their history and significance from the Old Gala Club, the Local History Society. It was noted that the remaining items listed were civic items and not owned by the Common Good, i.e. Minute Books; Burgh Seal; silver bowl; collection of 19th C coins and bottle; Braw Lads medals; and commemorative medals.

DECISION

- (a) **NOTED the moveable assets identified as being owned by Galashiels Common Good.**

- (b) **AGREED to request that the Chief Legal Officer make enquiries about the historical significance of the moveable assets owned by Galashiels Common Good before Members further consider where these should be displayed and that this be on the agenda for discussion at the next meeting.**

4. **APPLICATION FOR FINANCIAL ASSISTANCE**

- 4.1 There had been circulated copies of an application for financial assistance on behalf of Borders Community Radio and Media (T/A TD1 Radio). It was explained that TD1 Radio was an entirely voluntary community radio station broadcasting continuously to Galashiels and surrounding areas. The radio station provided local community information of various types, local travel information and a wide variety of programme material not available from any other station. The organisation also provided a volunteering and training opportunity for local people. It was further explained that the past year had proved very difficult for the station. Following the resignation of the volunteer station manager a small but dedicated group of volunteers had put in considerable efforts to maintain broadcasting. An ad hoc committee governed the station currently but it was planned to formalise this at an AGM and to apply to become a Scottish Charitable Incorporated Organisation. This and approved accounts for 2017/18 would enable TD1 Radio to apply for a wide range of funders. The application to Galashiels Common Good Fund was for £1600 to pay fees to OFCOM, Sky News and others which would allow the station to continue broadcasting after 31 March, at which time, despite fundraising activity, it was predicted that remaining funds would be almost nil.
- 4.2 Members were unanimous in their recognition of the value of TD1 Radio to the local community, in its provision of information, its wide variety of programme content and the volunteering and training opportunity the radio station provided for young people. They accepted from the information provided that the organisation was financially in crisis and they wanted if possible to offer assistance which would enable it to keep operating. However, before offering funding, they emphasised that assurance was needed in the form of a detailed governance structure and business plan to provide them with confidence of the organisation's sustainability in the long term. It was also noted that the sum requested was in excess of the Sub Committee's approved budget for grants and donations. After further discussion, it was agreed to grant the sum requested in principle and on a one-off basis subject to provision of the assurance requested. It was further agreed that on receipt of the information the final decision to authorise payment of the grant be delegated to the Chief Financial Officer.

DECISION

AGREED:-

- (a) **in principle to grant the sum of £1600 to Borders Community Radio and Media (T/A TD1 Radio), on a one-off basis and subject to the provision of assurance of the organisation's long term sustainability in the form of a business plan and future governance structure; and**
- (b) **that, on receipt of the information requested, the final decision to authorise payment be delegated to the Chief Financial Officer.**

The meeting concluded at 2.50 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, 12 March 2018 at 10.00 am

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

Apologies:- Councillors J. A. Fullarton, T. Miers and S. Mountford.

In Attendance:- Principal Planning Officer (C. Miller), Chief Legal Officer, 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.

MEMBER

Councillor Small had not been present at the initial consideration in respect of the undernoted application and was therefore unable to participate in the further consideration. The Member withdrew from the Chamber for this part of the meeting.

1. **CONTINUATION OF REVIEW OF 17/00479/FUL**

With reference to paragraph 6 of the Minute of 16 October 2017 and paragraph 1 of the Minute of 22 January 2018, the Local Review Body continued their consideration of the request to review the refusal of planning permission in respect of erection of a dwellinghouse on land North East of and incorporating J. Rutherford Workshop, Rhymers Mill, Mill Road, Earlston. In response to the request by the Local Review Body for additional information, there had been circulated a written statement, maps and an amended drawing from the applicant and responses to the further information from the Council's Flood Risk Officer and Planning Officer. Also circulated were copies of all the original papers that accompanied the review. In their initial discussion Members recognised that the applicant appeared to have addressed the issues raised in terms of flood risk by amending the design and layout of the development and noted that the Flood Risk Officer had removed objection on the basis of the revised plans submitted. Members accepted the principle of a dwellinghouse on the proposed site but opinion was divided about the impact on the surrounding area of the raised ridge height and repositioning of the house as shown in the amended drawings. Concern was expressed that neighbours had not had an opportunity to comment on the revised design and concern remained about access and accommodation for parking.

VOTE

Councillor Laing, seconded by Councillor Ramage, moved that the decision to refuse the application be varied and the application refused.

Councillor Aitchison, seconded by Councillor Hamilton, moved as an amendment that the decision to refuse the application be reversed and the application approved subject to the development proceeding in accordance with the amended plan submitted to address flood risk.

On a show of hands Members voted as follows:-

Motion - 3 votes

Amendment - 2 votes

The motion was accordingly carried and the application refused.

DECISION

AGREED that:-

- (a) **the review could be determined without further procedure on the basis of the papers submitted, the hearing session and the further written submissions;**
- (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 varied and the application refused for the reasons detailed in Appendix I to this Minute.**

2. REVIEW OF 17/01230/FUL

There had been circulated copies of the request from Mr Greg Blacklock, 1 Eildon Terrace, Newtown St Boswells, to review the decision to refuse the planning application in respect of erection of boundary fence and formation of parking area (retrospective) at 1 Eildon Terrace, Newtown St Boswells. Included in the supporting papers were the Notice of Review; Decision Notice; officer's report; papers referred to in the officer's report; consultation; and a list of relevant policies. Noting the reasons given by the applicant for the erection of the fencing, Members discussed the visual impact of the fence on the local amenity in comparison with a fence also fronting Bowden Road which had previously received planning permission. Members considered whether there was justification for the higher section of the fence at the front of the property. They were concerned over its prominence and dominance but noted that the height of the fence could be reduced by condition. Members also looked at the road and pedestrian safety impact of the short section of fence adjoining the car park entrance.

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 II to this Minute.**

The meeting concluded at 11.25 am



APPENDIX I

SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY DECISION NOTICE

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: 17/00037/RREF

Planning Application Reference: 17/00479/FUL

Development Proposal: Erection of dwellinghouse

Location: Land North East of and incorporating J Rutherford Workshop, Rhymer's Mill, Mill Road, Earlston

Applicant: Austin Travel

DECISION

The Local Review Body (LRB) varies the decision of the appointed officer and refuses planning permission as explained in this decision notice and on the following grounds:

1. The proposal does not comply with Adopted Local Development Plan Policies PMD2, PMD5 and HD3 in that it has not been adequately demonstrated that the height and design amendments resulting from the submissions aimed at addressing flood risk would not have adverse impacts on residential amenity or be sympathetic to the character of the surrounding area.
2. The proposal in the positioning of the dwellinghouse and the overall site layout, does not comply with Adopted Local Development Plan Policies PMD2 and PMD5 in that it would not respect the character of the surrounding area and neighbouring built form.
3. The proposal does not comply with Adopted Local Development Plan Policies PMD2 and IS7 in that the access arrangements are unsuitable to serve the development and inadequate provision has been made for the accommodation of the parking of two vehicles within the curtilage of the site, such that there would be adverse impacts upon road safety.

DEVELOPMENT PROPOSAL

The application relates to the erection of a dwellinghouse. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	LOC-01A
Elevations	PP-01B

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 October 2017.

After examining the review documentation at that meeting, which included a) Notice of Review (including Decision Notice); b) Officer's Report; c) Consultations; and d) 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, Flood Risk Officer and Planning Officer to provide information on discrepancies between the assessments of flood risk to the site and the finished floor level required for the proposed dwellinghouse to mitigate against a 1 in 200 year flood event and blockage of the Clatteringford Bridge.

The hearing was held at 10am on 22 January 2018, after which the Review Body reconvened to consider the case. Following the hearing, Members agreed that it had been useful in providing further information about the degree of potential flood risk and proposed mitigation measures in the event of flooding. However, as the information was based on new data in the form of the recently completed Earlston Flood Study and despite the technical detail supplied, they remained unclear about the actual floor level required to mitigate against flood risk in the light of that new data and, if this resulted in a change in the ridge height of the house, any impact this may have on neighbourhood amenity. They also required further information about proposals for compensatory storage or alternative method of mitigation for any water flow over the site. After further discussion Members concluded that they could not make a determination without further procedure in the form of written submissions from the applicant to clarify these matters.

The Review was, therefore, continued to the Local Review Body meeting on 12 March 2018 where written submissions from the applicant were considered together with responses from the Flood Risk Officer and Planning Officer. The Review Body then proceeded to determine 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, PMD5, EP16, HD3, IS2, IS7, IS8 and IS9

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Householder Development 2006
- SBC Supplementary Planning Guidance on Development Contributions 2011
- Scottish Planning Policy

The Review Body accepted that the site was an infill site within the settlement of Earlston and had no objections to the principle of a dwellinghouse on the site under Infill Policy PMD5. They also noted that the additional flood study information, floor levels and flow routes seemed to have resolved the issues of flood risk and the proposal's compliance with Policy IS8, in that the Council's Flood Risk Officer had removed objection to the proposal on the basis of the additional information submitted on floor and ground levels. The Review Body noted, in reaching that conclusion, that SEPA had not responded to the additional information and that their objection was still outstanding.

Members noted that there was mixed architecture and ridge heights in the area. However, they also agreed with the Planning Officer's concerns over the lack of detail on floor and site levels on the application drawings, what these levels were related to and how they would be enforced. Given this, the Review Body was concerned at the scale and degree of changes required to ensure the house was free from flood risk and noted that this would result in a floor and ridge increase of a metre. They also noted changes to the design of the lower floor of the house and the repositioning of it towards Mill Road.

The Review Body considered that, whilst such changes may have been necessary to attempt to address flood risk issues, subsequent impacts on residential amenity and sympathy of design within the surrounding area had not been adequately demonstrated given the significance of the potential changes. They considered that impacts could only be properly considered within a fully detailed resubmission, and noted this would provide neighbouring proprietors with the opportunity to assess and comment on any revised design and siting.

Consequently, whilst acknowledging that information had been submitted that suggested flood risk could be satisfactorily addressed, the Review Body were not in a position to support the development.

The Review Body also considered that the reasons for refusal relating to sympathetic layout and access/parking would be impacted by the flood mitigation proposals and could not be considered to have been satisfactorily addressed by the proposals. They agreed with the original reasons for refusal on these matters.

The Review Body also discussed the reason for refusal relating to residential amenity impacts from the adjoining workshop. They considered that the presence of the workshop on the site would be known to any occupant of the proposed dwellinghouse who would be aware of potential impacts. Consequently, they did not consider that the existing workshop represented a reason to oppose the application.

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
Chairman of the Local Review Body

Date...19 March 2018

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APPENDIX II

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

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: 18/00003/RREF

Planning Application Reference: 17/01230/FUL

Development Proposal: Erection of boundary fence and formation of parking area (retrospective)

Location: 1 Eildon Terrace, Newtown St Boswells

Applicant: Mr Greg Blacklock

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 conditions and informative set out below.

DEVELOPMENT PROPOSAL

The application relates to the erection of fencing and formation of a parking area. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	
Site Plan	
Photos	

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 12th March 2018.

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 Officer's Report; e) Consultation; and

e) List of Policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case. They noted the applicant's request for further procedure in the form of written submissions, a Hearing and a site inspection but felt that none of these were necessary after viewing photographs and plans of the site and surroundings.

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 and IS7

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Householder Development 2006

The Review Body noted that the proposal was for a series of fences around the boundaries of the property, of the same close-boarded design with varying height. They also noted that the fencing bordered the off-street parking area and that much of the work had already been carried out, the application being submitted retrospectively.

The Review Body acknowledged the comments from the applicant with regard to security reasons for the fencing but did not feel that this justified fencing of the height erected along the Bowden Road frontage. They also noted the comparisons with fencing erected at 29 Bowden Road in the vicinity of the application site but felt that fencing was lower, had an element of transparency and was consequently of lesser impact and dominance than the highest section of fence fronting Bowden Road at the application site

The Review Body agreed with the Appointed Officer that the roadside section of fence was too high and prominent in the street scene, to the detriment of local visual amenity. They also agreed with the Appointed Officer that all other sections of fencing were acceptable.

Members also noted and accepted the comments of Roads Planning in relation to the potential road and pedestrian safety impacts of the short section of fence adjoining the car park entrance and considered this needed to be removed back to the first fence post nearest the road.

Members considered if this was done and if this roadside section of the fence was lowered to exactly match in height and design with the side section on the junction with Bowden Road and Eildon Terrace, the fence would be acceptable. They considered these matters could be achieved through the imposition of conditions. On this basis, the Review Body agreed to reverse the decision of the Appointed Officer.

Regarding the off-street parking area the Review Body agreed that there was a need for the footpath crossing and kerbs to be completed in accordance with the Council's required standards.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that, with conditions, 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 subject to conditions and an informative.

CONDITIONS

- 1. Within three months of the date of this consent, the full section of fence fronting Bowden Road to be lowered to match exactly the height and cap rail of the immediately adjoining section on the corner of Bowden Road and Eildon Terrace.
Reason: To safeguard the visual amenity of the area.
- 2. Within three months of the date of this consent, the section of fence adjoining the car park access to be removed between Bowden Road and the first fence post in from the road.
Reason: In the interests of road and pedestrian safety.
- 3. The off-street parking area not to be used until a footway crossing and dropped kerb are completed in full accordance with Council specifications.
Reason: In the interests of road and pedestrian safety.

INFORMATIVE

- 1. In relation to Condition 3, any contractor working within public road must be on the Council approved list.

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
Chairman of the Local Review Body

Date...19 March 2018

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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, 13th March, 2018 at
10.00 am

Present:- Councillors G. Turnbull (Chair), S. Aitchison, G. Edgar, E. Jardine, M. Rowley,
and T. Weatherston.
Apologies:- Councillors S. Haslam, C. Hamilton, W. McAteer and S. Mountford.
Absent:- Councillor T. Miers.
Also Present:- Councillors D Paterson and H. Scott.
In Attendance:- Chief Financial Officer, Clerk to the Council, Democratic Services Officer (P
Bolson).

1. **MINUTE**

There had been circulated copies of the Minute of the meeting of the Executive Committee of 14 February 2018.

DECISION

APPROVED for signature by the Chairman.

2. **FINAL REVENUE VIREMENTS & EARMARKED BALANCES 2017/18**

There had been circulated copies of a report by the Chief Financial Officer seeking approval for the final budget virements for 2017/18 and to carry forward earmarked budgets to 2018/19 which had been identified during the General Fund Revenue Budget monitoring process in January 2018. Details of the routine virements were included in Appendix 1 and earmarked balances where budget was required to be carried forward to support expenditure in 2018/19 were shown in Appendix 2. Members discussed tourism signage and noted that changes to signage restrictions on trunk roads were expected from Transport Scotland, and that a report would be submitted to the Executive Committee in due course.

DECISION

APPROVED:-

(a) the virements as detailed in Appendix 1; and

(b) the earmarked balances as detailed in Appendix 2.

3. **SCOTTISH BORDERS COUNCIL COMMUNITY GRANT SCHEME - YEAR END POSITION 2017/18**

There had been circulated copies of a report by the Service Director Customer and Communities presenting information of the estimated year end balances in the Community Grant Scheme (CGS) for 2017/18 and recommending a carry forward into 2018/19. The current budget position of the CGS 2017/18 and estimated year end balances were detailed in the report. The CGS had awarded grants totalling £99,595 to end of January 2018. It was noted that year end balances were estimated as at end January 2018 and final carry forwards as at end March 2018 were expected to be lower. There were currently four applications across the Borders undergoing assessment at present which, if approved, would result in underspends of £3,757 in Berwickshire; £3,563 in Cheviot; and £3,785 in Eildon. Underspends of £8,442 in Teviot and Liddesdale; £656 in Tweeddale; and £11,176 for the generic area were also reported. It was noted that,

within the Cheviot area, the practice was for the budget to be divided equally between the Jedburgh & District and Kelso & District Wards.

DECISION

(a) NOTED:-

- (i) the estimated year end balance for 2017/18; and**
- (ii) that further recommendations in relation to the Community Grants Scheme and the current Grants Funding Review would be brought to the Executive Committee for consideration in due course.**

(b) APPROVED the carry forward of any year-end balance into 2018/19.

4. MANAGEMENT RULES FOR PUBLIC LIBRARIES IN THE SCOTTISH BORDERS

There had been circulated copies of a report by the Service Director Regulatory Services seeking approval for the revised Management Rules for Public Libraries in the Scottish Borders. The Chief Legal Officer, Mrs N. McKinlay, explained that, under the Civic Government (Scotland) Act 1982 the Council was empowered to create and operate a set of Management Rules for Public Libraries which would define the way the service should be used and the conduct of the people using the service. The existing Management Rules were due to expire on 14 April 2018 therefore it was now necessary for a further set of Management Rules to be made in order to continue to secure the purposes of those rules. In addition, in order to comply with the statutory scheme, it was necessary for the Council to appoint a Live Borders employee or employees as an officer of the Council for the purposes of enforcing those Rules. The full Management Rules were detailed in the Appendix to the report and Members were asked to note that the date on which the Rules would be made had been amended to 15 May 2018. Mrs McKinlay provided clarification on a number of points and responded to questions from Members. She confirmed that the Management Rules would be subject to a public online consultation and that Live Borders would have the power to set local rules as required. The revised Rules included guidance on the use of sound-producing devices in conjunction with headphones, earphones etc and Members welcomed this updated information.

DECISION

AGREED:-

- (a) to the commencement of public consultation on the proposed Management Rules for Public Libraries throughout Scottish Borders;**
- (b) to the Service Director Regulatory Service, in consultation with Chief Legal Officer, to make the Rules on completion of the consultation period if no substantive comments are received during that consultation period; and**
- (c) that the Live Borders Libraries Staff be appointed as officers of Scottish Borders Council as regards the enforcement of the Management Rules.**

5. BLIND PERSON/CONCESSION RAIL SCHEME

There had been circulated copies of a report by the Service Director Regulatory Services seeking approval for a proposal for a scheme where the companions of registered blind travellers were offered a concession on the Borders Railway. The Service Director, Mr Frater, explained that at present, companions accompanying blind travellers on buses were able to travel for free (known as the +1 scheme) but this did not currently apply to rail services in the Scottish Borders. Under discretionary powers, Scottish Borders Council could introduce a concessionary scheme which would enable a companion accompanying a registered blind person to travel on the Borders Railway for a reduced

fare; it was for the Council to determine whether it wished to introduce such a scheme and what level of concession, if any that it wished to apply. Mr Frater advised that some Local Authorities already operated a concessionary scheme. The report suggested two options for a trial concessionary scheme in the Borders, namely:- that a 50% discount scheme be adopted, giving companions of blind travellers half-price travel on the Borders Railway; or that a nominal flat fare of 10p be introduced, providing almost free travel for companions of blind travellers. Members noted from the report that a 50% discount scheme was the preferred option recommended by officers. Mr Frater explained that it was not possible to be absolutely accurate regarding the costs for operating a concessionary scheme as the number of people taking up the offer could not be determined in advance. The scheme, if agreed, would be monitored and a further report presented to the Committee in due course. Members welcomed the +1 pilot scheme and the way in which it offered equality to blind travellers.

DECISION

AGREED to introduce a one year trial +1 scheme for companions of blind travellers to travel on Borders Railway at a 50% discount cost.

The meeting concluded at 10.25 am

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