

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

6.	<p>Committee Minutes (Pages 3 - 90)</p> <p>Consider Minutes of the following Committees:-</p> <ul style="list-style-type: none"> (a) Tweeddale Area Partnership 27 March 2018 (b) Cheviot Area Partnership 28 March 2018 (c) Major Contracts Governance Group 12 April 2018 (d) Local Review Body 16 April 2018 (e) Teviot & Liddesdale Area Partnership 17 April 2018 (f) Audit & Scrutiny 19 April 2018 (g) Civic Government Licensing 20 April 2018 (h) Planning & Building Standards 30 April 2018 (i) Executive 1 May 2018 (j) Peebles Common Good Fund 9 May 2018 (k) Galashiels Common Good Fund 10 May 2018 <p>(Copies attached.)</p>	5 mins
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(a)	Tweeddale Area Partnership	27 March 2018
(b)	Cheviot Area Partnership	28 March 2018
(c)	Major Contracts Governance Group	12 April 2018
(d)	Local Review Body	16 April 2018
(e)	Teviot & Liddesdale Area Partnership	17 April 2018
(f)	Audit & Scrutiny	19 April 2018
(g)	Civic Government Licensing	20 April 2018
(h)	Planning & Building Standards	30 April 2018
(i)	Executive	1 May 2018
(j)	Peebles Common Good Fund	9 May 2018
(k)	Galashiels Common Good Fund	10 May 2018

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Tweeddale
Area Partnership

Our Scottish Borders
Your community

MINUTES of Meeting of the TWEEDDALE
AREA PARTNERSHIP held in West Linton
Primary School, Deanfoot Road, West Linton
on Tuesday, 27 March 2018 at 7.00 pm

Present:- Councillors R. Tatler (Chairman), H. Anderson, S. Bell, K. Chapman,
S. Haslam, E. Small together with 31 Representatives of Partner
Organisations, Community Councils and Members of the Public
In Attendance:- Joint Director of Public Health, Associate Director of Public Health,
Communities and Partnership Manager, Democratic Services Team Leader

1. **WELCOME AND INTRODUCTIONS**

The Chairman welcomed everyone to the second meeting of the Tweeddale Area Partnership.

2. **OPEN FORUM**

The following issues were raised by those present:-

- Lack of provision for the Elderly in Tweeddale – noted that this would be discussed as part of the evenings theme.
- Renovation of the monument at the source of the Tweed – Councillor Anderson advised that she was dealing with this
- Invitation to all those present to attend a screening of the film “Resilience” which was being shown in West Linton on 23 May 2018

3. **FEEDBACK FROM MEETING ON 10 JANUARY 2018**

The Chairman summarised the feedback which had been received. There would be a meeting of Members later in the week to discuss how this would be taken forward for inclusion into the Locality Plan. Any further feedback would be welcomed.

4. **THEME: OUR HEALTH CARE AND WELLBEING**

4.1 The Chairman introduced Dr Tim Patterson, Director of Public Health and Alison McCollam, Associate Director of Public Health. Dr Patterson highlighted the need for engagement with Communities and the need for partnership working. A new edition of the Director of Public Health’s Report, a revised Health & Social Care Partnership Plan and the NHS Clinical Strategy were all being prepared. He outlined the themes which influenced these which included demography with an aging population, public health priorities, mental health and reducing inequalities. The public health priorities covered areas such substance misuse, obesity and Type 2 diabetes and the Council’s Chief Executive, Tracey Logan was currently leading an East of Scotland Project on Type 2 diabetes. Alison McCollam advised that she was leading on mental health and young people. She emphasised the need to look after young people and the challenges presented by the rural nature of the area. Work on building resilience to help people manage day to day pressures was being carried out and a resource called “6 Ways to be well” offered practical help.

4.2 Colin Banks, Lead Officer for Localities explained how the session would work and that there were information packs on each table. Those present were invited to discuss and agree at their respective tables an answer to the question “What are the key challenges, issues or opportunities for health, care and wellbeing in

Tweeddale”. The points identified were to be written down on the post-it notes provided and would be collated at the end of the discussion. 30 minutes was given for this activity and the post-notes from each table were collected and displayed on the boards provided. There was a short break and Colin Banks highlighted some of the most common points identified. Each table was then asked to take a further 20 minutes to decide what the most important priorities for health, care and wellbeing in Tweeddale were and what actions could be taken to take these priorities. The post-it notes were again collected from each table and the Chairman advised how this information would be fed back. A copy of the output from the evening forms the appendix to this Minute.

5. **LOCALITIES BID FUND**

The Chairman advised that following the first pilot round of funding an assessment of how it had worked would be carried out and this would inform how the second funding round would operate. A link to a survey would be circulated to all those who had provided email addresses and would give an opportunity for all views to be submitted. Lawrie Hayworth, Peebles Community Council noted that more votes had been cast in Tweeddale than in any other area.

6. **OTHER BUSINESS - QUALITY OF LIFE/SMALL SCHEMES FUNDING**

The Chairman advised that there were 4 requests for funding as follows:-

- (a) £2,000 to fund the provision of a re-use cabin to be situated at Eshiels Community Recycling Centre. The re-use cabin would facilitate the secure storage of discarded household items prior to them being recycled by local social enterprises in the Tweeddale area;
- (b) £600 contribution to Carlops Community Council towards the costs of the supply and installation of a Public Access Defibrillator to be situated at the Village hall in Carlops;
- (c) £600 contribution to Lamancha and District Community Association towards the costs of the supply and installation of a Public Access Defibrillator to be situated at the Lamancha Hub; and
- (d) £625 to fund the replacement planting of a tree at Ushers Wynd Peebles, including an ornamental tree guard. The tree was vandalised at this location in spring of 2017 having only been recently replanted with the original planting having been funded by the Peebles Civic Society.

It was agreed to continue item (a) at present to ascertain if the department could identify any budget and to approve items (b) to (d).

7. **DATE OF NEXT MEETING**

The next meeting would be held on Wednesday, 23 May 2018 in the Community Wing at St. Ronan's Primary School, Innerleithen at 7 p.m. and the theme would be "Our Quality of Life".

The meeting concluded at 8.45 pm

Discussion Output: Our Health, Care & Wellbeing 27th March, 2018

Summary/Area of Discussion:

Care: care pathways, living independently at home, employment in the care sector

Post-it Notes:

- Lack of care and support in own homes – Under resources, speed of response and sustainability of care, resource, microwave meals poor nutrition, have carers all got their own transport or are there issues?
- Leaving hospital without care packages
- Rising elderly population – care home provisions not adequate
- Dementia specialist care is lacking
- Making social care jobs attractive to young people – how?
- Loneliness and isolation
- Roll out “what matters” hubs across Tweeddale especially in the more rural areas
- Deliver repeat prescriptions

“Priority” & “Solutions/Actions” Post-its:

- Care for the elderly/Combat Loneliness – facilities in all areas needed, high quality personal and residential care for the elderly and dementia specialists, take children into old folks homes

Key Areas for Tweeddale

- **Health & Social Care Partnership Locality Plan for Tweeddale**

Summary/Area of Discussion:

Transport

Post-it Notes:

- Transport – access to medical care, BGH, Haylodge, X-ray satellite clinics needed - radiology? Choice of going to Edinburgh or NHS Borders for patient care
- Outreach services to come to people

“Priority” & “Solutions/Actions” Post-its:

- Transport – including a later bus from Galashiels, work with 3rd sector to increase community transport, business sponsorship for community bus, access to sport facilities for middle teens, mini bus available to get people to activities such as sport
- Funding for voluntary drivers

Key Areas for Tweeddale

- **Community Transport**

Summary/Area of Discussion:

Infrastructure & Housing

Post-it Notes:

- More day centres needed
- Lack of Council/SBC Care homes
- Housing for young people wanting to stay in the Borders so they can take on carer roles (formal and informal)
- Lack of GP's in the area, too practice focussed that than client focussed
- Introduce requirement to make a % of housing to be for the elderly (zones)
- Creating opportunities for people to get involves in exercise, infrastructure to support physical activity i.e. buses with bike racks, bikes on trains, cycle tracks to connect
- Walking communities?
- Improve pathways for walking and cycling
- Better leisure facilities open earlier for adults
- Fuel poverty and affordable warmth
- Budget for short term packages and adaptations to housing is falling. Houses grow with the tenant as their care changes – adaptations, supported care
- Improve broadband to support telehealth
- Outpatient appointments done via telephone/skype
- Use IT for virtual consultation between local surgery and General Hospital

“Priority” & “Solutions/Actions” Post-its:

- Housing – extra supported care, lack of sites, future proofing housing, increase in residential housing but not the infrastructure, laundries?
- Public toilets
- Shared gardening schemes – community garden – ideal for intergenerational activities. Also intergenerational events in school
- More GP's
- More public spaces for young people to be, more organised activities

Key Areas for Tweeddale

- **Affordable and Appropriate Housing** (e.g. young and older generations; housing adaptations that reflect care needs & pathways)
- **Local infrastructure that encourages active lifestyles** (e.g. walking & cycling pathways, community gardens etc.)
- **Use of digital technology**

Summary/Area of Discussion:

Public Health priorities (Tobacco, Alcohol and Drug Misuse; Obesity and Physical Exercise; Mental Health)

Post-it Notes:

- Increase screening to cover many other issues
- Teen mental health, Young People more involved in development of services that are for them
- Better resilience to life, better awareness of mood
- Mental Health – feeling of inadequacy and social media is a problem
- Better and continuing education on alcohol, drugs and smoking – positive role models? Correct info passed on by parents and schools, attitude to alcohol, pricing of alcohol
- More celebrations without alcohol – peer pressure and marketing
- Travelling people – recognise the signs of mental health?
- Acting on the evidence
- Shops selling cheap food
- Substance misuse, smoking in younger adults, alcohol, obesity – type 2, physical activity, mental health, reducing inequalities
- “It’s not my responsibility” attitude
- Life skills needed in school
- Parental support
- Obesity – cooking lessons in school – not enough Home Economics teachers
- People need to tolerate young people playing about a bit in sport and activities to get them involved
- Parents need to support good behaviours
- Young people make own choices about food and exercise – engage to get the right facilities, don’t always make the right choices
- 30mins a day exercise for young and old is not happening, more PE lessons in school
- School food – not enough health options, vegetarian or vegan options? Good at primary but an issue at High School
- Newlands offers after school activities – well attended

“Priority” & “Solutions/Actions” Post-its:

- Reduce inequalities
- Exercise - Walking football or other activities, multi-use paths, public transport allowing bikes, keep middle teenage years active, good role models, stop barriers all young people should be able to play any sport or do any physical activity
- Mental Health – adolescent, create hope rather than despair, considered in all areas – housing, leisure, education etc, happiness measures and recognition aware of moods and sensitive to ups and downs
- Range of activities (physical) bums and tums
- Health education – food – embed health into everyone’s life, make it cool for young people to cook, life skills in school such as Home economics
- Young people – places to meet, need more teachers for Home Economics. Teach life skills, cooking and intergenerational working - funding
- Encourage interactions between young and old people

Key Areas for Tweeddale

- **Education (leading healthy and active lifestyles)**
- **Mental Health**
- **Physical Exercise**
- **Local intergenerational projects/opportunities**

Summary/Area of Discussion:

Public, Community & Voluntary Sector

Post-it Notes:

- Review Live Borders – what should it be delivering and good value? Increase in management fees 80%?
- Delivery and performance of SB Cares
- Money – focus on statutory service delivery – disconnect between fiscal targets and statutory requirements – Funding
- Understanding and mapping of what support is being offered – staff and services can then signpost
- Voluntary sector needs support – making referrals into the community services?
- Community and Voluntary groups make a big contribution
- Community owned energy provider in the Scottish Borders
- Communication as issue to let people know Borders wide about is available health wise – not everyone had access to computers
- Lack of information about local versions of services – local surgeries
- Opportunities to disseminate information e.g. energy efficiency at flu clinics

“Priority” & “Solutions/Actions” Post-its:

- Encourage communities to check on one another
- Community to be responsible for their community, support communities when housing estates considered. Better use of community empowerment
- Devolve budgets for local decisions on services
- Scheme for family to cook extra portion of meal and take to older person

Key Areas for Tweeddale

- **Communication, especially of local information (what is available, signposting etc.)**
- **Understanding the role of and maximising the support to the Community & Voluntary Sector**

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MINUTES of Meeting of the
CHEVIOT AREA PARTNERSHIP
held in Jedburgh Grammar School,
Jedburgh on Wednesday, 28 March
2018 at 6.30 pm.

Present:- Councillors S. Mountford (Chairman), J. Brown, S. Hamilton, S. Scott,
T.Weatherston together with 10 Representatives of Partner Organisations,
Community Councils and Members of the Public.
Apologies:- Councillor E. Robson
In attendance:- Head of Economic Development & Environment, Senior Lead Officer,
Education and Lifelong Learning, Communities and Partnership Manager,
Democratic Services Officer (F. Henderson)

1.0 **WELCOME**

The Chairman welcomed everyone to the Cheviot Area Partnership.

2.0 **FEEDBACK FROM MEETING ON 7 FEBRUARY 2018**

2.1 The minute of the first meeting of the Area Partnership had been circulated which included a summary of the discussion output as an appendix. The Communities and Partnership Manager referred to the general concerns, issues, challenges and opportunities raised at that meeting and confirmed that the theme identified as a priority to take forward for more in-depth discussion was Our Economy Skills and Learning. This theme would therefore be the focus for debate for the remainder of the meeting.

3.0 **THEME: OUR ECONOMY, SKILLS AND LEARNING**

3.1 Head of Economic Development and Environment, Bryan McGrath, provided an introduction to the theme for the evening. He drew attention to issues highlighted at recent Business Breakfasts; the main concerns related to digital connectivity, business rates, Brexit, business premises and access to people with the right skills. Opportunities for Economic Development within the Borders were recognised. Many related to tourism with mountain biking and the Tapestry being referred to in particular. Colin Gilmour, Regeneration Scheme gave a brief introduction in terms of grant funding, upskilling Borders Contractors and the Jedburgh CARS Scheme.

3.2 Following the introductory talks, officers joined Elected Members, partners and members of the public at their tables for a discussion of the Key Areas relating to “Our Economy Skills and Learning” in the Cheviot Area including Developing Young Workforce/Careers Advice (both in terms of learning and employment), incl. utilising existing businesses to showcase options/inspiring local people and building closer relationships between local schools and businesses and Life Skills for Young People; opportunities for intergenerational projects. A pack of information was provided at each table to aid the discussion as were post-it notes to record the emerging points. Following this first discussion period and a short break each group returned to their tables where they were asked by the Chairman to focus on the key issues raised and to discuss and identify ways of taking these forward within the Cheviot area. A summary of the output of the discussions was provided as an appendix to this minute.

4.0 **DATE OF NEXT MEETING**

The next meeting would be held on Wednesday, 6 June 2018 in Kelso at 6.30 p.m. when the theme would be Health and Wellbeing.

The meeting closed at 8.20 p.m.

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Discussion Output: Our Economy, Skills and Learning 28th March, 2018

Summary/Area of Discussion:

Education, Skills & Learning and the World of Work

Post-it Notes:

- Challenge around work based learning – Health and Safety – DYW (Developing Young Workforce) Groups
- Are young people more aware of alternative pathways now? Vocational opportunities
- Apprenticeships – small businesses can't afford them, new system needed, use people on certain jobs just to upskill them. Emtelle, Mainetti and Staratts could they do more for MA's
- Most young people staying on for 6th year only a handful leaving, most going to a positive destination
- Young People that fall out of the system, do they reach a positive destination?
- Importance of having local people coming into schools and show what can be achieved – positive role models
- Challenge to help young people understand what opportunities are out there in local businesses
- Traders going out with the Borders, how do we upskill the trades to look after heritage buildings
- Heritage building/contractors – Selkirk CARS, lack of traditional skills
- Sending teachers to "on site" days with local businesses helps understand the needs of business and work place skills, opportunities to do more
- How to encourage young people into Agriculture and other rural enterprises
- Young people – cooking education and budgeting, communication and relationship skills, better IT skills other than social media, more apprenticeships, careers officer, different sharing platform to inform youths, shortage of teachers, certain subjects can't be catered for, costly to go to other schools, Borders College could offer other subjects
- 98% Jed youths go onto positive destinations
- Intergenerational cooking programmes, older people teaching younger
- Training schemes 16-25 life skills, employability skills for school leavers if not going to College
- STEM – challenge to get enough STEM tenders, Scottish level issue
- Kelso has ICT policy to consider technology – can enhance learning.
- Risk people get left behind in the workplace. Technology – need to help people to keep learning

"Priority" & "Solutions/Actions" Post-its:

- Jobs – Informed of more specialised careers, less opportunities in farming so more vocational apprenticeships, local, well paid apprenticeships will increase shops, economy. Reduce stigma of apprenticeships. Large companies need to promote more apprenticeships
- Directory of specialised skills e.g. 'dry stane dyking'
- Life skills needed
- More intense career advice
- Digital skills – ensure enough courses
- Workplace "on site" days so teachers are aware of skills needed
- Promote partnership working, existing work be better co-ordinated

- Build on good work already started through Developing Young Workforce – level of funding required
- Mentoring and coaching scheme to help young people think about career routes
- Consider a new employer recruitment incentive programme – support businesses to provide 6/12 month paid placements
- Support for young people who have left school to get them a positive destination – support and track these young people

Key Areas for Cheviot

- **Developing Young Workforce/Careers Advice (both in terms of learning and employment), incl. utilising existing businesses to showcase options/inspiring local people and building closer relationships between local schools and businesses**
- **Life Skills for Young People; opportunities for intergenerational projects**

Summary/Area of Discussion:

Employment and Entrepreneurism

Post-it Notes:

- More IT creative industry jobs required
- Opportunities in the care sector, how can we help people find pathways into that as a career
- Better food chains
- More employers need brought into the area to keep young people here – how?
- Rate relief if you have an MA? Value workforce
- Challenge to recruit young people – apprenticeships?
- Community Spirit and local network to help find opportunities for young people in local business

“Priority” & “Solutions/Actions” Post-its:

- More hotel opportunities – jobs and economy

Key Areas for Cheviot

- **Developing the Young Workforce programme**

Summary/Area of Discussion:

Infrastructure, Facilities & Premises (incl. School Estate and Transport)

Post-it Notes:

- Opportunity from the investment in the new High School in Kelso and Jed – what else can be done to take advantage of this? Intergenerational learning
- Better facilities retail, leisure, transport, housing
- Digital connectivity an issue if working/driving out and about
- Use of old grammar school – hotel, housing?
- Transport – School leavers access to work and further information, reliance on limited bus services, how to move between rural areas

- Roads – poor state, no motorways and dangerous
- Infrastructure and broadband poor in rural areas – businesses suffer
- Old High School sites into Travel lodge or hotel accommodation, no major capacity accommodation for events
- Digital infrastructure important. Jed restarting Computer Science courses, affordability of digital connections – not everyone can afford connection

“Priority” & “Solutions/Actions” Post-its:

- Investment, attitude to Jedburgh, maximise school campus and support 2 main industries
- Infrastructure – roads and buildings need repaired, more focus needed on essential roads
- Transport links – better bus links, be creative to help people move around
- The provision of employment land in rural communities

Key Areas for Cheviot

- **Build on the investment in new school estate (Kelso and Jed) and maximise the opportunities for the old High/Grammar School sites**

Summary/Area of Discussion:

Tourism and Town Centres

Post-it Notes:

- Tourism destination – streetscape? Tourism bus companies – get more of them to use the Borders, Destination Scottish Borders, what role for the Scottish Borders Tourism Partnership, MBTAG? What does Visit Scotland offer now? TIC locally?
- Jed & District Community News Group – Leaflet supporting tourism? Marketing, banners/flags on lamp posts
- Leader funding – horse tourism, cross border
- Jedburgh Distillery – creating 50 jobs, bring tourism into the town centre, better or more hotel accommodation
- What is the attraction into the Borders from Northern England, who are our biggest tourist groups, make use of the Borderlands initiatives
- Jedburgh has smaller businesses popping up – restaurants? Need good chefs, have the produce! Different eateries – Born in the Borders is a positive
- Tourism – St Cuthberts, Pennines, 3 Abbeys Way – organised tours, good quality accommodation needed, Ghost tours, outdoor activity centre needed with high quality activities – affordable – similar to Foxlake or a Centre Parc. Small to grow as Glentress started. Arts and Crafts, expand Melrose Book Festival and other festivals we have. Tourist Information type person is needed
- Jedburgh poor footfall, centre looks run down with scaffolding
- Kelso Farmers Market needs improved, campsites need advertised better
- Luxury Lodges, Yurts, Wedding Venues – opportunities
- Jed – 2 week festival Healing Town with health and wellbeing – ME Society, Alternative medicines etc.
- Towns and villages look for more events and themes to maximise footfall
- Springwood Park a positive, booked majority of the time
- Public toilets, locked after 6pm and pay – key to tourism?
- Attracts families to the area – quality of life but limited night life

<ul style="list-style-type: none"> • Small organisations find it difficult to promote events
<p><i>“Priority” & “Solutions/Actions” Post-its:</i></p> <ul style="list-style-type: none"> • Tourism – marketed and taken forward collectively – working group, resources available? Package to attract visitors? Show what we have to offer, smaller attractions linked together and co-ordinated. Info and demographics for the right place and right people. Interpersonal skills taught. Funding – people/pots by locality, localised officers, SBC partner with Tourism events and provide support with paperwork • Promote the area for inward investment and great place to bring up a family – quality of life
<p><i>Key Areas for Cheviot</i></p> <ul style="list-style-type: none"> • Tourism <ul style="list-style-type: none"> ○ better understanding of tourism support on offer, funding available etc. ○ how to make the most of all the new investment in the town and surrounding area (e.g. new distillery, CARS scheme and intergenerational community campus) ○ what opportunities can be realised/created (e.g. marketing, tour packages, start-ups), what support is on offer to take these forward • Town Centre regeneration – how to make the most of CARS scheme, and other inward investment that could be drawn into the town

<p>Summary/Area of Discussion: Community & Third Sector</p>
<p><i>Post-it Notes:</i></p> <ul style="list-style-type: none"> • Port House – services accommodation for social enterprise – hub/incubator units • Admin support for communities dealing with ‘red tape’ paperwork SAG’s • Jed alliance – Hydro Scheme? • Communication – how can things be better communicated
<p><i>“Priority” & “Solutions/Actions” Post-its:</i></p> <ul style="list-style-type: none"> •
<p><i>Key Areas for Cheviot</i></p> <ul style="list-style-type: none"> • Better understanding of what support is on offer for and within the community & third sector

SCOTTISH BORDERS COUNCIL

MAJOR CONTRACTS GOVERNANCE GROUP

MINUTES of Meeting of the MAJOR CONTRACTS GOVERNANCE GROUP held in the Council Chamber, Council Headquarters, Newtown St Boswells on Thursday, 12 April 2018 at 10.00 am

Present:- Councillors G. Turnbull (Chairman), G. Edgar, J. Fullarton, D. Moffat, E. Thornton-Nicol, T. Weatherston.
Absent:- Councillor T. Miers.
In Attendance:- P Barr (Managing Director SB Cares), L Crombie (Operations Director SB Cares), L Mirley (Finance and Commercial Director SB Cares), S Holmes (Principal Internal Auditor), D Macdonald (Finance Business Manager), Democratic Services Officer (P Bolson).

1. **WELCOME AND INTRODUCTIONS**

The Chairman welcomed everyone to the meeting of the Major Contracts Governance Group.

2. **MINUTE**

There had been circulated copies of the Minute of the meeting of the Major Contracts Governance Group of 7 November 2017.

DECISION

NOTED the Minute for signature by the Chairman.

SB CARES BUSINESS

3. **QUARTERLY PERFORMANCE REPORTING**

3.1 With reference to paragraph 4 of the Minute of 7 November 2017, there had been circulated copies of a report by the Business Partner Finance providing an update on the financial position as at 28 February 2018. The Appendix to the report included details of the year to date spend against budget and against the previous year spend for both income and expenditure; the year to date spend by service heading; the balance sheet for the period; and the projected cash flow to 31 March 2018. The report compared the financial performance against the reforecast surplus and noted that although there continued to be a shortfall in Spot Contract income, the expected outturn of £441k remained unchanged. A further shortfall was anticipated for March 2018, again with no expected impact on the overall target surplus. The report included a summary of the overall position in terms of costs relating to staff, transport, property/energy and other non-staff expenditure. The report acknowledged that an increase in overtime payments at premium rates had been necessary for SB Cares to meet the challenges of maintaining staffing levels over the winter months however, the introduction of additional staff to the workforce had allowed the overall impact to be managed and it was anticipated the full year staff costs would remain within the agreed forecast. Regular updates would be presented to the Major Contracts Governance Group.

3.2 In response to questions, Members were advised that transport costs were reviewed on a regular basis and options for electric cars were fully assessed to include purchase, lease and rental costs. During the difficult winter conditions, clients were kept safe at all times and there were no missed visits recorded. The commitment and professionalism of staff had been exceptional in ensuring the safety of their clients and staff were paid overtime as appropriate. Other organisations such as Mountain Rescue had also assisted in

ensuring that clients received home visits as required. Discussion followed in respect of transport; provision of a complete fleet management service; road conditions; and service provision. Officers responded to questions from Members.

DECISION

NOTED the financial position and the management actions in hand.

4. SB CARES PROJECTS 2018-19

- 4.1 There had been circulated copies of a report by the Service Development Manager providing an update on the progress of projects within the Transformation Programme. Since the previous update, there had been a number of developments. Members were advised that the transfer of the Alarms Service (Bordercare) along with other services such as emergency repairs to East Lothian had taken place at the end of March 2018. Members were advised that alarm service users would not experience any break in provision or change in the way they accessed assistance. It was not currently anticipated that any staff would enter the redundancy or deployment processes. Members were advised that there had previously been a large amount of manager time spent on scheduling the Home Care rotas but the new "four days on/four days off" simplified the process and now operated across all Home Care teams. Possible further refinement of the system would be considered as required. Testing and development was ongoing in respect of the Payroll report and it was acknowledged that further significant work was required in this regard. Preparation of a procurement pack for additional cars for Home Care delivery was also currently underway.
- 4.2 Discussion followed and it was noted that service users had commented favourably on their satisfaction with the new service provision. In response to a question on recruitment and retention, Ms Crombie advised Members that, in addition to traditional recruitment methods and word of mouth, SB Cares was working closely with Borders College and local schools in an effort to promote SB Cares and services it provided. Members noted that there had been over 40 applications for Home Care posts across three areas and Ms Crombie further advised that the recruitment process was sometimes slowed down by the time taken for the Protecting Vulnerable Adults (PVG) procedure to be completed. In terms of Scottish Social Services Council (SSSC) registration, this could take up to ninety days to complete and once registered, there was an expectation that staff would achieve SVQ at Level 2. This project was still to be implemented across the Home Care Service.

DECISION

NOTED:-

- (a) the savings and investment; and**
- (b) the next steps and risks described for each project.**

5. CARE INSPECTORATE

With reference to paragraph 5 of the Minute of 7 November 2017, there had been circulated copies of a report by the Operations Director SB Cares giving the updated position on the inspection of SB Care services by the Care Inspectorate. Members were advised that since the last report in November 2017, five inspections had taken place. Grade 5 was awarded to Waverley Care Home for three of the quality themes and Grade 4 was given for Quality of Management and Leadership. St Ronan's Care Home was inspected and both quality themes assessed were awarded Grade 5. Grove House Care Home had been inspected and all four themes were assessed, with Quality of Care and Support and Quality of Staffing both receiving Grade 5 and Quality of Environment and Quality of Management and Leadership each obtaining Grade 4. Saltgreens Care Home had received an improved rating of Grade 5 for Quality of Care and Support, with other Grades being maintained at the previous levels. Further details for all of the above Care Inspectorate reports were included in Appendix 1. With regard to the final report for Home Care West, the three Themes that had been assessed received Grade 3. This included a reduction in the Grade for Care and Support however, the challenges that the

Home Care Service had faced over recent months had been recognised by the Inspectors. Feedback from the Inspectors had offered some positive and constructive feedback, including comment about improvements made to the recruitment process and the Induction and Training Programmes. In terms of the focus of the Care Inspectorate reports, on occasion the emphasis appeared to be on the areas requiring improvement rather than on areas where good standards of care were provided and Members noted that this might be due to there being a limit of space available within the report template. Recently, this had led to some negative press coverage locally. A draft report had been received for the East Home Care Service however, Members were informed that SB Cares considered that the report did not reflect the positive feedback received from the Inspectors and the report was therefore being challenged. An updated report would be presented to the Committee in due course. Discussion followed and the improvements in a number of service areas were acknowledged. Members recognised the improvements that had been made and that it was noted that this information might be used to provide some positive comment in the public domain.

DECISION

NOTED:-

- (i) **the improved grades contained in the report for Waverley Care Home;**
- (ii) **the improved grades contained in the report for St Ronan's Care Home;**
- (iii) **the improved grades contained in the report for Grove Care Home;**
- (iv) **the improved grades contained in the report for Saltgreens Care Home;**
- (v) **the report for the Home Care West service; and**
- (vi) **that the Home Care East service had been recently inspected.**

6. NEW SERVICE DEVELOPMENTS

With reference to paragraph 7 of the Minute of 7 November 2017, the Operations Director provided a verbal update on the services currently being developed by SB Cares. The Coldstream Community Model (previously referred to as Buurtzorg) had made progress and Members were advised that the trial would be developed further and an update reported to the Committee in due course. Discussion followed in respect of the re-homing of patients and Members were advised that the Craw Wood facility had proved very successful, with staff using the time clients spent in the Unit to carry out comprehensive assessments prior to discharge. Members were also advised of an insurance-led approach in the Netherlands whereby GPs could refer patients for a follow-on service and the actual care offered was then decided by the insurance company. Further information about the proposed Enablement Service would be presented to Members in due course.

DECISION

NOTED the update.

7. SCHEDULE OF MEETINGS

7.1 The next meeting of the Major Contracts Governance Group would take place at 2.00pm on Tuesday 5 June 2018.

7.2 The schedule of meetings from August 2018 to June 2019 was presented as follows:-

18 September 2018

6 November 2018

5 March 2019

4 June 2019

All meetings would commence at 2.00pm.

DECISION

NOTED the dates for future meetings.

ADJOURNMENT

The meeting was adjourned at 11.00am and reconvened at 11.10am.

8. **PRIVATE BUSINESS**

DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business 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. **SB CARES BUSINESS PLAN FOR 2017/22**

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

10. **MINUTE**

Members considered the Private Section of the Minute of the Major Contracts Governance Group of 7 November 2017.

11. **SBC CONTRACTS TRADING OPERATION UPDATE AT 31 DECEMBER 2017**

Members considered the update report.

The meeting concluded at 12.25pm.

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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, 16 April 2018 at 10.00 am

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

Apologies:- Councillor C. Ramage.

In Attendance:- Principal Planning Officer – Major Applications/Local Review, Solicitor (E. Moir), Democratic Services Team Leader, Democratic Services Officer (F. Walling).

MEMBERS

Councillor Aitchison and Councillor Small were not present at the beginning of the meeting for consideration of the undernoted application as Councillor Aitchison had declared an interest and Councillor Small had been absent when the initial consideration had taken place.

1. CONTINUATION OF REVIEW OF 17/01008/FUL

With reference to paragraph 3 of the Minute of 19 February 2018 the Local Review Body continued their consideration of the request to review the decision to refuse the planning application in respect of erection of replacement dwellinghouse on land west of Glenkinnon Lodge, Peelburnfoot, Clovenfords. In response to the request by the Local Review Body for further procedure in the form of written submissions, in respect of the amended site plan (reference 9303.1.02 B), there had been circulated copies of submissions from the Council's ecology officer; landscape officer; planning officer; objectors; and a response to the submissions from the applicant. Also circulated were copies of all the original papers that accompanied the review. With guidance from the Legal Advisor, Members considered whether certain further matters included in the review documents and certain documents submitted as part of the further procedure constituted new evidence. For the reasons set out in Appendix I to this Minute, Members concluded that the applicant's explanation of the difference in the Valuation Roll extracts, the newspaper article submitted by two objectors and the two additional tree reports presented by the applicant were pieces of new evidence that did not meet the test under Section 43B of the Town and Country Planning (Scotland) Act 1997. These matters were therefore not referred to in their deliberations. Members' discussion focussed firstly on whether there was any evidence that the existing building, which it was proposed to replace, had been a dwellinghouse and secondly whether the proposal constituted a conversion. Consideration was then given to whether the proposal was related to a building group and whether there was an economic requirement for the development. Finally Members considered the impact of the proposal on the surrounding woodland amenity and in particular on the trees contained within a Tree Preservation Order.

DECISION

AGREED that:-

- (a) **the review could now be determined without further procedure on the basis of the papers submitted and the further written submissions;**

- (b) **in accordance with Section 43B of the Town and Country Planning (Scotland) Act 1997 the review be determined without reference to the new evidence outlined in the paragraph above;**
- (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 and the application refused for the reasons detailed in Appendix I to this Minute.**

MEMBERS

Councillors Aitchison and Small joined the meeting.

2. REVIEW OF 17/01613/PPP

There had been circulated copies of the request from Mr and Mrs B. Soar, per Aitken Turnbull Architects Ltd, 9 Bridge Place, Galashiels, to review the decision to refuse the planning application in respect of erection of dwellinghouse on land east of Keleden, Ednam. The supporting papers included the Notice of Review (including the Decision Notice); officer's report; papers referred to in the officer's report; consultations; support comments; objections; general comments; further representation and response from applicant; and a list of relevant policies. Members noted that the application site was outwith but adjoining the settlement boundary of Ednam as defined in the Local Development Plan. Their ensuing discussion therefore focussed on whether there were strong reasons for an exceptional approval. They attached significant weight to the recent erection of two dwellinghouses on the northern side of the road, which reduced the gap between the settlements of Ednam and Cliftonhill, and to the field boundary of the site which they considered represented a more logical boundary to Ednam than the current development boundary.

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.**

3. REVIEW OF 17/01409/FUL

There had been circulated copies of the request from Mr Harry Thomson, 16 Craig Brown Avenue, Selkirk, to review the decision to refuse the planning application in respect of an extension to form a new living room at 16 Craig Brown Avenue, Selkirk. The supporting papers included the Notice of Review; Decision Notice; officer's report; papers referred to in the officer's report; consultations; objections; general comment; and a list of relevant policies. In their deliberations, Members referred to the original planning consent for the single storey house at 16 Craig Brown Avenue, which included a condition requiring two off-street parking spaces. They also noted that permitted development rights had been removed when the development was approved; the implication being that an extension would cause overdevelopment of the site. Whilst expressing sympathy with the applicant's wish to extend his living space, Members considered the effect of the loss of a

parking space within the site and the impact of the proposed extension on the adjoining properties and in particular on a proposed dwellinghouse on adjoining land, which had recently received planning approval.

DECISION

AGREED that:-

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

4. REVIEW OF 17/01572/PPP

There had been circulated copies of the request from Mrs Anne McKelvey, per Ferguson Planning, 54 Island Street, Galashiels, to review the decision to refuse the planning application in respect of the erection of a dwellinghouse on land south east of Beckhope, Kailzie, Peebles. Included in the supporting papers were the Notice of Review (including the Decision Notice and officer's report); papers referred to in the officer's report; consultations; and a list of relevant policies. The Local Review Body considered a piece of new evidence that had been submitted with the Notice of Review as detailed in Appendix IV to this Minute. After applying the test under Section 43B of the Town and Country Planning (Scotland) Act 1997 Members concluded, for the reasons given, that reference could be made to this new evidence as part of the determination of the review. Having agreed that there was a building group in the vicinity of the site Members noted that there had been a previous approval for a dwellinghouse on land to the south of the application site but that, due to woodland being established on the site a recent application to renew consent had been unsuccessful. Members' attention focussed on whether the alternative application site now proposed related well to the existing building group in terms of its location, character and scale. Consideration was also given to the fact that the site was located within a previously undeveloped field. After a lengthy debate Members' opinion remained divided on these issues.

VOTE

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

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

On a show of hands Members voted as follows:-

*Motion - 2 votes
Amendment - 6 votes*

The amendment was accordingly carried and the application approved.

DECISION

DECIDED that:-

- (a) **the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **in accordance with Section 43B of the Town and Country Planning (Scotland) Act 1997 the review could be determined with reference to the new evidence submitted with the Notice of Review documentation;**
- (c) **the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (d) **the proposal would be in keeping with the Development Plan; and**
- (e) **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 IV to this Minute.**

5. REVIEW OF 17/01704/FUL.

There had been circulated copies of the request from Mr S. Wilson, 10 Springfield Square, St Boswells, to review the decision to refuse the planning application in respect of change of use from retail to dog grooming practice. The supporting papers included the Notice of Review (including the Decision Notice); officer's report; papers referred to in the officer's report; consultations; and a list of relevant policies. Members noted that the social media comments submitted by the applicant with the Notice of Review constituted new evidence as these had not been lodged with the appointed planning officer when the application was determined. They agreed that as this evidence did not meet the tests set out in Section 43B of the Town and Country Planning (Scotland) Act 1997 they would proceed to consider the case without reference to this information. Members noted that the application was for a Class 2 use and that the site, formerly a retail unit and now vacant, was within the Core Activity Area in Galashiels where policy normally opposed any uses other than Classes 1 and 3 at ground floor level. In the ensuing discussion Members discussed the nature of the business that was proposed for the premises, recognising that a dog grooming practice represented a niche service for which there was likely to be a demand. They noted that visits to the premises were likely to be associated with linked shopping trips, thereby increasing footfall in the town centre. In view of the pressure on small scale units within the town centre and the presence of large supermarkets Members considered the need for flexibility to provide a variety of different small units in Bank Street. The majority of Members indicated support of the application subject to the use of the premises being restricted to the dog grooming practice and not for any other Class 2 use. Councillor Small was opposed to this view and moved that the officer's decision to refuse the application be upheld but there was no seconder to this motion.

DECISION

DECIDED that:-

- (a) **the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **in accordance with Section 43B of the Town and Country Planning (Scotland) Act 1997 the review be determined without reference to the new evidence submitted with the Notice of Review documentation;**
- (c) **the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (d) **the proposal would be in keeping with the Development Plan; and**

- (e) **the officer's decision to refuse the application be reversed and planning permission be granted subject to conditions and an informative for the reasons detailed in Appendix V to this Minute.**

The meeting concluded at 1.00 pm

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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: 17/00053/RREF

Planning Application Reference: 17/01008/FUL

Development Proposal: Erection of replacement dwellinghouse

Location: Derelict dwelling, Land West of Glenkinnon Lodge, Peelburnfoot, Clovenfords

Applicant: Mr Adam Elder

DECISION

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

1. The proposed development is contrary to policy EP13 (Trees, Woodland and Hedgerows) of the Scottish Borders Local Development Plan (2016), and contrary to adopted supplementary guidance on Trees and Development in that the development will result in significant removal of trees subject to Tree Preservation Order which provide a positive landscape contribution. Furthermore, the proposed development would lead to increased pressure to remove further trees in the future.
2. The proposed development is contrary to policy HD2 of the Scottish Borders Local Development Plan (2016), in that the proposed development would not sympathetically relate to the existing building group in terms of siting, scale, form or design. The existence of a building on site is inadequate justification for the proposed development.

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	9303.0.01
Site Plan - existing	9303.1.01
Site Plan – proposed	9303.1.02 Rev B
Elevations	9303.1.04
Sections	9303.1.03
Sections	9303.1.05 A-A
Sections	9303.1.06 B-B

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 Decision Notice); b) Officer's Report; c) Papers referred to in report; d) Consultations; e) Objections; f) General comment; g) Further representations in response to appeal; h) Response from applicant to further representations; and i) List of Policies, the LRB considered whether certain matters included in the review documents constituted new evidence under Section 43B of the Act and whether or not this evidence could be referred to in their deliberations. Members decided that the applicant's offers relating to community benefits, an affordable house unit (to be provided once the applicant no longer lived in the property) and business intentions did not meet the test and therefore could not be considered in their deliberations. However, 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 Officer, 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.

The LRB reconvened to consider the Review, following further procedure, at its meeting on 16th April 2018. After examining the review documentation at that meeting, which included Written Submissions relating to the amended site plan 9303.1.02 B from a) Ecology Officer; b) Landscape Officer; c) Planning Officer; d) Objectors; and e) Response by applicant, together with f) Review Papers (including the Decision Notice and Officer's Report), the LRB considered whether certain further matters included in the review documents constituted new evidence under Section 43B of the Act and whether or not this evidence could be referred to in their deliberations.

The LRB decided that the applicant's explanation of the reason for difference in the Valuation Roll extracts was not material to their consideration in that it was accepted that the verified extract had been provided by an objector. The LRB also decided that the newspaper article raised by two objectors in relation to a development by the applicant in East Lothian did not raise any material planning considerations and was, therefore, not material to the case or their deliberations. Finally, the LRB decided that the two tree reports submitted by the applicant in response to the comments received during further procedure did not meet the tests set out in Section 43B of the Act, in that they could have been submitted before the application was determined by the Appointed Officer and that there were no exceptional circumstances why they could not have been lodged before that time. The Review Body proceeded to determine the case without reference to this information.

REASONING

The determining issues in this Review were:

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

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

- Local Development Plan policies: PMD1, PMD2, HD2, HD3, EP1, EP2, EP3, EP5, EP8, EP13, IS2, IS5, IS7 and IS9

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- Scottish Planning Policy

The Review Body noted that the proposal was to remove an existing building and build a dwellinghouse on an enlarged footprint using reclaimed stone with timber clad walls, a slate roof and measuring approximately 14m by 7m. It was noted that the dwellinghouse would be set down on the site compared to adjoining land with a ridge height of 9.26m and that some trees would be removed for the new house. Members also noted that a vehicular access and parking would be taken from the public road to the western end of the site with a footpath linking the house to the access and parking.

The Review Body firstly considered whether the proposal represented the replacement of an existing or former dwellinghouse under LDP Policy HD2. They concluded that there was evidence it had been a kennels building but no evidence that it had been a dwellinghouse. They considered that any incidental residence in relation to the use of the building as kennels had not been proven and, in any case, would not define that the building was an existing house, nor indeed, a former house. They concluded that the proposal was, therefore, contrary to Policy HD2 (E) Replacement Dwellings and HD2 (D) Restoration of Houses relating to redevelopment of existing and former houses.

The Review Body then considered Policy HD2 (C) in relation to Conversions of Buildings to a House. They did not consider that the proposal constituted a conversion as the application was for demolition of the existing building, therefore, the proposed development did not comply with Policy HD2(C). The Review Body also considered Policy HD2(A) in relation to Building Groups. They did not consider that the proposal was well related to an established building group, therefore, the proposed development did not comply with HD2(A). Finally, the Review Body considered Policy HD2(F) Economic Requirement. They did not consider that a business case had been put forward to justify the siting of this development in the proposed location. They felt that the argument advanced by the applicant, that it would be difficult to manage the woodland when not resident on the site, was not sufficient to justify

the erection of a house. As such, the proposed development did not comply with HD2(F). As none of the relevant sections of Policy HD2 were complied with, the Review Body could not support the development. Members did express some sympathy with the design approach, albeit this did not outweigh the lack of compliance with any part of the principal Policy HD2. There was also some concern at the actual visual impact on the area as a result of the development which had a larger footprint than the existing building.

The Review Body also considered the issue relating to the identified impacts on preserved trees. They acknowledged that there was conflicting evidence on the number of trees that could be lost or detrimentally impacted by the house and access. The Review Body accepted the advice of the Planning and Landscape Officers that it was likely more trees would be adversely impacted by the construction and occupation of the dwellinghouse than those identified in the revised plan 9303.1.02 B. They considered that this impact would be unacceptable on trees contained within a Tree Preservation Order and was, therefore, contrary to Policy EP13.

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.....19 April 2018

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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: 18/00004/RREF

Planning Application Reference: 17/01613/PPP

Development Proposal: Erection of dwellinghouse

Location: Land East of Keleden, Ednam, Kelso

Applicant: Mr & Mrs Brian Soar

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. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	AT3007 PP-01

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 16th April 2018.

After examining the review documentation at that meeting, which included: a) Notice of Review (including Decision Notice); b) Officer's Report; c) Papers referred to in Officer's Report; d) Consultations; e) Support comments; f) Objections; g) General comments; h) Further representations and response from applicant; and i) List of Policies, the Review

Body proceeded to determine the case. They also noted the applicant's request for further procedure in the form of a site visit but did not consider this necessary after considering the case and 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, PMD4, ED10, HD2, HD3, IS2, IS5, IS7 and IS9

Other Material Considerations

- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Development Contributions 2011

The Review Body noted that the proposal was for planning permission in principle to erect a dwellinghouse on a plot to the eastern edge of Ednam, east of a property known as Keleden, and west of Cliftonhill Farm. Access would be taken off the public road to Cliftonhill.

Members noted that the application site was outwith but adjoining the settlement boundary of Ednam as defined in the Local Development Plan. From the supporting papers and the site photographs, they also had regard to the recent erection of two dwellinghouses on the northern side of the road, close to the plot. These houses were consented by the Review Body in relation to an application for planning permission in principle in 2011, followed up by the detailed house designs. The Review Body gave significant weight to the presence of these houses in assessment of the proposal. The Review Body also noted the planning history on the site including previous refusals and rejection at Local Review.

Members considered the proposal principally against Policy PMD4 of the Local Development Plan and, firstly, against each of the four exception criteria. Whilst it was accepted that the proposal was not justified on an economic basis nor represented an affordable housing proposal, the Review Body did note the local support for the proposal and the contribution another house would make to the community and local facilities, accepting that there was a local need for housing. They, therefore, felt that two of the exception criteria were met by the proposal.

The Review Body then considered the secondary criteria under Policy PMD4 and accepted that they were met by the proposal, especially in relation to the site representing a logical extension to the settlement edge of Ednam. Members considered that with the current field edge to Cliftonhill being augmented by the planting that has been carried out, this was a more defined visible boundary to Ednam than the current boundary. This could be further augmented by planting through a planning condition.

The Review Body also considered that there was a significant impact created by the two new houses north of the public road that were added to the Cliftonhill building group, diminishing the gap between Ednam and Cliftonhill to the extent that there was less justification in retaining the application site as a remaining gap, the stronger and more natural boundary being the field boundary to the eastern edge of the site.

It was also considered that the two new houses would have more visual impact on the landscape than development of the application site, subject to precise design and siting agreed at the next planning stage. Members were also mindful of the fact that the site and other land north of the Cliftonhill road had been submitted by land owners as part of the Local Development Plan Review and that there was development pressure at this side of Ednam, albeit this could not be given any weight in the final decision as submissions were still being considered.

The Review Body then considered other matters including surface water drainage, boundary planting and road access. It was noted that drainage and planting works had already been undertaken and that further details of these matters, together with road access, could be addressed by planning conditions.

CONCLUSION

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

DIRECTIONS

1. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
 - a. the expiration of three years from the date of this permission, or
 - b. the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.

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

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

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

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

CONDITIONS

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

Authority. Thereafter the development shall be carried out in accordance with the agreed details.

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

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

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

3. 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):

- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
- ii. existing landscaping features and planting to be retained and, in the case of damage, restored
- iii. location and design, including materials, of walls, fences and gates
- iv. soft and hard landscaping works including roadside treatment
- v. existing and proposed services such as cables, pipelines, sub-stations
- vi. A programme for completion and subsequent maintenance.

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

4. No development shall commence until the details of the access serving the site, which shall include a service lay-by and interceptive drainage measures, and the parking and turning facilities within the site have been submitted to and approved by the Planning Authority. Thereafter, the works shall be implemented in accordance with the agreed details and within an agreed timescale.

Reason: To ensure the site is adequately serviced.

5. No development to commence until further details of the provision of water, foul and surface water drainage are submitted to, and approved by, the Planning Authority. The development then to proceed in accordance with the approved details.

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

INFORMATIVES

With regards to Condition 2, the Roads Planning Service advises that the access should be no steeper than 1 in 15 for the initial 5m and that the service lay-by should be designed as per SBC specification DC-3. Only contractors approved by the Council may work within public road boundary.

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.....19 April 2018

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APPENDIX III

**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: 18/00005/RREF

Planning Application Reference: 17/01409/FUL

Development Proposal: Extension to form new living room

Location: 16 Craig Brown Avenue, Selkirk

Applicant: Mr Harry Thomson

DECISION

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

1. The proposed extension would reduce the available off-street parking below the minimum standard specified in the Local Development Plan 2016. The extension would also not relate well to the adjoining proposed property to the north east, and would be potentially detrimental to its amenity. The development is, therefore, contrary to Policies PMD2, HD3 and IS7 of the Local Development Plan 2016.

DEVELOPMENT PROPOSAL

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

Plan Type	Plan Reference No.
Location Plan Elevations	HT/EX/01

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 16th April 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) Consultations; f) Objections; g) general Comment; and h) 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 suggestion for a site visit but did not consider this 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: PMD2, HD3, EP7, and IS7.

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006

The Review Body noted that the proposal was to erect an extension to the front of the dwellinghouse to form a living room, creating an additional 28 square metres of floorspace and occupying an area currently used for off-street car parking. It was noted that the extension would be single storey to match with the existing dwellinghouse and that one car parking space would be removed as a result.

Members were also made aware of the details of the proposed dwellinghouse on adjoining land at 3 Tait's Hill (application reference 17/01308/FUL) which was approved under delegated powers by the Appointed Officer on 7th December 2017, subject to conclusion of a legal agreement.

The Review Body firstly considered the issue of loss of a parking space as a result of the extension. They noted the planning history of the site and the fact that two off-street parking spaces met with Council standards and were required to be provided and maintained by planning condition on the original approval for the existing house. Whilst they considered the applicant's comments about the nature of the cul-de-sac and neighbouring parking provision, they agreed with the Appointed Officer that the removal of one parking space would contravene the Council's established standards that require two off-street parking spaces for a new house. Members also considered that the amenity of adjoining properties would be adversely affected through the loss of the parking space, given the nature of the surrounding area.

The Review Body then considered the impacts of the extension on adjoining properties, paying particular regard to both the history of the site itself and also the details of the dwellinghouse to be erected on land adjoining to the rear of 3 Tait's Hill. They noted that permitted development rights had been removed when the house on the application site was originally approved, reflecting the concern that the house could cause issues of overdevelopment if enlarged. They considered that the extension would represent overdevelopment of the site, causing not only detrimental impacts on the street scene when viewed from the cul-de-sac but also residential amenity impacts in relation to the proposed house on the land adjoining the site. Whilst they understood privacy impacts could be partly addressed through window repositioning, reflecting the comments of the owner of the adjoining site, they still considered the extension would cause problems of proximity to the proposed house with insufficient space for satisfactory screening.

The Review Body, therefore, agreed with the Appointed Officer that the extension represented overdevelopment of the site to the detriment of the amenity of adjoining property.

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.....19 April 2018

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APPENDIX IV

**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: 18/00006/RREF

Planning Application Reference: 17/01572/PPP

Development Proposal: Erection of dwellinghouse

Location: Land South East of Beckhope, Kailzie, Peebles

Applicant: Mrs Anne McKelvey

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. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	2017/50/101
Proposed Site Plan	2017/50/102

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 16th April 2018.

After examining the review documentation at that meeting, which included: a) Notice of Review (including Decision Notice and Officer's Report); b) Papers referred to in Officer's Report; c) Consultations; and d) List of Policies, the Review Body considered whether new

information included by the agent within the review documents constituted new evidence under Section 43B of the Act. This related to further justification and a quote from a farm building supplier to extend farm buildings onto one of the sites discounted for development in the sequential test submitted with the application. Given the date on the quote, the Review Body considered that the information could not have been submitted before the application was determined by the Appointed Officer and that there were exceptional circumstances why the information could not have been lodged before that time. The information was, therefore, admitted and 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: PMD2, HD2, HD3, EP5, EP10, EP13, IS2, IS7 and IS9

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- Peter McGowan's Survey of Designed Landscapes 2008

The Review Body noted that the proposal was for planning permission in principle to erect a dwellinghouse on a plot to the south-east of a property known as Beckhope, Kailzie, Peebles. The plot was shown in more detail on plan 2017/50/102 indicating a house position and access to the northern corner from the farm access road.

The Review Body noted the planning history in relation to the approvals for a dwellinghouse on land immediately to the south of the application site and that, due to woodland establishing on that site since the earlier approvals, there was a recent unsuccessful application to renew consent on that site by the same applicant. Members attached some weight to this history, the fact there had been a single house approved before on adjoining land and the woodland being a significant reason why that consent was not renewed.

In noting that the application was submitted and determined on the basis of addition to, and relationship with, the building group, the Members considered firstly, whether a building group was present to which addition would be possible. They noted that there were three existing houses and other farm buildings present and that this both met the minimum threshold for definition of a building group under Policy HD2 and that the Appointed Officer had accepted this. They also noted that in terms of scale of addition, the proposal was within the maximum permitted addition of two dwellinghouses to the group.

The Review Body then considered whether the site was within the boundaries and sense of place of the building group, taking into account the advice within Supplementary Planning Guidance on New Housing in the Countryside. Whilst they noted that the Appointed Officer considered the combination of the ditch, farm road and trees to be a definable boundary beyond which development into an undeveloped field should not occur, Members did not feel that the boundary was as significant a visual feature. The road was man-made and the ditch was relatively insignificant.

In terms of the site being separated from the building group by trees, Members considered that the stronger boundary was the woodland surrounding the group and to the south of the site that was previously an approved house plot. They noted that the application site did not breach that establishing woodland and that there was sufficient space for the existing roadside trees to be unaffected by the development. They concluded that with new boundary planting to define the plot boundary, it could be seen as a well-related addition to the group within the natural sense of place and not representative of ribbon development. In coming to this conclusion, they were also mindful of the plot's location immediately adjoining the farm road, within close proximity to the existing houses and that the plot boundary to the north-east would broadly align with that to Beckhope House.

The Review Body then considered the scale of the plot in relation to other plots within the group. After debate on both this issue and that of the site's location within an undeveloped field, they concluded that the plot was not out of character with existing house plots and amenity space within the group, both taking into account other informal areas of open space present and the fact that the plot allowed house positioning that would minimise potential conflict with agricultural uses and traffic. They did consider, however, that it was important that a house of sympathetic design, scale and siting was developed on the site to respect the attractive rural vernacular of the group and its position within the Tweed Valley Special Landscape Area. This could be addressed fully at the next planning submission stage but should also be indicated to the applicant by means of an Informative Note.

The Review Body also noted the agent's sequential assessment of other opportunities within the group and, whilst appreciating that this was not a Policy requirement, accepted there would be less conflict between the application site and the working farm than would be the case with other plots assessed.

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. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
 - a. the expiration of three years from the date of this permission, or
 - b. the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.

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

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

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

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

CONDITIONS

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

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

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

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

3. 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):

- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
- ii. existing landscaping features and trees to be retained, protected and, in the case of damage, restored
- iii. location and design, including materials, of walls, fences and gates
- iv. soft and hard landscaping works including establishment of firm planted boundaries to the plot
- v. existing and proposed services such as cables, pipelines, sub-stations
- vi. A programme for completion and subsequent maintenance.

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

4. No development shall commence until the details of the access and the parking and turning facilities within the site have been submitted to and approved by the Planning Authority. Thereafter, the works shall be implemented in accordance with the agreed details and within an agreed timescale.

Reason: To ensure the site is adequately serviced.

5. No development to commence until further details of the provision foul and surface water drainage are submitted to, and approved by, the Planning Authority. The details should include evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition. The development then to proceed in accordance with the approved details.

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

6. No development is to commence until a report has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality and quantity. The report must also detail all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties in the locality which are served by private water supplies and which may be affected by the development. The provisions of the approved report shall be implemented prior to the occupation of the building(s) hereby approved.

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.

INFORMATIVES

With regard to Condition 1, the Review Body were of the opinion that the development should be of a quality and design in sympathy with the attractive rural and vernacular surroundings of the site, utilising the guidance contained within Policy PMD2 of the Local Development Plan and the relevant Council Supplementary Planning Guidance on Placemaking and Design and New Housing in the Countryside.

With regard to Condition 5, the Environmental Health Service advise the following:

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.

With regard to Condition 6, the Environmental Health Service advise the following:

To fulfil this Condition, the following information should be provided -

1. A description of the source(s) / type of the supply – i.e. whether the supply is taken from a watercourse, loch, spring, well or borehole, or any other source or combination of sources.
2. The location of the source(s) of the supply – i.e. the appropriate eight figure Ordnance Survey National Grid Reference(s).
3. The name and address of every relevant person in relation to the supply.

NB. A “relevant person”, in relation to a private water supply, means a person (or persons) who: (a) provide the supply; (b) occupy the land from, or on which, the supply is obtained or located; or (c) exercise powers of management or control in relation to the supply.

4. The estimated maximum average volume of water provided by the proposed supply, in cubic metres per day (m³/day), and the details of any pump tests/flow rate tests undertaken to determine this estimate.

NB. For boreholes/wells refer to BS ISO 14686:2003 "Hydrometric determinations – Pumping tests for water wells – Considerations and guidelines for design, performance and use".

5. Any water treatment that is intended to be carried out in relation to the proposed supply for the development.
6. Where there are existing users of the proposed supply, the addresses of all such properties.
7. Where there are existing users of the proposed supply, the existing and proposed occupancy levels of all such properties, as far as is reasonably practicable.

NB. As a minimum, the provision of the number of bedrooms per property will allow an estimate to be made of occupancy levels.

8. Where there are existing users of the proposed supply and / or there are other properties' private water supplies in the vicinity of the development that may be affected thereby (e.g. neighbouring boreholes, wells, springs, etc.), information advising if and how the proposed development will impact on the existing users and / or the other properties' supplies.
9. If the development is to be used for commercial purposes and / or members of the public will use / consume the water, the private water supply will be classed as a Type A supply. This will mean that it will require to be sampled / monitored by the local authority on at least an annual basis and a risk assessment of the supply will also be required. As such, prior to commencement of the commercial / public activity, the applicant should contact the Environmental Health Department of Scottish Borders Council to ensure that compliance with the legislative provisions is able to be secured.

For clarification, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to 200 litres of water per person per day who will be using the supply. A reserve storage capacity of three days' supply should be provided. Also, the quality of the water throughout the building(s) must conform to the requirements of The Private Water Supplies (Scotland) Regulations 2006 in order for it to be classed as wholesome.

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

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

Date.....19 April 2018

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APPENDIX V

**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: 18/00007/RREF

Planning Application Reference: 17/01704/FUL

Development Proposal: Change of use from retail to dog grooming practice

Location: 38 Bank Street, Galashiels

Applicant: Mr S Wilson

DECISION

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

DEVELOPMENT PROPOSAL

The application relates to the change of use from retail to a dog grooming practice. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
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Location Plan	
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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 16th April 2018.

After examining the review documentation at that meeting, which included: a) Notice of Review (including Decision Notice); b) Officer's Report; c) Papers referred to in Officer's Report; d) Consultations; and e) List of Policies, the LRB considered whether the social media comments submitted by the applicant in the review documents constituted new

evidence under Section 43B of the Act and whether or not this evidence could be referred to in their deliberations. Members decided that the comments could have been provided and been in front of the Appointed Officer before the application was determined and that there were no exceptional circumstances that meant they could not have been provided at that time. The Review Body proceeded to determine the case without reference to this information. They also noted the applicant's request for further procedure in the form of a site visit and hearing but did not consider this necessary after considering the case and 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: PMD2, PMD5, ED3, ED4, HD3, EP7, EP9, IS2, IS7, IS8 and IS9

Other Material Considerations

- Scottish Planning Policy 2014

The Review Body noted that the proposal was to change the use of a former retail unit into a dog grooming practice and that this would constitute Class 2 Use under Town and Country Planning (Use Classes) (Scotland) Order 1997. They noted the proposal was for change of use only and that there were no alterations proposed to the shopfront.

Members principally considered the application against Policy ED4, noting that the application site was within the defined Core Activity Area in Galashiels, the Policy normally opposing uses other than Classes 1 and 3 at ground floor level within the Area. As the proposed use fell within Use Class 2, Members then considered the potential contribution of the proposed use to the retail function of Galashiels, using the criteria listed in the justification for Policy ED4 in the Local Development Plan.

In doing so, they noted the consultation response from Economic Development which supported the proposed use, whilst also accepting the point made by Forward Planning that it would not be the case that "any use is better than no use". Members were particularly influenced by the specific nature of the proposal for a dog grooming business, believing that this was a specialist service that would be likely to generate linked shopping trips associated with visiting the use, additional footfall and provide diversity and the type of niche small scale unit that should be encouraged in the retail centre. This would integrate with the variety of different small units in Bank Street, some of them non-retail.

Members considered that there needed to be some flexibility when it related to small scale units, given the pressures within the town centre and the presence of larger stores. Whilst noting that the shop had not been vacant for long, Members considered it important that the proposed use would allow the unit to be occupied, to the benefit of the retail centre. It was

also noted that there would be some ancillary sales of products within the unit and that the shopfront would be unaltered.

Having considered the contribution of the proposed use against the relevant criteria under Policy ED4, the Review Body considered that there would be a positive contribution and that the change of use could be supported. Members then discussed issues relating to length of consent and other uses within Use Class 2. They concluded that there was no justification for a temporary period of consent but that it would be necessary to limit the use to that applied for, rather than allowing any other use within Use Class 2. Members also required an Informative note added to the consent to advise the applicant on the potential need for consent in relation to any new signage or shopfront alteration.

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.

DIRECTION

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.

CONDITION

1. The premises shall be used for a dog grooming practice only and for no other purpose (including any other purpose in Class 2 of the Schedule to The Town and Country Planning (Use Classes) (Scotland) Order 1997, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).
Reason: To ensure that the use is restricted to that applied for.

INFORMATIVE

1. Please note that as the property is within a Conservation Area, any alterations to the shopfront, including changes in colour, are likely to need the submission of a separate planning application. Advertisement Consent may also be necessary for any new signage proposals.

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..... 19 April 2018

Teviot & Liddesdale Area Partnership



MINUTES of Meeting of the TEVIOT AND LIDDESDALE AREA PARTNERSHIP held in Lesser Hall, Town Hall, Hawick on Tuesday, 17 April 2018 at 6.30 pm

Present:- Councillors -S Marshall (Chairman) W McAteer, D Paterson, C Ramage, N Richards and G Turnbull.
In Attendance:- 24 Partners, Community Councillors, officers and members of the public.

1. **ORDER OF BUSINESS**

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

2. **WELCOME AND INTRODUCTION**

The Chairman, Councillor Marshall welcomed everyone to the second meeting of the Teviot and Liddesdale Area Partnership and thanked the Community Councils, Partners and local organisations for their attendance. Councillor Marshall advised that the Area Partnership would endeavour to work closely with community councils to ensure empowerment and inclusion. He acknowledged the concerns with the Localities Bid Fund and advised that Scottish Borders Council were currently developing the next round of Localities Bid Fund with the feedback received on completion of the first round of funding. Councillor Marshall then explained that the first theme for discussion was Our Economy, Skills and Learning and introduced Bryan McGrath, Chief Officer Economic Development who would provide background and further information about economy, skills and learning across the Teviot and Liddesdale area.

3. **FEEDBACK FROM MEETING OF 20 FEBRUARY 2018**

The Minute of the first meeting of the Teviot and Liddesdale Area Partnership held on 20 February 2018 had been circulated along with a summary of the discussion attached as an appendix to the Minute. The Lead Officer for Localities referred to the general concerns, issues, challenges and opportunities raised at that meeting. The theme identified as the first priority, for more detailed discussion was Our Economy, Skills and Learning. This theme would therefore be the focal point for discussion and debate at this evening's meeting.

4. **THEME: OUR ECONOMY, SKILLS AND LEARNING**

4.1 Chief Officer Economic Development, Bryan McGrath, provided an introduction to the theme for the evening and gave some background as to the challenges and opportunities businesses were identifying both currently and for the future. These included: digital connectivity and mobile signal provision, particularly in rural areas; business premises and the availability of modern incubation units to encourage new business and ensuring young people were equipped with the required skills local businesses needed. Local opportunities for economic development were recognised; many related to tourism and outdoor activities with Wilton Lodge Park being highlighted in particular. Mr McGrath referring to the Hawick Action Plan, explained that this had been driven by local businesses and that a copy of the progress report was included with the information packs.

- 4.2 Mr McGrath went on to refer to the different ways in which people could upskill and highlighted vocational routes that young people could follow for example, modern apprenticeships. He explained that the main employment growth areas were in tourism, hospitality and the care sector.
- 4.3 Mr McGrath, Elected Members, officers, partners and members of the public took forward a discussion of the key issues, challenges and opportunities relating to “Our Economy Skills and Learning” in the Teviot and Liddesdale area. An information pack was available at each table to support these conversations and the issues were recorded on post-it notes. Following this first discussion period and a short break, the Chairman asked each group to focus on the priorities from the issues raised in the first discussion and identify actions/ways in which these issues could be addressed in Teviot and Liddesdale. The Appendix to this Minute contained a summary of the output of the discussions.
5. **OPEN FORUM**
In response to a question regarding the requirement for urgent road maintenance, it was noted that at the Executive Committee earlier that day, £1.38m had been allocated for maintenance works. Concerns were also raised and noted regarding High School pupils transferring to Langholm High School, coordination across county boundaries with regard to road closures, and, the need to ensure Area Partnership meetings were more inclusive.
6. **DATE OF NEXT MEETING**
The next meeting of the Teviot and Liddesdale Area Partnership was scheduled for Tuesday, 19 June and the theme for the meeting would be ‘Our Health, Care and Wellbeing’. The Chairman thanked those present for their attendance and advised that arrangements for the next meeting would be confirmed.

The meeting concluded at 8.30 pm

Discussion Output: Our Economy, Skills and Learning (17th April 2018)

Summary/Area of Discussion:

Education, Skills & Learning and the World of Work

Post-it Notes:

- Areas of expertise – Forestry – training school, real opportunities, so much leaves the Borders area
- Training for higher skills – hub and spoke model, outreach, reliant on technology (digital connectivity)
- Apprenticeships that support our long term needs, not just technical apprenticeships – hospitality and core services
- Borders College presence needs to be expanded. Not much happens in the Hawick campus
- Live Borders taken on 2 trainees in the Heart of Hawick (Government Scheme). Need to expand at this
- Lack of teachers reduces the ability to teach a range of skills
- Stronger youth participation
- FDM (IT company) training programme for IT work within schools. Model could be adapted
- Borders University – Scottish Borders and D&G in partnership
- Limited opportunity for those that want to do things out with Hawick – not funded
- Personal support time – ask pupils what they want in the new school #YOYP2018 Plan
- Entry level opportunities that let young people try and research different areas of a business. Allows them to find an interest and strengths. This needs to be clear in an advert
- Re-develop skills in Forestry and Textiles
- Careers officer – more info on more specialised jobs
- Re skilling for 55+, identify skills they have and promote these, confidence
- Positive destinations for young people
- Appropriate and further education
- Apprenticeships
- Borders College Hawick Campus is underutilised; other courses could be developed – training for tourism, older people? Intergenerational working
- Shared experience – forestry etc
- Literacy skills, basic skills from primary into secondary
- More vocational skills within schools

“Priority” & “Solutions/Actions” Post-its:

- Vocational skills – more focussed on what employers want. Employers need to show schools what they want from employees, career portal – soft skills needed. Funding needed. Share apprenticeships
- Encourage afterschool/weekend work opportunities for young people
- Speakers Dan Scully FDM, Andrea Hall DYW
- Need to stop young people thinking that they have to follow education pathway
- Young people should have skills to enable them to enter employment
- Engage with companies that provide training opportunity. DYW attend these meetings. Diversify teachers and better connectivity. Presentation by

DYW and Area Partnerships need to know what is going on in this area. Presentation by DYW – Andrea Hall and Kevin McCall

- Promote local opportunities – nothing wrong with staying in the Borders, don't need to stay in formal education
- Apprenticeships need to develop into employment – responsibility on employers

Key Areas for Teviot & Liddesdale

- **Positive destinations for young people**
 - **What are the options? Not just a higher/further education pathway**
 - **Training opportunities / modern apprenticeships with local companies and for future needs of the economy (e.g. social care, hospitality)**
- **Engagement with local companies to ensure people have the correct skill set to be employed, incl. Developing the Young Workforce**
- **Better utilisation of Borders College Campus in Hawick**

Summary/Area of Discussion:

Employment and Entrepreneurism

Post-it Notes:

- High % of self employed
- Should be a development officer in each area
- Business Gateway – how on the ground are they? Should be going to the Community?
- Impact of larger employers on jobs, particularly if they were under pressure – what can be learned from Pinney
- Mechanism to flag when businesses are struggling, the impact of the “11th hour” is huge
- Lack of Scottish Government interest in the Borders
- Procurement – large contacts benefit the communities could lead to apprenticeships
- Should be more proactive for our local economy when impacted rather than reactive
- Focus should not always be new businesses, lots of existing businesses that would welcome additional investment
- Business rate increase affecting businesses – Denholm; loss of 3 jobs. Financial contribution, what is lost from the closure of businesses
- Rebate a business that has been affected, for example by road closures, if it can be evidenced and is out with their control
- Decline of the mills
- Need to think if incubator units in the old Armstrongs building are the correct things to have
- Mills should come together. “Knitwear” – Mills don't have a High Street presence
- Entrepreneurism skills – encourage youths? Funding ideas?
- Encourage workforce diversity
- Textiles – need to diversify, strong tradition and USP for Hawick, work to sell brand and textiles
- Forestry – Process plant in the Borders instead of Lockerbie
- Growth area – IT not engineering, even textiles are more digitalised
- Nurture young businesses

“Priority” & “Solutions/Actions” Post-its:

- Employers must reply to all job applicants/enquiries

- Widen work areas where apprenticeships/placements /work experience especially hospitality
- Businesses need to take on young people to skill them up

Key Areas for Teviot & Liddesdale

- **Proactive, supportive and enabling approach with new and existing businesses**
 - Closer working relationships through Business Gateway, Scottish Enterprise etc. (and those agencies with local communities)
 - Look at ways to support businesses impacted by events out with their control (e.g. planned road closures)
 - Focus on long-term areas of key growth / areas of expertise specific to the area (e.g. social care, hospitality, tourism, forestry, textiles)

Summary/Area of Discussion:

Infrastructure, Facilities & Premises (incl. School Estate and Transport)

Post-it Notes:

- Investment – Flood protections (Newcastleton)
- Roadworks – how does it impact on businesses
- Better communication between SBC and D&G – better work across Councils
- Support new businesses – rate rebates, what incentives do we have? Storage an issue, premises?
- Transport connectivity – extension of Borders Railway needed to draw people into the area. Carlisle airport
- Litter bins needed in laybys
- Younger people want to leave for the city, socially want to go out with the Borders
- Parking on Hawick High Street needs to be policed as cars park all day
- Infrastructure – national grid (Newcaslteton)
- Poor transport corridors – North South East and West
- Road deterioration – HGV's, volume, bridges.
- Rail extension
- Connectivity – Rural an issue – Broadband to support the establishment of microbusinesses
- Mobile connectivity – higher speed broadband needed
- Energy – district heating, renewable opportunities, future technologies e.g. Electric Vehicles
- Digital connectivity – coding skills? Libraries offer coding but not enough people know about it
- Transport – People need to travel to get wider skills but costs are expensive for young people. Hawick has hairdressers, fast food, retail not wide skills – Scottish Rural Action
- Roads – needs investment before the railway, longer term investment
- Smaller businesses joining together to get a property cheaper
- Shops open in the evening

“Priority” & “Solutions/Actions” Post-its:

- Need to get everything in place to encourage people to stay in the Borders (connectivity etc.)
- Business Gateway in the Heart of Hawick

- Transport Infrastructure – capitalise on Carlisle Airport. East West not just North South. More later buses and early bus for early workers
- Address procurement paperwork. Needs to be simplified – make local companies getting contracts create more opportunities for young people

Key Areas for Teviot & Liddesdale

- **Infrastructure**
 - **Transport & Roads, for example Borders Railway extension (- Hawick, - Carlisle), road maintenance (and better communication between neighbouring authorities for planned road maintenance), opportunities at Carlisle airport, transport corridors and public transport timetabling**
 - **Digital, for example Broadband and Mobile connectivity**
 - **Energy, and emerging models and technology for delivery, e.g. district heating, renewables, electric vehicles etc.**
 - **Flood Protection - Hawick / Newcastleton?**

Summary/Area of Discussion:

Tourism and Town Centres

Post-it Notes:

- Lack of local appreciation of the countryside – lot of litter is off putting to tourists
- “Town of 1,000 trails” Tourism project for the TD9 area
- Publicise the Countryside Code
- Visit Scotland pulling out of Heart of Hawick
- High Street should be reduced non-domestic rate area
- Lack of clear, cohesive marketing message. Scottish Borders Tourism Partnership – what are they doing
- Reivers weekend good – make it a regular event?
- Eating places? 4-7pm?
- Shorten the High Street? Get shops in?
- Youth Hostel?
- Market for outdoor pursuits
- Outdoor Residential Space?

“Priority” & “Solutions/Actions” Post-its:

- Tourism Group – collate what/who we have already. Hotels/Restaurants and Pubs? Leisure and recreation. Textiles

Key Areas for Teviot & Liddesdale

- **Tourism – what is the support offer from Visit Scotland/SBTP; the marketing message?; what opportunities can be exploited (e.g. outdoor pursuits, events etc.)**
- **Town Centre – High Street**

Summary/Area of Discussion:

Community & Third Sector

Post-it Notes:

- Stigma attached to Burnfoot
- Increase local pride of the whole area including the countryside
- Setting up initiatives in Burnfoot to get older people interacting and more active
- Loss of feeling of neighbourhood
- Community needs to organise litter picks (already happening in Burnfoot)
- Need to educate people that littering is anti-social and is not acceptable
- Demographics more older less younger
- Income/poverty levels

“Priority” & “Solutions/Actions” Post-its:

- Local Development Officers – including Community Development
- Wider invitation - not just through CC's. Communication needs changed in how invitations go out

Key Areas for Teviot & Liddesdale

- **Invitations for Area Partnership meetings encouraging greater engagement and participation**
- **Support available for Community Development/Capacity Building**

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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 Thursday, 19 April 2018 at 10.00 am

Present:- Councillors S. Bell (Chairman), H. Anderson, K. Chapman, J. A. Fullarton, S. Hamilton, R. Tatler and E. Thornton-Nicol.
Also Present:- Councillor C Hamilton
Apologies:- Councillor N Richards and H Scott.
In Attendance:- Service Director Assets and Infrastructure, Service Director Children and Young People, Democratic Services Team Leader, Democratic Services Officer (J Turnbull).

1. WELCOME AND INTRODUCTIONS

The Chairman welcomed those present to the meeting.

2. MINUTE.

There had been circulated copies of the Minute of 19 March 2018.

DECISION

APPROVED the Minutes for signature by the Chairman.

3. COMMUNITY ACCESS TO SCHOOLS

3.1 With reference to paragraph 2 of the Minute of 30 November 2017, the Chairman welcomed Mr Martin Joyce – Service Director Assets and Infrastructure, Ms Donna Manson – Service Director Children and Young People and Mr John Gray – Cleaning and Facilities Manager, who were in attendance to give a briefing on Community Access to Schools.

3.2 Mr Joyce began by advising the Committee that there was no formal policy in relation to community access to schools, each school's access arrangements being managed on an ad hoc basis. He explained that with regard to the new Peebles High School, out of school hours management had been transferred to Live Borders and, subject to discussion with Trade Unions, it was the intention that Live Borders would also manage Kelso High School and the new Jedburgh School on a similar basis. With regard to the remainder of the school estate, requests for extended opening hours were honoured, if possible, and officers were considering formulating a policy to rationalise the process across the entire school estate. Mr Joyce further advised that the majority of the Council's capital was invested in the educational estate and that the Council could not continue to maintain the existing number of community buildings. He stressed that this might mean changes to opening times and access to services in order to utilise the school estate more efficiently. In response to concerns regarding Live Borders' management of school facilities, Mr Joyce explained that Live Borders' expertise would be used to increase sports, healthy living, and wellbeing initiatives within communities and maximise the use of resources. Their booking system would also be improved with the introduction of a centralised booking system. The Council were also considering introducing a consistent charging policy and would be examining the financial viability of sustaining historical free lets.

3.3 The Committee discussed management of community schools in other areas and their aspirations for community schools in the Scottish Borders. Ms Manson advised that, in

terms of the new Jedburgh School, community groups would be involved in decisions regarding the facilities offered at the school. She also confirmed that there would be an automatic locking mechanism in place when community groups accessed the school during core hours to ensure child safety.

- 3.4 It was noted that several schools were already used by community groups, for example St Ronan's Primary School in Innerleithen. Whereas, others schools such as Peebles High School and Clovenfords Primary School were not. The Committee considered that there should be a consistent approach and best practice guidance provided to schools. It was also requested that community schools displayed clear directional signage and appropriate lighting to facilitate community accessibility.
- 3.5 Mr Gray then referred to the janitorial service, explaining that there were three types of janitor roles – static, peripatetic and relief. There were 75 static janitors who were employed in all High Schools and schools with over 175 pupils. The peripatetic janitors, of which there were four, covered 50% of the school estate. They visited each school once a week; this would increase to three visits per week with the appointment of four additional peripatetic janitors. There were also relief janitors who covered absences, sickness and annual leave. Mr Gray went on to explain that janitors' duties included security, portage, maintenance, cleaning, managing lets and winter watch. He also provided details of the Council's Cleaning Academy which provided an accredited course for janitors and cleaners. Ms Manson added that in schools where there was no permanent janitor, there was local arrangements in place, for example, cleaning staff opening schools. These roles would continue to be developed to ensure the best use of school resources.
- 3.6 The Committee agreed that a scoping paper, covering the work planned over the next three years, be brought back for consideration in autumn 2018. The paper to provide clarity in terms of identifying which schools were classified as community schools, accessibility, letting and service arrangements. It was also agreed that a consistent charging policy be investigated, whilst noting some of the challenges around this. Consultation should also be carried out with local communities and it was suggested the Area Partnerships might be a suitable forum. The Chairman thanked officers for their attendance and briefing.

DECISION

AGREED to request a scoping paper on community access to schools be brought back to Scrutiny Committee in the autumn. The paper, covering a three year period, to include details of which schools were categorised as community schools, accessibility, letting, service arrangements and charging policy.

4. HOME SCHOOLING UPDATE

- 4.1 Ms Donna Manson - Service Director Children and Young People and Ms Michelle Strong - Chief Officer Education, were in attendance to give an update on legislative and guidance changes to home schooling within the Scottish Borders. The Chairman, referring to the Private Minute of 16 February 2017, gave the context to the request. Ms Manson began by explaining the current legislation, which had been circulated with the Agenda, remained in force. Home schooling was a priority area for the Council and included in the discussions on the mental and emotional health of young people. National tracking of mental and emotional health was being introduced but Scottish Borders was already taking action in this area and had carried out pupil and staff surveys.
- 4.2 Ms Manson went on to advise that within the Scottish Borders, there were 50 families who home schooled their children (20 primary and 30 secondary) of which eight were being flexi-schooled (seven primary and one secondary). 34% of those children lived out with a town or village, with the number of home educated pupils remaining stable over the last four years. Approximately 30 requests for home schooling were received each year, of those six to eight withdrew their request following engagement with the family. Ms

Manson then referred to the limited action available in terms of legislation. She highlighted that the Council did not have the right or duty to visit the home, see the child, check parents' qualifications, ensure the curriculum was adequate, see samples of work, monitor home education or make an annual enquiry. The same legislation only required parents to respond to informal enquiries by the Council. There was no parental duty to equip premises, cover the school curriculum, work to age specific attainment standards, provide lessons or peer group socialisation.

- 4.3 Ms Strong continued that there were clear challenges and discussed the ways in which the Council's approach was continually improving - reaching out to families whilst respecting their decision to home school. The Council were raising awareness of emotional wellbeing, helping young people gain confidence; developing coping strategies and ensuring schools provided a nurturing, learning environment. Part of this included increased engagement with a range of partners to join up all approaches around the child. Another factor was improving public perception by promoting successes and measuring the impact of actions to ensure schools were the best they could be. In terms of progress, in 2017/2018 the Council had increased flexi-schooling, offered support, when appropriate for accessing qualifications/college, IT, activities and the Education Maintenance Allowance. Ms Strong went on to explain that the majority of home schooling requests were linked to children with anxiety and she highlighted initiatives to raise awareness of the child's emotional and social needs, including, training, investment in a helpline, online support and working with Stable Life. Policies would continue to develop in 2018/2019 with partnership working focused on mental and emotional health improvements, innovation, participation and vulnerable families' early intervention. Ms Manson then referred to continuing risks and referred to the work of the Emergency Planning Officer to raise awareness of radicalisation. Partnership working with health professionals was also ongoing to engage with families regarding the immunisation programme. To conclude the presentation, Ms Strong advised that any requests for Home Schooling, where there was a child protection concern, would be refused.
- 4.4 Discussion followed and Members raised a number of questions. In response, officers advised that the secondary school equivalent of the Leader Valley School, would be the new Jedburgh School, there would also be enhanced level of provision provided in other schools. Clarification around the Section 37 Order was also provided and it was suggested that a range of scripts be available to assist Members with enquiries. With regard to Pupil Equity Funding (PEF) it was explained that this was based on free school meal entitlement and therefore home schooled children were not eligible. However, this would be included as feedback in a reply to a survey on PEF. Regarding a question by the Learning Disability Champion on the number of home schooled children with additional needs, Ms Manson would advise out with the meeting.
- 4.5 It was noted that Ms Manson would meet with the Executive Member for Children and Young People, the Learning Disability Champion and the Children and Young People Champion to discuss future engagement with partner organisations. The Committee agreed that home schooling should be monitored annually providing a summary of the number of requests, how many pupils remained in school, how many were flexi-schooled and the split between primary and secondary schools, and, that in future, this monitoring role be referred to Executive Committee. It was further agreed that a briefing on home schooling should be provided for all Members. The Chairman thanked Ms Manson and Ms Strong for their attendance and detailed presentation.

DECISION

- # (a) **AGREED to RECOMMEND that Executive (Education) Committee review home schooling on an annual basis.**
- (b) **AGREED that all Members receive a briefing on home schooling.**

The meeting concluded at 11.55 am

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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, 20 April 2018 at
10.30 a.m.

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

Apologies:- Councillor N. Richards.

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 19 January 2018.

DECISION

NOTED and signed by the Chairman.

2.0 LICENCES ISSUED UNDER DELEGATED POWERS

2.1 Miscellaneous Licences issued under delegated powers between 14 March 2018 – 11 April 2018.

DECISION

NOTED.

3.0 LICENSING OF STREET TRADERS

3.1 There had been circulated copies of an application for the Grant of Street Traders Licence submitted by Lorraine Sharkey, a letter of objection and a copy of the applicants written response to the objection. Mr Sharkey, the applicants brother, was present at the meeting on her behalf as she had been hospitalised and was undergoing surgery.

3.2 Mr Wynne, Licensing Standards and Enforcement Officer explained that the application was for a Street Traders Licence to operate between 11 a.m. and 2 p.m. on Monday – Friday of each week selling homebaking and takeaway food. The food would be prepared off site and sold from a portable gazebo erected at the front of 18 Murray Street, Duns.

3.3 An objection had been received from Dr and Mrs B M Auld in terms of parking and traffic issues, potential disruption to traffic exiting and arriving at Murray Street, potential for litter and the effect on the aesthetic environment. There were no representations or objections by Police Scotland.

3.4 Mr Sharkey explained that the gazebo was similar to those used at the Farmers Market and the intention was to serve one hot dish per day together with homebaking and gluten free products. There would be no fizzy drinks for sale and he did not envisage any parking problems. In terms of potential for rubbish, it was reported that there were two litter bins provided within a 50m radius of the proposed site which should accommodate any increase in litter, although Mr Sharkey was prepared to provide a further bin. Mr Sharkey advised that the hot food and homebaking would be prepared off site and that the preparation area already had all the required approvals. The gazebo would be in situ for a limited period on

a daily basis and as such would have a minimal impact on any aesthetic environment. The Members raised concerns with regard to the impact on established businesses within the vicinity, whether the route between the site and the Secondary school was safe for children and the stability of the gazebo. The Clerk advised that the impact on established business was not a matter the Committee could take into account and that the act provided that the trading location must be more than 100 yards away from an established business selling similar goods. In addition, Ms Sharkey would require to obtain a food hygiene certificate of compliance from Environmental Health.

DECISION

GRANTED with the additional provision of a further litter bin.

4.0 **PRIVATE BUSINESS**

DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 12 of part 1 of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

5.0 **MINUTE**

5.1 The Private section of the Minute of 19 January 2018 was approved.

The meeting concluded at 11am.

SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Scottish Borders Council, Council Headquarters, Newtown St Boswells TD6 0SA on Monday, 30 April 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.
Also Present:- Councillor G. Turnbull
In Attendance:- Chief Planning Officer, Depute Chief Planning Officer, Lead Planning Officer (Environment and Infrastructure), Lead Roads Planning Officer, 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 26 March 2018.

DECISION

APPROVED for signature by the Chairman.

2. **APPLICATIONS.**

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

DECISION

DEALT with the applications as detailed in Appendix I to this Minute.

DECLARATION OF INTEREST

3. Councillor Fullarton declared an interest in applications 17/01602/PPP and 18/00134/FUL in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

4. **CONSULTATION FEES CHARGED FOR APPLICATIONS UNDER THE ELECTRICITY ACT 1989**

There had been circulated copies of a report by the Service Director Regulatory Services which sought approval of the response prepared by the Chief Planning Officer on behalf for Scottish Borders Council in respect of the changes to the fees regime for applications to the Scottish Government's Energy Consents Unit under s36 and s37 of the Electricity Act 1989. The report explained that Scottish Ministers were seeking views on their proposals to substantially increase the fees applicable for such applications and for their proposed new fee structure. The fee structure was set out in Annex1 to the consultation document which was attached as Appendix B to the report. The proposals sought to deliver full recovery of costs for the Energy Consents Unit enabling it to maintain service delivery and support future service improvement. Whilst the general provisions of the new fee regime were acceptable, controversially, the proposals specifically stated that there would be no reciprocal increase in the fee payable to Local Planning Authorities for the work they undertook in the determination and assessment of such applications. There would also still remain a significant discrepancy between the fees charged in Scotland and the rest of the UK for such development.

DECISION

AGREED to approve the consultation response set out in Appendix A to the report as the Scottish Borders Council's formal response to the consultation on the fees charged for applications under the Electricity Act 1989.

5. APPEALS AND REVIEWS

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

DECISION

NOTED:-

- (a) **Appeal received in respect of Demolition of existing building and erection of four dwellinghouses on site at Industrial Building and Yard, Elders Drive, Newtown St Boswells – 17/01342/PPP**
- (b) **that Scottish Ministers had dismissed the appeals in respect of:-**
- (i) **painting of exterior of building within conservation 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) **there remained seven appeals outstanding in respect of:-**
- **Land North of Howpark Farmhouse, Grantshouse**
 - **Poultry Farm, Marchmont Road, Greenlaw**
 - **Land South West of Easter Haprew Farmhouse, Peebles**
 - **Hutton Hall Barns, Hutton**
 - **Land East of Knapdale, 54 Edinburgh Road, Peebles**
 - **Land North West of Gilston Farm, Heriot**
 - **Land South West of Lurgiescleuch (Pines Burn), Hawick**
- (d) **Review request had been received in respect of:-**
- (i) **erection of dwellinghouse on Land North West of the Gables, Gattonside – 17/0161/PPP;**
 - (ii) **Erection of dwellinghouse on Land South of the Bungalow, Blacklee Brae, Bonchester Bridge – 17/01685/PPP;**
 - (iii) **Change of use from retail to dog grooming practice, 38 Bank Street, Galashiels – 17/01704/FUL;**
 - (iv) **Extension to dwelling house at 34 Edinburgh Road, Peebles – 17/017631/FUL**
- (e) **the decision of the Appointed Officer had been upheld in respect of:-**
- (i) **Erection of replacement dwellinghouse on derelict dwelling land West of Glenkinnon Lodge, Peelburnfoot, Clovenfords – 17/01008/FUL;**
 - (ii) **Extension to form new living room at 16 Craig Brown Avenue, Selkirk – 17/01409/FUL;**
- (f) **the decision of the Appointed Officer had been Overturned in respect of:-**

- (i) Extension to dwellinghouse on land South East of Beckhope, Kailzie, Peebles – 17/01572/PPP**
- (ii) Erection of dwellinghouse, Land East of Keleden, Ednam, Kelso – 17/01613/PPP**
- (iii) Change of use from retail to dog grooming practice at 28 Bank Street, Galashiels – 17/01704/FUL**

The meeting concluded at 1 p.m.

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/01740/FUL	Demolition of guest lodges and refurbishment of 6 retained lodges, erection of guest lodges, staff accommodation, new central hub with associated facilities, refurbishment and extension to existing staff lodge, redesigned site layout with new access roads, parking and footpaths	Whithaugh Park Holiday Centre Newcastleton

Decision:- Approved subject to the following conditions and informatives:

1. The occupation of the lodges shall be restricted to genuine holidaymakers/tourists for periods not exceeding 3 months in total by any particular person or party within any consecutive period of 12 months. The lodges shall not be used as permanent residential occupation. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the council at all reasonable times.
Reason: Permanent residential units in this location would be contrary to the Scottish Borders Local Development Plan housing in the countryside policies.
2. All new and extended staff accommodation buildings shall only be occupied by persons employed by Whithaugh Park Holiday Centre, including partners and dependants of such employees.
Reason: Permanent residential use unrelated to the holiday development in this location would conflict with the established planning policy for this rural area.
3. The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Planning Authority.
Reason: To ensure that the development of the proceeds in an appropriate manner which respects the landscape setting of the holiday park.
4. No development shall commence until a detailed landscape plan has been submitted to and approved in writing by the Planning Authority and thereafter, no development shall take place except in strict accordance with those details. The plan(s) shall include the following information:
 - a) Identifying the extent of ground excavation works for all new and extended buildings, roads and hard standings.
 - b) Identifying trees to be removed and retained.
 - c) The location of protective fencing in accordance with BS5837:2012 which is to be erected around the trees identified for retention. Once approved the fencing shall be erected before development works commence and shall only be removed when the development has been completed.
 - d) A programme of soft landscaping works.Reason: Further information is required regarding tree removal and protection to ensure impacts on trees are minimised and to enable the effective assimilation of the development into its wider surroundings.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.
Reason: To ensure that the proposed landscaping is carried out as approved.

6. No development to be commenced until samples of all external materials to be used on all buildings throughout the site are submitted to, and approved by the Planning Authority and thereafter no development shall take place except in strict accordance with those details.
Reason: To safeguard the visual amenity of the area and the character of the landscape.
7. All new private access roads within the site shall be constructed with a smooth free draining, well compacted running surface capable of withstanding a minimum axle loading of 14 tonne unless otherwise agreed in writing with the Planning Authority.
Reason: To ensure that the development is served by an adequate means of access.
8. All exterior lighting on buildings and throughout the site and the design of cabins to be fully in accordance with the details submitted in a Lighting Management Strategy which shall first be submitted to, and approved by, the Planning Authority.
Reason: To safeguard the visual amenity of the area and the character of the designated landscape.
9. All development works shall be undertaken in strict accordance with the development processes and means of mitigation detailed within the Species Protection Plan for Bats contained within the Bat Survey (Findlay Ecology Services, October 2017) unless otherwise agreed in writing with the Planning Authority.
Reason: To ensure that bats and their habitats which are affected by the development are afforded suitable protection for the construction and operation of the development.
10. No development shall commence until a Species Protection Plan for breeding birds and badgers has been submitted to and approved in writing by the Planning Authority and thereafter, no development shall take place except in strict accordance with those details.
Reason: To ensure that species and habitats affected by the development are afforded suitable protection for the construction and operation of the development.
11. Prior to the commencement of development, the developer shall provide to the Planning Authority:
a) a copy of the relevant European Protected Species licence, or,
b) a copy of a statement in writing from Scottish Natural Heritage (licensing authority) stating that such a licence is not necessary for the specified development.
Reason: To ensure that the development is carried out appropriately and does not adversely affect the ecological interests of the site.
12. No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition
Reason: To ensure that the development does not have a detrimental effect on amenity and public health.
13. No development shall commence until the means of surface water drainage to serve the construction operations associated with this development which complies with Sustainable Urban Drainage Systems (SUDS) regulation has been submitted to and agreed in writing with the Planning Authority and thereafter the development shall be completed in strict accordance with the agreed details:
Reason: To agree suitable means of surface water drainage from the site for potentially contaminative construction operations.
14. No development is to commence until a report has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality and quantity. The report must also

detail all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties in the locality which are served by private water supplies and which may be affected by the development. The provisions of the approved report shall be implemented prior to the occupation of the building(s) hereby approved.

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.

Informatives

1. With reference to Condition 12, 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 applicants should also be aware that a separate licence will be required to be obtained from SEPA for these works.

2. With reference to Condition 14 it is recommended that as the development may result in the general public consuming the water from the private water supply, the supply will be classed as a Type A. This will mean that the supply will be subjected to annual water testing and a risk assessment of the supply. The applicant should contact an Environmental Health Officer before becoming operational to discuss testing of the water.

3. The Control of Pollution Act 1974 allows the Council to set times during which work may be carried out and the methods used.

It is recommended that any noise generating work is only undertaken between the hours specified below;

Monday – Friday 0700 – 1900

Saturday 0700 – 1300

Sunday (Public Holidays) – no permitted work (except by prior notification to Scottish Borders Council.

Contractors will be expected to adhere to the noise control measures contained in British Standard 5228:2009 Code of practice for noise and vibration control on construction and open sites.

4. With reference to Condition 11, it is recommended that demolition of the existing lodges will require a licence to destroy the bat roosts present in these buildings before development commences. Any renovation of the sports hall, swimming pool and remaining lodges, may require disturbance/destruction licences depending on the work to be carried. The applicant should liaise with SNH regarding this. Further information on the licensing application process and the European Protected Species licensing tests can be found via the following link:- <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing/species-licensing-z-guide/bats-and-licensing/bats-licences-development>

NOTE

Mr Lee Musson, Applicant spoke in favour of the application.

Reference
17/01602/PPP

Nature of Development
Erection of Dwellinghouse

Location
Land South of
Rossleigh,
Horndean

Decision:- Approved subject to a legal agreement and the following conditions and informatives:

1. No development shall commence until details of the layout, siting, design and external appearance of the building(s); the means of access thereto; all finished ground and development levels relative to existing levels; parking for two cars within the site; foul and surface water drainage arrangements, including measures to prevent the flow of water onto the public road and details of boundary drainage; and, the landscaping and boundary treatment of the site, have been submitted to and approved in writing by the Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
3. The first application for Approval of Matters Specified in Conditions shall include a scheme of details for site access. The details shall include the design of the new site access on to the public road. Thereafter the development shall be carried out in strict accordance with the agreed details and the site access shall be completed before the dwellinghouse hereby approved is occupied.
Reason: To facilitate safe access to the site and ensure that the public road network can safely cater for the development.
4. The first application for Approval of Matters Specified in Conditions shall be accompanied by a detailed design statement which shall inform the details required by Condition 1 above, but which makes specific reference to consideration of building design, position within the plot and landscaping to demonstrate that the development reflects and is sympathetic to the character of the wider building group.
Reason: To ensure a satisfactory form of development, acknowledging the sensitive nature and location of the site and the character of the building group.
5. No development shall commence until a passing place has been provided on the minor public road at a precise location and specification that shall first be agreed in advance with the Planning Authority.
Reason: in the interests of road safety.
6. Parking and turning for a minimum of two vehicles, excluding any garages, must be provided and retained in perpetuity within the curtilage of the property. Parking and turning must be provided prior to the occupation of the dwellinghouse.
Reason: To ensure adequate on-site parking and turning space is provided within the plot.
7. Before any part of the development hereby approved is commenced, the trees on the boundary of the site shall be protected by a protective barrier to a standard and format compliant with BS 5837 2012, placed at a minimum radius of one metre beyond the

crown spread of each tree adjacent to the site, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:

- (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
- (b) No fires shall be lit within the spread of the branches of the trees;
- (c) No materials or equipment shall be stored within the spread of the branches of the trees;
- (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate; and
- (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.

Reason: In the interests of preserving the health and vitality of existing trees adjacent to the development site, the loss of which would have an adverse effect on privacy of the neighbouring property.

8. 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):
- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - iii. location and design, including materials, of walls, fences and gates
 - iv. soft and hard landscaping works
 - v. existing and proposed services such as cables, pipelines, sub-stations
 - vi. other artefacts and structures such as street furniture, play equipment
 - vii. A programme for completion and subsequent maintenance.

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

9. No development shall commence until detailed drawings showing which trees are to be retained on the site shall be submitted to, and be approved in writing by the Planning Authority, and none of the trees so shown shall be felled, thinned, lopped, topped, lifted or disturbed without the prior written consent of the Planning Authority.

Reason: To enable the proper effective assimilation of the development into its wider surroundings, and to ensure that those existing tree(s) representing an important visual feature are retained and maintained.

10. The first Approval of Matters Specified in Conditions application lodged shall be supported by a Preliminary Ecological Appraisal (PEA) which shall, where necessary, set out mitigation for adverse impacts on protected species in the form of a Species Protection Plan. Thereafter, the development to be completed wholly in accordance with an agreed Species Protection Plan.

Reason: in the interests of biodiversity.

11. No development shall commence until:
- (a) the Applicant has first submitted to the Planning Authority under an AMC application, either (i) a report by a suitably qualified person, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on the water supplies of surrounding properties; or (ii) documentary evidence from Scottish Water, demonstrating that the dwellinghouse hereby approved is capable of being served from the public mains; and
 - (b) this same report or documentary evidence (whichever is applicable) has itself first been approved in writing by the Planning Authority.

Thereafter, the water supply arrangements for the dwellinghouse hereby approved, shall then be implemented in accordance with the approved details, and the same

dwellinghouse shall not be occupied until this water supply is first fully functional in accordance with the approved details.

Reason: To ensure that the site is adequately serviced without any detrimental effect on the water supplies of surrounding properties.

12. No water supply other than the public mains shall be used to supply the Development without the written agreement of the Planning Authority. Written confirmation from Scottish Water is required to demonstrate that a connection to the public supply is available to serve this site.

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.

13. No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition

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

Informative

1. In relation to Condition 13 above, 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.

2. In relation to Condition 3 above, the means of access to the site shall be by way of a service layby, in accordance with approved detail DC-3, or similar approved. It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

3. Stoves and Use of Solid Fuel 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 at [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.

NOTE

Rev A MacKichan neighbour to the proposed site spoke against the application.
Mr Sloan, Owner of the proposed site spoke in support of the application.

Reference
17/00923/PPP

Nature of Development
Erection of two dwellinghouses

Location
Land West of Peelgait
Selkirk

Decision: Continued to allow the Committee to visit the site.

NOTE

Mr A Moffat, Mr J Nixon and Mr J Smith neighbours to the proposed site spoke against the application.

Mr S Davidson, Agent for the Applicant spoke in support of the application.

Reference
18/00134/FUL

Nature of Development
Erection of general purpose agricultural
building

Location
Lumsdaine Farm,
Coldingham

Decision: Approved subject to the following conditions and informative:

Conditions

1. No development shall commence until a plan for the management and control of potential nuisances (including noise, odour, air quality, flies, waste and other pests) that would be liable to arise at the site as a consequence of and/or in relation to the operation, individually and/or cumulatively, has been submitted to and approved in writing by the Planning Authority. Thereafter the approved nuisance control management plan shall be implemented as part of the development.

Reason: To ensure that the operation of the buildings has no unacceptable impacts upon the amenity of the surrounding area or upon the amenity of any neighbouring residential properties.

2. No development shall commence until a Badger Protection Plan has been submitted to and approved in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.

Reason: to ensure badgers are protected adequately during the construction of the proposed development.

3. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.

Reason: to ensure local biodiversity and ecology interests are protected adequately during the construction of the proposed development.

Informative

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

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
18/00253/FUL	Erection of 80 metres anemometer mast	Land North East and North West of Farmhouse Braidlie, Hawick

Decision: Approved subject to the following conditions and informatives:

1. Approval is granted for a limited period of three years from the date of this consent and, unless an application is made and further consent obtained, the wind monitoring mast shall be removed from the site at the expiry of this same three year period.
Reason: To ensure the satisfactory regulation of a temporary development on the site, in the interests of safeguarding the amenity of the site and surrounding area.
2. Unless otherwise agreed in writing by the Planning Authority in advance of the commencement of decommissioning works, following the removal of the anchors, the holes that accommodated the anchors shall be filled in (backfilled, in the case of dug-in anchors) back to the original height (ground level) of the ground prior to the insertion of the anchors at the time of the erection of the development hereby consented. Further, this reinstatement of the site shall be completed within no more than 2 months from the date of the completion of the decommissioning of the wind monitoring mast itself.
Reason: To ensure the satisfactory restoration of the site in the interests of safeguarding the amenity of the site and surrounding area.
3. No development shall commence until the Developer has first provided the Planning Authority with documentary evidence that the UK DVOF & Powerlines at the Defence Geographic Centre, has received, and confirmed its acceptance of, appropriate notification of the following details:
 - a. Precise location of development;
 - b. Date of commencement of construction;
 - c. Date of completion of construction;
 - d. The maximum height above ground level of the tallest structure;
 - e. The maximum extension height of any construction equipment; and
 - f. Details of aviation warning lighting fitted to the structure.
Reason: in the interests of aviation safety, to allow the records of the Ministry of Defence to be amended and updated for safeguarding purposes.
4. Infra red aviation warning lighting shall be fitted at the highest practicable point on the meteorological mast. It shall be maintained in good working order at all times for the entire duration of time that the mast remains in situ.
Reason: Appropriate aviation warning lighting requires to be fitted to the meteorological mast in the interests of aircraft safety.
5. No development shall commence until a Species Protection Plan (SPP) for breeding birds, has first been submitted to, and approved in writing by, the Planning Authority. This same SPP shall include provision for mitigation and monitoring of the development hereby approved in relation to the protection of breeding birds, including (as a precaution) hen harrier. It shall specifically include the following:
 - a. a scheme of details, including elevation drawings, describing the installation and maintenance of bird deflectors located along the length of each guy wire, positioned relative to one another, at a minimum interval of 5m, with these arranged on adjacent wires such that the resulting pattern of deflectors is staggered to provide maximum visual impact to birds;
 - b. a scheme of details describing how the bird deflectors shall be monitored regularly, and maintained throughout the period of operation of the structure. This shall identify

specific action-points and timescales for the operation of these same measures (that is, what specifically, will be carried out and when it will occur); and

- c. a scheme of details identifying all mitigation measures that shall be employed to minimise disruption to breeding birds during the breeding bird season (March to August).

Thereafter, (i) the development shall only be carried out and operated in accordance with the provisions of the approved Species Protection Plan; and (ii) the provisions of the Species Protection Plan shall all be implemented and operated in accordance with the approved details for the duration of the development hereby approved. The approved bird deflectors installation shall moreover, be fully installed at the time of the erection of the anemometer mast, and this installation shall thereafter be maintained in full and at all times, in accordance with the approved details for the duration of the development hereby approved.

Reason: To prevent adverse impacts on breeding birds, including hen harrier, and to help conserve the natural heritage interests safeguarded by the Langholm - Newcastleton Hills Special Protection Area (SPA).

6. No development shall commence until a Construction Method Statement has first been submitted to, and approved in writing by, the Planning Authority. This Construction Method Statement shall:

- (a) identify measures to protect terrestrial habitats, including soils and the water environment at the time of, and for the duration of, works at the time of construction and at the time of the decommissioning works; and

- (b) address the concerns of **Informative Note 1** attached to this same planning consent. The development shall then be implemented in full accordance with the provisions set out within the approved Construction Method Statement, including at the time of its initial construction and then at the time of the decommissioning works.

Reason: To ensure that all construction operations are carried out in a manner that minimises their impacts on terrestrial habitats and the water environment.

Informatives

It should be noted that:

INFORMATIVE NOTE 1:

Care should be taken to avoid contamination or pollution of the water environment during construction by following SEPA's published guidance, e.g. GPP 5.

The Council's Ecology Section considers that drive-in anchors would be less disruptive to habitat and carbon-rich soils than dug-in anchors. Accordingly, and within the Construction Method Statement, the Developer should consider the potential to employ a drive-in method of anchoring, and describe the employment of such a method, wherever this is possible. (If a dug-in method of anchoring is proposed, it should be justified and evidenced within the Construction Method Statement that a drive-in method, is not feasible for environmental reasons).

NOTE

Mr D Taylor, Applicant spoke in support of the application.

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, 1 May, 2018 at 10.00
am

Present:- Councillors S. Haslam (Chair), C. Hamilton (Chair – Education business), S. Aitchison, G. Edgar, E. Jardine, W. McAteer (to para 2.6), T. Miers (to para 2.6), S. Mountford, M. Rowley, G. Turnbull (from para 2.6), T. Weatherston.

Also present:- Councillors K. Chapman, J. Fullarton, S. Marshall.

Apologies:- Mr L Mendoza, Ms J Sibbald, Ms C Thorburn.

In Attendance:- Service Director, Children and Young People, Chief Financial Officer, Chief Legal Officer, Clerk to the Council, Democratic Services Officer (J Turnbull).

EDUCATION BUSINESS

Present:- Ms A Ferahi, Mr I Topping, Alex Morgan

CHAIRMAN

Councillor Hamilton chaired the meeting for consideration of Education business.

1. WELCOME AND INTRODUCTIONS

The Chairman asked for a round of introductions and welcomed those present to the meeting, in particular Alex Morgan - Pupil Representative, the Year of Young People Ambassadors and Galashiels Academy Pupil Council.

MEMBER

Councillors Aitchison and Rowley joined the meeting during discussion of the following item.

2. YEAR OF YOUNG PEOPLE 2018

2.1 There had been circulated copies of a report by the Service Director, Children and Young People which outlined the approach taken in the Scottish Borders to the Year of Young People 2018. This included a full consultation in a range of contexts from young people who had roles such as Year of Young People Ambassadors, to on-line surveys and consultations in schools and youth groups. The consultation had helped the Council and partners in the Children and Young People's Leadership Group to identify a full plan of action, as well as signpost a longer term approach to participation and engagement with young people in the Scottish Borders. Ms Manson introduced the Year of Young People Ambassadors who were in attendance to give a presentation on the local activities and opportunities they were involved in within their communities.

2.2 The Year of Young People Ambassadors began by explaining the aims for the Year of Young People (YoYP) included: providing a platform for young peoples' voices to be heard and have their views acted upon; showcasing the talents of young people through events and the media; developing a better understanding, co-operation and respect between generations; and, providing young people with opportunities to express themselves through culture, sport and activities. The YoYP would enable young people to have a greater say in decisions that affected their lives, improve public perception, create opportunities for intergenerational work, and participate in positive activities and experience. The Ambassadors then highlighted the YoYP themes which were:

Participation – to influence public services and decisions; Education – to achieve stronger roles in shaping education; Health and Wellbeing – to lead healthier, active lives and improve mental health; Equality and Discrimination – to challenge negative perceptions and discrimination in all its forms; Enterprise and Regeneration – to celebrate enterprise and the Scottish economy; and, Culture – to celebrate talent and contribute to Scottish culture and arts. They explained their role as Ambassadors was to support, raise awareness, promote and get people involved in YoYP events and showcase the talents of young people by collecting and sharing positive stories using blogs and social media. There had already been a number of events/activities and, they gave as an example of intergeneration work, the Selkirk YoYP2108 Picnic in the Park. This event had been successful and it was hoped would continue in the future.

- 2.3 In response to a question about what the Council could do for young people, the Ambassadors highlighted the need for town wi-fi; encouraging extra-curricular activities; and more relevant work experience at different times, with Alex Morgan explaining that this latter could be improved with better dialogue between the schools and businesses. With regard to communicating activities, this was in the main via social media; however, activities were also publicised in school newsletters. It was noted that the Ambassadors were not aware of the Localities Bid Fund and the Executive member for Neighbourhoods and Locality Services suggested that they contact him for a discussion about the Fund. Ms Manson made reference to a meeting the previous day, linked to the new South of Scotland Enterprise Agency, about developing the young workforce. The Ambassadors comments would also be actioned as part of modernising the school curriculum. The Chairman thanked the Ambassadors for attending and their interesting presentation.
- 2.4 The Chairman then welcomed Galashiels Academy Pupil Council. The Pupil Council discussed each of the YoYP themes in turn, highlighting the key issues identified by their school. In terms of education, these included the need to improve sporting facilities, supply heating to the Games Hall, introduce break-out/study areas, and the provision of IT and free Wi-Fi. With regard to Culture, it was hoped that the Great Tapestry of Scotland facility would incorporate a free Wi-Fi café and would also be used for arts and touring exhibitions. The Pupil Council also suggested that a music and book festival could be held in a pedestrianised Bank Street incorporating a talent show, motivational speakers and poetry reading. In terms of Enterprise and Regeneration they proposed a garden allotment space in Scott Park where generations could come together to grow produce for local foodbanks and also showcase new technologies such as solar powered lighting. They also asked for free water fountains to be made available in Galashiels. The theme of Equality and Discrimination was discussed and they advised that while homophobia and the use of language was an issue with younger pupils - mainly out-with school - teachers did challenge insulting language at every opportunity. With regard to Health and Wellbeing the Pupil Council felt that there was not enough mental health support in Galashiels, there was a need for a clinic space, perhaps within a supermarket. They also suggested a digital screen be located in the town which could advertise local events. In terms of participation, the school had introduced additional assemblies and were working on a suggestion box so that every pupil within the school could have an input and influence change.
- 2.5 Following discussion, Councillor Jardine asked the Pupil Council to contact him out with the meeting to take forward, with Live Borders, suggestions for the YoYP. It was also suggested that the school should be given a copy of the Galashiels Masterplan for the library. It was noted that Galashiels Academy was holding events in June and September, which would include discussion on the Masterplan; Members were invited to attend and participate. In response to a question about how threatened young people felt about drugs and under-age drinking, the pupils acknowledged this did happen and perhaps the lack of spaces for young people to go in the evening contributed to this. Members asked the young people to contact them if they had any suggestions or concerns they wished raised. To encourage dialogue, it was asked that Members could hold surgeries within schools. Young people attending and participating in Area

Partnership meetings and local community council meetings, perhaps even becoming community councillors was also encouraged. In response to some of the suggestions raised, Ms Manson advised that in respect of the Games Hall, they were progressing a solution. Study and break-out areas would be considered over the summer and there would also be an evaluation of libraries. To celebrate YoYP, there would be a music festival in the autumn at Springwood Park, Kelso. In respect of mental health, additional funding had been allocated to address gaps in provision. The Chair thanked Galashiels Academy Pupil Council for their attendance and useful feedback.

- 2.6 Ms Manson then advised that the Council had been in discussion with religious representatives across the Scottish Borders regarding YoYP and introduced Graham Donald, Member of the Church of Scotland Education Committee, and Ian Topping, Education - Executive Committee, Religious Representative, who spoke about the work churches were doing for YoYP. Mr Donald advised that in cities and towns there had been an increase in young people participating in church led events, but this was not the case in the Scottish Borders. To encourage young people to participate, Melrose and Galashiels Presbytery was organising six events including a Chaplaincy Conference and a Question Time event. He also advised that every secondary school would be provided with the God Question DVD to facilitate classroom discussion. The church would also be welcoming four young people from Malawi and two from Lebanon who would be attending local schools and the Borders College. Mr Topping then advised that the Director was supporting in principle the churches' direct engagement with young people to develop an understanding and celebrate intergenerational work. To facilitate, there would be a series of events, the first of which, on 17 May, at Tweed Horizons would focus on the work of the school chaplaincy in terms of spiritual development. The church would also be discussing what types of events young people would prefer and based on feedback would host a special event in September to celebrate the YoYP. In response to questions, Mr Topping advised that the event would include all denominations. He explained that as the majority of school chaplains were Church of Scotland, other faiths had been invited from the school and wider community. Alex Morgan, Pupil Representative, suggested that a Question Time event should include a mix of young people and representatives from all faiths. Ms Manson confirmed that schools could benefit from intergenerational support from a range of denominations. She advised that as well as the Church, the Council was working with a range of organisations such as Live Borders and Youth Borders. The message today was that young people had been given the lead in YoYP, they were being heard, and what they were saying would be acted upon and their achievements would be celebrated.
- 2.7 Councillor Hamilton, on behalf of the Committee, thanked the Pupil Representative, Galashiels Academy Pupil Council and the Year of Young People Ambassadors for their valuable contribution and the Committee showed their appreciation with a round of applause.

**DECISION
AGREED:**

- (a) The Year of the Young People Partnership Plan;**
- (b) That an update on progress would be brought back to the Executive Committee in September 2018; and**
- (c) To circulate a list of YoYP events to Members.**

OTHER BUSINESS

MEMBERS

Councillors Miers and McAteer left the meeting during consideration of the above item; Councillor Turnbull joined the meeting.

CHAIRMAN

Councillor Haslam took the Chair for the remaining business.

3. SCOTTISH BORDERS COUNCIL LIBRARIES MANAGEMENT RULES REPORT

With reference to paragraph 4 of the Minute of 13 March 2018, there had been circulated copies of a report updating on the proposed Management Rules for Public Libraries in the Scottish Borders. The report concerned the making of new Management Rules for Public Libraries under the Civic Government (Scotland) Act 1982. This was in preparation for the expiry of the 10-year lifespan of the current Management Rules at midnight on 14 May 2018. The Executive Committee had authorised a public consultation on the proposed Rules, which commenced on 22 March 2018 and ended on 22 April 2018. Any substantive comments received during the consultation were to be reported back to the Executive Committee. The response to the consultation indicated significant support for the proposed Rules, with the majority of respondents supporting the proposals detailed. There had, however, also been substantive comments on the Rules. After review, minor amendments had been made to the proposed Rules, which were detailed in Appendix 2 to the report. The Chief Legal Officer was in attendance and highlighted that the main changes to the Rules reflected new technology, the change in culture that no longer required libraries to be places of silence, and that Live Borders now managed libraries on behalf of the Council. In response to questions, she explained that training on Management Rules would be undertaken by Live Borders staff. The rules were also intended to be flexible depending on the service provided. With regard to the availability of free wi-fi in libraries, she would enquire and advise Members accordingly.

DECISION

AGREED:

- (a) To authorise the Service Director Regulatory Services, in consultation with the Chief Legal Officer, to make the Rules;**
- (b) To appoint the Live Borders Libraries Staff as officers of Scottish Borders Council as regards the enforcement of the Management Rules; and**
- (c) That the Chief Legal Officer would check on the availability of free wi-fi in libraries and send a list out to all Members.**

4. MINUTE

There had been circulated copies of the Minute of the meeting of Executive Committee held on 17 April 2018.

DECISION

APPROVED for signature by the Chairman.

5. PRIVATE BUSINESS

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

SUMMARY OF PRIVATE BUSINESS

6. MINUTE

The private section of the Minute of 17 April 2018 was approved.

The meeting concluded at 11.45 am

**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 9 May 2018 at 5.00 p.m.

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

Members of the Public:- 4

1. **CHAIRMAN**

In the absence of Councillor Tatler, Councillor Anderson chaired the meeting.

2. **MINUTE**

The Minute of the Meeting of Peebles Common Good Fund Sub-Committee held on 7 March 2018, had been circulated. With reference to paragraph 4.3, the Democratic Services Team Leader undertook to check if any other sources of funding had been identified by the Twinning Association. With reference to paragraph 7, Councillor Anderson advised that 3 potential sites had been identified for the Peebles Men's Shed and she was in contact with the Estates Surveyor regarding this matter.

DECISION

APPROVED the Minute.

3. **MONITORING REPORT FOR 12 MONTHS TO 31 MARCH 2018**

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 year 2017/18 including the balance sheet values as at 31 March 2018 and proposed budget for 2018/19. Appendix 1 to the report provided an actual Income and Expenditure for 2017/18 which showed a surplus of £2,828 which varied from the previously reported position largely due to lower than anticipated grant expenditure. Appendix 2 to the report contained a projected Balance Sheet to 31 March 2017 and projected a decrease in the reserves of £51,941. 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 March 2018. The Chief Financial Officer highlighted the main points in the report and confirmed that invested funds had now been transferred to Kames with the first month dividend being received at the end of March. It was noted that the fixed assets were due to be revalued as part of the normal 5 year cycle, Mr Robertson answered Members questions and agreed to provide some further details in respect of "Receipts in Advance" and the movement in the "Revaluation reserve" both detailed in Appendix 2. In response to a request by Community Councillor Hayworth that the grants budget be increased to £30k Members agreed that this be reviewed in 6 months' time. With regard to grant payments it was noted that the account for the PA system for Remembrance Day Service had now been paid and that the grant of up to £2350 to the Peebles-Hendaye Twinning Association approved at the last meeting needed to be included under "approved but not yet paid".

DECISION

AGREED to:-

- (a) note the actual Income and Expenditure for 2017/18, as detailed in Appendix 1 to the report;
- (b) the proposed budget for 2018/19 as detailed in Appendix 1 to the report;
- (c) note the final Balance Sheet value as at 31 March 2018, as detailed in Appendix 2 to the report;
- (d) note the summary of the property portfolio, as detailed in Appendix 3 to the report;
- (e) note the current position of the Kames Capital investment, as detailed in Appendix 4 to the report; and
- (f) that the level of funding for grant applications be reviewed in 6 months' time.

4. PREVIOUS GRANT ASSISTANCE

With reference to paragraph 5 of the Minute of 7 March 2018, there had been circulated copies of a list detailing all grants made by the Sub-Committee over the previous 10 years. The Chief Financial Officer advised that work on a single application form for all grant funding was progressing. Members asked that this be brought to their next meeting.

DECISION

AGREED that a new application form be presented at the next meeting of the Sub-Committee.

DECLARATION OF INTEREST

Community Councillor Hayworth declared an interest in the applications received from Peebles Community Council and Peebles Archaeological Society as he was a Member of both organisations. He did not take part in the discussion on these applications.

5. APPLICATIONS FOR FINANCIAL ASSISTANCE

5.1 Peebles Youth Trust

There had been circulated copies of a request for funding in the sum of £300 towards the purchase of a projector to assist with the delivery of training for volunteers and the delivery of children's workshops. Members agreed that the application be approved

DECISION

AGREED to approve a grant of £300 to Peebles Youth Trust.

5.2. Peebles Community Council on behalf of Parkrun

With reference to paragraph 3 of the Minute of 7 March 2018, there had been circulated copies of a request for funding in the sum of £3,000 to commence Parkrun in Peebles. Graham Mackie from Peebles Community Council and Susan Morrison, Parkrun Event Organiser were present at the meeting and spoke in support of the application and also answered Members questions. Members discussed the application and agreed that while the Sub-Committee were very supportive of the proposal they felt some level of match funding should be obtained. Councillor Haslam, seconded by Councillor Chapman, moved that a grant of £2000 be made and this was unanimously approved. Councillor Haslam undertook to put organisers in touch with Councillor Jardine, Executive Member for Culture and Sport who would be able to assist with other avenues of funding.

DECISION

AGREED that the a grant of £2000 be made to Peebles Community Council towards the setting up of Parkrun in Peebles.

5.3 **Peeblesshire Archaeological Society**

There had been circulated copies of a request for funding in the sum of £1500 towards the production of a leaflet "A Walk in the Park: The Archaeology and History of Hay Lodge Park and its Environs." Members were disappointed that there was no representative of the Society present to answer questions but agreed that the application be approved.

DECISION

AGREED that a grant of £1500 be made to Peeblesshire Archaeological Society.

The meeting concluded at 5.40 p.m.

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SCOTTISH BORDERS COUNCIL GALASHIELS COMMON GOOD FUND SUB COMMITTEE

MINUTES of Meeting of the GALASHIELS
COMMON GOOD FUND SUB COMMITTEE
held in Council Headquarters, Newtown St
Boswells. on Thursday, 10 May 2018 at
10.00 am

Present:- Councillors S. Aitchison (Chairman), A. Anderson, E. Jardine, H. Scott and
Community Councillor R. Kenney.

In Attendance:- Senior Finance Officer (J. Yallop), Solicitor (J. Webster), Estates Manager
(N. Hastie), Estates Surveyor (A. Scott) Democratic Services Officer
(F. Walling).

1. **MINUTE.**

There had been circulated copies of the Minute of 8 March 2018.

DECISION

APPROVED the Minute for signing by the Chairman.

2. **FINANCIAL MONITORING REPORT FOR 12 MONTHS TO 31 MARCH 2018**

2.1 There had been circulated copies of a report by the Chief Financial Officer providing details of income and expenditure for the year 2017/18 including balance sheet values as at 31 March 2018 and proposed budget for 2018/19. Senior Finance Officer, John Yallop, highlighted the main points of the report and appendices. Mr Yallop advised that, due to the timing of the meeting, the end of year figures shown in the appendices were still subject to confirmation. Appendix 1 to the report provided actual income and expenditure for 2017/18. This showed a surplus of £2,203. Additional dividend income and lower than anticipated grant expenditure had been off-set by costs associated with the investment fund transfer to Kames Capital, resulting in a net reduction of £427 to the surplus reported at the last meeting. Included in the non-property related income were dividends from Newton until the point of disinvestment (£3,549) and the first monthly dividend from Kames Capital amounting to £593. The projected budget for 2018/19 included a full year estimate of the Kames dividend amounting to £7,399, reflecting the fact that Kames had historically generated and also targeted dividend income in the region of 5% of total investment. In terms of grants and donations, there had been no grants approved in the previous two years but a number of applications had been received. The report therefore recommended a budget of £2,000 for 2018/19. The recommended increase also reflected the increased income the fund would be generating. The projected surplus for the year 2018/19, shown in Appendix 1 was £3,497. The projected Balance Sheet as at 31 March 2018, shown in Appendix 2 to the report, indicated a decrease in the reserves of £40,098 due to the depreciation charge. The breakdown of the property portfolio showing projected depreciation charges and actual property expenditure to 31 March 2018 was shown in Appendix 3.

2.2 The current position of the Kames Capital investment was shown in Appendix 4 to the report. The Kames Capital Diversified Income Fund was chosen to replace Newton following a procurement process carried out in January 2018. In the assessment process it was shown that the total return delivered by Kames over a 1 year and a 3 year period as at September 2017 were both in the region of 10%. Part of this total return included a targeted 5% dividend income generation and a 2% to 3% capital growth over the medium term. Unfortunately, due to the increase in market volatility which started in February, the

value of the Kames Fund fell by 0.3% as at 31 March 2018, resulting in an unrealised loss at this time of £479. Before approving the recommendations, Members discussed the report and Mr Yallop provided further details where requested.

DECISION

- (a) **NOTED within the appendices to the report:-**
- (i) **the actual income and expenditure for 2017/18 in Appendix 1;**
 - (ii) **the final balance sheet value as at 31 March 2018 in Appendix 2;**
 - (iii) **the summary of the property portfolio in Appendix 3; and**
 - (iv) **the current position of the Kames Capital investment in Appendix 4.**
- (b) **AGREED the proposed budget for 2018/19 as shown in Appendix 1 to the report.**

3. APPLICATION FOR FINANCIAL ASSISTANCE

The Chairman welcomed to the meeting, Mr Thomas Dalgleish, who was in attendance to give further information about his application for financial assistance on behalf of Gala Hotspur Amateur Football Club. The club was requesting funding towards a project to undertake repairs and redecorate the old Pavilion building in the Public Park in Galashiels. Mr Dalgleish explained that the ground and building, leased from Scottish Borders Council, had been used by the club since 1956. The building was used as a changing facility and about 20 years ago the club had carried out work to install a boiler, shower room and toilets. In accordance with the lease the club was responsible for maintaining the building but over the years, despite the club's efforts, the external façade had deteriorated and the building had also been subject to vandalism. There was a risk that the pavilion would become unusable and an eyesore in a park which was used by community members and visitors. An application for a grant of £5,000 had been made under the Community Grant Scheme and there would be a contribution from the club of in-kind labour to carry out some of the work. The club were requesting £3,250 from the Common Good Fund to make up the balance of the cost. Mr Dalgleish added that the project would provide a wind and watertight changing facility not just for Gala Hotspur but for other groups who wanted to use the facility for recreational purposes at the park. Members discussed the application and were in support of the project to repair and refurbish the pavilion building, noting that the time for improving the building was appropriate due to the adjacent work being carried out on the new playpark. Members also recognised the importance of the park as a community asset and the value of Gala Hotspur in promoting amateur football, particularly amongst young people. There was unanimous approval of the application and the Chairman thanked Mr Dalgleish for his attendance at the meeting.

AGREED to grant £3,250 to Gala Hotspur Amateur Football Club towards the project to repair and redecorate the old Pavilion building in the Public Park, Galashiels.

4. MOVEABLE ASSETS OWNED BY GALASHIELS COMMON GOOD

With reference to paragraph 3 of the Minute of 8 March 2018, a briefing note providing some additional information about the items owned by Galashiels Common Good was tabled at the meeting and a verbal update was provided by Solicitor, Jane Webster. Members continued their discussion about whether these items should be on public display, accepting that there was an element of cost involved in order to display these securely and that one of the possible locations, Old Gala House, was managed by Live Borders. Councillor Jardine offered to liaise with the Cultural Services Manager and to

progress discussions with Live Borders. It was agreed to put this on the agenda for further discussion at a future meeting.

DECISION

AGREED to discuss at a future meeting the question of where moveable items belonging to Galashiels Common Good should be held and/or displayed.

The meeting concluded at 10.55 am

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