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

7.	<p>Committee Minutes (Pages 1 - 96)</p> <p>Consider Minutes of the following Committees:-</p> <table data-bbox="261 748 1189 1151"><tr><td>(a)</td><td>Local Review Body</td><td>15 August 2016</td></tr><tr><td>(b)</td><td>Executive</td><td>16 August 2016</td></tr><tr><td>(c)</td><td>Hawick Common Good Fund</td><td>16 August 2016</td></tr><tr><td>(d)</td><td>Teviot & Liddesdale Area Forum</td><td>16 June 2016</td></tr><tr><td>(e)</td><td>Scrutiny</td><td>18 August 2016</td></tr><tr><td>(f)</td><td>Civic Government Licensing</td><td>19 August 2016</td></tr><tr><td>(g)</td><td>Selkirk Common Good Fund</td><td>30 August 2016</td></tr><tr><td>(h)</td><td>Peebles Common Good Fund</td><td>31 August 2016</td></tr><tr><td>(i)</td><td>Tweeddale Area Forum</td><td>31 August 2016</td></tr><tr><td>(j)</td><td>Berwickshire Area Forum</td><td>1 September 2016</td></tr><tr><td>(k)</td><td>Planning & Building Standards</td><td>5 September 2016</td></tr><tr><td>(l)</td><td>Executive</td><td>6 September 2016</td></tr></table> <p>(Please see separate Supplement containing the public Committee Minutes.)</p>	(a)	Local Review Body	15 August 2016	(b)	Executive	16 August 2016	(c)	Hawick Common Good Fund	16 August 2016	(d)	Teviot & Liddesdale Area Forum	16 June 2016	(e)	Scrutiny	18 August 2016	(f)	Civic Government Licensing	19 August 2016	(g)	Selkirk Common Good Fund	30 August 2016	(h)	Peebles Common Good Fund	31 August 2016	(i)	Tweeddale Area Forum	31 August 2016	(j)	Berwickshire Area Forum	1 September 2016	(k)	Planning & Building Standards	5 September 2016	(l)	Executive	6 September 2016	5 mins
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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, 5 September, 2016 at
10.00 am

-
- Present:- Councillors R. Smith (Chairman), J. Brown (Vice-Chairman), M. Ballantyne,
J. Campbell, J. A. Fullarton and S. Mountford.
- Apologies:- Councillor B. White.
- In Attendance:- Planning Policy and Access Manager, Chief Legal Officer, Democratic
Services Team Leader, Democratic Services Officer (F. Walling).

CONTINUE CONSIDERATION OF REVIEW OF APPLICATION 16/00162/PPP

With reference to paragraph 5 of the Minute of 15 August 2016, and following an unaccompanied site visit, Members continued consideration of the request from Mr H. Armstrong, per HM Architecture Ltd, Bloomfield, Heatherlie Park, Selkirk, to review the decision to refuse the planning application in respect of the erection of a dwellinghouse and garage in the garden ground of Lindisfarne, Gattonside. Members agreed that the site visit had been helpful in order to make a realistic appraisal of the access to the site from the east, using the Loan. Although they recognised that the section through the houses was narrow and steep it was not unreasonably so. There were passing places and there was evidence to suggest that drivers took into account the access difficulties by driving carefully and slowly. Also taken into account was the fact that there was an alternative access to the site from the west. After further discussion it was concluded that a house at the proposed site would not lead to significant additional safety implications for road users. Members also discussed the difference in levels between the proposed site and the public road, at the point of access. It was noted that further detailed engineering work would be required as part of the Approval of Matters subject to Conditions (AMC). As there were also concerns about the access to the site by construction traffic it was agreed that a construction phase traffic management plan be requested through condition.

DECISION

AGREED that:-

- (a) the review could be determined without further procedure on the basis of the papers submitted and the unaccompanied site visit;**
- (b) the development was consistent with the development plan; and**
- (c) the decision of the appointed planning officer to refuse the application be reversed and the application for planning permission be granted, subject to conditions, informatives and a legal agreement, for the reasons given in the Appendix to this Minute.**

The meeting concluded at 10.40 a.m.

APPENDIX

**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: 16/00021/RREF

Planning Application Reference: 16/00162/PPP

Development Proposal: Erection of dwellinghouse and garage

Location: Garden Ground of Lindisfarne, The Loan, Gattonside

Applicant: Mr H Armstrong

DECISION

The Local Review Body reverses the decision of the appointed planning officer and gives notice that it intends to grant planning permission in principle subject to conditions and the conclusion of a legal agreement as set out in this intentions notice.

DEVELOPMENT PROPOSAL

The application is for planning permission in principle (PPP) and relates to the erection of a dwellinghouse and garage on garden ground associated with a detached house (Lindisfarne) located at the northern end of the Loan, Gattonside. The application consisted of the following drawings:

Plan Type	Plan Reference No.
Location Plan	
Site Plan	15-020/SD/001 B

PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 15th August 2016 that the Review had been competently made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Decision Notice; c) Officer's Report; d) Paper Referred to in report; e)

Consultations; f) Objection; and, g) list of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case.

The Local Review Body noted that the appellant had requested a site inspection, and agreed that they would take this into account as part of their considerations.

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 2013 and the adopted Scottish Borders Local Development Plan (LDP) 2016. The LRB considered that the most relevant of the listed policies of the LDP 2016 were:

- Local Development Plan policies : PMD2 (Quality Standards), PMD5 (Infill Development)

Other key material considerations the Local Review Body took into account related to:

- Local Development Plan Policies: IS2 on developer contributions; IS3 Developer contributions related to Borders Railway; IS7 Parking provision and standards; IS9 waste water treatment standards and SUDS; EP3 Local Biodiversity; EP4 National Scenic Areas; EP13 Trees, Woodlands and Hedgerows; HD3 Meeting the Housing Land requirement
- Scottish Borders Supplementary Planning Guidance: Householder Development 2006; Placemaking and Design 2010; Trees and Development 2008; Landscape and Development 2008; Biodiversity 2005; Developer Contributions 2015
- Designing Streets.

The Local Review Body proceeded to discuss the merits of the application, and agreed that the principle of development in this location largely complied with development plan policy.

The Local Review Body then focused discussion on the matters of road access and road safety. The Local Review Body considered whether a safe access to the immediate development could be achieved. They went on to discuss the issue of access and safety on the wider village road network, particularly the Loan.

The Local Review Body agreed that the Loan is a steep, narrow, and long access road to the proposed development and that it requires extreme caution from road users. There were differing views as to the additional impact that might arise from the additional traffic caused by the development. The Review Body acknowledged that there was an alternative access via the high road to the west, but did not consider that it would remove the need to use the Loan to some degree.

At this point the Local Review Body agreed that a site visit would be beneficial, and the meeting adjourned.

The Local Review Body undertook an unaccompanied site visit on 5th September 2016, and reconvened later on the same day.

The Local Review Body agreed that the site visit had been helpful and had developed their thinking in respect of the proposal, and had confirmed that the main issue for discussion related to the wider and immediate access to the site.

Members discussed the volume of traffic using the Loan and agreed that the volumes were low. In addition, they noted that the evidence from the site visit was that vehicles took the access difficulties into account in their driving and were slow and careful. Members also noted that whilst steep, the Loan was not unreasonably steep for driving or walking. In addition, it was noted that there was little evidence of damage to any buildings.

Members discussed the availability of an alternative access to the west towards the Pavilion Estate and Galashiels, and noted that this could be a preferred access to the site particularly during adverse winter conditions.

The Local Review Body concluded that it would be acceptable to allow this additional house to the Loan without unduly compromising the safety of other road users or pedestrians.

Members went on to discuss the immediate access to the site. They noted that there was a steep drop from the roadside into the site and that the road condition was consequently adversely impacted. Accordingly the Local Review Body considered that further detailed engineering work would be required as part of the AMC process to demonstrate an acceptable entry into the site could be achieved, and would also deliver the proposed passing space, and the parking spaces and turning area for the development. This process would also require to meet Member concerns that any damage to the road should be dealt with. Members further raised concerns on the access to the site by construction traffic, and the Local Review Body agreed that this would be dealt with through condition relating to a construction phase traffic management plan.

The Local Review Body also agreed that the conditions, informatives, and the need for a section 75 agreement in relation to developer contributions towards education as highlighted in the officer report would also be applied to the decision.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that, subject to the conditions and legal agreement detailed below, the development was acceptable in terms of the Development Plan and that there were no material considerations which outweighed that conclusion.

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

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

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

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

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

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

CONDITIONS

1. The dwellinghouse hereby approved shall not be occupied until two parking spaces and a turning area have been provided within the site, excluding any garages, and retained in perpetuity.

Reason: To ensure the provision of adequate off street parking.

2. A passing place to be provided at the plot roadside. The location of the passing place to be submitted and approved in writing by the Planning Authority before the development commences. The passing place to be constructed in accordance with the approved details before the dwellinghouse is occupied.

Reason: To ensure that there is free movement of the public road.

3. A detailed engineering drawing, including levels, to be submitted with the first detailed or Approval of Matters Specified in Conditions application for this development for approval in writing by the Planning Authority. The drawing will show the access into the site and relationship to the proposed house, the road passing place, residential parking and turning area. Thereafter, the development is to be implemented in accordance with the approved details.

Reason: To ensure that an acceptable development can be achieved.

4. The means of water supply, foul and surface water drainage to be submitted to and approved in writing by the Planning Authority before the development commences. Thereafter, the development is to be implemented in accordance with the approved details.

Reason: To ensure the site is adequately serviced.

5. A drawing to be submitted with the first detailed or Approval of Matters Specified in Conditions application for this development showing the position, species, canopy spread and root protection area of all the trees within the site, those on the boundary or overhanging the site and any trees to be felled for approval in writing by the Planning Authority. The trees to be retained not to be felled, lopped, lifted or disturbed in any way unless otherwise agreed by the Planning Authority. The drawing scheme should show the

removal of only of the four conifers, with the remaining boundary trees retained and protected by fencing during the works, allowing only for the lowering of the roadside hedge (which should be reduced completely, and not partially clipped as proposed).

Reason: In the interests of preserving the existing trees on the development site, the loss of which would have an adverse effect on the visual amenity of the area.

6. 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, and shall include:

- i. indication of existing trees, shrubs and hedges to be removed, those to be retained, and, in case of damage proposals for their restoration;
- ii. location of new trees, shrubs, hedges and grassed areas;
- iii. schedule of trees/plants to comprise species, sizes, and proposed numbers and density;
- iv. location and design, including materials, of walls, fences and gates
- v. soft and hard landscaping works
- vi. existing and proposed services such as cables, pipelines, sub-stations
- vii. A programme for completion and subsequent maintenance.

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

7. No development shall take place until a construction phase traffic management plan has been submitted to and approved in writing by the Planning Authority. Thereafter, the development is to proceed in accordance with the agreed traffic management plan.

Reason: to ensure that impact on the road network during construction is minimised.

Informatives

Bats

The applicant is reminded that bats are protected under The Conservation (Natural Habitats &c.) Regulations 1994 (as amended). It is illegal to intentionally or deliberately kill or injure them, intentionally, deliberately or recklessly damage, destroy, or obstruct access to any place used for shelter or protection including resting or breeding places (all roosts, whether occupied or not), or deliberately, intentionally or recklessly disturb them. If bats are discovered following the commencement of tree felling, works should stop immediately and the developer must contact SNH (tel: 01896-756652) and a licenced bat worker for further guidance. Works should only recommence by following any guidance given by SNH and a licenced bat worker. The developer and all contractors to be made aware of accepted standard procedures of working with bats at www.bats.org.uk. Further information available at http://www.bats.org.uk/data/files/publications/Bats_Trees.pdf

Breeding Birds (from BS 42020)

The applicant is reminded that, under the Wildlife and Countryside Act 1981, (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Legal Agreements

The Local Review Body requires that a Section 75 Agreement, or other suitable legal agreement, be entered into regarding the payment of financial contributions towards educational facilities and the Waverley line.

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 R Smith
Chairman of the Local Review Body

Date 13 September 2016

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SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTE of Meeting of the EXECUTIVE COMMITTEE held in the Council Chamber, Council Headquarters, Newtown St Boswells on Tuesday 16 August 2016 at 11.30 a.m.

Present:- Councillors S. Aitchison, S. Bell, J. Brown (from para 1), V. Davidson, G. Edgar, J. G. Mitchell, D. Paterson, F. Renton (from para 1), R. Smith.
Also Present:- Councillors A. Nicol, B. White.
Apologies:- Councillors D. Parker, C. Bhatia, M. Cook, D. Moffat, Mr G. Donald, Mrs J. Aitchison.
In Attendance:- Depute Chief Executive (People), Depute Chief Executive (Place), Corporate Transformation and Services Director, Service Director Assets and Infrastructure, Service Director Neighbourhood Services, Chief Financial Officer, Chief Legal Officer, Chief Officer Education, Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

EDUCATION BUSINESS

Present:- Mr. J. Walsh, Mr G. Jarvie, Ms A. Ferahi.

CHAIRMAN

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

- 1. ADDITIONAL SUPPORT NEEDS PROVISION – STATUTORY CONSULTATION**

With reference to paragraph 4, of the Minute of 24 May 2016, there had been circulated copies of a report by the Service Director Children and Young People which requested approval to undertake a statutory consultation on the formal establishment of the new Additional Support Needs School in Earlston and the formal discontinuation of the spectrum classes at Wilton Primary School and St Ronan's Primary School; while at the same time undertaking a non-statutory consultation on the naming of the new Additional Support Needs School in Earlston. The report explained that during informal consultation, both local community stakeholders in Earlston and the parents of children who would be relocating as well as parents of children with additional support needs were very positive about the proposals. The terms of the Schools (Consultation) (Scotland) Act 2010 required that, before an education authority implements a "relevant proposal", it must first comply with the requirements of that Act. The Proposals to establish the new facility as a school and, to discontinue the spectrum support classes at St Ronan's and Wilton are each "relevant proposals". The Proposal Paper, including the educational benefits statement, was attached as Appendix 1 to the report together with the consultation response form to the Proposal Paper which was attached as Appendix 2 to the report. At the same time as the formal consultation was being undertaken, it was proposed that a separate non-statutory consultation be undertaken on the naming of the new Additional Support Needs School in Earlston. The outcome of the non-statutory consultation would be brought back to the Executive Committee in due course for approval. Michelle Strong, Chief Education Officer was present and answered Members questions. In relation to provision at Langlee and Wilton, it was explained that the new school would enhance the provision at Langlee and at Wilton only the portacabin would be removed. Questions were asked in terms of children currently placed outwith the Borders area and whether there would be opportunities for staffing within the new school. In response Ms Strong advised that Children currently placed outwith the Borders would be considered on an individual basis in terms of their needs; the

effect moving would have on them; and what was best for them and their families. The Service Director Children & Young People had already engaged with these Parents and the feedback had been positive. In terms of staffing the new school, existing staff would be matched to posts but there might be some requirement for additional staff. In response to a question about capacity, it was explained that in terms of pupils with complex needs, the recommended limit was 8 per class. However, as not all placements were full-time the facility at Earlston could accommodate around 50 pupils in total. The Central Overview Group would decide on referrals made in terms of the needs of the individual. Mr Walsh acknowledged that while the report was very good, there was no recognition of what the church did in terms of Education. The Depute Chief Executive (People) agreed to take this on board, but advised that the consultation was very prescriptive. The Chairman confirmed that the facility would be a School and would be named as such, but consultation was very important. Members requested a visit to the School once it was nearing completion.

DECISION

AGREED that:-

- (a) a statutory consultation be undertaken in terms of the Schools (Consultation) (Scotland) Act 2010 on the proposals to:**
 - (i) establish a new additional support needs school in Earlston;**
 - (ii) discontinue the spectrum class at Wilton Primary School; and**
 - (iii) discontinue the spectrum class at St Ronan's Primary School.**
- (b) following the statutory consultation process, a further report on the Proposals be presented to Scottish Borders Council;**
- (c) simultaneously to the statutory consultation as detailed in (a) above, a non-statutory consultation be undertaken on the naming of the new Additional Support Needs School in the village of Earlston; and**
- (d) Elected Members be invited to tour the facility, once it was nearing completion.**

MEMBERS

Councillors Renton and Brown joined the meeting during consideration of the above item.

OTHER BUSINESS

CHAIRMAN

On the resumption of the meeting, Councillor Mitchell took the Chair for the remaining business, in the absence of Councillor Parker.

2. MINUTE

The Minute of meeting of the Executive Committee of 7 June 2016 had been circulated.

DECISION

APPROVED for signature by the Chairman.

3. With reference to paragraph 12(d), of the Minute of 7 June 2016, Councillor Davidson requested that the Executive Member for Culture, Sport, Youth & Communities be included in the consultation with the 6 Tweeddale Members by the Corporate Transformation and Services Director on the scope timing and consultation process for the Peebles 3G pitch.

DECISION

AGREED to the addition of the Executive Member for Culture, Sport, Youth & Communities.

4. **CORPORATE PERFORMANCE REPORT (QUARTER 1, 2016/17)**

With reference to paragraph 2 of the Minute the Executive Committee of 7 June 2016, there had been circulated copies of a report by the Chief Executive presenting a summary of SBC quarterly performance information for members, with details contained within Appendix 1 and Appendices 2 and 3 provided details of Borders Sport and Leisure Trust (now Live Bordes) performance for 2015/16. A summary of the main changes made to SBC performance indicators was provided at Section 4 of the report, followed by a high level summary of performance in Section 5. Appendix 1 of the report provided more detailed presentation and explanation of each Performance Indicator (PI). Where possible, information that was collected on a quarterly basis was presented but this was not possible for all areas of Council business, for example, school attainment. All information contained within the report was also made available on the SBC website using the public facing part of SBC's Performance Management software (Covalent). This could be accessed at http://www.scotborders.gov.uk/info/691/council_performance/1353/our_performance_as_a_council and by clicking on "Scottish Borders Performs". Section 6 and Appendix 2 of the report presented a summary of performance during 2015/16 for sport, now being managed by Live Borders. Appendix 3, a baseline summary of Cultural Service performance, had also been circulated. Sarah Watters, Corporate Performance and Information Manager was present and answered Members questions. Mrs Watters advised that a paper on the recent exam results success would be presented to the next Education Theme Executive Committee. She also highlighted the increase in domestic abuse reporting and explained that investigation had shown that this should not be considered as negative but the positive success of early intervention.

DECISION

NOTED:-

- (a) **the changes to performance indicators outlined in Section 4 of the report;**
- (b) **the performance information presented in Section 5 of the report, and within Appendices 1 and 2 of the report, and the action being taken within Services to improve or maintain performance; and**
- (c) **the performance presented in Appendices 2 and 3 in relation to sport and culture (now delivered through Live Borders).**

5. **MONITORING OF THE GENERAL FUND REVENUE BUDGET 2016/17**

There had been circulated copies of a report by the Chief Financial Officer which provided the budgetary control statements for the Council's General Fund based on actual expenditure and income to 30 June 2016 and explanations of the major variances between projected outturn expenditure/income and the current approved budget. The revenue monitoring position set out in the report was based on actual income and expenditure to 30 June 2016. The Council overall was projecting a balanced position with identified pressures currently being managed within departmental budgets. This balanced position assumed that remaining pressures of £0.716m relating to IT transformation would be funded in year from within existing budgets and plans for savings identified. At 30 June 2016 58% of savings

had been delivered, (£6.487m planned efficiency savings had been delivered as per the Financial Plan with £0.108m achieved by alternative, permanent measures and £0.527m delivered temporarily). The remaining 42% (£5.238m) was profiled to be achieved during the remainder of 2016/17. These savings were detailed in Appendix 3 to the report. Emphasis during 2016/17 required to be placed on delivering the savings permanently as required by the Financial Plan. This was particularly the case as the scale of savings required during 2016/17 at £12.36m was significantly greater than the level of savings required in previous financial years. Failure to manage the pressures noted within existing budgets was a key financial risk to the Council in the current year. Full details of pressures, risks and challenges were reported alongside the significant majority of areas of the Council's operation where approved budget plans remained on track were detailed in Appendix 1 to the report. Councillor Edgar, supported by Councillors Aitchison and Smith raised concerns that as there was not a dedicated budget for roads it was not easy to identify actual spend. The Chief Financial Officers advised that the budget was multi-discipline across a number of neighbourhood services and acknowledged that clarity was an issue. Figures were available for specific expenditure on roads and the Chief Financial Officer agreed to look at reporting in this area. In response to questions about the impact of the withdrawal of services by First Bus, Members were advised that Perryman's were currently filling most of the gaps. A report reviewing bus services was currently under preparation.

DECISION

- (a) AGREED the virements attached as Appendix 2 to the report**
- (b) NOTED:-**
 - (i) the corporate monitoring position projected at 30 June 2016, the underlying cost drivers and the identified areas of financial risk as reflected in Appendix 1**
 - (ii) the progress made in achieving Financial Plan savings in Appendix 3 and the ongoing action to ensure delivery of 2016/17 Financial Plan savings on a permanent basis; and**
 - (iii) that all management teams were focused on delivering measures to ensure a balanced outturn position was delivered in 2016/17 including delivery of £0.716m of savings to fund IT transformation via the CGI contract.**

6. MONITORING OF THE CAPITAL FINANCIAL PLAN 2016/17

There had been circulated copies of a report by the Chief Financial Officer providing an update on the progress of the 2016/17 Capital Financial Plan, and seeking approval for projected outturns and associated virements, and the reallocation of funds. The monitoring tables in Appendix 1 reported on actual expenditure to 30 June 2016. Key issues identified in these tables were summarised within the main report. The tables identified a projected net variance of £1.671m against the approved budget. The net in-year budget increase of £4.695m was primarily due to the reconfiguration of the ICT Programme budgets to reflect the new CGI contract and new ICT Transformation programme, confirmation of the 2016/17 grant made available by Scottish Government to support the Hawick Flood Protection scheme and the inclusion of budget to reflect the Scottish Government grant for Early Learning and Childcare. The net budget timing movements to future years amounted to £3.024m, primarily due to the re-profiling of Broomlands Primary School. Appendix 3 contained a summarised list of timing and budget movements within the 2016/17 Capital Plan. Appendix 1 also contained a list of adjustments to the 2016/17 Capital Plan approved under delegated authority by the Service Director Assets & Infrastructure and Chief Financial

Officer consistent with the Financial Regulations approved in June 2016. Appendix 2 contained a list of the block allocations approved for the year and the various approved and proposed projects to be allocated from them within the 2016/17 Capital Plan. Appendix 4 contained a list of estimated whole project capital costs for single projects which would not be completed in the current financial year. Members commented on the need for the Council to improve its relationship with SportScotland and commented on the situation regarding Kelso High School. The Chief Financial Officer advised that discussions were ongoing to try and obtain certainty over funding for the 3G pitch at Kelso High School but there were some concerns regarding changes to the criteria. In response to a question from Councillor Davidson, the Depute Chief Executive People advised that dates had been set for meetings with the local Liaison Officer.

**DECISION
NOTED:-**

- (a) the revenue balances as at 31 March 2016 as detailed in Appendices 1 and 2 to the report including movement in the Allocated Reserve since the last reporting period; and**
- (b) the balance in the Capital Fund as detailed in Appendix 3 to the report.**

7. PROJECTED BALANCES AT 31 MARCH 2017

There had been circulated copies of a report by the Chief Financial Officer which provided an analysis of the Council's balance as at 31 March 2016 and advised members of the projected balances at 31 March 2017. The unaudited Council's General Fund useable reserve (non-earmarked) balance was £7.082m at 31 March 2016. This reflected an increase of £1.444m from the draft revenue outturn projected position of £5.638m presented to Members on 7 June 2016 prior to the production of the unaudited accounts. The increase was as a result of the 2015/16 revenue underspend (£1.284m) along with some minor technical adjustments (£0.161m). The Council's allocated reserve balance was £3.360m at 31 March 2016 which was a reduction of £0.361m from the draft revenue outturn projection of £3.721m. This decrease was as a result of CFCRs applied to finance capital expenditure in 2015/16. The total of all useable balances, excluding developer contributions, at 31 March 2017 was projected to be £19.389m, compared to £31.163m at 31 March 2016. As the financial year progresses, earmarked balances to be carried forward to 2017/18 and future years would increase. The projected balance on the Capital Fund of £4.739m would be affected by any further capital receipts, developer contributions, interest credited and any expenditure authorised to be financed from the Fund during the remainder of the financial year.

**DECISION
NOTED:-**

- (a) the unaudited 2015/16 revenue balances at 31 March 2016;**
- (b) the projected revenue balances as at 31 March 2017 as per Appendices 1 & 2; and**
- (c) the projected balance in the Capital Fund as per Appendix 3.**

The meeting adjourned for lunch at 1 p.m. and reconvened at 1.30 p.m.

8. **CORPORATE TRANSFORMATION PROGRESS REPORT**

With reference to paragraph 9 of the Minute of 7 June 2016, there had been circulated copies of a report by the Corporate Transformation & Services Director which provided an update on progress in developing and delivering the Council's Corporate Transformation Programme and set out planned activity in the reporting period to November 2016. The report explained that the current areas of work within the Programme were set out in the tracker in Appendix 1 to the report under the 8 Corporate Priorities and included a brief description of the purpose of each Programme, a summary of progress made to date (rating them Red, Amber or Green) and set out key milestones in the next quarter. Section 4 of the report set out the key highlights over the last reporting period. Given the clearly emerging overlaps and dependencies between Customer First, Digital Connectivity and ICT Change, it was proposed to bring these together into a single Digital Transformation Programme. The detail of this proposed new programme was covered in a separate item on the agenda. The Borders Railway opened in September 2015, and was fast approaching its one year anniversary. Significant progress was being made across the Blueprint programme, including delivery of visitor marketing and inward investment activity. During the first six months 700,000 passengers used the service which was 22% ahead of target. Detailed performance reporting infographics for Energy Efficiency and Property and Assets were set out in Appendices 2 to 3. It was highlighted that the Digital Integration project had been delayed against the original plan due to challenges experienced with access to and configuration of the necessary technical environments. The report explained that an updated Communications Strategy for Corporate Transformation was in place, which had a particular focus on internal communication with staff to support positive change going forward. The Trade Unions continued to consider the most up to date tracker at their monthly meeting, and any potential staffing issues were highlighted within the tracker enabling timely management and engagement with the Unions. Concern was expressed regarding the numbers of passengers on the steam trains running from Edinburgh to Tweedbank. Mr Dickson reported that following the successful pilot for steam trains last year, negotiations with Scotrail had resulted in the current level of services which would continue until September in order to extend the tourist season. No permanent services had been agreed. Passenger numbers were not yet available but would be reported in due course. In response to a question from Councillor Edgar regarding the transfer of IT services to CGI and the recruitment of additional staff, Mr Dickson advised that 46 current members of staff would be transferred on 1 October 2016 and that CGI were looking at the recruitment of other staff. In response to a question from Councillor Bell with regard to the transport programme and when consultation would take place in Tweeddale, Mr Dickson advised that this information would be provided.

DECISION

NOTED the continued progress made in developing and delivering the Corporate Transformation Programme

9. **DIGITAL TRANSFORMATION PROGRESS REPORT**

With reference to paragraph 10, of the Minute of 6 June, there had been circulated copies of a report by the Corporate Transformation & Services Director which proposed the establishment of a new Digital Transformation Programme within the Council's Corporate Transformation Programme. It was proposed that a new Digital Transformation Programme bring together three currently separate Programmes that were instigated in October 2014; Customer First; ICT; Digital Connectivity. Running Digital Transformation as a single Programme would allow shared activity to be managed more effectively, synergies to be exploited and investment/resourcing decisions to be better co-ordinated. The change to a single Digital Transformation Programme did not affect governance of the Corporate Transformation Programme, the new Digital Transformation Programme being one of the, now, fifteen Programmes which reported into the Corporate Transformation Programme. The Digital Transformation Programme was a broad Programme delivering significant

change that would address every one of the eight priorities within the Council's Corporate Plan. Extensive work was underway to define the Programme and bring together the governance of a range of projects already underway alongside new projects. The report detailed the background and current programmes, the reasoning behind the creation of the Digital Transformation Programme, the Key Themes of the proposed digital transformation programme, Digital connectivity and communication and engagement with the Unions. Councillor Bell expressed some concerns with regard to the integration of the programmes and urged caution in respect of combining fundamentally different projects. He highlighted that broadband provision was not the Council's responsibility and that focus should be on internal projects. These concerns were acknowledged and regular updates would be provided.

DECISION

AGREED the creation of the new Digital Transformation Programme.

10. **REPORT ON THE RESPONSE TO THE SCOTTISH GOVERNMENT'S CONSULTATION ON THE DRAFT STRATEGIC POLICE PRIORITIES FOR SCOTLAND**

There had been circulated copies of a report by the Chief Executive which sought approval for a response to the Scottish Government's consultation on the Draft Strategic Police Priorities for Scotland. The report explained that the Scottish Government was reviewing the Strategic Police Priorities which would set the direction for Police Scotland and the Scottish Police Authority for the next three to five years. The consultation document shown in Appendix 1 to the report set out three questions based on the six broad strategic priorities which had been identified. A short consultation period had been given on this with a deadline for responses of the 16 August 2016. The proposed Council response was supportive of these Priorities but indicated that there needed to be more recognition of the need to ensure that: appropriate resources were allocated to ensure effective and responsive frontline and community policing in rural areas; the requirements of rural areas were given full consideration in policing; local police were more empowered; greater consideration was given to cross-borders policing matters; and there was more close working with local authorities. The Senior Policy Adviser was present to answer Members questions.

DECISION

AGREED to the response as set out in Appendix 2 to the report to the Scottish Government's consultation on the Draft Strategic Police Priorities for Scotland.

11. **TRANSFER OF COCKBURNSPATH FOOTBALL PITCH TO COCKBURNSPATH VILLAGE TRUST**

There had been circulated copies of a report by the Service Director Assets & Infrastructure which proposed that Scottish Borders Council sell the area of 1.66 acres of the Council owned sports pitch in Cockburnspath to the Cockburnspath Village Hall Trust for £1, if asked. A transfer of the pitch to the Hall Trust would facilitate the Trust to apply for grant funding for the development of new sports facilities at the pitch. The report explained that the sports pitch, which was adjacent to the Village Hall in Cockburnspath, had been in Council ownership since 1975 when an area of 2.2 acres was bought from Francis Usher. The Cockburnspath Village Hall Trust had drawn up plans to renovate the pitch including the development of a 5 a side pitch, tennis court and running track. In order to raise the grant funding for the proposal, the trust required long term security of tenure of the land by way of a transfer of ownership from Scottish Borders Council.

DECISION

AGREED to authorise the Service Director for Assets & Infrastructure together with the Chief Legal Officer to sell the sports pitch amounting to 1.66 acres for £1, if asked

to the Cockburnspath Village Hall Trust, as shown outlined in red on the plan attached to the report.

12. BROOMLANDS AND LANGLEE PRIMARY SCHOOLS – PROJECT UPDATE

With reference to paragraph 6 of the Minute of 2 February 2016, there had been circulated copies of a report by the Service Director Assets and Infrastructure which provide an update on the progress and procurement of the new Broomlands and Langlee Primary Schools. The report explained that the new builds for Broomlands and Langlee were approved by Executive Committee on 21 October 2014 as part of linked funding commitment associated with the new Kelso High School. Stakeholder engagement and design work was completed by September of 2015, including all necessary statutory consents. Procurement of a contractor took place during the remainder of 2015 and early 2016. Tender returns in January 2016 combined with timing movements to the 2016/17 Capital Financial Plan necessitated a resequencing to the projects. This process was now complete allowing both schools to move to construction. The above required timing movements and virements to budgets to be approved as outlined in the report. Mr Renwick, Project Manager was present and in response to a question about the impact of the reduction of classes for Broomlands advised that the original plan had been for 10 classes which had been increased to 14 and then been reduced to 12 classes, which along with the general purposes area did allow for expansion in future years.

DECISION

(a) NOTED the contents of the report.

(b) APPROVED the virements of £1.007m from Langlee to Broomlands in 2017/18 and a virement from Langlee of £0.101m to Emergency and Unplanned Schemes Fund in 2017/18.

13. BUSINESS INCUBATOR SPACE – PILOT PROJECT

There had been circulated copies of a report by the Corporate Transformation & Service Director which recommended a pilot project in Tweeddale to provide business incubation space in the Council's Rosetta Road offices, to allow start-up businesses to establish themselves and start growing. Council officers had previously identified the need for additional employment land allocations in the Peebles area due to the demand for business and industrial space in the area. In recognition of the lead-in times to develop new employment land, officers had also been reviewing the availability of existing business property. A review of existing Council property in Tweeddale was undertaken to identify any buildings that could be re-purposed as premises for business use, and the key opportunity that was identified was the Council offices at Rosetta Road, Peebles. There was clear potential for a pilot project to lease some space at the Council's Rosetta Road offices to start-up or other micro businesses. The service would be offered as an "incubation" process so that there was a turnover of businesses and the Council did not compete directly with private sector suppliers in the area. The pilot would be delivered at modest cost and would not have a noticeable impact on the day-to-day Council operations in the offices. The Chief Officer Economic Development was present to answer Members questions. In response to a question on expanding this to other towns it was noted that Peebles was just the starting point.

DECISION

AGREED:-

(a) the proposed pilot project to provide business incubator space at the Council's Rosetta Road offices in Peebles; and

- (b) **that a review of the pilot project would be undertaken after its first year of operation, and that the findings reported to Committee in due course.**

14. **COMPLAINTS ANNUAL PERFORMANCE REPORT 2015/16**

With reference to paragraph 17 of the Minute of 9 June 2015, there had been circulated copies of a report by the Service Director Neighbourhood Services which presented Scottish Borders Council's Complaints Annual Performance Report 2015-16, and provided data for the eight performance indicators the Scottish Public Services Ombudsman (SPSO) required all Local Authorities to report against each year. A summary of the main changes to performance in 2015-16 was provided in Section 4 of the report. The changes included an overall reduction in the number of complaints received, a percentage increase in the number of complaints handled at Stage One and a reduction in the number of complaints upheld which had been escalated from Stage One to Stage Two. This was followed by a summary of benchmarking data from 2014-15, in Section 5 and Appendix 1 provided more detail for each of the eight Performance Indicators. A number of areas for improvement were committed to in Section 6 of the annual report, which included to improve responses given in respect of complaints not upheld at Stage One, with a view to reducing the number of complaints escalated to Stage Two; to improve the response times of complaints handled at Stage Two and those escalated from Stage One to Stage Two; to improve the complaint Customer Satisfaction Survey to obtain a better understanding of the specific reasons for complainants satisfaction or dissatisfaction; and to expand the volume of compliments and other comments captured and ensure these were reflected alongside the arrangements in place for handling complaints.

DECISION

- (b) **NOTED the performance of handling complaints for the period 1 April 2015 to 31 March 2016;**

- (b) **ENDORSED the identified improvement actions as follows:-**

- (i) **to improve responses given in respect of complaints not upheld at Stage One, with a view to reducing the number of complaints escalated to Stage Two;**
- (ii) **to improve the response times of complaints handled at Stage Two and those escalated from Stage One to Stage Two;**
- (iii) **to improve the complaint Customer Satisfaction Survey to obtain a better understanding of the specific reasons for complainants satisfaction or dissatisfaction; and**
- (iv) **to expand the volume of compliments and other comments captured and ensure these are reflected alongside the arrangements in place for handling complaints.**

- (c) **APPROVED the annual report to be submitted to the SPSO and for the Council to publish the report.**

15. **PRIVATE BUSINESS**

DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this minute on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 9 of part 1 of schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

16. EDINBURGH – BERWICK-UPON-TWEED LOCAL RAIL SERVICE

The Committee considered and agreed a report on progress towards the potential introduction of a local rail service between Edinburgh and Berwick-upon-Tweed, which included the re-opening of a station at Reston in the Scottish Borders.

The meeting concluded at 2.45 p.m.

SCOTTISH BORDERS COUNCIL HAWICK COMMON GOOD FUND SUB-COMMITTEE

MINUTES of Meeting of the HAWICK
COMMON GOOD FUND SUB-COMMITTEE
held in Lesser Hall, Town Hall, Hawick on
Tuesday, 16th August, 2016 at 4.00 pm

Present:- Councillors G Turnbull (Chairman), W McAteer, S Marshall, D Paterson, R Smith, Community Councillor Mr J Little.
Apologies:- Property Officer (F Scott)
In Attendance:- Managing Solicitor (R Kirk), Senior Finance Officer (J Yallop), Estates Strategy Surveyor (N Curtis), Assistant Project Manager (D Mark), Democratic Services Officer (J Turnbull)
Members of Pubic:- One.

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 29 June 2016.

DECISION

APPROVED the Minute for signature by the Chairman.

2. **APPLICATIONS FOR HAWICK COMMON GOOD GRANT.**

- 2.1 With reference to paragraph 3.2 of the Minute of 29 June, there had been circulated copies of a briefing note by the Democratic Services Officer. The note clarified the existing functions of the Common Good Fund Sub-Committee which included the routine administration of the Common Good Fund and the awarding of grants or loans of up to £20,000. It was noted that historically, the only criteria relating to the awarding of grants was not to assist with activities covered by the school curriculum and that grants should be awarded for the benefit of the community.
- 2.2 The note advised that equalities was a standard question on all small grant applications nationally, the Sub-Committee might therefore wish to consider incorporating a suitable paragraph into the Common Good application form. It was also suggested that following the completion of a project/event, which had received grant assistance, an evaluation form be completed by the applicant, an example form had been attached to the briefing note.
- 2.3 Members discussed the existing form and agreed that every application should be considered on its own merit; even if it was a repeat application. However, it was agreed that an evaluation form be issued for completion following the event/project and that an equalities paragraph be added to the application for financial assistance.

DECISION

AGREED:-

- (a) **To issue an evaluation form for completion following an event/project; and**
- (b) **To include an equalities paragraph in the Hawick Common Good Fund application for financial assistance.**

3. **MONITORING REPORT FOR THREE MONTHS TO 30 JUNE 2016**

- 3.1 With reference to paragraph 3 of the Minute of 17 May there had been circulated a report by the Chief Financial Officer providing details of income and expenditure for the Hawick Common Good Fund for the three months to 30 June 2016 and full year projected out-turn for 2016/17 and projected balance sheet values to 31 March 2017. Appendix 1 to the report provided a projected Income and Expenditure position. This showed a projected surplus of £39,504 for the year. Appendix 2, to the report, provided a projected Balance Sheet to 31 March 2017. It showed a projected decrease in the reserves of £89. Appendix 3 provided a breakdown of the property portfolio showing actual Income and Expenditure for 2016/17 and actual property expenditure to 30 June 2016. Appendix 4 showed the value of the Newton Fund to 30 June 2016. Mr Yallop, Senior Finance Officer, was in attendance and highlighted that this was the first report of 2016/17. He explained that due to the high level of grants already approved for 2016/17, the grants budget had been fully utilised and was currently over allocated by £4,200. It was therefore proposed to increase the 2016/17 budget by £10,000 to £23,500 to allow a further £5,800 for any further grant applications during 2016/17 and this was agreed by Members.
- 3.2 Mr Yallop went on to explain that non-property related income was made up of dividends from the Newton Fund and £296 projected income from Pay & Display. The Newton Fund had generated a positive return, their holdings of physical gold contributing to their overall return. Members requested further information on the Pay & Display income and Mr Yallop would advise outwith the meeting. Mr Yallop concluded by advising that the cash balance held by the fund was projected to be £173,541 a projected increase of £39,504.
- 3.3 In answer to questions, Mr Yallop explained that the £4,656 projected debtors balance was a projected figure and reflected the 2015/16 outturn and there were no issues. Regarding the five year rolling programme, Mr Curtis advised that a condition survey of all common good properties and buildings, should take place every five years. Once this had been completed a rolling programme of works could be anticipated with estimated costings. Mr Curtis would pursue and report back to the next meeting.

DECISION AGREED

- (a) **the projected Income and Expenditure for 2016/17 as the revised budget for 2016/17, as shown in Appendix 1, to the report.**
- (b) **NOTED:**
- (i) **The actual projected Balance Sheet value to 31 March 2017, as shown in Appendix 2 to the report;**
 - (ii) **The summary of the property portfolio in Appendix 3 to the report;**
 - (iii) **The current position of the investment in the Newton Fund in Appendix 4 to the report;**
 - (iv) **The increase to the 2016/17 budget by £10,000 to £23,500 to allow a further £5,800 for Common Good grant applications during 2016/17; and**
 - (v) **That a report on progress of the five year rolling programme for Common Good properties be presented at the November meeting.**

4. **HORNSHOLE**

With reference to paragraph 7 of the Minute of 17 May 2016, Mr Kirk, Managing Solicitor, gave an update on the position regarding Hornshole. Mr Kirk advised that title to the land was in the name of someone who was now deceased. In order to register a title in favour of Scottish Borders Council (SBC), Register House would require sight of a link in title. It

was not sufficient for a deceased's representative to provide documentation such as a birth certificate as evidence of their entitlement to grant a title to SBC. The title would have to be granted by the deceased's executors. In this instance the current title holder did not leave a will and nothing formal was done at the time of his death regarding the winding up of his estate. Therefore, the relatives of the deceased title holder were having to lodge a petition at the Sheriff Court to be appointed as executors. Hopefully, by the next meeting, progress would have been made. Councillor McAteer added that he was in regular contact with the family representative and remained positive ownership would be secured to allow the Common Good to retain control of the monument. In answer to a question regarding maintenance of the site, Mr Kirk advised that the title would be conveyed to Scottish Borders Council to be held as an asset on the Common Good Register.

DECISION

NOTED that a further update would be presented to the November meeting of the Sub-Committee.

5. COMMON HAUGH

There had been circulated a briefing note by the Estates Strategy Surveyor advising that as part of the Flood Protection Scheme, the project manager had requested permission to section off part of the car park to create a storage and works compound. The area required was shown edged red on the briefing note circulated with the agenda. This would result in the temporary loss of camper van spaces, general spaces and two to three disabled spaces. The works would be scheduled from 29 August to 23 September 2016 and required to be completed prior to the end of September to avoid the fish season. The Sub-Committee agreed the request and suggested that the camper vans be relocated immediately to the right when entering the car park. This would reduce the lorry park spaces for a short period of time, but would be workable. Mr Mark, Assistant Project Manager, was in attendance and confirmed that the area would be made secure during the period of the works. Temporary signage would be displayed to direct camper vans to the temporary spaces. Mr Mark would advise Members of the final proposals prior to commencement of the works.

DECISION

NOTED.

6. PROPERTY UPDATE

Mr Curtis advised that Hawick Golf Club had requested permission to fell some trees within the woods adjoining the golf course. Mr Curtis would meet with Golf Club officials on site to ascertain the details and report back to Members. The Sub-Committee also requested an update on woodland management for the next meeting.

DECISION

AGREED that a report on woodland management be presented to the November meeting of the Sub-Committee.

7. URGENT BUSINESS

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

8. THE UPCOMING 250TH ANNIVERSARY OF THE LAST PERAMBULATION OF THE BOUNDARIES OF HAWICK'S FULL COMMON

There had been circulated a copy of a letter from Douglas Scott advising of the proposals for the upcoming 250th anniversary of the last perambulation of the boundaries of Hawick's full Common. The Sub-Committee welcomed the proposal for recreating the walk on or near to the 14 October 2017. It was agreed that the Chairman write to Mr Scott offering the Sub-Committee's support for the project to mark the 250th anniversary.

DECISION

AGREED to request the Chairman write to Mr Scott advising of the Sub-Committee support for the 250th anniversary perambulation of the boundaries of Hawick's full common.

9. **DATES OF FUTURE MEETINGS**

The dates for the future meetings of Hawick Common Good Fund Sub-Committee were scheduled to take place as follows:-

Tuesday, 15 November 2016 at 4.00 pm in the Lesser Hall, Town Hall, Hawick

Tuesday, 21 February 2017 at 4.00 pm in the Lesser Hall, Town Hall, Hawick

Tuesday, 20 June 2017 at 4.00 pm in the Lesser Hall, Town Hall, Hawick.

DECISION

NOTED.

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

SUMMARY OF PRIVATE BUSINESS

11. **PRIVATE MINUTE**

Members approved the private section of the Minute of 29 June 2016.

12. **HAWICK MOOR**

The Sub-Committee considered and approved a report by the Estates Manager.

13. **PILMUIR FARM**

The Sub-Committee considered and approved a report by the Service Director Assets & Infrastructure.

The meeting concluded at 5.40 pm

SCOTTISH BORDERS COUNCIL
TEVIOT AND LIDDESDALE AREA FORUM

MINUTE of Meeting of the TEVIOT AND
LIDDESDALE AREA FORUM held in Lesser
Hall, Town Hall, Hawick on Tuesday, 16
August, 2016 at 6.30 pm

Present:- Councillors G Turnbull (Chairman), A Cranston, W McAteer, S Marshall,
D Paterson, R Smith, Community Councillors: Mrs G Crew (Denholm), Mr P
Kerr (Southdean), Mr C Knox (Hawick), Mr T Stevenson (Upper Teviotdale &
Borthwick Water), Mr S Wilson (Newcastleton).

Apologies:- Mr W Roberts (Denholm), Mrs M Short (Hawick).

In Attendance:- Neighbourhood Area Manager (Mr F Dunlop), Station Manager Mr R Bell
(Scottish Fire and Rescue Service) Democratic Services Officer (J Turnbull).

Members of the Public:- 7 in attendance

1. **MINUTE**
There had been circulated copies of the Minute of the meeting held on 19 April 2016.

DECISION
AGREED to approve the Minute.

2. **CRIME AND INCIDENT STATISTICS**
With reference to paragraph 5.3(b) of the Minute of 17 May 2016, there had been circulated a copy of a letter from Chief Superintendent Ivor Marshall, Police Scotland. The letter advised that, Chief Inspector McLean, Local Area Commander, continued to provide as much additional crime/incident statistical and contextual information that was currently available to him, focusing on the priorities for the multi-member wards. However, he stressed that his priority was the operational presence and visibility of officers in communities over the collation and preparation of statistical reports and that this might have a limiting factor in the volume and detail of data provided. Councillor McAteer advised that collation and extrapolation of the data required would not be onerous and that if the Forum agreed, he would contact Chief Superintendent McLean and invite him to attend the next meeting of the Forum.

DECISION
AGREED to request Councillor McAteer invite a representative from Police Scotland to the next meeting of the Area Forum.

3. **PRESENTATION: RAISING CONCERNS ABOUT ALCOHOL IN YOUR COMMUNITY**
- 3.1 The Chairman welcomed Mr Ian Tunnah, Licensing Standards Officer and Mr Michael Wynne, Licensing Standards and Enforcement Officer, who were in attendance to give a presentation on raising concerns about alcohol in the community. Mr Tunnah began the presentation explaining that the Licensing Scotland Act 2005, introduced in 2008, highlighted the importance of community engagement in decision making around licensing. Alcohol was licensed as a high risk product and therefore subject to regulation. The licensing system existed to regulate the sale of alcohol for the primary purpose of minimising harm to individuals and society, from the consumption of alcohol and this purpose should guide all decision making.
- 3.2 Mr Tunnah continued that there was no longer public house licences, entertainment licences etc. Instead there were three different types of licenses: Permanent licences (Premises); Temporary Licensing (Occasional) and Personal Licences

(mangers/supervisors who manage the sale of alcohol). Scottish Borders Licensing Board made the decision on licensing applications. The Board comprised 10 elected Members, who acted independently from the Council in their decision making. Community Councils must be consulted if a business wanted to sell alcohol and representatives were involved in the Local Licensing Forum. Mr Tunnah emphasised that anyone could comment on alcohol licence applications or licensed premises applications.

- 3.3 Mr Tunnah went on to explain the procedure followed when an application was received by Scottish Borders Licensing Board. Applications for premises licence and persons' licences were advertised for 21 days and neighbours and community councils were also consulted on the application. However, occasional licences, of which there were approximately 1,500 per annum, were only notified on Scottish Borders Council's website as there was a seven day turnaround. In considering applications Scottish Borders Licensing Board ensured that the licensing objectives as outlined in the Scottish Borders Licensing Policy Statement 2013 – 2016 were met. The objectives were: preventing crime & disorder; securing public safety; preventing public nuisance; protection and improving public health and protecting children from harm. For anyone wanting to comment on an alcohol licence, it was important that the grounds for the objection were relevant and included supporting evidence. Examples of relevant objections included: Children's access/Family event, public safety, public health, noise, disorder/litter, extended hours. Objections had to be in the name of an individual and be in writing or email. Licensing Board hearings were held every month; officers, the applicant, their representative(s) and Board Members attended.
- 3.4 Mr Tunnah concluded by advising that Licensing Standards Officers would be pleased to provide advice, attend community council meetings or assist with any queries concerning licensing. The Alcohol Focus Community Toolkit, which detailed the decision making process, was available from the Licensing Standards Officers and on the website at www.alcohol-focus-scotland.org.uk. Contact details were – Ian Tunnah (07827 281 705 or Ian.Tunnah@scotborders.gov.uk) or Mike Wynne (0781 570 7443 or Michael.wynne@scotborders.gov.uk).
- 3.5 Members asked for clarification on a number of points. Mr Tunnah advised that he considered that overprovision was due to the low cost of alcohol, the fundamental problem being that 75% of all alcohol was consumed other than on licensed premises. In Europe there was a balance with the price of alcohol off licence being similar to the price of alcohol on licence. In respect of sanctions there was a personal licensing endorsement system. Licences were granted for 10 years, after five years retraining was required. Very few licences were revoked by the Licensing Board, and, if they were, this was generally because the annual fee had not been paid. Mr Tunnah explained that if there was a report of the selling of alcohol to minors this information was shared with the Police Licensing team who would carry out test purchasing. The Chairman thanked Mr Tunnah and Mr Wynne for their attendance and informative presentation.

DECISION

NOTED the presentation.

4. NEIGHBOURHOOD SMALL SCHEMES AND QUALITY OF LIFE

- 4.1 With reference to paragraph 4 of the Minute of 17 May 2016 there had been circulated a report by Service Director Neighbourhood Services seeking approval for proposed new Neighbourhood Small Schemes and Quality of Life Schemes from the Area Forum. The following Neighbourhood Small Schemes had been requested for consideration by Teviot and Liddesdale Members: Contribution to the removal of vegetation from River Tweed, Hawick (split equally between both wards); contribution to improve zebra crossing at Albert Road, Hawick; paint play equipment and erect fence and gate at Bonchester Bridge play area; repair steps, grouting and paint hand rails at Trinity Steps.

- 4.2 The following Quality of Life schemes had also been requested for consideration by Teviot and Liddesdale Members:- Supply and install security fencing at Mansfield Industrial Units and install fence and gate at Escape Youth Centre, Hawick. The Neighbourhood Area Manager, Mr Dunlop, was in attendance and advised that the Pay and Display surplus was currently £3,500.00
- 4.3 Councillor Smith asked for clarification on the stretch of river for the removal of vegetation. Hawick and Hermitage Members had suggested the Coble Cauld to Lawson Bridge which had been estimated to cost £4k. However, it had been advised by the Asset Manager that there would be a contribution of £2k from the Flood Protection budget. This would mean that £2k from the Hawick and Denholm budget could be utilised for vegetation removal on another section of the river. It was also requested, by Newcastleton Community Council, that the location of the bus shelter be moved from Douglas Square to the verge adjacent to the entrance to Polysport at the south end of the village. Mr Dunlop stated that he would investigate both queries and advise Members outwith the meeting.

DECISION

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

(i) Contribution to the removal of vegetation from River Teviot (split between both Wards)	£4,000
(ii) Contribution to improve zebra crossing at Albert Road	£3,600
(iii) Paint play equipment at Bonchester Bridge play area	£1,171
(iv) Erect fence and gate at Bonchester Bridge play area	£1,400
(v) Repair to steps and grouting at Trinity Steps.	£2,500
(vi) Paint handrails at Trinity Steps.	£ 147

(b) AGREED the following new Quality of Life Schemes for Implementation:-

(i) Supply and install security fencing at Mansfield Industrial Units.	£1,495
(ii) Install fence and gate at Escape Youth Centre.	£1,630

(c) NOTED:-

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

DECLARATION OF INTEREST

Cllr Marshall declared an interest in the above item of business in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

POLICE SCOTLAND

There was no report available for the meeting.

(Note: Following the meeting, the Police Scotland report was circulated).

SCOTTISH FIRE & RESCUE SERVICE

Station Manager, Russell Bell, Hawick Fire Station presented information on response and resilience activities for the month of July 2016. An update report had been circulated prior to the meeting. Mr Bell advised that there had been two accidental house fires due to cooking; 13 unwanted fire alarm signals, from domestic and commercial properties; and one accidental open fire due to refuse. There had also been seven special service occurrences with no casualties. Mr Bell went on to advise that swift water rescue training maintenance was taking place, primarily with crews from Galashiels. Mr Bell further advised that the high volume pump would leave Hawick as the swift water rescue skillset was realised. Mr Bell concluded his report by informing that the summer season thematic

period was now active and covered: Fire related anti-social behaviour; holiday safety and countryside & outdoor safety.

DECISION

NOTED the report.

7. **OPEN QUESTIONS**

It was requested that Councillor Edgar, Executive Member for Roads and Infrastructure, be invited to attend the Forum to discuss the cuts to the bus service.

DECISION

AGREED that the Executive Member for Roads and Infrastructure be invited to attend the Forum to discuss the spending cuts to the bus service.

8. **COMMUNITY COUNCIL SPOTLIGHT**

8.1 Community Councillor Scott Wilson (Newcastleton) thanked officers and Members for their assistance with the planning application for the Newcastleton Community Hub.

8.2 Community Councillor Tommy Stevenson (Upper Teviot and Borthwick Water) reported on the ongoing problem of timber transport and that subsequent damage to the roads was still causing concern. Members agreed that a representative from Timber Transport be invited to attend the next meeting of the Forum. Mr Stevenson further reported that there was an issue with motorcyclists, on the A7, exceeding the speed limit. Police had attended during the week but their presence was required at weekends. The Chairman advised that the community council should pass on their concerns to Inspector Carol Wood, Police Scotland. Mr Stevenson further advised that he was retiring as a community councillor and this would be his last Forum as community council representative. He thanked Members and officers for their support and wished the Forum continued success. The Forum thanked Mr Stevenson for his years of attendance at the Forum and wished him a long and happy retirement.

8.3 Community Councillor Philip Kerr (Southdean) reported that the broadband speed was still an issue as was the lack of mobile signal. Mr Kerr advised that there had been a significant improvement to roads in the community following patching work. The community council had held a successful meeting with VisitScotland, who would also be willing to attend an Area Forum to give a presentation. There had been a meeting to discuss the proliferation of windfarms in the area and 75 community councillors had attended.

8.4 Community Councillor Gwen Crew (Denholm) reported that there were still concerns regarding windfarm applications and that local views were not being considered when decisions were being made; Denholm Community Council would continue to support local residents and lobby their issues. Mrs Crew further reported that there had been concerns regarding the effect of the Flood Protection Scheme on the river downstream. An officer from the Flood Protection scheme had attended their meeting and had reassured that there would be no detriment. However, the community still had concerns around the local sewage works and riverbank. Councillor Marshall advised that a public meeting, on the Flood Protection Scheme, would be held at Hawick Town Hall on 23 and 24 August and encouraged the community council to attend. Mrs Crew concluded her report by advising that the annual Denholm Flower Show had taken place.

8.5 Community Councillor Cameron Knox (Hawick) advised that their Annual General Meeting had taken place and that the status quo remained. The Community Council had received a presentation from Perryman's Buses and had been encouraged to 'use it or lose it'. Mr Knox further advised that the judging for the Floral Gateway had taken place on 27 July and they were awaiting result. A Resilience Group meeting was taken place that evening to arrange the necessary equipment for the forthcoming winter season and the Chairman

was attending. Mr Knox concluded by advising that they had held fundraising events – a film night and bag packing at Morrisons' supermarket.

DECISION

(a) **AGREED** that the Chairman write to Timber Transport inviting them to attend the Forum.

(b) **NOTED** the reports.

9. **DATES OF NEXT TEVIOT AND LIDDESDALE AREA FORUM MEETINGS**

The future meetings of the Teviot and Liddesdale Area Forum would be as follows:-

Tuesday, 20 September 2016 at 6.30 pm in the Lesser Hall

Tuesday, 15 November 2016 at 6.30 pm in the Lesser Hall

Tuesday, 13 December 2016 at 6.30 pm in the Lesser Hall

Tuesday, 17 January 2017 at 6.30 pm in the Lesser Hall

Tuesday, 21 February 2017 at 6.30 pm in the Lesser Hall

Tuesday, 20 June 2017 at 6.30 pm in the Lesser Hall.

DECISION

NOTED.

The meeting concluded at 7.55 am

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SCOTTISH BORDERS COUNCIL SCRUTINY COMMITTEE

MINUTES of Meeting of the SCRUTINY
COMMITTEE held in the COUNCIL
CHAMBER, COUNCIL HEADQUARTERS,
NEWTOWN ST BOSWELLS on Thursday,
18th August, 2016 at 10.00 am

Present:- Councillors G. Logan (Chairman), W. Archibald, K. Cockburn, B Herd,
W. McAteer and A. J. Nicol.
Apologies:- Councillors I. Gillespie and J. Torrance
Also Present: Councillors G. Edgar and S. Mountford.
Community Councillor G Harrison, Ettrick and Yarrow Community Council.
In Attendance:- Transformation and Services Director, Clerk to the Council, Democratic
Services Officer (P. Bolson).

1. **MINUTE**

- 1.1 There had been circulated copies of the Minute of 28 April 2016.

DECISION

NOTED for signature by the Chairman.

- 1.2 With reference to paragraph 7.4 of the Minute of the meeting of 24 March 2016, Councillor Cockburn confirmed that he had discussed with Councillors Smith and Turnbull following their attendance at the Timber Transport annual conference and whether there were any subsequent recommendations which the Scrutiny Committee might consider. Councillor Cockburn advised that Councillors Smith and Turnbull, in their involvement with the voluntary partnership known as the Timber Transport Forum, had been looking into various issues related to the extraction of timber and movements of Timber Transport. This included damage to roads and road infrastructure, which had been the subject of the original discussion by the Scrutiny Committee. Local Authority road networks provided access to much of the forested timber resource and timber transport contributed to damage to roads and road infrastructure such as verges, ditches, drains and laybys; specifically, damage was caused by timber transport practices, truck and tyre types, unsuitable road types and materials, and stacked timber. The Timber Transport Forum had stated that it was "delivering solutions for a growing UK harvest", whilst also acknowledging that "developing the necessary infrastructure for timber transport in Great Britain is not easy". As the volume of timber produced each year from British forests was forecast to rise from the current 9 million cubic metres to 12 million cubic metres by 2020, there would be a resultant growing burden on the Council's road network and there were sections of the road network that were not suitable for heavy timber transportation. It was noted that the timber industry contributed both to the local economy and to providing local employment. At the same time, it was recognised that the Council could not sustain damage to the road network indefinitely and that solutions must be investigated to balance the benefits and problems being encountered. A number of solutions were discussed, one of which was the option to make a case for recovering damages from forestry companies under Section 96 of the Roads (Scotland) Act 1984. Further discussion followed and Members noted the similarities with wind turbine traffic issues and the way in which these were dealt with at the Planning Application stage. Members agreed that a review be carried out to consider the impact of third party use on the Local Authority's road network, eg by timber transportation and wind turbine transportation.

DECISION

AGREED that a Scrutiny Review be carried out to consider the impact of third party use on the Local Authority's road network, eg by timber transportation and wind turbine transportation.

2. SCRUTINY REVIEWS

- 2.1 With reference to paragraph 5 of the Minute of 28 April 2016, there had been circulated copies of the updated list of subjects which Scrutiny Committee had been asked to review and which included the source of the request, the stage the process had reached and the date, if identified, of the Scrutiny meeting at which the information would be presented. In addition, Members were also asked to consider further subjects for inclusion on this list for presentation at future meetings of the Committee. When deciding whether subjects would be reviewed by the Scrutiny Committee, Members required a clear indication from the initiator of the request as to which aspects of the subject they wished to be reviewed. This would enable the Committee to determine whether the subject was appropriate for consideration.
- 2.2 The Clerk to the Council explained the current status of the reviews listed and Members discussed a number of the items on the timetable. The Corporate Transformation and Services Director explained that a report was being prepared on artificial sports pitches for discussion by the Executive Committee and suggested that any decision on carrying out a Scrutiny review on the use of such pitches should be deferred until after that report had been considered. In terms of the request to review community consultation using the example of the siting of the Peebles 3G pitch, Mr Dickson explained that at the point the request was made Victoria Park had been the selected site. Matters had now moved on with the Executive Committee decisions in May and June to withdraw the planning application for Victoria Park and carry out further consultation prior to a further decision on how the 3G pitch could be progressed in Peebles. As discussion on the scope, timing and consultation process was ongoing in relation to the location of a 3G pitch in Peebles and, with a new public consultation exercise planned following best practice outlined in the Council's community engagement toolkit, Members agreed that the review would not now be appropriate. With regard to other subjects, it was agreed that presentations would be made to the Committee on: Review of Bridges Assets in October 2016; Drugs and Alcohol Strategy in November 2016; and Implications of the Community Empowerment Act on the Council early in 2017. It was further agreed that the Information Governance Board be requested to give a presentation to Scrutiny on Policies and Procedures for Protective Marking of documents and the Management of Information, particularly confidential matters. The Committee also noted that a private briefing would be arranged for Elected Members with an update on Home Schooling on a date in September/October still to be agreed.

DECISION

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

3. GREAT TAPESTRY OF SCOTLAND: A REVIEW OF THE PROCESS IN RESPECT OF DECISION-MAKING

- 3.1 The Chairman explained that the request for this review had been submitted by Ettrick and Yarrow Community Council and was pleased to welcome its Chairman, Mr Gordon Harrison, to the meeting. There had been circulated copies of the report by the Scrutiny Working Group on The Great Tapestry of Scotland: A Review of the Process in respect of decision making. Councillor Mountford chaired the Working Group and was in attendance to deliver the report. He began by explaining that the purpose of the Working Group was not to review the decisions about the Tapestry but to examine the decision-making process in respect of the Great Tapestry of Scotland Project and to ascertain if there were any lessons to be learned for future projects.
- 3.2 Councillor Mountford reported that the Working Group, having reviewed all the information requested, concluded that the details provided to Members in reports – based on the

information that was available at the time - was sufficient to allow Members to make their decisions on the Great Tapestry of Scotland. Areas which could have enhanced the information in these reports were included in the Working Group's recommendations as detailed in Appendix 2 to the Minute. The Working Group had found it extremely useful to have been able to review both the timeline for the Great Tapestry of Scotland Project in retrospect alongside the work carried out by Officers and Consultants and bring this together into one document. In terms of lessons learned from this Project, the Working Group made six recommendations included in their report which it was hoped would serve to enhance transparency and communications in future.

- 3.3 Members then discussed the report in detail. Recommendation 1 noted that it would be helpful if, before a concept/idea proceeded to the project stage, that all material conversations between Members and Officers were summarised and noted whilst also acknowledging that some information might not be in the public domain. Members also considered that the Council should look at ways to engage with and improve public consultation, providing more information which it was hoped would help to avoid misinformation and misunderstandings in the early stages of future projects. Further discussion followed in relation to the Tapestry location being linked to the Borders Railway line.
- 3.4 The Chairman then invited Mr Harrison to speak. Mr Harrison explained that the Community Council had raised this matter on behalf of the people in the Ettrick and Yarrow area and represented their views and concerns about the process and subsequent decisions in relation to the Great Tapestry of Scotland. He then circulated a note which listed the sections of the Working Group's report where the Community Council were requesting further clarification. With regard to when a detailed Business Case had been requested by Council, the Transformation and Services Director explained that an outline business case had been presented to Council on 29 May 2014 and Council had then given authority for a more detailed business case to be prepared to allow Members to make a decision regarding a location for the Tapestry. Mr Harrison then referred to the appropriateness of SBC entering into a legal agreement with the Great Tapestry of Scotland Trust to house the Tapestry at Tweedbank prior to confirmed Scottish Government funding being in place. Mr Dickson explained that only the authority to enter into a legal agreement was given at that time and advised that no legal agreement was yet in place. It was also explained that, in order to secure third party funding, it was necessary to ascertain the definitive view of Scottish Borders Council in advance of such funding being awarded. In response to a question about the capital funding for the Project, Mr Dickson advised that it was quite typical for budget to be committed for this type of capital project but not spent immediately. This would then allow application for Government funding to be sought. Mr Harrison requested clarity in relation to the lack of information sought from Jura Consultants on Gross Value Added figures for sites other than Tweedbank and was advised that these had not been produced as the Council had already decided on the Tweedbank site by then, but a range of data, including the economic development rationale, had been provided for Members' consideration. Councillor Mountford reiterated that an appeal had been made by SBC to the public and other external parties for suggestions for alternative sites but no potential locations other than those identified in the work of Jura consultants and Council officers had come forward.
- 3.5 Mr Harrison suggested that Recommendation 2 of the Working Group's report implied that the decision to concentrate on Tweedbank as the location for the Tapestry was made without sufficient and appropriate information being available to Members. In response, Councillor Mountford advised that this recommendation referred to lessons learned for future projects. Following a question from Mr Harrison in respect of the decision made by Council to site the Tapestry at Tweedbank, the Clerk to the Council reiterated the role of Scrutiny and the Terms of Reference of the Working Group.

- 3.6 A number of amendments to the report of the Working Group had been agreed and these would be included in the final version which would be presented to the Executive Committee on 30 August 2016.

Paragraph 4.7 line 6	- change "non-competitive action" to "single tender action".
Paragraph 5.3	- add "by Council at its meeting on 29 May 2014." at the end of the text.
Paragraph 4.4 line 14	- change "ancillary" to "additional".
Paragraph 5.5 line 13	- amend text to read " range of external interested parties".
Recommendation 2 line 2	- remove "sufficient" and replace with "all".
Recommendation 6	- add at the end of the text "and an explanation given to Members."

- 3.7 The Chairman expressed the Committee's appreciation to the Working Group for their time and comprehensive report and also thanked Mr Harrison for his attendance and contribution. Councillor Mountford extended his thanks to the members of the Working Group and the information and support provided by Officers to the Working Group.

DECISION

AGREED that the amended report by the Great Tapestry of Scotland Working Group, including its 6 recommendations - as appended at Appendix 2 to this Minute - be presented to the Executive Committee at its next meeting on 6 September 2016.

4. COMMISSIONING ARRANGEMENTS WITH THE VOLUNTARY AND THIRD SECTOR

- 4.1 Councillor Cockburn sought advice on whether he should declare an interest in the following item of business in terms of Section 5 of the Councillors' Code of Conduct. Following discussion, Councillor Cockburn decided that he would not declare such interest at this time.
- 4.2 With reference to paragraph 5 of the Minute of 28 April 2016, there had been circulated copies of a Briefing Note by the Procurement and Payment Services Manager on the Council's Commissioning Arrangements with the Voluntary and Third Sector. The Procurement and Payment Services Manager, Ms Dickson and the Contracting Manager Social Work, Mr Livingston were in attendance to present the briefing note and provide additional information as required. Ms Dickson advised that Scottish Borders Council had a long standing commitment to support the voluntary and Third Sectors (referred to as Third Sector) with approximately 23% of the overall procurement spend being on Social Care services that were commissioned by the Council and delivered by the Third Sector. The briefing explained that 'Ready for Business', an LLP funded by the Scottish Government, had published an independent report in July 2014 entitled "Purchasing from the Third Sector in Scotland". This report explored the level and pattern of procurement with Third Sector suppliers during 2012/13 and provided an analysis of public procurement spending across all Scottish Local Authorities. Data from that publication had been used in the briefing note and the data showed that, while there was a similar proportion of Third Sector suppliers to the study average, Scottish Borders Council spent a significantly higher proportion (23%) of its overall external third party spend with those suppliers than the 18% average across all local authority. Figures also demonstrated that Scottish Borders spent over 50% (£13.25m) with local suppliers. The briefing note provided further statistics in relation to the value of Third Sector contracts and it was noted that during 2014/15, Brothers of Charity (Scotland), Eildon Housing Association, Streets Ahead Borders, Ark Housing Association, Community Integrated Care and the Richmond Fellowship each delivered services in excess of £1m annually.
- 4.3 Discussion followed and Ms Dickson advised that Third Sector suppliers such as Brothers of Charity had developed and diversified the services they provided within the area of learning disability and were now looking at options in areas such as home care. Members asked how increasing budgetary pressures affected contracts with the Third Sector and Ms Dickson confirmed that efficiencies were considered and built into contract values. Ms

Dickson also explained that it was not always possible to procure all required services from locally based suppliers and noted that the differential between private and public provision continued to decrease. Further examples of Third Sector engagement were detailed. Live Borders was an Integrated Trust that provided culture, sport and leisure services across the Scottish Borders on behalf of the Council and a contract spanning 20 years had recently been awarded at a value of circa £121m. The Borders Green Team was a social enterprise which provided employment and training for adults with learning disabilities in the Scottish Borders and the value of this contract during 2014/15 was £128k. Further details relating to the Green Team and supported businesses in general would be provided to the Committee in due course. In addition, as services were developed for Health and Social Care, consideration would be given to Third Sector provision in these areas. The Chairman thanked Ms Dickson and Mr Livingston for their attendance.

- 4.4 The Clerk to the Council explained that this review was in response to a request by Greenlaw and Hume Community Council and advised that following the publication of the Agenda for today's meeting, the Community Council's Chairman, Mr McCann had intimated that the Briefing did not fully cover all aspects of the original request. Ms Wilkinson advised Members that the original request had called for the Committee to look at outsourcing success stories elsewhere in Scotland, in particular where a service had been outsourced to the Third Sector. The Scrutiny Committee had agreed at its meeting on 24 March 2016 that, in the first instance it would receive a report on the Commissioning arrangements the Council currently had with the voluntary and third sector and Members would then make a decision on whether they considered a full review was appropriate. Members discussed the matter and agreed that a link to the report referred to in paragraph 4.2 of this Minute entitled "Purchasing from the Third Sector in Scotland" would be forwarded to Mr McCann for information and, given the level of outsourcing the Council currently had with the Third Sector, not to pursue the full review at this time.

DECISION

(a) **NOTED the presentation.**

(b) **AGREED that:**

- (i) **a link to the report "Purchasing from the Third Sector in Scotland" would be forwarded to Greenlaw and Hume Community Council for their information and advise them that the Committee was not inclined to pursue a full review of outsourcing success stories elsewhere in Scotland at the moment, given the current level of Council outsourcing to the Third Sector; and**
- (ii) **further information relating to the Green Team and supported businesses in general be presented at a future meeting of the Scrutiny Committee.**

5. DATE OF NEXT MEETING

The next meeting of the Scrutiny Committee would take place on Thursday, 22 September 2016.

DECISION

NOTED.

The meeting concluded at 11.55 am

Appendix 1

Scrutiny Committee – Review Subjects 2015/16

Timetabled for Scrutiny Meetings

Source	Issue/Description	Stage	Scrutiny Committee meeting date
Councillor Cockburn	Asymmetric Week	Presentation by Donna Manson, Service Director Children & Young People.	22 September 2016
Councillor Nicol	Recycling Centres. Update on the remarketing of goods for recycling at the Centre, including how other Local Authorities had approached this.	Presentation by Jenni Craig, Service Director Neighbourhood Services.	22 September 2016
Councillor Nicol	Review of Bridges Assets. The review should include the condition of bridges on the register and the processes for inspection and maintenance.	Presentation by Service Director Assets and Infrastructure	27 October 2016
Councillor Torrance	Social Work Duty Hub	Graeme Dobson, Project Manager. Les Grant, Customer Services Manager	24 November 2016
Scrutiny Committee	Drugs and Alcohol Strategy.	Elaine Torrance Tim Patterson, Joint Director of Public Health. Fiona Doig	24 November 2016
Lib Dem Group	Implications of the Community Empowerment Act on the Council – <i>"there may be multiple implications of the Community Empowerment Act e.g. disposal of assets either SBC or Common Good, the transfer of local services to community groups who wish to take them on, future provision of allotments etc."</i>	Presentation from Shona Smith, Communities & Partnership Manager and Douglas Scott,	January/February 2017

Source	Issue/Description	Stage	Scrutiny Committee meeting date
		Senior Policy Advisor on Communities and Partnership Manager.	

Review Subjects to be considered/awaiting further information

Source	Issue/Description	Stage	
Councillor Gillespie	Home Schooling. To consider the requirement for a change in the law to ensure health assessments for home schooled children are carried out. Also to investigate parents undertaking an examination to ensure that they were adequate educators for primary and secondary school education.	Donna Manson, Service Director Children & Young People will provide private update.	Private Briefing for Members in September/October 2016
Scrutiny/Councillor McAteer	Policies and Procedures for Competitive Marketing and the Management of Information	Information Governance Board to make presentation.	To be agreed.
Scrutiny	The impact of third party use on the Local Authority's road network, eg by timber transportation and wind turbine transportation		To be agreed.
Councillor Archibald	Artificial sports pitches. Briefing paper to be brought forward on existing artificial pitches in the Scottish Borders, to include information on the use, costs, benefits and issues of these facilities.	Presentation from Rob Dickson, Corporate Transformation and Services Director.	Deferred until after report considered by Executive Committee
Royal Burgh of Peebles & District Community Council	This issue relates to how (and under what circumstances) community consultation is designed, planned and managed, and how the processes by which Council canvasses the views of local communities can be facilitated and improved upon. In particular, use the example of the process that led to the decision by the Council's Executive Committee to agree that Victoria Park, Peebles is the preferred location for a 3G pitch.	Presentation from Rob Dickson, Corporate Transformation & Services Director.	Removed. (Paragraph 2.2 of the Minute of 18 August 2016 refers.)

Reviews Completed 2015/16

Source	Issue/Description	Stage	Scrutiny Committee meeting date.
Ettrick and Yarrow Community Council	Great Tapestry of Scotland Working Group – Report	Report by Scrutiny Working Group, presented by Councillor Mountford.	18 August 2016. Completed.
Greenlaw and Hume CC	To consider outsourcing success stories from this Council and elsewhere in Scotland, in particular where the service has been outsourced to a third sector organisation.	Presentation by Kathryn Dickson, Procurement & Payment Services Manager.	18 August 2016. Completed.
Councillor Torrance	School Transport and Escorts	Presentation by Service Director Children and Young People.	28 April 2016. Completed.
Scrutiny Committee	Following the review on road repairs maintenance, presented to the January meeting of Scrutiny Committee. There was a further report to the March meeting on the implications on the capital and revenue budgets of the trunk status on the A72 and A7. Scrutiny Committee requested a further report identifying the revenue and capital costs of works to individual roads in the roads infrastructure.	Report from Asset Manager	28 April 2016 Completed.
Councillor Logan	Support for Highly Able Learners in Schools.	Presentation by Service Director Children & Young People.	28 April 2016 Completed.
Scrutiny Committee	Financing arrangements for the Transport Interchange in Galashiels - to include subsidy arrangements and departure charges.	None.	24 March 2016 Completed
Councillor Archibald	Equalities Legislation. Consideration on the Council's up to date grant application form and information on how the legislation is applied to local	None.	24 March 2016 Completed

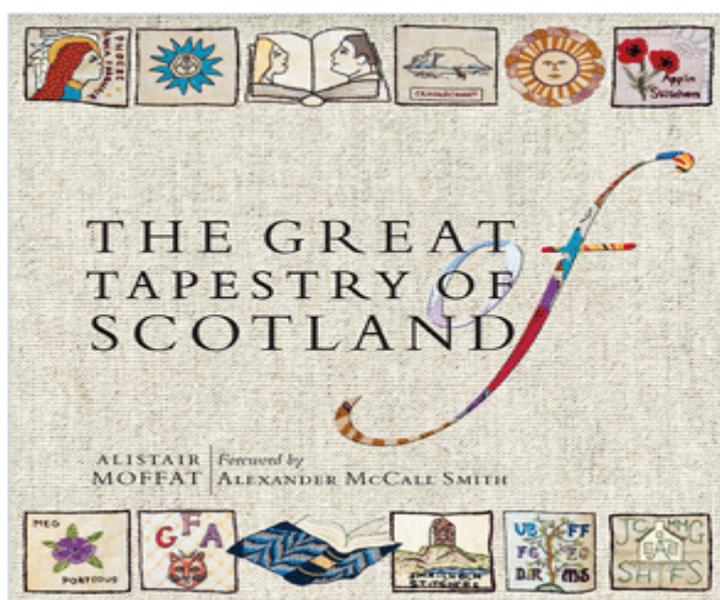
Source	Issue/Description	Stage	Scrutiny Committee meeting date.
	festivals, in particular where the Council awards grants.		
Councillor Bhatia	Protection of Private Water Supplies – <i>"in relation to Planning e.g. when a planning application is granted which requires an additional private supply or taking water from an existing private supply, how do existing householders ensure that their supply is protected? This may be purely a civil matter or the Council may have a role. This is further exacerbated with large forestry/windfarm applications."</i>	Recommendation to be considered by Executive Committee on 22 March 2016.	18 February 2016 Completed.
Ettrick and Yarrow Community Council Allocation of budgets for road maintenance and repairs.	To review extent to which the SBC budget for road repairs and maintenance is sufficient to meet need and the not unreasonable expectation that roads will be maintained in a safe condition. Within this context, to particularly examine how the allocation of budget for rural roads is arrived and whether more should be allocated.	Recommendation considered by Executive Committee on 8 March 2016 – accepted.	28 January 2016 Completed.
Graeme Donald	Religious Observance Policy } }These were presented together at the } same meeting.	None – briefing session	29 October 2015 Completed
Scrutiny Committee	Faith Schools }	None – briefing session	29 October 2015 Completed
Councillor Turnbull	Fees for taxi licensing – the amount paid to outside bodies in administering taxi licensing and how the fees for a licence in the Borders compare with those of neighbouring authorities.	Information emailed to Cllr Turnbull from Licensing Team Leader on 5/10/15. Cllr Turnbull does not wish to pursue further.	14 October 2015 Completed.
Scrutiny Committee	Attainment levels in Schools in Deprived Areas	None – briefing session	24 September 2015 Completed
Scrutiny Committee	Mainstream Schools and Children with Complex Additional Support Needs	None – briefing session	24 September 2015 Completed

Reviews Completed 2014/15

Source	Issue/Description	Stage	Scrutiny Committee Meeting Date
Scrutiny Committee	Funding available to Community Councils	Presentation from Ms Malster	11 June 2015 Completed.
Scrutiny Committee	Presentations on Planning Enforcement and the Building Inspection Regime	Presentation from Alan Gueldner, Lead Officer Enforcement and Mr James Whiteford, Lead Building Standards Surveyor	11 June 2015 Completed.
Scrutiny Committee	Procurement Control of contractors policy/repairs & maintenance framework agreement procurement project	Presentation by Kathryn Dickson, Procurement and Payment Services Manager; Graham Cresswell, Health and Safety Manager; Ray Cherry, Senior Architect; Stuart Mawson, Property Manager.	28 May 2015 Completed.
Scrutiny Committee	Use of Small Schemes and Quality of Life Funding by Area Fora	Report by Jenni Craig, Service Director Neighbourhood Services.	26 March 2015 Completed.



The Great Tapestry of Scotland: A Review of the process in respect of decision making.



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Foreword from the Chairman of the Working Group

A great deal has been written about the Great Tapestry of Scotland since its inception, including the decision to bring the Tapestry to the Scottish Borders and where it would be housed.

In the course of this review, we have examined the process leading up to the decisions the Council made about the Tapestry. This examination has allowed us to identify some misconceptions and also provided us with an insight into the inception of major Council projects.

Much analysis has been carried out by the Working Group to arrive at its conclusions and I thank the members and officers for their time and energy, commending the findings and recommendations to you.

Councillor Simon Mountford
Chairman, Great Tapestry of Scotland Working Group



16 August 2016

EXECUTIVE SUMMARY and RECOMMENDATIONS

- a) Scottish Borders Council considered the Great Tapestry of Scotland on three separate occasions. At its meeting on 29 October 2015, the Scrutiny Committee decided to set up a Working Group to examine the decision-making process in respect of the Great Tapestry of Scotland Project and ascertain if there were any lessons which could be learned for future projects.
- b) The Working Group comprised four Councillors, namely:
- Councillor Simon Mountford (Chairman)
 - Councillor Joan Campbell
 - Councillor Keith Cockburn
 - Councillor Iain Gillespie
- c) Terms of reference and principal components of the Review were agreed. The Review involved a detailed investigation of the timeline of work leading up to decisions made in respect of the Great Tapestry project. The Review in essence covered:
- *Pre-Council report work – late 2013 to April 2014*
 - *Report Drafting – May 2014*
 - *Council meeting – 29 May 2014*
 - *Preliminary work for preparation of the detailed business case- June and July 2014*
 - *Appointment of consultants and initiate Blueprint Concept – August 2014*
 - *Preparation for the initiation of the Blueprint – September to November 2014*
 - *Drafting of Council report – November and December 2014*
 - *Council meeting – 18 December 2014*
 - *Capital funding – February 2015*
 - *Procurement Preparation – January to March 2015*
 - *Project Team appointed – April 2015*
 - *Planning application/approval – June to September 2015*
 - *Blueprint – October to November 2015*
- d) Throughout its Review, the Working Group requested and received further information and explanation on particular aspects of the Tapestry Project and other capital projects, namely:
- *Tapestry - Other locations in Scottish Borders*
 - *Funding*
 - *The Great Tapestry facility and exhibition*
 - *Consultation with Communities*

- e) The Great Tapestry of Scotland is a unique project which has attracted much comment. In arriving at their findings and recommendations, Members of the Working Group have concluded that the information – based on what was available at the time - provided to Members in reports was sufficient to allow Members to make their decisions on the Great Tapestry of Scotland. There are always lessons to be learned from any major project and the Working Group is therefore making six recommendations which will enhance project work and communications in future.

Recommendation One

Where potential projects, such as the Great Tapestry, are at the stage of evolving from a conversation into a concept/idea, before proceeding to the project stage and into the capital plan, it would be helpful if all material conversations involving Officers and Members could be summarised and noted. This would aid transparency and help to establish a more complete project record.

Recommendation Two

When officers are producing the first formal report to be considered by Members on a major project, they should include all appropriate information on the origin of all options which have been considered and any which have subsequently been dismissed. This is as much for a retrospective record as it is to inform the decision- making at the time.

Recommendation Three

Relevant analysis/research should be considered for inclusion as appendices in reports for projects like this or, if confidential, made available to Members privately for further scrutiny.

Recommendation Four

For any major project – to ensure good communications - regular informal briefings for all Members, along with the provision of electronic bulletins, would assist in keeping Members updated on progress and allow them to ask questions and also pass this information on to stakeholders, community groups, and members of the public.

Recommendation Five

Within the project management processes, the Council's reputational risk should be included as a matter of routine in the Risk Register and the risk and mitigations section of committee reports should always take reputational risk into account and provide a commentary on that issue.

Recommendation Six

When considering locations as part of a major project, criteria being used to assess them should be put in order of priority (starting with the highest) and/or weighted. Once a site has failed to meet one of the criteria, that site will normally no longer be assessed against the remaining criteria, and an explanation will be given to Members.

Section 1: INTRODUCTION

- 1.1 Scottish Borders Council considered the Great Tapestry of Scotland on three separate occasions.
- 1.2 The first report on 29 May 2014 was to inform the Council of the possibility of locating the Great Tapestry in the Scottish Borders on a permanent basis and to seek authority to prepare a detailed business case in respect of that proposal.
- 1.3 The second report was considered at the Council meeting on 18 December 2014. The purpose of that report was to inform Members of the outputs following the feasibility design proposals and detailed business case for the Great Tapestry and sought approval for its location at Tweedbank.
- 1.4 At its meeting on 12 February 2015, as part of its consideration of the Council's capital budget, a motion was put forward to suspend Standing Orders to allow further consideration of the funding of the Great Tapestry project. As the necessary majority for suspension was not received, there was no further debate on the matter.
- 1.5 At its meeting on 29 October 2015, the Scrutiny Committee decided to set up a Working Group to examine the decision-making process in respect of the Great Tapestry of Scotland Project and ascertain if there were any lessons which could be learned for future projects. The terms of reference for the Working Group were agreed at the meeting of Scrutiny Committee held on 26 November 2015 and the membership of the Working Group was finalised at the Scrutiny Committee meeting on 28 January 2016.

Section 2: TERMS OF REFERENCE and WORKING GROUP

- 2.1 The Working Group comprised four Councillors, namely:
- Councillor Simon Mountford (Chairman)
 - Councillor Joan Campbell
 - Councillor Keith Cockburn
 - Councillor Iain Gillespie
- 2.2 Support was provided to the Working Group by the Corporate Transformation and Services Director, the Clerk to the Council and one of the Democratic Services Officer (J. Turnbull).
- 2.3 The Terms of Reference for the Working Group were:
1. To review the process, to date, in respect of all decision making linked to The Great Tapestry of Scotland. Specifically to review:
 - (a) the preparatory work, evaluation and reviews undertaken by officers in preparing reports for Members;
 - (b) opportunities available to Members to scrutinise material and information available prior to, and at, Council meetings;and, in respect of (a) and (b) whether there were any gaps that could be better addressed in future projects.
 2. To examine the extent to which documentation available in the public domain was sufficiently helpful for the public and whether such documentation could be improved in the future.
 3. In light of their work, the Working Group is to draft any appropriate recommendations for consideration by the Scrutiny Committee.

Section 3: HOW THE REVIEW WAS CARRIED OUT

- 3.1 The Working Group met on 5 occasions – 17 February, 21 March, 14 April, 18 May and 7 June 2016.
- 3.2 At its first meeting, the Chairman reminded Members that the review process was not to re-examine the decisions regarding the Great Tapestry of Scotland but aspects of the process to date and any lessons that could be learned from this. It was agreed that as Scrutiny was responding to a request from Ettrick and Yarrow Community Council, the Review should look at the process of consultation with the wider community. The Group would also consider the support provided by Scottish Government and the caveats that were expressed at the time. In conducting the Review it was unanimously agreed that media reports should be ignored. Any changes recommended by the Working Group should be exemplified for future decision making, using the Tapestry as an example.
- 3.3 The Working Group then agreed that the principal components of the Review should be:
- (a) a detailed timeline, including which officers were involved and consulted;
 - (b) when the Council was first approached and how the approach was made; who made the request and to whom;
 - (c) outside input e.g. Scottish Government, Trustees;
 - (d) other potential sites that were considered and how current the information on these alternative sites was at the time of the decision;
 - (e) other interested parties who were reported to be interested in hosting the Tapestry, whether public or private organisations;
 - (f) the public engagement process and the geographical spread of those consulted;
 - (g) the reasons other options were not considered viable;
 - (h) any vacant plots of land that were considered for a new build elsewhere other than at Tweedbank;
 - (i) financial commitment, citing examples of third party funding with regard to other projects.
- 3.4 At the second meeting of the Working Group, members considered information from the Corporate Transformation and Services Director in regard to the principal components and the timeline for the project.

Details are included in the Project Timeline in the next Section of the report.

- 3.5 At the third meeting of the Working Group, members received further details on the activities within the timeline as well as additional information and explanation. They also received copies of the brief given to Jura Consultants for the detailed business case, as well as the supplementary to the brief requesting further work be undertaken on the Tweedbank site as well as the provision of information on other sites. An extract from the detailed business case by Jura Consultants which gave details on the other locations was also considered at this meeting.
- 3.6 At the fourth meeting of the Working Group, members considered a first draft of the report of the Working Group which gave details of the Terms of Reference of the Working Group, how the review was carried out, the Tapestry Project timeline and details.
- 3.7 The fifth meeting of the Working Group drew the Review to a close. Members considered a further draft of the report of the Working Group and agreed the findings and recommendations. Some further information was then added as requested and this was circulated by email to the members of the Working Group for final approval. This final approval was given on 16 August 2016.

Section 4: TAPESTRY PROJECT TIMELINE/DETAILS

Pre-Council report work

- 4.1 The initial approach to the Council regarding the Tapestry project came from an informal discussion in late 2013 between the Convener and the Great Tapestry of Scotland Trustees. The Convener requested officers to follow up on the opportunity to determine the project's viability. The Trustees had also had contact with/from 3 other bodies on the possibility of hosting the Tapestry.
- 4.2 From **February to April 2014** work was carried out prior to the preparation of the Council report for May 2014. This was in two parallel areas: preparation of an initial feasibility study by Jura Consultants and initial work by officers to conclude outline positions across a wide range of issues including sites and land purchase (Head of Commercial Services and the Estates Manager), roads and utilities (Project Management Team Leader, Principal Officer – Employment Infrastructure, and the Engineering Design Manager), railway interface (Corporate Transformation and Services Director) and culture implications (Cultural Services Manager). Initial work had been completed as a desk-top exercise by Council officers in respect of possible sites in the Scottish Borders with Tweedbank being the viable option.

Report Drafting

- 4.3 In **May 2014**, the report for Council was drafted and also included input from the Service Director for Major Projects, the Chief Financial Officer, Chief Officer Economic Development, and the Service Director Strategy and Policy. Prior to the Council meeting in May 2014, there was still ongoing discussion as to where the Tapestry site would be, although the Tapestry Trustees favoured the Tweedbank site.

Council meeting

- 4.4 On **29 May 2014**, this report by the Corporate Transformation and Services Director was considered by Scottish Borders Council. That report informed the Council of the possibility of locating the Great Tapestry of Scotland in the Scottish Borders on a permanent basis and sought authority to prepare a detailed business case in respect of that proposal. The report set out the background of the Great Tapestry and explained that the Tapestry's Trustees were at that point considering a permanent location in Scotland. Officers had completed initial work in respect of a possible permanent location in the Borders, with Tweedbank being the most likely viable option. An initial feasibility assessment had been completed and this indicated that there was merit in proceeding to evaluate the costs and benefits of the proposal via a full business case. This business proposition would include a new building to house the Tapestry along with additional facilities for an exhibition of such national importance. Consequently it was being recommended that a detailed business case should be prepared and that a short life Member/Officer Group be established to oversee the completion of this business case.

4.5 Alexander McCall Smith and Alistair Moffat, two of the Trustees of the registered charity which owned the Tapestry, were present at the meeting of Council on 29 May 2014. The Trustees had made their wish known in the discussions with the Convener that the Tapestry should be a visitor attraction in its own right in a location very close to a significant transport link. Jura Consultants representative, Paul Jardine, was also present at the meeting and gave Members a review of the study and the key conclusions reached. The assessment had indicated that there was merit in proceeding to evaluate the costs and benefits of the proposal via a full business case. In the ensuing debate, the majority of Members strongly supported the report's conclusion that this was a unique opportunity for the Borders to obtain an exhibition of national significance with strong ties to the textile heritage and wider history of the region. Its value was recognised both as a visitor attraction in its own right as well as the potential for generating economic inward investment. However, some concern was expressed with regard to revenue running costs in relation to the attraction's income generating potential. With respect to the remit for the business case, several Members made cases for locating the Tapestry in other towns in the Borders and also pointed out advantages of linking it with other visitor attractions. However, the merits of Tweedbank as a location were generally recognized in terms of its centrality to the Borders and potential transport links associated with the Railway. Council subsequently decided to request officers to prepare a detailed business case for locating the Great Tapestry of Scotland in the Scottish Borders at Tweedbank and to bring a further report on this matter back to Council. It was further decided to establish a short life Member/Officer Group, to which Councillors Archibald, Davidson and Parker were appointed.

Preliminary work for preparation of the detailed business case

4.6 Between **June and July 2014** work primarily focused on the construction of a wide ranging project team and the appointment of a project manager. The team included an architect, engineer, quantity surveyor, and economic development consultants. Briefs were drafted by the Chief Officer Economic Development and the Service Director Major Projects to satisfy necessary procurement routes. Elected Members were offered the opportunity to view the Great Tapestry while it was on display at the Scottish Parliament building and this visit by a few Members took place on 3 September 2014.

Appointment of Consultants and Blueprint Concept

4.7 Jura Consultants is a highly reputable consultancy firm based in Scotland, well known for their work in terms of visitor attractions and tourism; they had previously undertaken consultancy work for the Council i.e. on the Jim Clark Museum and Abbotsford House. As they had carried out the preparatory report, they were appointed through single tender action, which followed the Council's procurement guidelines. Hub South East was utilised by the Council to appoint Page Park Architects and Faithful & Gould, Hub South East Scotland is a joint

venture company, involving local public sector organisations working collaboratively and in partnership with a private sector development partner. The partners work together to develop an innovative long-term approach to providing new community facilities where local community services will be delivered (such as neighbourhood services, health, social care and education). In **August 2014**, Jura Consultants were liaising with the Chief Officer Economic Development and the Corporate Transformation and Services Director. Page Park Architects were working to the Service Director Major Projects and the Project Manager. Faithful & Gould supplied some Quantity Surveying input to assist Page Park and Jura Consultants. The Trustees were also involved in practical workshops with Page Park on the housing and display of the Tapestry taking into account the different sizes of the Tapestry panels. Jura Consultants were also asked by the Chief Officer Economic Development and the Corporate Transformation and Services Director to undertake specific work in relation to other towns as part of the detailed business case for best value requirements and to ensure that consideration be given to all options. Also during this time, following discussion with Scottish Government, work commenced on the development of what was to become the Borders Railway Blueprint. From **September to November 2014** consultants continued to work to their briefs.

Preparation of the Blueprint

- 4.8 Between **September and October 2014**, detailed work was undertaken on drafting the Blueprint with partners. This work was led by the Economic Development Manager, supported by the Corporate Transformation and Services Director, Service Director Major Projects, and Chief Officer Economic Development. Page Park provided input on the master plan for Tweedbank. The Blueprint was launched in **November 2014**.

Drafting of Council report

- 4.9 During **November 2014**, reports from the Consultants were incorporated into a report for Council with main officer contributions from the Chief Officer Economic Development, Service Director Strategy and Policy, Service Director Major Projects, Project Management Team Leader, the Project Manager, the Cultural Services Manager and the Chief Financial Officer. On **9 December 2014** a seminar was held for all Members, with detailed presentation on the outcome of the business case made by the consultants and officers, which gave Members the opportunity to ask questions on particular aspects of the report. The final detailed business case from Jura Consultants was completed on time for Council in December and formally received by officers on **10 December 2014**. The assessment in the business case for visitor numbers was based on vehicle journeys with no account taken for the potential for visitors arriving by train as there was no railway operating at the time and therefore no hard evidence of passenger numbers. Therefore any train visitors would be extra to those in the business case.

- 4.10 On **18 December 2014**, the report by the Corporate Transformation and Services Director informed Members of the outputs following the feasibility design proposals and detailed business case for the Great Tapestry and sought approval for the proposed permanent location of the Tapestry in the Scottish Borders at Tweedbank. The report highlighted the ambitions contained in the 'Borders Railway, Maximising the Impact: A Blueprint for the Future' that had been announced by the then First Minister. It confirmed the important role that the development of a permanent home for the Tapestry in the Scottish Borders could play in achieving the ambitions set out in that document. The report reiterated that this was a unique opportunity for the Scottish Borders to obtain an exhibition of national significance with strong ties to the textile heritage and wider history of the area. It would provide a potential hub for local and international events. A location at Tweedbank had the opportunity to create a destination for the area with direct links to other local attractions such as Abbotsford House and Melrose Abbey, together with the further development of Tweedbank and the emerging proposals for a Central Borders Business Park. An initial design for a new building had been completed by Page Park Architects. This work had provided a good basis for initial costs. The detailed business case prepared by Jura Consultants, including costs from the Page Park work, had confirmed that the project could be financially viable based on the visitor projections and anticipated operating costs.
- 4.11 Paul Jardine from Jura Consultants and David Page from Page Park Architects were present at the meeting to answer Members questions. Members discussed the proposal in detail, including the location for the Tapestry, infrastructure required, the cost, expected visitor numbers, and whether or not there would be economic benefits arising from the project. Council then decided to proceed to enter into a legal agreement with the Great Tapestry of Scotland Trust to provide a permanent home for the Great Tapestry in the Scottish Borders. Further, Council decided to support the construction of a new building to house the Tapestry on land owned by the Council at Tweedbank, allocating up to £3.5m in the Council's Capital Programme, with an intended investment of £2.5m from Scottish Government. The building would be developed and owned by the Council and then likely to be leased to a new Trust which would be responsible for operating the Tapestry attraction. The Chief Executive would bring a further report to Council (currently anticipated for August 2016) on the structure, membership and proposed operation of this new Management Trust.

Capital funding

- 4.12 At its meeting on **12 February 2015**, Council agreed a capital budget of £3.5m in 2016/17 and 2017/18 for the Tapestry building at Tweedbank, with an assumed capital grant of £2.5m in 2016/17 from Scottish Government. For every project in the Capital Plan, officers formulated a project model dependent on the scope of the project and followed a set process in terms of decision making.

4.13 Between **January and March 2015**, work was undertaken developing briefs for a full design team appointment. This was led by the Procurement Manager, the Project Management Team Leader and the Project Manager.

Project Team appointed

4.14 In **April 2015** the Project Team was appointed. Led by the Project Management Team Leader and the Project Manager it included Turner Townsend Project management and quantity surveying, Page Park Architects, Goodsons civil and structural engineers, Mechanical and Electrical Engineers Atelier Ten.

Planning application/approval

4.15 In **June 2015**, the planning application for the Tapestry building at Tweedbank was submitted, with ongoing work by the Project Team to assist and contribute to planning queries and the planning process. In **September 2015** planning approval was granted. Between **September and December 2015** detailed design and preparation work - led by the Project Team and delivered by the Design Team - was carried out for contractor procurement.

Blueprint

4.16 Between **October and November 2015**, work was undertaken by the Corporate Transformation and Services Director and the Programme Manager for the Borders Railway Blueprint on the development of the necessary approval reports for the Blueprint funding. The Blueprint Leadership Group - comprising senior officer representatives from all partner organisations (Scottish Enterprise, Scottish Government, Visit Scotland, Transport Scotland, Abellio/Scotrail, Midlothian and Scottish Borders Councils) - met on **18 December 2015** and approved the submission of the final request for funding to Scottish Government.

Section 5: FURTHER INFORMATION

- 5.1 Throughout its review, the Working Group requested and received further information and explanation on particular aspects of the Tapestry Project and other capital projects.

Tapestry - Other locations in Scottish Borders

- 5.2 On 15 October 2014 the Corporate Transformation and Services Director issued a supplementary to the brief to Jura Consultants. This referred to Section 9: Conclusions in the Initial Feasibility Assessment carried out by Jura that "Melrose and Galashiels could provide alternative locations; however, the Great Tapestry of Scotland would then have to compete with other attractions and more importantly with other visitor services e.g. cafes and restaurants." The Director requested Jura to provide more structured information and detail on how they had come to this conclusion, which in turn would be helpful as part of the decision-making process. As well as Melrose and Galashiels, it was understood that Jura had also considered other alternative locations, including Selkirk, Hawick and Abbotsford House. Jura was asked at this stage whether any other potential locations, for instance at countryside locations, had also been considered.
- 5.3 Locations in Selkirk, Hawick, Melrose and Galashiels were all considered by Jura Consultants and the visitor market potential and availability of suitable buildings assessed. Criteria used for the assessment included the potential visitor market consisting of the local market, the day visitor market, education visits and tourists; traffic analysis and flow; local competitors; market penetration analysis; and available buildings and sites. Selkirk has a total visitor market of around 1.6 million people. None of the existing attractions which provided visitor figures attracted over 10,000 visitors per annum. St Mary's Mill and Linglie Mill in Selkirk Riverside Industrial Estate were not of the quality required for the project. The Yarn Store at Ettrick Mill and a smaller site also at Ettrick Mill were considered with the latter possibly suitable for up to a 2 storey building. Hawick has a total visitor market of around 1.5 million people with the same number of vehicles passing the north of the town. One competitor attraction in Hawick attracts 150,000 visitors per annum. No suitable buildings in Council ownership were available in Hawick and sites were only available within Galalaw and Burnfoot Industrial Estates. The total potential market in Melrose is 2.6 million with around 3 million people passing Melrose in vehicles per annum. Melrose Abbey receives around 47k visitors per annum. The Council did not own any land or buildings in Melrose which could be appropriate for the Great Tapestry. The total potential market in Galashiels is 2.6 million with around 4 million people passing through each year. However, the town has a very limited visitor offer, although it is in very close proximity to the attractions of Melrose, including Abbotsford House. No buildings in Council ownership in Galashiels were suitable. Land at Galafoot was available but the site adjoins a gas works site, is off the main route in

town, and was not considered suitable. The Burgh Yard, located in the middle of town, could have been an interesting alternative but it was under offer at the time of writing the business plan. The bus station site was also considered but due to space constraints would need to be a 3 or 4 storey building. From this assessment of alternative sites, Jura concluded that ultimately Tweedbank provided a stronger option. In the detailed business case the GVA (Gross Value Added) figure was only provided for Tweedbank. Jura Consultants had not been asked to provide GVA for any other sites, as the GVA figure was an additional piece of information calculated after Tweedbank had been selected by Council at its meeting on 29 May 2014.

- 5.4 In parallel with the work of Jura, officers considered sites that had either been identified by Members in the course of the debate at Council on 29 May 2014 or by officers themselves. The data used in the assessment was the most up to date available at the time. The Galashiels Interchange was considered but the building was not large enough to accommodate all of the Tapestry panels. To increase its capacity at the particular stage of development it had reached would have been financially prohibitive and would also have delayed completion of the building which was targeted at opening prior to the Borders Railway in September 2015. The Transport Interchange was also part-funded by European Union money to create 650 sqm of business space on the first and second floors, with the use of this business space tightly restricted to SMEs, to support business growth. To use the Interchange to house the Tapestry would have meant the EU funding contribution being forfeited and this added to the financial implications for this site. Another site considered was the old College site in Melrose Road, Galashiels but this was deemed to be too large a site.
- 5.5 The Galashiels former Post Office site was also considered and more work was done on this site as officers recognised its potential viability. Issues identified included the fact that it is a listed building with a range of planning and financial implications flowing from this. Whilst a purchase may have been possible, CPO was the more likely outcome, with its resultant time delays and financial implications. In either voluntary purchase or CPO the existing Royal Mail operation would have required to be re-housed at the Council's expense. Parking was likely to be inadequate. When Officers carried out initial costings, which quickly reached an estimated cost of £8m and rising, these costs were considered prohibitive, so no further work was carried out. On the basis of cost alone, the site was ruled out. In many conversations and meetings with a range of external interested parties, officers had repeatedly asked for any potential alternative sites, either in public or private ownership, to be identified. No sites other than those identified in the work of Jura and officers have been identified to date.

Funding

- 5.6 In the business case Jura had stated that projects such as the Great Tapestry were generally funded by the private sector whereas the Tapestry project would be 100% publicly funded. The Council had not

solely sought to develop a business model in comparison with other similar projects but to measure the viability of the project and what it could generate in terms of increasing tourism and visitors to the wider Borders, aligned to the ambitions set out in the Blueprint. There was the possibility of private sector involvement to enhance the project in future. However, in terms of finance, the purpose of the Tapestry project was to cover its costs and be financially self-supporting so that its primary purpose – to act as a gateway into the Borders – would be realised.

- 5.7 No approach was made to the Heritage Lottery Fund as it provides funds only for national historical works, and the Tapestry – while it is of national significance – is new. The cycle and timing of allocation of funds by Big Lottery was not conducive to an application at the time. There remains an extant proposal for third party/private funding or donations to contribute to the fitting out of the Tapestry building, along with other enhancements. One other example where the Council had put in funding was for the renovations at Abbotsford House.

Project	SBC Contribution	Total Project Cost
Abbotsford	£1.5M	£11.6M
Jim Clark Museum	£0.62M	£1.38M
Tapestry	£3.3M	£5.8M

Note the figures for Abbotsford are final whilst the figures for the Jim Clark Museum and Tapestry are forecasts

The Great Tapestry facility and exhibition

- 5.8 At Tweedbank, the Council owns the site and will also own the building for the Tapestry. The building will be held on the Council’s list of assets and will be leased to the new Trust, which should be formed by the end of 2016. The new Trust will be owners of the artwork and operators of the facility. While Tweedbank will be the permanent home of the Tapestry, this does not preclude the Tapestry from going on tour either at home or abroad in future years, with other exhibitions coming in to the building to replace it during this time. While the day to day operation of the Tapestry facility and exhibition is expected to be self-funding, this does not preclude the Trust from approaching the Council in future for further funding. The Council currently subsidises every other cultural service in the Borders e.g. museums and libraries, and the Tapestry would be no different to any other facility. It would be for Council to decide at the time of any future request for funding whether to grant this or not.

Consultation with Communities

- 5.9 Members confirmed that the Great Tapestry had been discussed at a number of Community Council meetings, with a variety of views expressed. Information on the Great Tapestry was included in the update on the Borders Railway and Associated Economic Activity at the Eildon Area Forum on 19 February 2015. The Leader had been very clear

about the proposals with the local Tweedbank community but that was the community which would be most affected by increased traffic, visitors, etc. As with other capital projects, this was a communication exercise rather than a consultation exercise by Officers, with Members taking in the views of the public in their own Wards. It would be very unusual to consult the public in a referendum-type vote for parts of the capital programme. Councillors are often required to make decisions which prove popular in one area of the Borders and less so in others, but Councillors need to take account of the benefit to the wider Borders. While it would have been inappropriate to have a formal consultation in this instance, the provision of further information to Councillors on an ongoing basis would have been helpful and would have enabled Councillors to better inform the public. This lack of information may have led to rumours and supposition to fill the resultant vacuum.

Section 6: KEY FINDINGS and RECOMMENDATIONS

Findings

- 6.1 It is clear that the Great Tapestry of Scotland is a unique project which has attracted much comment. Having reviewed all the information requested and put to them, Members of the Working Group have concluded that the details provided to Members in reports – based on the information that was available at the time - was sufficient to allow Members to make their decisions on the Great Tapestry of Scotland. As always, with hindsight, it is possible to identify areas which could have enhanced the information in the reports and these are included in the recommendations.
- 6.2 It has been extremely helpful for the Working Group to have had the opportunity to review the timeline for the Project in retrospect and the work that was being carried out by Officers and Consultants and bring this together into the one document. There are always lessons to be learned from any major project and the Working Group is therefore making six recommendations which will serve to enhance project work and communications in future.

Recommendation One

- 6.3 Where potential projects, such as the Great Tapestry, are at the stage of evolving from a conversation into a concept/idea, before proceeding to the project stage and into the capital plan, it would be helpful if all material conversations involving Officers and Members could be summarised and noted. This would aid transparency and help establish a more complete project record.

Recommendation Two

- 6.4 When officers are producing the first formal report to be considered by Members on a major project, they should include all appropriate information on the origin of all options which have been considered and any which have subsequently been dismissed. This is as much for a retrospective record as it is to inform the decision- making at the time.

Recommendation Three

- 6.5 Relevant analysis/research should be considered for inclusion as appendices in reports for projects like this or, if confidential, made available to Members privately for further scrutiny.

Recommendation Four

- 6.6 For any major project – to ensure good communications - regular informal briefings for all Members, along with the provision of electronic bulletins, would assist in keeping Members updated on progress and allow them to ask questions and also pass this information on to stakeholders, community groups, and members of the public.

Recommendation Five

- 6.7 Within the project management processes, the Council's reputational risk should be included as a matter of routine in the Risk Register and the risk and mitigations section of committee reports should always take reputational risk into account and provide a commentary on that issue.

Recommendation Six

- 6.8 When considering locations as part of a major project, criteria being used to assess them should be put in order of priority (starting with the highest) and/or weighted. Once a site has failed to meet one of the criteria, that site will normally no longer be assessed against the remaining criteria, and an explanation will be given to Members.

Consultation

- 6.9 In reaching its conclusions, the Working Group consulted with the Council's Corporate Management Team to ensure that in terms of project management, the recommendations it is making are practical and achievable.

SCOTTISH BORDERS COUNCIL
CIVIC GOVERNMENT LICENSING COMMITTEE

MINUTE of Meeting of the CIVIC
GOVERNMENT LICENSING COMMITTEE
held in COMMITTEE ROOMS 2 AND 3,
COUNCIL HEADQUARTERS, NEWTOWN
ST BOSWELLS on Friday, 19 August 2016
at 10.30 a.m.

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

1. **MINUTE**
The Minute of the Meeting of 22 July 2016 had been circulated.

DECISION
APPROVED and signed by the Chairman.

2. **LICENCES ISSUED UNDER DELEGATED POWERS**
There had been circulated copies of lists detailing the Civic Government and Miscellaneous Licences issued under delegated powers between 13 July 2016 – 10 August 2016.

DECISION
NOTED.

URGENT BUSINESS

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

3. Mr Kirk highlighted to the Committee that there was a need to consider the drawing up of a policy regarding the standard of medical required in assessing the fitness of Taxi Driver and Private Hire Licence Holders to drive. Following discussion it was agreed that a short term Working Group be established to draw up a Scottish Borders Policy on the criteria for assessing the medical fitness of Taxi Driver and Private Hire Licence Holders to drive.

DECISION
AGREED:-

- (a) **that a short term Working Group be established consisting of Councillors W. Archibald, J. Greenwell, D. Paterson, Managing Solicitor – Property and Licensing, Licensing Services Team Leader and the Licensing Standards and Enforcement Officers; and**
- (b) **that the Working Group consider a policy for assessing medical fitness of Taxi/Private Hire Drivers.**

4. **PRIVATE BUSINESS
DECISION**

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

SUMMARY OF PRIVATE BUSINESS

RENEWAL OF TAXI DRIVER LICENCE – JOHN SMITH

1. The Committee considered an application from John Smith for the renewal of a Taxi Driver Licence and agreed that the application be granted.

2. **CONTINUATION OF HEARING TO CONSIDER GRANT OF ITINERANT METAL DEALER LICENCE – BRIAN HUNTER**

The Committee considered an application from Brian Hunter for the grant of an Itinerant Metal Dealer Licence and agreed that the application be refused.

3. **HEARING TO CONSIDER GRANT OF ITINERANT METAL DEALER LICENCE – NICOLA BROWN**

The Committee considered an application from Nicola Brown for the grant of Itinerant Metal Dealer Licence and agreed that the application be refused.

MINUTE

4. The Private section of the Minute of 22 July 2016 was approved.

The meeting concluded at 11.20 a.m.

SCOTTISH BORDERS COUNCIL SELKIRK COMMON GOOD FUND SUB COMMITTEE

MINUTE of Meeting of the SELKIRK
COMMON GOOD FUND SUB COMMITTEE
held in the COUNCIL CHAMBER, HQ on
Tuesday, 30 August, 2016 at 3.00 pm

Present:- Councillors G. Edgar (Chairman), M. Ballantyne, V. M. Davidson and
Community Councillor T Combe
In Attendance:- Solicitor (J Webster), Senior Finance Officer (J Yallop), Estates Strategy
Surveyor (N. Curtis), Democratic Services Officer (F Walling).

One member of public.

1. **MINUTE**

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

DECISION

APPROVED the Minute for signature by the Chairman

2. **FINANCIAL MONITORING REPORT TO 30 JUNE 2016**

- 2.1 There had been circulated copies of a report by the Chief Financial Officer providing the details of income and expenditure for the Selkirk Common Good Fund for the three months to 30 June 2016, full year projected out-turn for 2016/17 and projected balance sheet values as at 31 March 2017. Senior Finance Officer, John Yallop, highlighted the main points of the report and appendices. Appendix 1 to the report provided a projected income and expenditure position. This showed a surplus of £17,369 for the year, which was in excess of that originally projected, due to a £1,000 one-off payment for servitude right over Selkirk Hill for a water pipe. The proposed budget was based on a distribution of 2% from the Newton Fund Investments which would be subject to the overall performance of the fund. Appendix 2 to the report provided a projected balance sheet to 31 March 2017. With reference to paragraph 2.1 of the Minute of 8 June 2016 an additional investment of £55,000 had been transferred into the Newton Fund. This left a projected closing cash balance of £93,320 at 31 March 2017. A breakdown of the property portfolio was detailed in Appendix 3, showing the projected rental income for 2016/17 and where applicable actual property expenditure to 30 June 2016. Appendix 4 showed the value of the Newton Fund to 30 June 2016. During Quarter 1 the Fund had generated a positive absolute return, ahead of its return objective. The Fund performed well in volatility following the Brexit vote, due to being very cautiously positioned ahead of the Referendum. The market value of Selkirk Common Good investments at 30 June 2016 had yielded a 7% unrealised gain on the total invested to date. With regard to Grants and Donations there had been a total amount of £6,904 paid to 30 June 2016. Taking into account the approved, but not yet paid, £10,000 payment in respect of the Hill Warden Management Agreement, a balance of £9,596 remained for allocation.
- 2.2 In the ensuing discussion on the accounts Councillor Davidson asked whether there had been any progress on the agreement, at the end of 2012, to lease an area of ground on South Common Farm to Scottish Water for the installation of a new water storage tank. The Estates Strategy Surveyor agreed to look into this.

DECISION

- (a) **AGREED the projected income and expenditure for 2016/17 shown in Appendix 1 to the report as the revised budget for 2016/17;**
- (b) **NOTED:-**
 - (i) **the projected Balance Sheet value to 31 March 2017 in Appendix 2 to the report;**
 - (ii) **the summary of the property portfolio in Appendix 3 to the report; and**
 - (iii) **the current position of the investment in the Newton Fund in Appendix 4 to the report.**
- (c) **AGREED to receive an update at the next meeting on any progress in relation to the agreement made in 2012 to lease an area of ground on South Common Farm to Scottish Water.**

3. **APPLICATION FOR FINANCIAL ASSISTANCE**

3.1 **Selkirk Community Council**

There had been circulated copies of an application from Selkirk Community Council for a grant of £5,000 as a contribution towards the cost of upgrading the footpath to Philiphaugh Sawmill to allow disabled access. Councillor Edgar explained the background to this application. The footpath, which was on Council owned land on the top of the new flood protection embankment, was partly tarred but had one section which had a surface of chips rather than tar. The intention was to uplift the existing chips and resurface with an overlay of bitumen. The work would be carried out by the contractors, RJ MacLeod, who had carried out the work on the Selkirk flood defences. It was noted that the estimated total cost of the upgrade would be £26,350 with £21,350 of that being provided by RJ MacLeod. Members discussed the application and were unanimous in their support of the proposal. It was agreed to approve in principle a grant of £5,000 but first to make a query about whether the balance required could be funded from the Scottish Borders Council Small Schemes budget as this would be the preferred funding source if eligible.

DECISION

AGREED to grant £5,000 to Selkirk Community Council, as the balance towards the cost of upgrading the footpath to Philiphaugh Sawmill, if funding for this project cannot be allocated from the Small Schemes budget.

3.2 **Live Borders**

There had been circulated copies of an application from the Disability Sport Development Officer of Live Borders for a grant of £4,000 towards the total cost of £8,404 for a new swimming pool hoist for Selkirk Leisure Centre. Live Borders proposed to purchase an Arjo Neptune pool lift and swim chair. This equipment would be used by those in the community who had a disability or required additional support when transferring from changing area into the pool. Live Borders were contributing £2,400 from their budget. Before discussing this application Councillor Davidson confirmed that she was no longer a trustee for Live Borders. Mr Yallop raised the appropriateness of the application given that Live Borders was in essence a commercial organisation. However it was noted that Live Borders was in fact a charity. In the ensuing discussion Members were keen to support the proposal. The facility would allow even the severely disabled to access the pool and the installation of the hoist would benefit numerous families and community groups across the area. It was pointed out that this would be an upgrade to the pool which would help to secure its future. Reference was made to the annual capital grant from Scottish Borders Council to Live Borders and the Mr Yallop agreed to check their commitment and whether there was any slack in the capital allocation. It was noted that ClubSport Ettrick and Lauderdale were also being asked to make a contribution. Members suggested that consideration be given as to whether a contribution could be

sourced from the Quality of Life budget. After further discussion Members unanimously agreed that the Common Good Fund should support the proposal and to make up the balance required to purchase the hoist, up to a total of £6,000, after alternative sources of funding had been explored.

DECISION

AGREED to grant up to £6,000 to Live Borders to meet the balance required to purchase a new swimming pool hoist for Selkirk Swimming pool, after alternative sources of funding had been explored.

4. PROPERTY

The Estates Strategy Surveyor, Norrie Curtis, gave a verbal update on current property issues with reference to actions from the last meeting. He confirmed that the Property Officer, Tom Holmes, had instructed the required works to be carried out on the wall alongside Buccleuch Road. With regard to the Green Hut and the problem with the fit of the door on the new ramp Mr Combe agreed to meet with Mr Holmes on site to discuss what needed to be done. The Chairman confirmed that repairs to the parapet at the bridge over the mill lade in Victoria Park had been carried out and that the Common Good Fund had contributed towards the cost. He offered to look into the cost of a small plaque to erect on the bridge, drawing attention to this historical feature, as suggested at the last meeting. It was also agreed that a small sign should be designed and used to indicate where Selkirk Common Good funds had contributed towards particular projects. Mr Curtis agreed to consult the Council's sign shop and look into the cost of designing and producing appropriate signs. The Chairman also asked Mr Curtis to enquire about repairs to the gate pillars at Victoria Hall. It appeared that work had started on these as the surface had been chipped off but they had subsequently been left and looked unsightly. In further discussion about the maintenance of Common Good property Members asked for a programme of works to be produced containing a prioritised list of the works required.

DECISION

(a) NOTED the updates.

(b) AGREED that:-

- (i) a site meeting be arranged between the Property Officer and Mr Combe to discuss the work required to improve the fit of the door on the new ramp at the Green Hut;**
- (ii) the Chairman look into the provision of a small descriptive plaque to erect on the mill lade bridge in Victoria Park;**
- (iii) the Estates Strategy Surveyor investigate the cost of producing small signs to indicate where Common Good funds had contributed towards particular projects;**
- (iv) the Estates Strategy Surveyor investigate the position with regard to the repair of the gate pillars at the Victoria Hall; and**
- (v) a prioritised programme of works be produced in respect of the ongoing maintenance of property owned by Selkirk Common Good.**

5. PRIVATE BUSINESS

DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed

in the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 6 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

6. MINUTE

Members approved the private section of the Minute of 8 June 2016.

7. PROPERTY

Members considered an update from the Solicitor.

The meeting concluded at 4.00 pm

SCOTTISH BORDERS COUNCIL
PEEBLES COMMON GOOD FUND SUB-COMMITTEE

MINUTE of MEETING of the PEEBLES
COMMON GOOD FUND SUB-COMMITTEE
held in the Council Chamber, Council Offices,
Rosetta Road, Peebles 31 August 2016 at
4.30 p.m.

Present:- Councillors W. Archibald (Chairman), S. Bell, C. Bhatia, K. Cockburn.
Community Councillor L Hayworth.
Apologies:- Councillors G. Garvie, G. Logan.
In Attendance:- Chief Legal Officer (N. McKinlay), Capital and Investments Manager, (K. Robb), Estates Surveyor (A. Graham), Democratic Services Officer (K. Mason).

Members of the Public:- 1.

1. **MINUTE**

The Minute of Meeting of Peebles Common Good Fund Sub-Committee of 29 June 2016 had been circulated.

**DECISION
NOTED.**

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

There had been circulated copies of a report by the Chief Financial Officer providing details of the income and expenditure for the Peebles Common Good Fund for the three months to 30 June 2016 and full year projected out-turn for 2016/17 and projected balance sheet values as at 31 March 2017. Appendix 1 to the report provided a projected Income and Expenditure position. This showed a projected surplus of £7,109 for the year. Appendix 2 to the report provided a projected Balance Sheet to 31 March 2017. It showed a projected decrease in the reserves of £30,330. Appendix 3 to the report provided a breakdown of the property portfolio showing projected rental income for 2016/17 and actual property expenditure to 30 June 2016. Appendix 4 to the report showed the value of the Newton Fund to 30 June 2016. The Capital and Investments Manager answered Members' questions. There would be an opportunity for Members to ask questions in relation to the Newton Fund at a seminar being held on 19 October 2016.

**DECISION
AGREED:-**

- (a) **the projected Income and Expenditure for 2016/17 as detailed in Appendix 1 to the report as the revised budget for 2016/17;**
- (b) **to note the projected Balance Sheet value as at 31 March 2017 as detailed in Appendix 2 to the report;**
- (c) **to note the summary of the property portfolio as detailed in Appendix 3 to the report; and**
- (d) **to note the current position of the investment in the Newton Fund as detailed in Appendix 4 to the report.**

3. **APPLICATION FOR FINANCIAL ASSISTANCE – BONNIE PEBBLES**

With reference to paragraph 3(b) of the Minute of the Peebles Common Good Fund Sub-Committee of 29 June 2016, there had been recirculated copies of an application for financial assistance from Bonnie Peebles in the sum of £10,000 towards the cost of their Scott Brash Sculpture to commemorate his tremendous achievements as a world class showjumper. Mrs Avril Murray and Mrs Margaret Wightman, Bonnie Peebles were present and explained that fundraising to date amounted to £13,397. The statue which was being commissioned by Kevin Paxton, Blacksmith would cost approximately £22,000 plus vat and there would be additional costs relating to ancillary items such as plaques, plinth, time capsule and planting of flower beds. Mr Paxton had assured Bonnie Peebles that there would be no maintenance required for 25 years because the statue would be acid washed and galvanised. The statue would be situated near the road at the entrance to The Bridges, opposite the Tweeddale Garage. It was noted that the Peebles Common Good Fund would have no liability for the ongoing maintenance of the statue. Members were supportive of the application but were mindful that £10,000 amounted to nearly half of the money available for grants and agreed that a grant of £6,500 be made to Bonnie Peebles. Mrs Murray and Mrs Wightman were advised to explore other areas of grant funding from the Council. They were further advised that if they had difficulty in raising the full sum that they should notify the Common Good Fund Sub-Committee accordingly.

DECISION

AGREED to grant the sum of £6,500 to Bonnie Peebles towards the cost of their Scott Brash Sculpture.

4. **PEEBLES GOLF CLUB – PLANNING APPLICATION**

There had been circulated copies of a letter dated 3 August 2016 from Mr Martyn Lawrie, Project Manager on behalf of Peebles Golf Club advising of the proposed development of a Swing Studio and 3 Practice Bays adjacent to the existing practice area. The Golf Club proposed to submit a planning application to the Council by Mid-August 2016.

DECISION

NOTED.

URGENT BUSINESS

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

ACCESS RIGHTS TO THE GEORGE MEIKLE KEMP MEMORIAL, MOY HALL

5. With reference to paragraph 5 of the Minute of Meeting of the Peebles Common Good Fund Sub-Committee of 25 May 2016, the Chairman advised that Mr Jeremy Cunningham, Sustrans and Mr David Fyfe at Moy Hall had been exchanging letters regarding the proposed path route at Moy Hall. This had become a protracted process and it was not clear that a solution had been found. Mr Cunningham asked if the Peebles Common Good Fund Sub-Committee could defer making a decision regarding the revised access to the Memorial.

DECISION

NOTED.

6. **KINGSMEADOWS ROAD CAR PARK, PEBBLES**

Community Councillor Hayworth advised that members of the public had recently noted the frequent use of Kingsmeadows Road car park for overnight parking of camper vans. It was confirmed that people were staying overnight in the camper vans. Members agreed that before any enforcement measures could be undertaken, that the Chief Legal Officer liaise with Mr Jim McQuillin, Team Leader Road Safety and Traffic Management to seek clarification of the terms of the existing Traffic Regulation Order for the car park.

DECISION

AGREED that the Chief Legal Officer liaise with Mr Jim McQuillin, Team Leader Road Safety and Traffic Management to seek clarification of the terms of the existing Traffic Regulation Order for the car park and report back to a future meeting of the Common Good Fund Sub-Committee.

7. **CYCLING IN VICTORIA PARK AND HAY LODGE PARK, PEEBLES**

There had been tabled at the meeting copies of a briefing note by the Chief Legal Officer advising it was understood that the Royal Burgh of Peebles and District Community Council had raised concerns regarding cycling in Victoria and Hay Lodge Parks, Peebles. The briefing note considered whether any legal issues would arise if there was a need or desire to intervene and regulate cycling in these areas. It identified that issues would arise both in relation to Common Good law and under the Land Reform (S) Act 2003

Members discussed the briefing note.

DECISION

AGREED:-

- (a) to note the briefing note; and
- (b) that before considering the recommendations in the report that the Royal Burgh of Peebles and District Community Council be asked to consider hosting a meeting to ascertain local views on cycling in Victoria Park and Hay Lodge Park, Peebles and advise the Common Good Fund Sub-Committee of their findings.

The meeting concluded at 5.30 p.m.

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SCOTTISH BORDERS COUNCIL
TWEEDDALE AREA FORUM

MINUTE of the MEETING of the
TWEEDDALE AREA FORUM held in
West Linton Primary School on 31
August 2016 at 6.30 p.m.

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

Apologies:- Councillors G. Garvie, G. Logan.

In Attendance:- Neighbourhood Area Manager (Tweeddale) (Mr J Hedley), Network
Manager, Roads (Mr. B. Young), Engineer (P. Gilhooly), Mr. K. Langley,
Scottish Fire and Rescue Service, Inspector M. Bennett, (Police Scotland),
Democratic Services Officer (K. Mason).

Members of the Public:- 8.

1. MINUTE

1.1 There had been circulated copies of the Minute of the Meeting held on 25 May 2016.

**DECISION
NOTED.**

1.2 With reference to paragraph 1.2 of the Minute, the Democratic Services Officer advised that arrangements were in place for Community Councillors to visit Talla Reservoir at 10.30 a.m. on 4 October 2016.

**DECISION
NOTED.**

2. MINUTE

There had been circulated copies of the Minute of Meeting of the A72 Action Sub-Committee held on 16 May 2016.

**DECISION
NOTED.**

3. PEEBLES OLD TOWN A72 – PROPOSED TRAFFIC ISLAND

3.1 There had been circulated copies of a briefing paper by Ms P. Gilhooly, Engineer. In presenting background information she advised that on a number of occasions the Council's traffic and road safety section had received requests to look at additional crossing points on the A72, and in particular in the area of Peebles Old Town and Young Street. The existing waiting restrictions were detailed in the report. An assessment was carried out by Officers to identify the most suitable type of crossing for this location based on pedestrian volumes, desire lines, existing infrastructure, turning requirements and impact on businesses and residents and a pedestrian refuge island was deemed the most appropriate. To allow large vehicles to safely negotiate a pedestrian refuge there would be a need to convert the existing single yellow lines to double yellow lines. These new no waiting and no loading at any time restrictions on both sides of the A72 would result in the loss of parking, loading and waiting outside the Vets, Butchers and Red Cross Shop 24/7. A traffic regulation order would be

required to change the waiting restrictions in the area and the public would have the opportunity to object, and valid objections would come back to Area Forum for discussion. The briefing note recommended that progress be made with advertising a Traffic Regulation Order for additional double yellow lines and any valid objections would be brought to a future meeting of the Area Forum. Kate Jones and Alexander Finlayson, Castle Warehouse (Peebles) Limited advised that the implementation of such a traffic regulation order would affect customers parking and goods unloading would be severely affected. Mandy Taylor, On a Shoe String was also present and advised she had similar concerns as would the British Red Cross. The shopkeepers did appreciate the problems but hoped that some sort of compromise could be reached. A suggestion was made that something could be done to encourage people taking children to school to take another route and the Engineer undertook to look at that suggestion. Members discussed the Engineer's report and agreed that before coming to any decision that informal consultations take place with local traders. Councillors Bhatia and Cockburn agreed to take this forward, and it was noted that a representative from Tweeddale Access Panel and the Chairman of the Royal Burgh of Peebles and District Community Council would also be invited to take part in any consultations.

- 3.2 In referring to the traffic island at Eddleston, Community Councillor Tulloch advised on risks posed to cyclists when vehicles passed them at this area. A suggestion was made that a build-out might have been better than a traffic island. The Engineer advised that information had changed in April with the issue of a new traffic manual and she would explore the situation.

DECISION

AGREED that:-

- (a) **informal consultations take place with local traders, this would be taken forward by Councillors Bhatia and Cockburn and a representative from Tweeddale Access Panel and the Chairman of the Royal Burgh of Peebles and District Community Council would also be asked to take part; and**
- (b) **consideration of the proposed traffic island be deferred to a future meeting of the Area Forum.**

4. CAERLEE CORNER, INNERLEITHEN

There had been circulated copies of a briefing note by the Network Manager, Roads advising that there had been a number of injury and non-injury accidents just outside Innerleithen at Caerlee Corner on the A72. Mr Young advised that a number of minor engineering interventions (signs and road markings) had been implemented in recent years to try and address the accident pattern. Further signs and road markings improvements, to Trunk Road standards, had very recently been implemented. Agreement had been reached with Police Scotland to promote the introduction of a 40 mph speed limit on the western approach to Innerleithen. The process for introducing a Traffic Regulation Order (TRO) to amend the existing speed limit was a lengthy and legally protracted one that could typically take up to a year to be implemented on site. Members were pleased to note the promotion of the introduction of a 40 mph speed limit on the western approach to Innerleithen and thanked Mr Young for his attendance.

DECISION NOTED.

5. PRESENTATION – RAISING CONCERNS ABOUT ALCOHOL IN YOUR COMMUNITY

- 5.1 Mr Ian Tunnah, Licensing Standards and Enforcement Officer and Chairman of the Scottish Borders Local Licensing Forum was in attendance to give a presentation on behalf of the Scottish Borders Licensing Forum. Copies of a Toolkit Resource for communities were made available at the meeting. The Toolkit was designed to help anyone who would like to have a say on how alcohol impacted on their community. It explained how the licensing process worked in Scotland and provided some practical tips to help people who wanted to get involved. Mr Tunnah explained alcohol was licensed because it was not an ordinary product but one of high risk, alcohol played a part in many health and social problems, there was evidence to show that the easier it was to buy alcohol the more people would drink, licensing existed to regulate sale of alcohol to minimise harm. There were three types of alcohol licence:- permanent (premises), temporary (occasional), and personal for managers/supervisors who managed the sale of alcohol. The Licensing Board comprised of 10 elected Councillors and others involved were the Licensing Standards Officer, Police, Health Board, Community Councils, Local Licensing Forum and Members of the Community. Mr Tunnah gave information on the licensing process and how Community Councils could raise concerns about alcohol in the community. Community Councils could report problems to the Police and the Licensing Standards Officer, input to the planning process, get involved with the Local Licensing Forum, comment on alcohol licence applications or licensed premises, and speak to their local Councillor. Any party lodging an objection or representation in respect of an application would be invited by the Licensing Board to attend the hearing at which the application was being considered. Copies of the Alcohol Profile 2014/15 were available at the meeting. The Alcohol Profile had been prepared by the Local Licensing Forum and provided information relating to evidence of alcohol related harm in the Scottish Borders based on national research as well as local data from Police Scotland, NHS Borders, Scottish Borders Council and Scottish Fire and Rescue Service. Mr Tunnah concluded his presentation by answering questions from those present. The Chairman thanked Mr Tunnah for his attendance and informative presentation.

DECISION

NOTED the presentation.

6. OPEN QUESTIONS

- (a) Mr Tommy Davidson advised that approaches had been made to Springfield Properties to ascertain if they could open the access path to the school through their development. Owing to safety issues Springfield Properties were unwilling to accede to this request. It was noted there was no requirement for access to be made through the development to the school until after the development had been completed. Another way forward would be to invest in a temporary footpath between St Andrews Close and the school. The Neighbourhood Area Manager (Tweeddale Area) advised that if there was a need for funding for such a path he would be willing to assist. West Linton Community Council were remitted to take forward enquiries about the path on behalf of the community.

**DECISION
NOTED.**

- (b) Mr Robert Balfour advised that the Dawyck area would/could hold the Council liable to any future flooding of houses etc. downstream from the extensive works that had and were taking place at Merlindale Bridge on the B712. He asked if it would be possible for Council Officers to speak to residents downstream as they were very concerned. Flooding had become far worse and more frequent since the bund was built. He commented that Peebles should be aware because huge amounts of gravel were washed downstream closer to Peebles and enormous new banks of gravel had formed. He advised that many people were very grateful to the Council for the financial grants awarded following Storm Frank. The Neighbourhood Area Manager (Tweeddale Area) advised that he would make enquiries relating to the exact nature of the work at Merlindale Bridge. He would seek advice from the Council's Flood Officer in relation to the statement made regarding dredging and report back to a future meeting.

**DECISION
NOTED.**

7. COMMUNITY COUNCIL SPOTLIGHT

- (a) Community Councillor Tatler referred to recently publicity regarding the Royal Burgh of Peebles and District Community Council's new minute Secretary Ben Durkin. He was delighted as this might encourage younger people to become members of the Community Council.

**DECISION
NOTED.**

- (b) Community Councillor Tatler referred to the allocation of housing for the Scottish Borders and wondered if this could be considered as an item of business for the next area forum meeting.

**DECISION
AGREED that Council Officers be asked to attend the next meeting of the Area Forum to give a presentation on the allocation of housing in the Scottish Borders and in particular what this meant for the Tweeddale Area.**

- (c) Community Councillor Taylor advised of the wish to change the signage in Eddleston to indicate that Eddleston was the Home of the Great Polish Map of Scotland. It was noted that the Small Schemes budget could be used for such an initiative.

**DECISION
NOTED.**

8. POLICE SCOTLAND

Inspector Bennett advised that a new Divisional Commander had been appointed for the Lothians and Scottish Borders area since the last meeting of the Tweeddale Area Forum. Chief Superintendent Ivor Marshall took up his role on 18 May and said: "It is a pleasure and a privilege to have been appointed as the Police Commander for the Lothians and Scottish Borders – my local division. Building upon all the good work of my predecessors and drawing upon the ongoing commitment and hard work of all officers and staff, I am confident that the Division will deliver positive outcomes in keeping with agreed local plans. We will be relentless in our prevention and detection of crime, we will be resolute in protecting citizens from harm, and we will be proactive

in promoting the wellbeing of everyone who lives in or visits the Lothians and Scottish Borders. Having the support of local communities is vitally important to our work so we will ensure that our values of integrity, fairness and respect sit at the heart of all that we do so that we maintain the trust and confidence of the people we serve.”

9. In relation to bicycle thefts, Inspector Bennett advised that the Community Safety Team had secured funding from Scottish Borders Council to buy products from Bike Register which could be used to mark bikes with a “tamper-proof” sticker, and record details of owners on a national database. Events were being planned to deliver a crime prevention method to bike owners within the area. A dedicated team of Officers within the Division was investigating a number of thefts and a number of bikes had been recovered, which would assist enquiries into tracing the perpetrators. Those unable to attend the Farm Fire Safety and Crime Prevention Event on 9 June at Haswellsykes Farm, Peebles could access an excellent guide to farmers and wider community at the following link - <http://www.scotland.police.uk/keep-safe/home-and-personal-property/rural-crime> Alternatively, further information was available from the Scottish Borders Safer Communities Team by calling 01835 823204. Police Officers were aware that there had been frequent gatherings of young people at the Sware and Meldons during evenings at the weekends. There were concerns that teenagers were meeting and consuming alcohol and drugs while socialising with friends. Direct action had been taken against the youths, including searching them for drugs and alcohol. It was essential that all complaints about driving behaviour were notified to the police via 101 at the time. Every call was graded by call takers and allocated accordingly, so while Officers might be unavailable to attend at the time if they were committed to a higher priority incident, they would be able to note statements to pursue offences. There had been an increase in the number of detections for drink driving in the Scottish Borders, with people being caught in rural locations, having been drinking at a village pub and then choosing to drive home. The message from Police Scotland was very simple - if you are intending driving, do not drink. The public were encouraged to report all drink drivers either directly to the Police on 101 or report anonymously to Crimestoppers on 0800 55 111. Inspector Bennett reminded the meeting that Police Scotland’s public consultation process was now online and open all year, the link for the survey was <https://www.surveymonkey.co.uk/r/8LMB9WX> Inspector Bennett advised that this would be his last visit to the Area Forum because he was being moved to a post in Melrose. He was thanked for his attendance at the Area Forums.

**DECISION
NOTED.**

10. **SCOTTISH FIRE AND RESCUE SERVICE**
Station Manager Keith Langley advised that there had been two road traffic fatalities, one involved a motorcyclist. He gave information on a four hour course entitled “Biker Down” designed by bikers for bikers, the course focussed on three key areas: accident scene management, first aid for motorcyclists and the science of being seen. Community Councillor Taylor referred to the European Global Satellite-based navigation whereby an App could be downloaded to a mobile phone and 999 would be dialled if a person was involved in an accident. Councillor Bell expressed concern relating to the recent fatalities at Clovenfords and Horsburgh Ford. Innerleithen Community Fire Station held a road safety event on the 20 August, in partnership with the local CO-OP, to highlight the work they did within the community and road safety. West Linton Community Fire Station would hold an open day on Saturday 3 September with representation from Police, SAS and Mountain Rescue. Peebles were currently planning their event. It was noted that Fire Fighter Raymond Nicol had

retired in July from the Scottish Fire and Rescue Service after serving at West Linton Fire Station for 37 years.

**DECISION
NOTED.**

The meeting concluded at 8.20 p.m.

SCOTTISH BORDERS COUNCIL BERWICKSHIRE AREA FORUM

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

Present:- Councillors M. J. Cook (Chairman), J. Campbell, J. A. Fullarton, J. Greenwell and F. Renton

Community Councils:- Cockburnspath and Cove – Pauline Hood;
Coldingham – Rhona Goldie; Coldstream and District – Martin Brims; Duns – Keith Hall; Edrom, Allanton & Whitsome – Trixie Collin; Foulden, Mordington and Lamberton – Howard Doherty; Gavinton, Fogo and Polwarth – Keith Dickinson; Grantshouse – Kym Bannerman; Hutton and Paxton – June McGregor; Lammermuir – Mark Rowley; Reston and Auchencrow – Logan Inglis; Swinton and Ladykirk – Bill Purvis.

Apologies:- Councillors D. Moffat.
Community Councils:- Burnmouth; Gordon & Westruther; Greenlaw & Hume.
Inspector John Scott, Police Scotland.

In Attendance:- Station Manager M Acton, Scottish Fire and Rescue Service; Democratic Services Officer (P Bolson).

Members of the Public:- 3

1. **WELCOME AND INTRODUCTIONS.**

The Chairman welcomed those present to the meeting.

2. **ORDER OF BUSINESS.**

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

**DECISION
NOTED.**

3. **MINUTE.**

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

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

4. **NOTE**

4.1 There had been circulated copies of the Note of the Special Informal Meeting of 28 June 2016.

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

4.2 **MATTER ARISING**

The Chairman informed Members that Scottish Borders Council had written to the Scottish Government's Cabinet Secretary for the Rural Economy and Connectivity, Fergus Ewing MSP regarding provision of Broadband services and included specific reference to the Berwickshire experience to date. The letter would be circulated to Community Councils in due course.

**DECISION
NOTED.**

5. PUBLIC PAYPHONES

5.1 The Chairman welcomed Mr Douglas Scott, Senior Policy Adviser with Scottish Borders Council, to the meeting to provide background and additional information regarding BT's proposals to remove a number of public payphones from the area. Mr Scott explained that following on from recent correspondence from BT, information had now been received which detailed the proposals for the removal of 104 public payphones in the Scottish Borders. Mr Scott went on to advise that Local Authorities have been given the responsibility by the communications Regulator OFCOM to make the case to BT for any retention of payphones and as previously indicated, BT proposed that priority would be given to those payphones located in - a suicide hotspot; an accident blackspot; an area without any mobile coverage; or within 400 metres of the coast. In addition BT had indicated that payphones will not be removed where there was a reasonable need. Assessments would be made using set criteria and payphones would be retained where all three applied, namely that – it was the only payphone within 800 metres; there had been at least 12 calls of any type made from the payphone within a 12 month period; and that the local population was not fewer than 500 households within 1 km of the phone box. Any supportive information as to why particular payphones should be retained in a community should be forwarded to Douglas Scott (dscott@scotborders.gcsx.gov.uk) by Friday 30 September 2016. In addition, the consultation gave communities the opportunity to adopt a traditional red 'heritage' phone box (with no pay phone service) to make them an asset for the local community at the cost of £1. Further information on this could be accessed at

http://btbusiness.custhelp.com/app/answers/detail/a_id/30225/~/how-do-i-apply-to-adopt-a-bt-kiosk%3F

5.2 Discussion followed and it was emphasised how essential public payphones had been during severe weather conditions, eg the storms in late 2015/early 2016. Due to the insufficient mobile phone coverage that currently existed within the Scottish Borders, the sole method of communication in more rural communities to report issues such as uprooted trees and road blockages was the BT landline telephone infrastructure which offered the best resilience in any emergency. Questions were raised in relation to the criteria used by BT to determine which payphones would be removed and examples were given of non-use of a payphone because it was known locally that it had been out of order for years and in a number of communities, local volunteers maintained and cleaned kiosks. It was acknowledged that this was a savings exercise by BT and that in some cases, evidence might indicate that kiosks were redundant. However, it was also noted that public payphones had been saved following previous, similar consultations and Community Councils were encouraged to make the case for retention directly to Mr Scott. The Chairman thanked Mr Scott for his attendance at the meeting at very short notice.

**DECISION
NOTED.**

6. RAISING CONCERNS ABOUT ALCOHOL IN YOUR COMMUNITY

6.1 The Chairman welcomed Mr Ian Tunnah, Licensing Standards and Enforcement Officer with SBC to the meeting to give a presentation on raising concerns about alcohol in the local community on behalf of the Scottish Borders Licensing Forum. The presentation supported publication of the Toolkit Resource for communities and explained that it had been designed to assist communities and individuals who wished to become involved in how alcohol impacted on their localities. Mr Tunnah explained how the licensing process worked in Scotland and advised that, due to the harm associated with the consumption of alcohol, it was considered a high risk product and was therefore subject to regulation in order to minimise that risk. Three types of alcohol license existed under the current system, namely: permanent (premises); temporary (occasional); and personal (for

managers and supervisors who managed the sale of alcohol. Temporary licences included those issued for events such as local festivals and weddings and there were over 1,500 granted annually in the Scottish Borders. A number of bodies/agencies were involved in the process of deciding who could sell alcohol, namely the Local Licensing Board which was made up of 10 Elected Members; the Licensing Standards Officer; Police; Health Board; Community Councils; Local Licensing Forum and individual members of the Community. Mr Tunnah summarised the licensing application process, the part that Community Councils played in that process and how concerns about alcohol in the community could be raised. Issues could be reported to the Police and/or the Licensing Standards Officer and Community Councils could input to the planning process. They could also become involved with the Local Licensing Forum and comment on alcohol licence applications. In addition, the public were advised to discuss areas of concern with their local Councillor. Advice was also available as to what information to include when making an objection and how to prepare for attendance at a Hearing.

- 6.2 The presentation explained that under the Scottish Borders Licensing Policy Statement 2013-16, there were a number of licensing objectives. These included preventing crime and disorder; securing public safety; preventing public nuisance; protecting children from harm; and protecting and improving public health (applicable only in Scotland). Objectors to an application were invited to attend the Licensing Board hearing where the license would be considered. The presentation also referred to the Alcohol Profile 2014/15 which presented evidence of alcohol-related harm in the Scottish Borders and was based on local information supplied by Police Scotland, NHS Borders, Scottish Borders Council and the Scottish Fire and Rescue Service. Mr Tunnah answered questions and provided clarification on a number of points raised. He confirmed that consideration was given to late comments/objections submitted during the application process where valid reasons were given for the delay. The Chairman thanked Mr Tunnah for attending the Forum.

DECISION

NOTED the presentation.

7. ATTAINMENT IN SCHOOLS

- 7.1 The Chairman welcomed Ms Donna Manson, SBC's Service Director Children and Young People and Ms Liz Wharton, Senior Lead Officer to the meeting. Ms Manson stated that the purpose of the presentation was to provide updated and additional information to the Forum in relation to attainment in schools across Berwickshire. The documents which Ms Manson referred to in her presentation were circulated at the meeting. Ms Manson explained that the Scottish Index of Multiple Deprivation (SIMD) was the Scottish Government's official tool for identifying concentrations of deprivation in Scotland. SIMD16 was the Scottish Government's fifth edition since 2004 and was based on work conducted by Oxford University in 1999. The SIMD could be used for comparing overall deprivation of small areas or neighbourhoods which were measured in statistical units known as datazones, ie neighbourhoods of at least 500 people, and usually around 700-900 people and worked well for urban areas and self-contained settlements of over 500 people. The SIMD16 was built up of 38 indicators which covered 7 domains (topic areas). Ms Manson explained how the information was measured, scored and ranked against a single Overall Multiple Deprivation rank. The 7 domains were:- income deprivation and employment deprivation which attracted the highest weightings according to the Scottish Government's criteria; deprivation due to poor health and education and skills deprivation (medium weightings); geographic access deprivation to essential services (medium-low weighting); and deprivation due to inadequate housing and deprivation due to crime in the local area (lowest weightings). Further explanation was given into how the SIMD information was interpreted, how it related to the Scottish Borders and how it provided a basis from which questions could be asked. Ms Manson also advised that there were limitations in terms of what could conclusions could be drawn from the data in the SIMD. She observed, and evidence from the schools made clear, that assumptions based upon SIMD should not constrain the ambition students nor inhibit their performance.

- 7.2 The presentation identified the SBC profile within SMID16, the more detailed profiles relating to Berwickshire High School (BHS) and Eyemouth High School (EYHS) and showed comparisons with other High Schools across the SBC area. Primary School comparisons within Mid- and East Berwickshire were also included. Statistics relating to the three areas of reading, writing and numeracy within the National Improvement Framework were also detailed. Ms Manson explained how SBC applied the Quality Improvement Framework (QIF). Activities/actions such as visits to schools by senior officers from the Council's Children and Young People team; reviews and inspections; adherence to all the quality indicators, including leadership within schools; adopting a culture of continuous improvement; focussing on the learner journey; and in-depth analysis from each school contributed to continuous improvement.
- 7.3 Specific achievements during 2015/16 were highlighted, demonstrating where schools and individuals had attained improved and outstanding success and Ms Manson congratulated the schools in Berwickshire for their commitment to improving the education experience for young people. Ms Manson and Ms Wharton concluded by answering questions and providing clarification on a number of points relating to: access to after school activities; designing, with input from student and parents, a learning journey specific to each young person; and "cross-learning" with High Schools (specific to Berwickshire). The Chairman thanked Ms Manson and Ms Wharton for their attendance and presentation.

DECISION

NOTED the presentation.

8. POLICE SCOTLAND.

The Chairman reported that due to unforeseen circumstances, Inspector Scott was unable to the meeting to present the Police Scotland report for Berwickshire for the period up to 1 September 2016. The report detailed the Ward Plan Priorities for East Berwickshire, namely Road Safety; Misuse of Drugs; Rural Thefts; and Antisocial Behaviour. For Mid Berwickshire the priorities were Road Safety; Inconsiderate Driver Behaviour; and Antisocial Behaviour. In terms of road safety and inconsiderate driver behaviour, there had been 3 instances of drink driving in the Berwickshire area during this reporting period. The Skills for Life programme, which had been reported to the Forum previously, continued to run and information could be accessed via the SBC website. It was also reported that there had been a fatal road traffic accident on the southbound carriageway of the A1 near Granshouse at around 3.40pm on Sunday 21 August 2016. The accident involved a Mercedes Vito van and a Scania articulated lorry and Police Scotland were appealing for any information relating to the incident. There had been 12 drugs-related offences detected in Berwickshire during the reporting, including one for cannabis cultivation. The report listed some of the signs that might indicate such activity and reiterated that all information provided to the police would be treated confidentially. Rural thefts from houses and farms continued to be of concern and the report noted that several such incidents had taken place recently in East Berwickshire. The report advised that during 2016, the public consultation by Police Scotland on identifying priorities for policing in local communities would be available online during and would be open for the whole year. The consultation could be accessed at www.surveymonkey.co.uk/r/8LMB9WX

DECISION

NOTED the report.

9. SCOTTISH FIRE AND RESCUE SERVICE.

- 9.1 There had been circulated copies of a report by the Scottish Fire and Rescue Service (SFRS) informing the Forum of SFRS activity since 2 June 2016. The report explained that there had been 4 occurrences of fires in houses/buildings which had resulted in 1 casualty; 4 open fire incidents with no casualties; 16 Special Service incidents giving rise to 19 casualties, one of which was fatal; and 20 non-deliberate unwanted fire alarm signals. Station Manager Matt Acton went on to inform Members of activity which had

occurred and which was currently taking place in Berwickshire and the measures being taken to address issues identified within the area. Other work being progressed in Berwickshire, as reported in the Minute of 2 June 2016, continued and further updates would be provided in due course. The summer Thematic Action Plan was now underway, the focus of which was wildfire; rubbish and refuse fires; and outdoor safety. Ward Plans for Berwickshire were available to the public on the SFRS website. The report also provided an update on the recruitment and retention of firefighters and it was noted that vacancies for Retained Duty Firefighters currently existed in Duns, Eyemouth and Coldstream. In response of a number of questions, Station Manager Acton confirmed that there was no cut off age for volunteers and that officers within a fire station would be able to advise on burning goods and any potential pollution resulting from such activity. It was also noted that there were By-Laws in place which SEPA could enforce.

- 9.2 There was concern within the local community in relation to road safety on A1 at Grantshouse, particularly following the fatal road traffic incident in August. Discussion followed in relation to the appropriateness of a 60mph speed restriction on that stretch of road and the distance between speed cameras. Comment was also made in respect of the diversions put in place following an accident and it was noted that the lack of local knowledge of the area sometimes resulted in large, heavy vehicles using narrow roads making negotiating bends etc extremely problematic. Reports had been received of timber transportation trucks using a private driveway to reverse. Ways in which the situation might be alleviated were suggested, including the implementation of average speed cameras; the use of ghost islands; and reporting any inappropriate use of private driveways to the sub-contractor. The Forum noted that it had been 12 months since Mr George Henry, Road Safety Manager at Transport Scotland gave a presentation on the A1 Junction Review and it was agreed that the Chairman would contact Mr Henry to ascertain what follow-up work was still required. It was further agreed that Inspector Scott be informed of local concerns in respect of road diversions from A1 following road traffic incidents. The Chairman thanked Station Manager Acton for his attendance.

DECISION

(a) **NOTED the report.**

(b) **AGREED that:-**

- (i) **following A1 Junction Review presented to the Berwickshire Area Forum in September 2015, the Chairman would contact Mr Henry to ascertain what follow-up work was still required; and**
- (ii) **the Chairman would contact Inspector Scott to appraise him of local concerns in relation to diversions from A1 following road traffic incidents.**

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

DECISION NOTED.

11. **COMMUNITY COUNCIL SPOTLIGHT.**

Berwickshire Access Panel

On behalf of the Berwickshire Access Panel, Mrs Kym Bannerman asked that local communities consider access issues such as dropped kerbs and parking spaces for disabled people and forward information/concerns to her so that she can raise these matters at Panel meetings.

DECISION NOTED.

12. **FUTURE AGENDA ITEMS -**

Items for inclusion on future Agendas were discussed and it was agreed that Road Safety Issues on A1 near Grantshouse be included.

DECISION

AGREED that Road Safety Issues on A1 near Grantshouse be included.

13. **DATES OF FUTURE MEETINGS (BERWICKSHIRE AREA FORUM).**

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

1 December 2016;

2 March 2017;

15 June 2017.

DECISION

NOTED.

The meeting concluded at 8.45 pm

SCOTTISH BORDERS COUNCIL
PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of MEETING of the PLANNING
AND BUILDING STANDARDS COMMITTEE
held in the Council Headquarters, Newtown
St. Boswells on 5 September 2016 at 11.00
a.m.

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

Apologies:- Councillor B. White.

In Attendance:- Development Standards Manager, Principal Roads Planning Officer, Planning Policy and Access Manager, Chief Legal Officer, Democratic Services Team Leader, Democratic Services Officer (F Henderson).

1. **MINUTES**

There had been circulated copies of the Minutes of the Meetings held on 27 June and 18 July 2016.

DECISION

APPROVED for signature by the Chairman.

2. **DRAFT SUPPLEMENTARY GUIDANCE & DRAFT SIMPLIFIED PLANNING ZONE SCHEME – CENTRAL BORDERS BUSINESS PARK, TWEEDBANK**

There had been circulated copies of a report by the Service Director Regulatory Services seeking approval of the Draft Supplementary Guidance (SG) and a Draft Simplified Planning Zone (SPZ) Scheme relating to the Central Borders Business Park at Tweedbank (Appendix A) to be used as a basis for public consultation. Mr Wanless, Planning Policy and Access Manager was present and explained that the purpose of the Supplementary Guidance was to provide a framework vision for the future development of the sites which were allocated within the Scottish Borders Local Development Plan 2016. The purpose of the Simplified Planning Zone was to enable development to take place without the need for planning consent, provided the development complied with development parameters and conditions. It would create an employment led redevelopment, providing choice and quick delivery for businesses considering locating in this part of Scotland. In response to Members questions Mr Wanless advised that Renfrewshire Council had taken forward a similar scheme and there had been liaison between the two Local Authorities. A number of Members expressed discomfort regarding the report being considered prior to a final decision on the location of the Tapestry building. Concern was also raised in respect of the existing businesses located in Tweedbank which did not meet the proposed use classes. However, assurances were given that existing Businesses would not be affected. It was also noted that full planning applications for other use classes could still be submitted. In view of the various concerns raised it was agreed that consideration of the report be continued until the decision of Council on the final location of the Tapestry building was known.

DECISION

AGREED that the matter be continued to a future meeting of the Planning and Building Standards Committee.

3. **APPLICATIONS**

There had been circulated copies of reports by the Service Director Regulatory Services on applications for planning permission requiring consideration by the Committee. It was noted that Planning Applications 16/00681/FUL, 16/00747/FUL and 16/00317/FUL had been withdrawn to allow Officers the opportunity to consider further flooding information received.

DECISION

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

4. **APPEALS AND REVIEWS**

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

DECISION

NOTED that:-

- (a) **Appeals had been received in respect of the following:-**
 - (i) **Erection of 19 holiday lodges with proposed access and land treatment on Land North West of Whitmuir Hall, Selkirk - 14/00848/PPP;**
 - (ii) **Replacement windows and door at 62 Castle Street, Duns – 16/00125/LBC;**
- (b) **Enforcement action had been taken in respect of the provision of illuminated sign, 22 Bridge Street, Kelso – 15/00141/ADVERT;**
- (c) **the Scottish Ministers had dismissed the appeal in respect of the construction of wind farm consisting of 8 No turbines up to 100m high to tip with associated external transformers, tracking, new site entrance off A701, borrow pit, underground cabling, substation and compound and temporary construction compound on Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge – 14/00738/FUL**
- (d) **there remained one appeal outstanding in respect of Land North of Upper Stewarton, (Kilrubie Wind Farm Development), Eddleston, Peebles;**
- (e) **review requests had been received in respect of the following:-**
 - (i) **Replacement windows and door at 62 Castle Street, Duns – 16/00126/FUL;**
 - (ii) **Erection of dwellinghouse and garage on garden Ground of Lindisfarne, The Loan, Gattonside – 16/00162/PPP**
 - (iii) **Erection of timber processing building incorporating biomass plant room and staff welfare provision, Field No 0328 Kirkburn, Cardrona - 16/00205/FUL;**
 - (iv) **External re-decoration (retrospective) at Shop, 1 Leithen Road, Innerleithen – 16/00233/FUL;**

- (v) **Change of use of land to commercial storage and siting of 42 No storage containers (retrospective) on land East of Langlee Mains Farmhouse, Galashiels – 16/00397/FUL;**
 - (vi) **Erection of poultry building and erection of alter sacred well and stance for statue, Field No. 328, Kirkburn, Cardrona – 16/00494/FUL;**
 - (vii) **Extension to form animal flotation unit, Field No328 Kirkburn, Cardrona – 16/00495/FUL;**
 - (viii) **Erection of two dwellinghouses, Land South of Primary School, West End, Denholm – 15/01552/FUL**
- (f) **the Local Review Body had upheld the Appointed Officers decision to refuse the following:-**
- (i) **the erection of three dwellinghouses on Land North of Bonjedward Garage, Jedburgh – 15/01521/PPP;**
 - (ii) **Erection of cattle court incorporating storage areas and staff facilities and erection of animal feed silo, Field No. 0328 Kirkburn, Cardrona – 16/00114/FUL;**
 - (iii) **Change of use from storage barn, alterations and extension to form dwellinghouse on Land and Storage Barn East of Flemington Farmhouse, West Flemington, Eyemouth – 16/00136/FUL;**
 - (iv) **Erection of timber processing building incorporating biomass plant room and staff welfare provision – Field No. 328 Kirkburn, Cardrona – 16/00205/FUL**
 - (v) **External re-decoration (retrospective) at Shop, 1 Leithen Road, Innerleithen - 16/00233/FUL;**
- (g) **the Local Review Body had overturned the Appointed Officers decision to refuse the following:-**
- (i) **Siting of caravan for permanent residence (retrospective) on Land South of Camphouse Farmhouse, Camptown, Jedburgh - ;**
 - (ii) **Erection of two dwellinghouses on Land South of Primary School, West End, Denholm – 15/01552/FUL;**
- (h) **there remained one review outstanding for 5 East High Street, Lauder.**
- (i) **the Section 36 Public Local Inquiry had been sustained in respect of the Wind Farm development comprising 18 wind turbines of up to 132m high to tip and**

associated access at Cloich Forest Wind Farm, Land West of Whitelaw Burn, Eddleston.

(j) there remained two Section 36 appeals outstanding in respect of:

- Land North of Nether Mynnut Cottage (Aikengall (IIa)), Cockburnspath
- (Whitelaw Brae Wind farm), Land South East of Glenbreck House, Tweedsmuir.

5. **PRIVATE BUSINESS
DECISION**

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix II to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 8 of Part 1 of Schedule 7A to the aforementioned Act.

SUMMARY OF PRIVATE BUSINESS

1. **MINUTES**

The Committee considered the private sections of the Minutes of 27 June 2016 and 18 July 2016.

The meeting concluded at 1.10 p.m.

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/00681/FUL	Change of Use from Class 4 to Class 10	Office, 6A Roxburgh Street, Galashiels

Decision : APPROVED, subject to the following conditions and informatives.

- This consent permits the use of the building within the application site for education, religious and community activities, including office administration, undertaken by the Borders Islamic Society or other religious body, falling within Class 10 (b) and (g) of the Use Classes (Scotland) Order 1997. It does not permit any other activities from being undertaken as part of the approved use, and no subsequent change to any other use within Class 10, notwithstanding the Order or any future revision or other statutory Order, without a planning application having first been submitted to and approved by the Planning Authority. In the event that the approved Class 10 activities cease, the lawful use of the property may revert to a use falling within Class 4 of the Order.

Reason: The proposed use has been assessed on the basis of the submitted specification generally describing the activities associated with it. Other uses would require individual assessment to ensure compliance with planning policies, particularly (but not exclusively) in the interests of ensuring implications for road safety are accounted for. Reversion to the current use (Class 4) does not require assessment by means of a further planning application.
- The use shall not come into operation until a Noise Management Plan has been submitted to and approved by the Planning Authority. The use shall only operate in accordance with the approved plan

Reason: To minimise risk of conflict between the proposed use and neighbouring uses

Informatives

- Condition 2 requires a Noise Management Plan (NMP). This is required to identify, assess and propose mitigation (where necessary) for potentially noisy activities (such as amplified and non-amplified speech, singing and playing of musical instruments) associated with the proposed use that may disturb neighbouring amenity. It should also account (wherever practicable) for activities undertaken within the existing band hall to limit the potential for disturbance affecting either occupier. The reason is to minimise risk of conflict between this use and neighbouring uses. Where amplified sound is proposed, this must be supported by a technical noise assessment as part of the NMP.
- This consent grants a conversion of the property to the approved use only. It does not include external alterations which will require Planning Permission in their own right where these would materially affect the external appearance of the building. In addition, signage may require Advertisement Consent unless of a size, specification and in a location which exempts it under the Control of Advertisement (Scotland) Regulations 1984
- The property is potentially at risk of flooding. The applicant should consider water resilient and resistant materials and methods within the building, and sign up to SEPA's flood warning service 'Floodline'.
- This property has no dedicated parking provision. Parking availability on surrounding streets can be very limited at certain times of the day. The applicant is advised to note

(and to make users of the facility aware of) public car parks in the surrounding area which include the High Street (over 100 spaces - pay and display); Ladhope Vale (34 spaces - pay and display) and Low Buckholmside (38 spaces - free).

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/00083/FUL	Change of use on Land to form playing field and erection of boundary fence	Land North West of Village Hall, Westruther

Decision: APPROVED subject to the following conditions and informatives:

1. Other than fence-posts and goal-posts, no development shall take place on the site (or any part thereof) to any depth greater than 0.4m (40cm) below the level of the existing ground surface, unless otherwise agreed in writing by the Planning Authority. (Please see Informative Note 1 for further information with respect to the archaeological interest at the site and the operation of this same planning condition).
Reason: Any ground works at the site below the level of the top soil, are at risk of damaging or destroying significant archaeological remains unless appropriate arrangements are first put in place for the investigation and recording of the site by professional archaeologists ahead of any such ground works occurring.
2. No development shall take place until precise details of the perimeter fence surrounding the playing surface (to include overall height, colour and use of materials) have been submitted to and approved in writing by the Planning Authority. Thereafter, no development shall take place except in strict accordance with those details.
Reason: To ensure a satisfactory form of development appropriate to its location, both in terms of visual appearance and impact on neighbouring amenity.
3. The development hereby approved shall not take place except in strict accordance with a scheme of landscaping works describing the planting and maintenance of the beech hedge which is described by the Approved Site Plan Drawing, which shall first have been submitted to, and approved in writing by, the Planning Authority before the commencement of development. The details of the scheme shall take full account of the advice and guidance of Informative Note 2, and shall include a planting schedule and programme for subsequent maintenance.
Reason: To ensure that appropriate landscaping arrangements are in place to deliver a satisfactory form, layout and assimilation of the development in association with the operation of Planning Condition No 4 attached to this planning permission.
4. Unless otherwise agreed in writing and in advance by the Planning Authority, all planting comprised in the approved details of the new beech hedge shall have been carried out by no later than the end of the first full planting season following the completion and/or first use of the playing field facility hereby approved (whichever occurs soonest). This same planting shall thereafter be maintained in accordance with the details approved under requirements of Planning Condition No 3, and any and all failures of individual plants shall be replaced by a new plant of the same species for a period of five years from the date of completion of the initial planting.
Reason: To ensure that the proposed landscaped boundary treatment is carried out as approved, and is thereafter given sufficient opportunity to become established through maintenance, including if necessary, the replacement of any plants that fail during this same period.

Informatives

INFORMATIVE NOTE 1:

The Council's Archaeology Officer has advised that aerial photography suggests potential at the site for the survival of archaeological remains of prehistoric date, and highlights the potential for this buried archaeology to be damaged or destroyed by ground works carried out in relation to the creation of a playing field.

With respect to the operation of Planning Condition No 1 attached to this planning permission, and in response to any subsequent request by the Applicant or Operators to carry out excavations at the site to any depth greater than 40cm below the level of the existing ground surface, please note that the Planning Authority may request a full archaeological evaluation of the site in line with that sought by the Council's Archaeology Officer within his consultation response provided at the time of the public consultation on this planning application (16/00083/FUL). It would only be once appropriate provision had been made for the conservation (by record if necessary) of any significant archaeological remains present, that the Planning Authority would be agreeable to the carrying out of any ground works at the site to any depth greater than 40cm below the level of the existing ground surface.

INFORMATIVE NOTE 2:

Please refer to "Landscape Guidance Note 3 – Hedge Detail" when preparing the information required by Planning Condition No 3. The details required by Planning Condition No 3 must provide sufficient information to be enforceable by including a Planting Plan which addresses the following:

- i.) Plan is to an identified true scale (e.g. 1:200);
 - ii.) Boundary of the application site is clearly marked;
 - iii.) Site orientation is indicated by a North point or OS grid lines;
 - iv.) All existing trees, shrubs and hedges to be retained are clearly marked;
 - v.) Take account of site factors such as slope, aspect, soil conditions, proximity of buildings and minimum distances from pipe and cable runs, when choosing planting positions. Where necessary, seek professional landscape advice;
 - vi.) Planting positions are clearly marked showing individual trees and shrubs and / or planting area boundaries using dimensions as necessary;
 - vii.) All species of plants identified using their full botanical name (e.g. oak - *Quercus robur*);
 - viii.) All plant numbers to be identified individually or by group or area as appropriate. Species mixes can be identified by percentages and an overall number or a specified area and a planting density (e.g. *Betula pendula* 30%, *Quercus robur* 70%, 120 square metres @ 1 plant per 4 square metres = 9 *B. pendula* & 21 *Q. robur*);
 - ix.) A planting schedule identifies all the proposed planting by species and specification indicating size and nature of plants to be used (e.g.: Extra heavy standard tree 14-16cms girth or shrub 60-75cms high in 2 litre pot.);
 - x.) Notes on the plan describe how the planting is to be carried out and maintained to ensure successful establishment; and
 - xi.) The plan indicates when the work will be completed and ready for inspection taking account of planting seasons (e.g. November to end March each year for bare rooted plants.).
- N.B. Planting conditions are only discharged following an inspection of the completed work.

INFORMATIVE NOTE 3:

Core Path 74 (Right of Way BB118) runs to the east and south of the site.

Please note that it is a statutory requirement that this Core Path/Right of Way must be maintained open and free from obstruction at all times, including during the course of development. This is to protect general rights of responsible access.

INFORMATIVE NOTE 4:

The Council's Planning and Building Standards Committee expressed the view that the perimeter fence around the playing surface should be constructed of a material that should minimise the potential for noise being generated as a result of objects hitting against it, which was a particular concern of nearby residents. Accordingly, the applicant is advised that this should be considered in the choice of fencing material, required to be agreed under the terms of condition 2 above.

SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTE of Meeting of the EXECUTIVE
COMMITTEE held in the Council Chamber,
Council Headquarters, Newtown St Boswells
on Tuesday 6 September 2016 at 10.00 a.m.

Present:- Councillors S. Aitchison (Chairman – Education Business), C. Bhatia (Chairman), S. Bell, J. Brown (to para.6), M. Cook, G. Edgar, J. G. Mitchell, D. Moffat, D. Parker, D. Paterson, F. Renton, R. Smith.

Also Present:- Councillors I. Gillespie, G. Logan, S. Mountford.

Apologies:- Councillor V. Davidson, Mrs J. Aitchison, Mr G. Donald,

In Attendance:- Chief Executive, Depute Chief Executive (People), Chief Financial Officer, Clerk to the Council, Democratic Services Officer (K. Mason).

EDUCATION BUSINESS

Present:- Ms A. Ferahi, Mr G. Jarvie, Mr D. Moore, Miss E. Page, Mr. J. Walsh.

CHAIRMAN

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

CHAIRMAN'S REMARKS

1. Councillor Aitchison gave a special welcome to the Chief Executive who had returned to work after a period of illness.

2. SCHOOL ESTATE PRE-CONSULTATION AND REVIEW

There had been circulated copies of a report by the Service Director Children and Young People providing feedback received from the stakeholders who participated in the school estates pre-consultation and review. The report highlighted key messages from the feedback from the 400 people who attended a school cluster engagement event, the 452 people who completed questionnaires, and the 139 pupil questionnaires received. Further, the report outlined the next steps in the school estate consultation and review process and sought approval to implement the recommendations made. By means of a powerpoint presentation Mrs Manson, Service Director Children and Young People, gave detailed information on the School Estate Pre-Consultation, prioritisation, links with capital plan and funding, engagement, mothballed schools, RC schools review; and rural schools – sustainability plans, town reviews. She concluded her presentation by advising that on 7 and 8 September 2016 letters would be issued regarding the implementation of Phase 1 of the School Estate Review and week beginning 12 September 2016 letters would be issued outlining the next steps in relation to implementation of Phase 2 of the Review. Mrs Manson answered questions relating to the review of catchment areas, the communication process which linked to parental buy-in and community engagement; rural schools and the presumption against closure; the need to evidence any proposed changes; the recruitment and retention of teachers; the capacity of schools and future housing development; and responses which gave a variety of views from communities. The Chairman thanked Mrs Manson for her presentation and advised that a statistical analysis of exam results would be presented at the next meeting.

DECISION AGREED:-

- (a) to note the positive engagement by stakeholders in the school estate pre-consultation;
- (b) that all stakeholders were informed of the outcome of the consultation;
- (c) the proposals to Implement Phase 1 of the School Estate Review during school session 2016/2017:
 - (i) **Future of Mothballed Schools:**
Commence statutory consultations on proposals to permanently close Eccles/Leitholm Primary School, Ettrick Primary School and Hobkirk Primary School in accordance with the Schools (Consultation) (Scotland) Act 2010;
 - (ii) carry out a focused pre-consultation on Roman Catholic Schools provision;
 - (iii) commence focused pre-consultations on the future of Education provision in the towns of Jedburgh, Eyemouth, Hawick and Galashiels;
 - (iv) engage with rural schools with roll populations of less than 50 pupils regarding roll sustainability measures;
 - (v) implement a Selkirk schools catchment review involving Yarrow, Kirkhope, Philiphaugh and Knowepark Primary Schools;
- (d) to note that Phase 2 of the School Estate Review would commence in school session 2017/2018 and include focused pre-consultations in the following school clusters: Berwickshire, Earlston, Kelso and Peebles; and
- (e) to note that a commitment was given to carry out a review and consultation on the School Transport Policy within a two year period, ie before the end of school session 2017/2018.

MEMBERS

Councillor Parker left the meeting during consideration of the above item, and returned during the discussion at paragraph 8. Councillor Edgar left the meeting at the end of the consideration of the above item, and returned during the discussion at para 9.

ADJOURNMENT

The meeting adjourned at 11.15 a.m. and reconvened at 11.25 a.m.

OTHER BUSINESS

CHAIRMAN

On the resumption of the meeting, in the absence of Councillor Parker, Councillor Bhatia took the Chair for the remaining business.

3. 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.

4. MINUTE

The Minute of meeting of the Executive Committee of 16 August 2016 had been circulated.

DECISION

APPROVED for signature by the Chairman.

5. SCRUTINY COMMITTEE RECOMMENDATION

There had been circulated copies of a Minute extract from the Scrutiny Committee meeting of 18 August 2016 along with a copy of the Report of the Scrutiny Working Group. This related to a request submitted to the Scrutiny Committee by Ettrick and Yarrow Community Council asking for a review of the process in respect of decision-making relating to the Great Tapestry of Scotland. Councillor Mountford, Chairman of the Scrutiny Working Group, presented the report and answered Members' questions and explained there needed to be a process for ensuring the recommendations, if approved, were implemented rather than just noted. The Chief Executive undertook to present the recommendations to the Corporate Management Team for incorporation into project processes. A suggestion was made that in the future to incorporate a portfolio holder for capital projects, however, the Chief Financial Officer said that the capital programme was simply a different way of spending money. A further suggestion was made that it might be useful to refer to a publication entitled "The New Rational Manager (2013)" by Kepner et al, regarding project procedure and a structured process. Reference was also made to Ward Advisory Groups which were within the Scheme of Administration but had not been activated. Members thanked the Scrutiny Working Group for a well written report.

DECISION

AGREED to endorse the recommendations from the Scrutiny Committee that:-

- (a) Where potential projects, such as the Great Tapestry, are at the stage of evolving from a conversation into a concept/idea, before proceeding to the project stage and into the capital plan, it would be helpful if all material conversations involving Officers and Members could be summarised and noted. This would aid transparency and help to establish a more complete project record.**
- (b) When officers are producing the first formal report to be considered by Members on a major project, they should include all appropriate information on the origin of all options which have been considered and any which have subsequently been dismissed. This is as much for a retrospective record as it is to inform the decision-making at the time.**
- (c) Relevant analysis/research should be considered for inclusion as appendices in reports for projects like this or, if confidential, made available to Members privately for further scrutiny.**
- (d) For any major project – to ensure good communications - regular informal briefings for all Members, along with the provision of electronic bulletins, would assist in keeping Members updated on progress and allow them to ask questions and also pass this information on to stakeholders, community groups, and members of the public.**
- (e) Within the project management processes, the Council's reputational risk should be included as a matter of routine in the Risk Register and the risk and mitigations section of committee reports should always take reputational risk into account and provide a commentary on that issue.**
- (f) When considering locations as part of a major project, criteria being used to assess them should be put in order of priority (starting with the highest) and/or weighted. Once a site has failed to meet one of the criteria, that site will**

normally no longer be assessed against the remaining criteria, and an explanation will be given to Members.

6. APPRENTICESHIP LEVY

There had been circulated copies of a report by the Service Director Regulatory Services relating to the Apprenticeship Levy and its potential impact on Scottish Borders Council and seeking approval of the Scottish Borders Council's recommended response to the associated Scottish Government consultation. The Levy would, in principle, apply to all UK employers, across all sectors, regardless of whether they already employed apprentices or not and would be set at 0.5% of an employer's "pay bill" for employers who had an annual pay bill of £3m or more. The Levy would be payable through the PAYE system, alongside income tax and NIC. Scottish Borders Council had an annual salary bill of around £150m and the Council's contribution to the levy would be around £750,000 each year. The mechanism to access this funding in Scotland was not yet known. Funding could only be accessed in England and Wales to pay for the costs of training programmes. The fund did not meet the costs of employing modern apprentices. The Group Manager, Housing Strategy and Services, answered questions and it was agreed that the second paragraph in the answer to question 4 should be deleted from the response.

DECISION

AGREED:-

- (a) to note that the introduction of the levy in April 2017 would cost Scottish Borders Council and initial estimated £750,000 per year based on 0.5% of payroll;**
- (b) to note that the extent of the actual impact was unknown until Scottish Government made a decision on how the funds would be used in Scotland; and**
- (c) to the submission of the proposed response to the Scottish Government Consultation as amended to reflect the deletion of paragraph 2 in relation to the answer to question 4.**

MEMBER

Councillor Brown left the meeting during discussion of the following item.

7. SYNTHETIC PITCH MAINTENANCE AND REPLACEMENT PLAN

There had been circulated copies of a report by the Chief Financial Officer presenting the findings of a survey conducted at thirteen of the Authority's synthetic pitches not covered by PPP contracts or lifecycle maintenance arrangements. The report recommended that the Council establish a "Synthetic Pitch Replacement Fund" similar to the existing Plant and Vehicle Fund to finance the future upkeep and replacement of these existing facilities and any new pitches constructed in future. This would ensure a consistent approach to the upkeep and replacement of all pitches not maintained under a private public partnership agreement. There had been concern for some time regarding the deteriorating condition of synthetic pitches in situ across the Borders. No source of finance existed to provide for their upkeep and replacement. An external company - Sportslabs - was therefore commissioned in May 2016 to undertake a survey of the thirteen synthetic pitches across the region. The purpose of the survey was to assess the current performance, condition and residual life expectancy of these facilities and recommend a new fully costed strategy for their upkeep. The results of the survey had been used by the Council's Quantity Surveyor to prepare a cost estimate and spend profile that would allow, if adopted, the future proofing of these facilities to an acceptable standard and ensure the safe operation of the synthetic surfaces. It was proposed that a Synthetic Pitch Replacement Fund would be established with annual

revenue budget contributions made to the Fund to finance the future replacement of surfaces and fences. Only the facilities listed in the report would be eligible for replacement from the fund at this stage. Future pitches, currently being delivered with the assistance of SportScotland under the pitch replacement programme, would be included in the Fund when they became operational. It was recommended the 2016/17 funding requirements were funded from the Loans Charges budget and the future years capital and revenue requirements were prioritised as part of the 2017/18 Financial Planning process. The Chief Financial Officer answered questions relating to the inspections undertaken and he advised he would ascertain whether the works needed at Clovenfords and West Linton Primary Schools could be covered by any contractual obligation. There were no definite dates for repairs to pitches to be made other than they would be carried out during 2016/17.

**DECISION
AGREED:-**

- (a) to note the condition of the 13 astro-turf pitches surveyed as detailed in Appendix 1 to the report, the immediate costs of bringing these existing facilities up to an acceptable standard and the future financial implications of properly life-cycling all astro-turf facilities;**
- (b) to approve the future financing strategy proposed through the establishment of a Synthetic Pitch Replacement Fund;**
- (c) to approve 2016/17 virement from Loans Charges budget to fund the immediate requirement in Revenue and Capital; and**
- (d) that the future financial consequences for existing and planned pitches would require to be addressed and prioritised as part of the financial planning process in 2017/18 and future years.**

MEMBER

Councillor Parker returned to the meeting during discussion of the following item.

8. ANNUAL TAXI FARES REVIEW 2016 - 2017

There had been circulated copies of a report by the Service Director Regulatory Services on the consultations undertaken in connection with the statutory review of the current scale of charges for taxi fares recommending that fares remained unchanged for 2016/17. The Council as licensing authority was required in terms of Section 17 of the Civic Government (Scotland) Act 1982 ("the Act") to review the scales for fares and other charges in connection with the hire of a taxi at intervals not exceeding 18 months of the last review. Consultation took place in October 2014 and following an appeal to the Traffic Commissioner made by the Taxi trade the revised taxi rates for 2014/15 came into effect on 10 April 2015. For 2016/17 the formula which the Council used to review taxi rates delivered a variation percentage of - 0.36% (minus 0.36%) on the usual indicators over the previous 12 months. Paragraph 3.3 of the report explained the Council's current formula. If the proposal to fix the scale for taxi fares for 2016/17 was agreed by Members, then officers would write to all taxi operators and others consulted to inform them of that decision. Those parties had a 14 day period in which to appeal against this fare scale to the Traffic Commissioner who might determine to hold a Hearing. If this process was undertaken, the implementation date for the reviewed fare was delayed. If there was no appeal it was proposed that the 2016/17 scale of charges would come into effect from 10 October 2016. The Strategic Transport and Services Manager gave further information in relation to the formula used by the Council to review taxi rates. Concern was expressed about the low turnout of operators who met with Council Officers at this year's consultation meetings.

DECISION

AGREED that:-

- (a) **Taxi Fares remained unchanged for 2016/17 and the 2016/17 scale would take effect from 10 October 2016;**
- (b) **no changes were made to other charges on the tariff sheet:**
 - (i) **Waiting time**
 - (ii) **Unsocial hours criteria**
 - (iii) **Valeting charge**
- (c) **a further review of the taxi fare setting would be undertaken and implemented within 18 months of this review.**

**9. PRIVATE BUSINESS
DECISION**

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this minute on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 3 and 9 of part 1 of schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

MEMBER

Councillor Edgar returned to the meeting.

10. MINUTE

The private section of the Minute of the Executive Committee of 16 August 2016 was approved subject to amending the spelling of Derek "McKay" to Derek "Mackay".

11. SOCIAL WORK COMPLAINTS REVIEW SUB-COMMITTEE

The private Minute of the Social Work Complaints Review Sub-Committee of 12 May 2016 was noted.

The meeting concluded at 12.15 p.m.