

SCOTTISH BORDERS COUNCIL
BERWICKSHIRE AREA FORUM

MINUTE of the MEETING of the
BERWICKSHIRE AREA FORUM held in the
COUNCIL CHAMBER, NEWTOWN STREET,
DUNS on 6 December 2012 at 6.30 p.m.

Present:- Councillors J. Campbell, M. Cook, J. Fullarton, J. Greenwell, D. Moffat.
Community Councillors D. Arran, K. Bannerman, M. Brims, D. Findlay, R. Goldie,
C. Hewat, P. Hood, L. Inglis, J. Marjoribanks, J. McGregor, D. Morrison, M.
Paterson, H. Paxton, B. Purvis, M. Rowley, J. Slater; Inspector B. MacFarlane
(Lothian and Borders Police).

Apologies:- Councillor F. Renton.

In Attendance:- Clerk to the Council, Committee and Elections Officer (V. MacMillan).

Members of the Public:- 18.

APPOINTMENT OF CHAIRMAN

1. This being the first meeting of the Berwickshire Area Forum, set up under the Council's new Scheme of Administration, the Committee considered the appointment of a Chairman. Councillor Moffat, seconded by Councillor Greenwell, moved that Councillor Cook be appointed as Chairman.

DECISION

AGREED that Councillor Cook be appointed as Chairman of the Berwickshire Area Forum.

APPOINTMENT OF VICE-CHAIRMAN

2. The Committee considered the appointment of a Vice-Chairman. Councillor Cook, seconded by Councillor Fullarton, moved that Councillor Moffat be appointed as Vice Chairman.

DECISION

AGREED that Councillor Moffat be appointed as Vice-Chairman of the Berwickshire Area Forum.

WELCOME AND INTRODUCTIONS

3. The Chairman welcomed everyone to the meeting and introductions were made by Councillors, representatives of Community Councils and Officers. The Chairman advised that time should be managed carefully to allow all those that wished to make a contribution to do so. The representatives from Community Councils were asked how they would like to be addressed and it was agreed that they would be addressed informally and the Councillors would be addressed formally.

DECISION

NOTED.

ORDER OF BUSINESS

4. 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.

THE REMIT OF THE AREA FORUM

5. There had been circulated copies of an extract from the Council's new Scheme of Administration which had been approved on 30 August 2012. The Clerk to the Council outlined the remit of the new Area Forums, which were being launched across all areas of the

Council. The Berwickshire Area Forum comprised 6 Elected Scottish Borders Councillors representing the Wards of East Berwickshire and Mid Berwickshire, together with a representative from each of the Community Councils in the Berwickshire Area. Nominations were still to be received from NHS Borders and from the Police. The Forum could also agree to include a representative from any other local body as appropriate. To enhance opportunity for community engagement there had also been a “market place” of council and partner services between 5 and 6.30 pm to allow members of the public to drop-in to receive information on an individual basis. It was intended that each Area Forum would develop in its own way focusing on issues which were important to that area. All Forum Members and members of the public were encouraged to submit items for future meeting agendas. The Clerk to the Council advised that there would be a review meeting in January with the Chairmen from all the Area Forums to ascertain how the first meeting of each Forum had gone. The Chairman emphasised that the intention was to make the Forums as inclusive as possible and that the layout of the next Forum would be different to ensure that everyone was visible and able to contribute as fully as possible. It was suggested by the Community Councils that representatives from the Third Sector and from the Chambers of Trade should be invited to attend the Area Forum. It was agreed that a letter would be written to representatives of the Third Sector and to the Chambers of Trade to invite them to the next meeting of the Area Forum.

DECISION

AGREED that:-

- (a) Mrs Diana Findlay from the Berwickshire Community Councils' Forum (BCCF) would write to representatives of local Third Sector organisations to invite them to the next meeting of the Berwickshire Area Forum; and**
- (b) the Chairman would contact the Chambers of Trade to invite them to the next meeting of the Berwickshire Area Forum.**

COMMUNITY PLANNING AND AREA FORUMS

6. Senior Consultant, Mr Douglas Scott, was in attendance at the meeting to give a presentation on the role of Community Planning and how Area Forums fitted into that process. Copies of his presentation were circulated at the meeting. Mr Scott explained that there was a new emphasis on Community Planning from the Scottish Government and COSLA, the published “Statement of Ambition” having clear expectations for Community Planning Partnerships. In order to address the challenges, every local authority was exploring ways to work and Scottish Borders Council were preparing clear principles for moving forward, including emphasis on cross-cutting themes with elected Member involvement. The presentation summarised the background to the evidence based approach and set out the external context, the results of the most recent Household Survey, a strategic assessment and the findings of the Christie Commission which proposed that public service organisations should work to extend and deepen a local partnership approach. This had culminated in a suggested strategic objective for the Borders “to work in partnership with other key public, voluntary and private bodies together with communities and businesses, to maintain and improve the quality of life and meet the needs of Borders residents and their communities through the delivery of high quality public services, projects, advocacy and other actions”. The strategic objective had been divided into four themes, namely: Early Intervention and Prevention; Place and Communities; Economy and Infrastructure; and future Model of Public Service Delivery for the Scottish Borders. Within the theme of Place and Communities the priorities were Whole Town Programmes; Community Safety; Community Resilience; Engagement and Development; and Cultural Services. The presentation also provided details relating to the demographics of the Berwickshire Area and the particular challenges faced within the area, illustrated by comparisons with average figures from the Scottish Borders and Scotland. There followed a discussion on the presentation and Mr Scott answered questions and provided clarification in respect of some of the matters raised.

DECISION

NOTED the presentation.

SB LOCAL SMALL SCHEMES

7. There had been circulated copies of a report by the Director of Environment and Infrastructure seeking approval for the proposed new SB Local small schemes from the Area Forum and to up-date the Members on Roads Capital & Revenue works and previously approved SB Local Small Schemes. The following schemes had been requested for consideration:- Install a wheelchair crossing at Bridgend, Duns, to allow disabled people to access the footway at a cost of £1050; repaint lines in Market Square, Duns, to allow the Police to enforce parking restrictions at a cost of £2962; and install steps from the Orchard to Back Lane, Paxton, to allow access at a cost of £4127. Members discussed the report and Mr Daren Silcock, SB Local Area Manager, answered questions from SBC Members and Community Councillors.

DECISION

AGREED to approve and implement the following new SB Local small schemes:-

	Estimated Cost
	£
(a) Install wheelchair crossing, Bridgend, Duns	£ 1,050
(b) Repaint lines in Market Square, Duns	£ 2,962
(c) Install steps at the Orchard/Back Lane, Paxton	£ 4,127

DECLARATION OF INTEREST

The Chairman and Councillor Campbell declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion. Councillor Moffat, Vice-Chairman, chaired the meeting in the Chairman's absence.

INTRODUCTION OF PERMANENT TRAFFIC REGULATION ORDER, EYEMOUTH HARBOUR PARKING CHARGES

8. There had been circulated copies of a report by the Director of Environment and Infrastructure proposing to make permanent the existing Experimental Traffic Regulation Order operating in areas adjacent to Eyemouth Harbour. Since 26 June 2012, Eyemouth Harbour Trust (EHT) had operated Pay and Display Parking Controls in areas adjacent to the harbour under an Experimental Traffic Regulation Order (TRO) facilitated by Scottish Borders Council. Following the experimental period of 18 months, EHT now wished to proceed to make the arrangement permanent. It was proposed that Scottish Borders Council now introduce a permanent Traffic Regulation Order in these same areas as shown coloured yellow in the plan in Appendix A to the report. These areas were under the control of EHT and the introduction of a permanent TRO would allow EHT to continue to manage parking for the foreseeable future.
9. There had been two letters of objection received within the first 6 months which were appended to the report. In addressing the objections and to mitigate any negative effects of the scheme on local residents and businesses, EHT had taken the following action:- issue free of charge parking permits to residents of Harbour Road and Marine Parade; made available free of charge visitor parking permits for businesses on Harbour Road (restricted to 2 per business); these passes could then be issued to customers at the businesses' discretion; proposed to introduce a capped daily rate of £4 per day as per schedule in Section 6 of the report; and while the proposed TRO was year round, EHT proposed to allow free parking for part of the year, for example through December to encourage Christmas shoppers to the town. Members asked for reassurance that the parking charges would be waived at certain points in the year. Mr Jim McQuillin, the Assistant Road User Manager, advised that while the EHT sought a permanent TRO to stipulate charges all year round,

there would be flexibility that allowed periods of free parking at EHT's discretion, for example, in December and January.

DECISION

AGREED to approve the continuation of parking controls in the Eyemouth Harbour area by introducing a permanent Traffic Regulation Order as detailed in the plan in Appendix A to the report and the Draft Traffic Regulation Order in Appendix B to the report.

MEMBERS

The Chairman and Councillor Campbell returned to the meeting and Councillor Cook resumed the chair.

PROPOSALS FOR A COURT STRUCTURE OF THE FUTURE

10. There had been circulated copies of a briefing by the Head of Legal and Democratic Services and the Head of Community Justice and Housing on the Scottish Court Service (SCS) proposals for court reform. The Head of Legal and Democratic Services, Mr Ian Wilkie, explained that SCS had carried out a consultation that looked at the best use of Government money in terms of the delivery of democratic services in Scotland. The proposals put forward by the consultation involved the closure of the Sheriff and Justice of the Peace courts in Duns. This would result in business being transferred to the court in Jedburgh.
11. The key concerns that Scottish Borders Council had about the potential closure of Duns Court was that witnesses, the accused, pursuers, defenders solicitors, vulnerable people and other agencies would have a greater distance to travel to get to the court in Jedburgh. Fair access to justice would be denied and access to justice would be more difficult. For people living in the Eyemouth area it would not be possible for them to travel to court and home on the same day. Given the low wage economy in the Borders, the proposals would have a disproportionate burden in respect of travel costs and would be unaffordable to many people. This would deny people access to a fair trial or to be properly examined as a witness. The removal of Sheriff and jury trials in the Borders would result in people living in the Borders not being able to exercise their right to be a juror in their own locality. Borders Courts could be served by Summary Sheriffs which could result in the loss of specialist legal work to Edinburgh. Any loss of specialist legal services would have an impact on the other businesses in the affected settlements. The throughput of attendees at court provided a regular stimulus to the local economy, for example, through the provision of fuel, refreshments and food. The SCS had misrepresented Duns Court in terms of the facilities it had and the amount of business that was dealt with there. The savings that the SCS would make from the closure of Duns Court would be minimal in comparison to the negative impact it would have on the Duns area. The response to the consultation from Scottish Borders Council strongly opposed the proposed changes and recommended a course of action to address the long term needs of the SCS and meet the reasonable needs of the people of the Scottish Borders to continue to be able to enjoy fair access to local justice.
12. The Head of Legal and Democratic Services answered questions from those present. Representatives of the Community Councils asked if it had been possible to see the responses of other local authorities that faced similar closures. The Head of Legal and Democratic Services advised that it had not been possible to do this because of the limited time available for SBC to respond to the SCS proposals. Representatives from the SCS had been invited to the Scottish Borders to enable SBC to demonstrate first hand the travel difficulties that would be faced by people as a result of the court closure in Duns. Mr Wilkie was asked if Selkirk and Jedburgh Courts would be able to deal with additional business if Duns and Peebles Courts closed and were advised that they were likely to struggle. Inspector Brian McFarlane, Lothian and Borders Police, confirmed that the closure of Duns was likely to have a significant impact on Police resources. Police would have to issue a warrant for the arrest of any accused persons that did not appear in court because they could not afford the travel costs. Councillor Moffat advised that at the latest meeting of the Community Justice Authority (CJA) they had agreed to submit a response to the proposals

put forward by the SCS, and emphasised that it was important to have written responses to the SCS proposals from as many organisations as possible.

DECISION

AGREED that a copy of the Council's response to the consultation be emailed out to each Community Council.

FINANCIAL CHALLENGES 2013-2018

13. The Chief Financial Officer, David Robertson, was in attendance to give a presentation on the Financial Challenges which the Council had to face over the next 5 years. He outlined where the Council's funding came from, how it was apportioned between the various departments and highlighted that the majority was currently spent on the provision of education and social work services. There were a number of challenges facing the Council, mainly as a result of the economic situation but also the changing demographics of the area. These included the need to modernise the school estate, deal with more frequent and extreme weather events, protect the region from flooding and meet new government targets for recycling. It was also important to continue to maintain the road infrastructure, keep pace with developments in technology and provide services for people, both young and old, all with the aim of making the Borders an attractive place to live and work. In terms of future funding a gap of £28.7m had been identified over the next 5 years and the Council were developing a 5 year finance plan and solutions to bridge this in ways which would have the least impact on services. The status quo was not an option and difficult choices would need to be made which might affect the Council's ability to deliver some services. The public were being encouraged to submit their views and the ways in which this could be done were provided. Mr Robertson answered questions and gave details of the work being done to improve the Council's debt recovery procedure.

DECISION

NOTED the presentation.

REVIEW OF THE COMMUNITY COUNCIL SCHEME

14. With reference to paragraph 10 of the Minute of Scottish Borders Council of 25 October 2012, it was reported that a Working Group was to be set up to review the current Community Council Scheme and each Area Forum had been asked to nominate an Elected Member and a Community Councillor to be members of this Working Group. Councillor Fullarton, seconded by Councillor Moffat, moved that Councillor Greenwell be appointed as the Elected Member representative. The Chairman moved that Ms Kym Bannerman be appointed as the Community Council representative and that Mr Mark Rowley be appointed as a substitute Community Council representative, should Ms Bannerman be unavailable, and this was unanimously accepted.

DECISION

AGREED that Councillor Greenwell and Ms Kym Bannerman be appointed as the Elected Member and Community Council representatives respectively, and Mr Mark Rowley be elected as Community Council substitute representative.

OPEN QUESTIONS

15. (a) Concern was raised about the condition of the white lines on the Longformacus to Duns road. This had been raised a number of times with Councillors. The Chairman advised that the repair of the white lines was resource driven but that the Assistant Road User Manager would take this forward.

AGREED that the Assistant Road User Manager would investigate if resources were available to repaint the white lines on the Longformacus to Duns Road.

- (b) A question was asked about the consultation on short-term parking in Coldingham. Councillor Fullarton advised that consultation was needed amongst the community. Community Councillor Rhona Goldie further advised that the consultation stage had not

yet been reached and this topic would be discussed at the next Coldingham Community Council meeting.

**DECISION
NOTED.**

- (c) Concern was expressed about the number of proposals to build wind turbines/farms in various locations across Berwickshire and communities needed to look at all aspects.

**DECISION
AGREED that the building of wind turbines/farms in various locations across Berwickshire would be considered at the next meeting of the Berwickshire Area Forum.**

- (d) Concerns were raised about safety on the A1, and the lack of safety measures around villages, at junctions and turnings e.g. overtaking, lack of lighting.

**DECISION
AGREED that safety on the A1 would be discussed with Transport Scotland, BEAR, and the Police and would be a future agenda item for the Area Forum.**

COMMUNITY COUNCIL SPOTLIGHT

16. Mr Barry Forrest from Reston and Auchencrow Community Council reported that the A1 Reston and Ayton junction was dangerous and had required improvement for some time. The Chairman agreed that A1 junctions would be considered as part of the proposed future agenda item on safety on the A1.

**DECISION
NOTED.**

FUTURE AGENDA ITEMS

17. The Chairman invited those present to suggest future agenda items. The following items were suggested:- Police and Fire and Rescue Service Reforms and Accountability; Wind farms; Roads and Infrastructure; Waste Strategy; Low Carbon Economy, including Borders Energy Trust; a presentation from Visit Scotland; a presentation on Active Ageing (activities for older people); and Regeneration and Funding Streams, using the example of the regeneration projects of the and Ettrick and Yarrow valleys. It was agreed that Wind Farms/ Wind turbines would be included on the agenda of the next Area Forum as it was considered to be a matter of urgency. The Clerk to the Council advised that individual wind farm applications could not be discussed. Community Councils asked if there was a process for proposing future agenda items and the Clerk to the Council advised that there was an Area Forums page on the SBC website where future agenda items could be recorded and would be picked up by the Committee and Elections team. The Chairman noted that there were a good number of suggestions for future agenda items and there was a mechanism in place to take them forward.

DECISION

- (a) **AGREED that wind farms/wind turbines would be included on the agenda of the next Berwickshire Area Forum as it was considered to be a matter of urgency.**
- (b) **NOTED the suggested future agenda items.**

DATE OF NEXT MEETING

18. The next meeting of the Berwickshire Area Forum had been scheduled to take place on Tuesday 5 March 2013 at 6.30 p.m. Community Councillor Diana Findlay advised that the next meeting of the BCCF was scheduled to take place on the 7 March 2013 and suggested that the Forum should take place then. The Chairman advised that he would be unable to attend on the 7 March and suggested that Members and the Community Councils should

Item No 5

confer to arrange a suitable date for everyone, and Thursday was suggested as a preferred day. The Clerk to the Council advised that the Forums had been arranged to take place every quarter but additional meetings could be scheduled if required. The Chairman thanked everyone for attending.

DECISION

AGREED that Members and the Community Councils would confer to arrange a suitable date for the next meeting of the Berwickshire Area Forum.

The meeting concluded at 8.40 p.m.